

## CHAPTER 76

### NONSUBSTANTIVE CODE CORRECTIONS

H.F. 699

AN ACT relating to nonsubstantive Code corrections, and including retroactive applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I MISCELLANEOUS CHANGES

Section 1. [Section 8.44, subsection 1](#), paragraph a, Code 2021, is amended to read as follows:

a. Upon receiving federal funds or any other funds from any public or private sources, except gifts or donations made to institutions for the personal use or for the benefit of members, patients, or inmates and receipts from the gift shop of merchandise manufactured by members, patients, or inmates, the state departments, agencies, boards, and institutions receiving ~~such~~ the funds shall submit a written report within thirty days after receipt of the funds to the director of the department of management. The report shall state the source of the funds that supplement or replace state appropriations for institutional operations, the amount received, and the terms under which the funds are received.

Sec. 2. [Section 8A.460, subsection 1](#), Code 2021, is amended to read as follows:

1. A terminal liability health insurance fund is created in the state treasury under the control of the department of administrative services. The proceeds of the terminal liability health insurance fund shall be used by the department of administrative services to pay the state's share of the terminal liability of the existing health insurance contract administered by the department of administrative services. The moneys appropriated to the terminal liability health insurance fund plus any additional moneys appropriated or collected pursuant to [2001 Iowa Acts, ch. 190](#), or other Acts of the general assembly shall constitute the total amount due to pay the terminal liability specified in [this section](#).

Sec. 3. [Section 12.20](#), Code 2021, is amended to read as follows:

#### **12.20 Issuance of new check.**

Upon presentation of any check voided as provided in [section 12.19](#) by the holder of the check after the ~~six months~~ six-month period, the state treasurer is authorized to issue a new check for the amount of the original check to the holder.

Sec. 4. [Section 15.317, subsection 3](#), Code 2021, is amended to read as follows:

3. The business is not an entity providing professional services, health care services, or medical treatments or is not an entity engaged primarily in retail operations.

Sec. 5. [Section 15.354, subsection 3](#), paragraph e, subparagraph (2), subparagraph division (b), Code 2021, is amended to read as follows:

(b) If the project costs cause the housing project's average dwelling unit cost to exceed the applicable maximum amount authorized in [section 15.353, subsection 3](#), but ~~does do~~ not cause the average dwelling unit cost to exceed one hundred ten percent of such applicable maximum amount, the authority may consider the agreement fulfilled and may issue a tax credit certificate. In such case, the authority shall reduce the tax incentive award and the corresponding amount of tax incentives the eligible housing project may claim under [section 15.355, subsections 2 and 3](#), by the same percentage that the housing project's average dwelling unit cost exceeds the applicable maximum amount under [section 15.353, subsection 3](#), and such tax incentive reduction shall be reflected on the tax credit certificate. If the authority issues a certificate pursuant to this subparagraph division, the department of revenue shall accept the certificate notwithstanding that the housing project's average dwelling unit costs ~~exceeds~~ exceed the maximum amount specified in [section 15.353, subsection 3](#).

Sec. 6. [Section 15J.2, subsection 7](#), paragraph c, Code 2021, is amended to read as follows:

c. A joint board or other legal entity established or designated in an agreement made pursuant to [chapter 28E](#) between two or more contiguous municipalities identified in paragraph “a” or “b” ~~pursuant to [chapter 28E](#)~~.

Sec. 7. [Section 17A.4A, subsection 4](#), unnumbered paragraph 1, Code 2021, is amended to read as follows:

Upon receipt by an agency of a timely request for a regulatory analysis, the agency shall extend the period specified in [this chapter](#) for each of the following until at least twenty days after publication in the Iowa administrative bulletin of a concise summary of the regulatory analysis:

Sec. 8. [Section 24.29](#), Code 2021, is amended to read as follows:

**24.29 Appeal.**

The state board may conduct the hearing or may appoint a deputy. A deputy designated to hear an appeal shall attend in person and conduct the hearing in accordance with [section 24.28](#), ~~and~~. The deputy shall promptly report the proceedings at the hearing, which report shall become a part of the permanent record of the state board.

Sec. 9. [Section 29A.75](#), Code 2021, is amended to read as follows:

**29A.75 Affidavit.**

An affidavit, executed by an attorney in fact or agent, setting forth that the attorney or agent has not or had not, at the time of doing any act pursuant to the power of attorney, received actual knowledge or actual notice of the revocation or termination of the power of attorney, by death or otherwise, or notice of any facts indicating the same, shall, in the absence of fraud, be conclusive proof of the nonrevocation or nontermination of the power at such time. If the exercise of the power requires execution and delivery of any instrument which is recordable under the laws of this state, ~~such the affidavit (when, if authenticated for record in the manner prescribed by law)~~ law, shall likewise be recordable.

Sec. 10. [Section 29B.43](#), Code 2021, is amended to read as follows:

**29B.43 Oaths.**

Before performing their official duties, military judges, members of a general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully. The adjutant general shall adopt rules prescribing the form of the oath, the time and place of the taking of the oath, the manner of recording, and whether the oath must be taken for all cases in which official duties must be performed or for a particular case. The rules may provide that an oath to perform duties faithfully as a military judge, trial counsel, assistant trial counsel, defense counsel, or assistant defense counsel may be taken at any time by any judge advocate or legal officer, or other person certified to be qualified or competent for the duty, and that once taken the oath need not be taken again each time the person is detailed to that duty.

Sec. 11. [Section 48A.19, subsection 1](#), paragraph a, subparagraph (4), Code 2021, is amended to read as follows:

(4) Special supplemental ~~food~~ nutrition program for women, infants, and children.

Sec. 12. [Section 50.48, subsection 6](#), Code 2021, is amended to read as follows:

6. The commissioner shall promptly notify the state commissioner of any recount of votes for an office to which [section 50.30](#), or [section 43.60](#) in the case of a primary election, is applicable. If necessary, the state canvass required by [section 50.38](#), or by [section 43.63](#), as the case may be, shall be delayed with respect to the office or the nomination to which the recount pertains. The commissioner shall subsequently inform the state commissioner at the earliest possible time whether any change in the outcome of the election in that county or district resulted from the recount.

Sec. 13. [Section 67.3](#), Code 2021, is amended to read as follows:

**67.3 Refusal to obey subpoena — fees.**

1. If any witness, duly subpoenaed, refuses to obey ~~said the~~ subpoena, or refuses to testify, ~~said the~~ commission shall certify ~~said the~~ fact to the district court of the county where the investigation is ~~being had and said taking~~ place. The court shall proceed with ~~said the~~ witness in the same manner as though ~~said the~~ refusal had occurred in a legal proceeding before ~~said the~~ court or judge.

2. Witnesses shall be paid in the manner provided for witnesses before the executive council and from the same appropriation.

Sec. 14. [Section 80.45A, subsection 1](#), paragraph a, Code 2021, is amended to read as follows:

a. “*Commissioner*” means the commissioner ~~of the department~~ of public safety or the commissioner’s designee.

Sec. 15. [Section 80D.9](#), Code 2021, is amended to read as follows:

**80D.9 Supervision of reserve peace officers.**

1. Reserve peace officers shall be subordinate to regular peace officers, shall not serve as peace officers unless under the direction of regular peace officers, and shall wear a uniform prescribed by the chief of police, sheriff, commissioner of public safety, or director of the judicial district department of correctional services unless that superior officer designates alternate apparel for use when engaged in assignments involving special investigation, civil process, court duties, jail duties, and the handling of mental patients. The reserve peace officer shall not wear an insignia of rank.

2. Each department for which a reserve force is established shall appoint a certified peace officer as the reserve force coordinating and supervising officer. A reserve peace officer force established in a judicial district department of correctional services must be directly supervised by a certified peace officer who is on duty. That certified peace officer shall report directly to the chief of police, sheriff, commissioner of public safety or the commissioner’s designee, or director of the judicial district department of correctional services or the director’s designee, as the case may be.

Sec. 16. [Section 84A.13, subsection 4](#), Code 2021, is amended to read as follows:

4. An Iowa employer innovation fund is created in the state treasury as a separate fund under the control of the department of workforce development, in consultation with the workforce development board. The fund shall consist of any moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the department from the federal government. A portion of the moneys deposited in the fund, in an amount to be determined annually by the department of workforce development in consultation with the workforce development board, shall be transferred annually to the Iowa child care challenge fund ~~created pursuant to [section 84A.13A](#)~~. The assets of the Iowa employer innovation fund shall be used by the department in accordance with [this section](#). All moneys deposited or paid into the fund are appropriated and made available to the board to be used in accordance with [this section](#). Notwithstanding [section 8.33](#), any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be available for purposes of [this section](#) and for transfer in accordance with [this section](#) in subsequent fiscal years.

Sec. 17. [Section 85.26, subsection 3](#), Code 2021, is amended to read as follows:

3. Notwithstanding [chapter 17A](#), the filing with the workers’ compensation commissioner of the original notice or petition for an original proceeding or an original notice or petition to reopen an award or agreement of settlement provided by [section 86.13](#), for benefits under [this chapter](#) or [chapter 85A](#) or [85B](#) is the only act constituting “~~commencement~~” commencement for purposes of [this section](#).

Sec. 18. [Section 85.55, subsection 1](#), Code 2021, is amended to read as follows:

1. For purposes of [this section](#), franchisee “*franchisee*” and franchisor “*franchisor*” mean the same as defined in [section 523H.1](#).

Sec. 19. **Section 85A.4**, Code 2021, is amended to read as follows:

**85A.4 Disablement defined.**

~~Disablement as that term is~~ As used in [this chapter](#) is, “*disablement*” means the event or condition where an employee becomes actually incapacitated from performing the employee’s work or from earning equal wages in other suitable employment because of an occupational disease as defined in [this chapter](#) in the last occupation in which such employee is injuriously exposed to the hazards of such disease.

Sec. 20. **Section 89A.10, subsection 3**, Code 2021, is amended to read as follows:

3. If the commissioner has reason to believe that the continued operation of a conveyance constitutes an imminent danger which could reasonably be expected to seriously injure or cause death to any person, in addition to any other remedies, the commissioner may apply to the district court in the county in which such imminently dangerous condition exists for a temporary order for the purpose of enjoining such imminently dangerous conveyance. Upon hearing, if deemed appropriate by the court, a permanent injunction may be issued to ~~insure~~ ensure that such imminently dangerous conveyance be prevented or controlled. Upon the elimination or rectification of such imminently dangerous condition, the temporary or permanent injunction shall be vacated.

Sec. 21. **Section 91.11**, Code 2021, is amended to read as follows:

**91.11 Prosecutions for violations.**

1. If the commissioner learns of any violation of any law administered by the division, the commissioner may give the county attorney of the county in which the violation occurred written notice of the facts, whereupon that officer shall institute the proper proceedings against the person charged with the offense.

2. If the commissioner is of the opinion that the violation is not willful, or is an oversight or of a trivial nature, the commissioner may at the commissioner’s discretion fix a time within which the violation shall be corrected and notify the owner, operator, superintendent, or person in charge, ~~and if~~. If the violation is corrected within the time fixed, then the commissioner shall not cause prosecution to be begun.

Sec. 22. **Section 96.1A, subsection 37**, Code 2021, is amended to read as follows:

37. ~~“Total and partial unemployment”~~ “Totally unemployed”, “partially unemployed”, and “temporarily unemployed”.

a. An individual shall be deemed “*totally unemployed*” in any week with respect to which no wages are payable to the individual and during which the individual performs no services.

b. An individual shall be deemed “*partially unemployed*” in any week in which either of the following apply:

(1) While employed at the individual’s then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual’s weekly benefit amount plus fifteen dollars.

(2) The individual, having been separated from the individual’s regular job, earns at odd jobs less than the individual’s weekly benefit amount plus fifteen dollars.

c. An individual shall be deemed “*temporarily unemployed*” if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work, or emergency from the individual’s regular job or trade in which the individual worked full-time and will again work full-time, if the individual’s employment, although temporarily suspended, has not been terminated.

Sec. 23. **Section 96.6, subsection 2**, Code 2021, is amended to read as follows:

2. *Initial determination*. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of ~~issuing~~ issuance of the notice of the filing of the claim to protest payment of benefits to the claimant. All interested parties shall select a format as specified by the department to receive such notifications. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable

and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of [section 96.4](#). The employer has the burden of proving that the claimant is disqualified for benefits pursuant to [section 96.5](#), except as provided by [this subsection](#). The claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving [section 96.5, subsections 10 and 11](#), and has the burden of proving that a voluntary quit pursuant to [section 96.5, subsection 1](#), was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving [section 96.5, subsection 1](#), paragraphs “a” through “h”. Unless the claimant or other interested party, after notification or within ten calendar days after notification was issued, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer’s account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding [section 96.8, subsection 5](#).

Sec. 24. [Section 96.14, subsection 16](#), Code 2021, is amended to read as follows:

16. *Injunction upon nonpayment.* Any employer or employing unit refusing or failing to make and file required reports, or records, or to pay any contributions, interest, or penalty under the provisions of [this chapter](#), after ten days’ written notice sent by the department to the employer’s or employing unit’s last known address by certified mail, may be enjoined from operating any business in the state while in violation of [this chapter](#) upon the complaint of the department in the district court of a county in which the employer or employing unit has or had a place of business within the state, and any temporary injunction enjoining the continuance of such business may be granted without notice and without a bond being required from the department. Such injunction may enjoin any employer or employing unit from operating a business unit until the delinquent contributions, interest, or penalties shall have been made and filed or paid; or the employer shall have furnished a good and sufficient bond conditioned upon the payment of such delinquencies in such an amount and containing such terms as may be determined by the court; or the employer has entered into a plan for the liquidation of the business to pay for such delinquencies as the court may approve, provided that such injunction may be reinstated upon the employer’s failure to comply with the terms of said plan.

Sec. 25. [Section 96.40, subsection 5](#), Code 2021, is amended to read as follows:

5. An employer may file an appeal in writing of from a denial or approval of a plan or revocation of an approved plan by the department within thirty days from the date of the decision.

Sec. 26. [Section 124.409, subsection 3](#), Code 2021, is amended to read as follows:

3. In order to obtain the most effective results from such medical treatment and rehabilitative services, the court may commit the person to the custody of a public or private agency or any other responsible person and impose other conditions upon the commitment as is necessary to ~~insure~~ ensure compliance with the court’s order and to ~~insure~~ ensure that the person will not, during the period of treatment and rehabilitation, again violate a provision of [this chapter](#).

Sec. 27. [Section 125.33, subsection 5](#), Code 2021, is amended to read as follows:

5. If a patient leaves a facility, with or against the advice of the administrator in charge of the facility, the director may make reasonable provisions for the patient’s transportation to another facility or to the patient’s home. If the patient has no home the patient shall be assisted in obtaining shelter. If the patient is a minor or an incompetent person, the request for discharge from an inpatient facility shall be made by a parent, legal guardian, or other legal representative, or by the minor or incompetent person if the patient was the original applicant.

Sec. 28. [Section 135.14, subsection 2](#), paragraph d, Code 2021, is amended to read as follows:

d. Manage the oral and health delivery systems bureau including direction, supervision, and fiscal management of bureau staff.

Sec. 29. [Section 135.15](#), unnumbered paragraph 1, Code 2021, is amended to read as follows:

An oral and health delivery ~~system~~ systems bureau is established within the division of health promotion and chronic disease prevention of the department. The bureau shall be responsible for all of the following:

Sec. 30. [Section 135.16](#), Code 2021, is amended to read as follows:

**135.16 Special supplemental nutrition program for women, infants, and children supplemental food program — methamphetamine education.**

As a component of the federal funding received by the department as the administering agency for the special supplemental nutrition program for women, infants, and children ~~supplemental food program~~, from the United States department of agriculture, food and consumer nutrition service, the department shall incorporate a methamphetamine education program into its nutrition and health-related education services. The department shall be responsible for the development of the education program to be delivered, and for the selection of qualified contract agencies to deliver the instruction under the program.

Sec. 31. [Section 135.16A](#), Code 2021, is amended to read as follows:

**135.16A Vendors participating in federal food nutrition program — egg sales.**

1. As used in [this section](#), unless the context otherwise requires:

a. “*Conventional eggs*” means eggs other than specialty eggs.

b. “*Eggs*” means shell eggs that are graded as “AA”, “A”, or “B” pursuant to [7 C.F.R. pt. 56, subpt. A](#), and that are sold at retail in commercial markets.

c. “*Federal ~~food~~ nutrition program*” means the special supplemental food nutrition program for women, infants, and children as provided in 42 U.S.C. §1786, et seq.

d. “*Grocery store*” means a food establishment as defined in [section 137F.1](#) licensed by the department of inspections and appeals pursuant to [section 137F.4](#), to sell food or food products to customers intended for preparation or consumption off premises.

e. “*Specialty eggs*” means eggs produced by domesticated chickens, and sold at retail in commercial markets if the chickens producing such eggs are advertised as being housed in any of the following environments:

(1) Cage-free.

(2) Free-range.

(3) Enriched colony cage.

2. a. The department of inspections and appeals shall assist the Iowa department of public health in adopting rules necessary to implement and administer [this section](#).

b. If necessary to implement, administer, and enforce [this section](#), the Iowa department of public health, in cooperation with the department of agriculture and land stewardship, shall submit a request to the United States department of agriculture for a waiver or other exception from regulations as deemed feasible by the Iowa department of public health. The Iowa department of public health shall regularly report the status of such request to the legislative services agency.

3. A grocery store that is a vendor participating in a federal ~~food~~ nutrition program and offering specialty eggs for retail sale shall maintain an inventory of conventional eggs for retail sale sufficient to meet federal and state requirements for participation in the federal ~~food~~ nutrition program.

4. [This section](#) does not require a grocery store to do any of the following:

a. Stock or sell specialty eggs.

b. Stock or sell eggs, if the grocery store elects not to stock or sell conventional eggs for retail sale as part of its normal business.

c. Comply with the provisions of [this section](#), if the grocery store’s inventory of eggs for retail sale was limited to specialty eggs prior to January 1, 2018.

5. A violation of [subsection 3](#) by a grocery store shall not be construed to disqualify a grocery store from participating in a federal ~~food~~ nutrition program unless otherwise authorized by the United States department of agriculture.

Sec. 32. [Section 135.19, subsection 2](#), Code 2021, is amended to read as follows:

2. The department shall establish by rule a list of individuals by category who are at increased risk for viral hepatitis exposure. The list shall be consistent with recommendations developed by the centers for disease control and prevention of the United States department of health and human services, and shall be developed in consultation with the Iowa viral hepatitis task force and the Iowa department of veterans affairs. The department shall also establish by rule what information is to be distributed and the form and manner of distribution. The rules shall also establish a vaccination and testing program, to be coordinated by the department through local health departments and clinics and other appropriate locations.

Sec. 33. [Section 135.43, subsection 2](#), paragraph n, Code 2021, is amended to read as follows:

n. One other member who is appointed at large.

Sec. 34. [Section 135.43, subsection 4](#), paragraph c, subparagraph (3), Code 2021, is amended to read as follows:

(3) Confirmation of receipt by the department of human services ~~receipt~~ of any report of child abuse involving the child, including confirmation as to whether or not any assessment involving the child was performed in accordance with [section 232.71B](#), the results of any assessment, a description of the most recent assessment and the services offered to the family, the services rendered to the family, and the basis for the department's decisions concerning the case.

Sec. 35. [Section 135.173A, subsection 4](#), paragraph n, Code 2021, is amended to read as follows:

n. One designee of the early childhood Iowa office of the department of management.

Sec. 36. [Section 148F.3, subsection 8](#), Code 2021, is amended to read as follows:

8. Adoption of rules providing temporary licensing for persons providing orthotic, prosthetic, and pedorthic care in this state prior to ~~the effective date of this Act~~ July 1, 2012. A temporary license is good for no more than one year.

Sec. 37. [Section 153.14, subsection 2](#), Code 2021, is amended to read as follows:

2. Licensed ~~“physicians and surgeons”~~ physicians and surgeons or licensed ~~“osteopathic physicians and surgeons”~~ osteopathic physicians and surgeons who extract teeth or treat diseases of the oral cavity, gums, teeth, or maxillary bones as an incident to the general practice of their profession.

Sec. 38. [Section 154A.20, subsection 2](#), Code 2021, is amended to read as follows:

2. The receipt shall bear the following statement in type no smaller than the largest used in the body copy portion of the receipt:

The purchaser has been advised that any examination or representation made by a licensed hearing aid specialist in connection with the fitting or selection and selling of this hearing aid is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state and, therefore, must not be regarded as medical opinion or advice.

Sec. 39. [Section 158.1, subsection 3](#), Code 2021, is amended to read as follows:

3. “*Barbershop*” means an establishment in a fixed location, or a location that is readily movable, where one or more persons engage in the practice of barbering.

Sec. 40. [Section 162.1, subsection 1](#), paragraph a, Code 2021, is amended to read as follows:

a. ~~Insure~~ Ensure that all dogs and cats handled by commercial establishments are provided with humane care and treatment.

Sec. 41. [Section 190B.201, subsections 2 and 3](#), Code 2021, are amended to read as follows:

2. The purpose of the fund is to relieve situations of emergency experienced by families or individuals who reside in this state, including low-income families and individuals and unemployed families and individuals, by distributing food to those persons, and the department of agriculture and land stewardship may contract with an Iowa food bank association to manage the program.

3. The Iowa food bank association managing the program shall distribute food under the program to emergency feeding organizations in this state. The Iowa food bank association shall report to the department of agriculture and land stewardship as required by the department.

Sec. 42. [Section 191.1](#), Code 2021, is amended to read as follows:

**191.1 Label requirements.**

All food offered or exposed for sale, or sold in package or wrapped form, shall be labeled on the package or container as prescribed in [sections 189.9 to through 189.12](#), inclusive, unless otherwise provided in [this chapter](#).

Sec. 43. [Section 191.2](#), unnumbered paragraph 1, Code 2021, is amended to read as follows:

The products enumerated below shall be labeled on the side or top of the container or package in which placed, kept, offered or exposed for sale, or sold as prescribed in [sections 189.9 to through 189.12](#), inclusive, except that the label shall be printed in letters not less than three-quarters inch in height and one-half inch in width and subject to the following regulations:

Sec. 44. [Section 200.2](#), Code 2021, is amended to read as follows:

**200.2 Enforcing official.**

[This chapter](#) shall be administered by the secretary of agriculture, ~~hereinafter referred to as the secretary.~~

Sec. 45. [Section 200.15](#), Code 2021, is amended to read as follows:

**200.15 Refusal to register or cancellation of registration and licenses.**

1. ~~The~~ Upon satisfactory evidence that the registrant or licensee has used fraudulent or deceptive practices or has willfully violated any provisions of [this chapter](#) or any rules and regulations promulgated under [this chapter](#), the secretary is authorized and empowered to ~~cancel~~ do any of the following:

a. Cancel the registration of any product of commercial fertilizer or soil conditioner or license ~~or to refuse.~~

b. Refuse to register any product of commercial fertilizer or soil conditioner ~~or refuse.~~

c. Refuse to license any applicant ~~upon satisfactory evidence that the registrant or licensee has used fraudulent or deceptive practices or has willfully violated any provisions of [this chapter](#) or any rules and regulations promulgated under [this chapter](#).~~

2. However, a registration or license shall not be revoked or refused until the registrant or licensee has been given the opportunity to appear for a hearing by the secretary.

Sec. 46. [Section 202B.202, subsections 1, 2, and 3](#), Code 2021, are amended to read as follows:

1. a. A cooperative association which is a party to a contract for the care and feeding of swine in compliance with [section 9H.2](#) prior to May 9, 2003, and which is in violation of [section 9H.2](#), as amended by [2003 Iowa Acts, ch. 115](#), shall have until June 30, 2007, to comply with [section 9H.2](#), as amended by [2003 Iowa Acts, ch. 115](#).



b. Notwithstanding any provision of [this section](#), a cooperative association shall not take an action on or after May 9, 2003, that would be in violation of [section 9H.2](#), as amended by [2003 Iowa Acts, ch. 115](#).

2. A processor that was in compliance with [section 9H.2, Code 2001](#), prior to January 1, 2002, and which is in violation of [section 9H.2](#), as amended by [2002 Iowa Acts, ch. 1095](#), shall have until June 30, 2006, to comply with [section 9H.2](#), as amended by [2002 Iowa Acts, ch. 1095](#).

3. Notwithstanding any provision of [this section](#), a processor shall not take an action on or after January 1, 2002, that would be in violation of [section 9H.2](#), as amended by [2002 Iowa Acts, ch. 1095](#).

Sec. 47. [Section 216.22, subsection 1](#), Code 2021, is amended to read as follows:

1. For purposes of [this section](#), ~~franchisee and franchisor~~ *“franchisee” and “franchisor”* mean the same as defined in [section 523H.1](#).

Sec. 48. [Section 216B.2](#), Code 2021, is amended to read as follows:

**216B.2 Commission created.**

1. The commission for the blind is established consisting of three members appointed by the governor, subject to confirmation by the senate. Members of the commission shall serve three-year terms beginning and ending as provided in [section 69.19](#). ~~The commission shall adopt rules concerning programs and services for blind persons provided under [this chapter](#).~~ The members of the commission shall appoint officers for the commission. A majority of the members of the commission shall constitute a quorum.

2. Commission members shall be reimbursed for actual expenses incurred in performance of their duties. Members may also be eligible to receive compensation as provided in [section 7E.6](#). ~~The members of the commission shall appoint officers for the commission. A majority of the members of the commission shall constitute a quorum.~~

3. The commission shall adopt rules concerning programs and services for blind persons provided under [this chapter](#).

Sec. 49. [Section 225C.3, subsection 1](#), Code 2021, is amended to read as follows:

1. The division is designated the state mental health authority as defined in 42 U.S.C. §201(m) (1976) for the purpose of directing the benefits of the National Mental Health Act, 42 U.S.C. §201 et seq. This designation does not preclude the state board of regents from authorizing or directing any institution under its jurisdiction to carry out educational, prevention, and research activities in the areas of mental health and intellectual disability. The division may contract with the state board of regents or any institution under the board's jurisdiction to perform any of these functions.

Sec. 50. [Section 230.20, subsection 1](#), paragraph a, subparagraph (2), Code 2021, is amended to read as follows:

(2) The costs of certain direct medical services identified in administrative rule, which may include but need not be limited to ~~X-ray~~ x-ray, laboratory, and dental services.

Sec. 51. [Section 232.182, subsections 5A and 6](#), Code 2021, are amended to read as follows:

~~5A. 6.~~ If the court orders placement of the child into foster care, the court or the department shall establish a support obligation for the costs of the placement pursuant to [section 234.39](#).

~~6. 7.~~ The hearing may be waived and the court may issue the findings and order required under [subsection 5](#) on the basis of the department's written report if all parties agree to the hearing's waiver and the department's written report.

Sec. 52. [Section 260C.48, subsection 1](#), paragraph a, subparagraph (1), subparagraph division (a), Code 2021, is amended to read as follows:

(a) Possess a baccalaureate or graduate degree in the area or a related area of study or occupational area in which the instructor teaches classes, or ~~possesses~~ possess a

baccalaureate degree in any area of study if at least eighteen of the credit hours completed were in the career and technical field of instruction in which the instructor teaches classes.

Sec. 53. [Section 261.120, subsection 3](#), paragraph a, subparagraphs (1) and (2), Code 2021, are amended to read as follows:

(1) Is enrolled in the final year of a doctor of veterinary medicine degree program at a college of veterinary medicine accredited by the American veterinary medical association council on education.

(2) Is a veterinarian licensed pursuant to [chapter 169](#) who, within five years of applying for this program, received a doctor of veterinary medicine degree from a college of veterinary medicine accredited by the American veterinary medical association council on education.

Sec. 54. [Section 261.120, subsection 4](#), paragraph a, Code 2021, is amended to read as follows:

a. Receive or possess a doctor of veterinary medicine degree, or the equivalent, from a college of veterinary medicine accredited by the American veterinary medical association council on education.

Sec. 55. [Section 263B.4](#), Code 2021, is amended to read as follows:

**263B.4 Definitions.**

As used in [sections 263B.5](#) and [263B.6](#):

1. "Appropriate authority" means the federal or state authorities concerned with the preservation and study of historical objects.

~~1.~~ 2. "Historical objects" means archaeological and paleontological objects, including all ruins, sites, buildings, artifacts, fossils, or other objects of antiquity that have state and national significance from an historical or scientific standpoint for the inspiration and benefit of the people of the United States.

~~2.~~ 3. "Salvage" means the salvage of historical objects.

~~3. "Appropriate authority" means the federal or state authorities concerned with the preservation and study of historical objects.~~

Sec. 56. [Section 272A.1, subsection 2](#), paragraphs a, b, c, d, e, and f, Code 2021, are amended to read as follows:

~~a. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.~~

a. "Accept", or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

~~b. "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of that state, contracts pursuant to this agreement.~~

~~e. "Accept", or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.~~

c. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

~~d. "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.~~

~~e.~~ d. "Originating state" means a state, and the subdivision thereof, if any, whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to article III of this agreement.

~~f.~~ e. "Receiving state" means a state, and the subdivisions thereof, which accepts educational personnel in accordance with the terms of a contract made pursuant to article III of this agreement.

f. "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

Sec. 57. [Section 306A.10](#), Code 2021, is amended to read as follows:

**306A.10 Notice to relocate — costs paid.**

Whenever the state department of transportation, a city, or a county determines that relocation or removal of any utility facility now located in, over, along, or under any highway or street, is necessitated by the construction of a project on routes of the national system of interstate and defense highways including extensions within cities or on streets or highways resulting from interstate substitutions in a qualified metropolitan area under Tit. 23, U.S.C., the utility owning or operating the facility shall relocate or remove the same facility in accordance with statutory notice. The costs of relocation or removal, including the costs of installation in a new location, shall be ascertained by the authority having jurisdiction over the project or as determined in condemnation proceedings for such purposes and may be paid from participating federal aid or other funds.

Sec. 58. [Section 311.23, subsection 1](#), Code 2021, is amended to read as follows:

1. The total cost of any secondary road assessment district project shall in the first instance be paid out of the county treasury. Any assessments which are paid in cash, and in anticipation of which assessments no certificates have been issued, shall be transferred to the county treasury.

Sec. 59. [Section 321.504](#), Code 2021, is amended to read as follows:

**321.504 Optional notification.**

In lieu of mailing the notification described in [section 321.502](#) to the defendant in a foreign state, the plaintiff may cause the notification to be personally served in the foreign state on the defendant by any adult person not a party to the suit, by delivering the notification to the defendant or by offering to make such delivery in case the defendant refuses to accept delivery.

Sec. 60. [Section 327E.1](#), Code 2021, is amended to read as follows:

**327E.1 Foreign railway companies corporations.**

1. Any railway corporation organized or created by or under the laws of any other state, owning and operating a line or lines of railroad in such state, may build its road or branches into this state, and shall possess all the powers and privileges, and be subject to the same liabilities, as like corporations organized and incorporated under the laws of this state, if ~~it shall file the railway corporation files~~ with the secretary of state a copy of its articles of incorporation, if incorporated under a general law of such state, or a certified copy of the statute incorporating it where ~~if~~ the charter ~~thereof~~ was granted by statute.

2. Any such railway corporation may take and hold voluntary grants of real estate and other property as are made to it to aid in the construction, maintenance, and continued operation of its railway. However, all real estate so received shall be held only as long as the real estate is used for the construction, maintenance, and continued operation of a railway.

Sec. 61. [Section 331.424, subsection 1](#), paragraph a, subparagraph (1), subparagraph division (b), Code 2021, is amended to read as follows:

(b) Clothing, transportation, medical, or other services provided persons attending the Iowa braille and sight saving school, the Iowa school for the deaf, or the university of Iowa hospitals and clinics' center for disabilities and development for children with severe disabilities at Iowa City, for which the county becomes obligated to pay pursuant to [sections 263.12, 269.2, and 270.4](#) ~~through 270.7~~.

Sec. 62. [Section 359.3](#), Code 2021, is amended to read as follows:

**359.3 Boundaries conterminous with city.**

Where the boundaries of any city have been changed, the board of supervisors of the county in which the ~~same city~~ is situated shall have power to change the boundary lines of townships so as to make them conform to the boundaries of the city, and to make such other changes in township lines, and the number of townships, as it may deem necessary; but no action shall be taken affecting the boundaries or existing conditions of school districts.

Sec. 63. [Section 359.32](#), Code 2021, is amended to read as follows:  
**359.32 Sale of lots — gifts.**

Township trustees shall have authority to provide for the sale of lots, or portions thereof, in any cemetery under their control, and make rules in regard thereto. Township trustees may provide for perpetual upkeep by the establishment of a perpetual upkeep fund from the proceeds of sale of lots, and may accept gifts a gift, devise, or bequest, made to them for that purpose.

Sec. 64. [Section 359A.22](#), Code 2021, is amended to read as follows:  
**359A.22 Controversies.**

Upon the application of either owner, after notice is given as prescribed in [this chapter](#), the fence viewers shall determine all controversies arising under [sections 359A.18 to through 359A.21](#), ~~inclusive~~, including the partition fences made sheep and swine tight.

Sec. 65. [Section 420.236, subsection 1](#), Code 2021, is amended to read as follows:

1. That ~~no~~ a person shall not be permitted to pay taxes of any one year until the taxes for the previous years ~~shall be~~ are first paid.

Sec. 66. [Section 421.27, subsection 2](#), paragraph c, subparagraph (2), subparagraph division (b), Code 2021, is amended to read as follows:

(b) As used in this subparagraph, all words and phrases shall have the same meaning as defined in [section 422.25A](#) ~~shall have the same meaning given them by that section.~~

Sec. 67. [Section 421.59, subsection 1](#), paragraph b, Code 2021, is amended to read as follows:

b. A taxpayer may at any time revoke a power of attorney filed with the department pursuant to [this subsection 1](#). Upon processing of the taxpayer's revocation of a power of attorney, the department shall cease honoring the power of attorney.

Sec. 68. [Section 422.1, subsections 4 and 10](#), Code 2021, are amended to read as follows:

- |                                  |   |
|----------------------------------|---|
| 4. <a href="#">Subchapter IV</a> | Repealed by 2003 <a href="#">Iowa Acts</a> ,<br>1st Ex., ch. 2, §151, 205;<br>see <a href="#">chapter 423</a> . |
| 10. <a href="#">Subchapter X</a> | Repealed by 2009 <a href="#">Iowa Acts</a> ,<br>ch. 179, §152, 153.   |

Sec. 69. [Section 422.4, subsection 10](#), Code 2021, is amended to read as follows:

10. The word “nonresident” applies only to individuals, and includes all individuals who are not “residents” within the meaning of [subsection 15](#) hereof.

Sec. 70. [Section 422.11A](#), Code 2021, is amended to read as follows:  
**422.11A New jobs tax credit.**

1. The taxes imposed under [this subchapter](#), less the credits allowed under [section 422.12](#), shall be reduced by a new jobs tax credit. An industry which has entered into an agreement under [chapter 260E](#) and which has increased its base employment level by at least ten percent within the time set in the agreement or, in the case of an industry without a base employment level, adds new jobs within the time set in the agreement is entitled to this new jobs tax credit for the tax year selected by the industry. In determining if the industry has increased its base employment level by ten percent or added new jobs, only those new jobs directly resulting from the project covered by the agreement and those directly related to those new jobs shall be counted.

2. The amount of this credit is equal to the product of six percent of the taxable wages, as defined in [section 96.1A, subsection 36](#), upon which an employer is required to contribute to the state unemployment compensation fund, ~~as defined in [section 96.1A, subsection 36](#)~~, times the number of new jobs existing in the tax year that directly result from the project covered by the agreement or new jobs that directly result from those new jobs. The tax year chosen by the industry shall either begin or end during the period beginning with the date of the agreement and ending with the date by which the project is to be completed under the agreement. An

individual may claim the new jobs tax credit allowed a partnership, subchapter S corporation, or estate or trust electing to have the income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, subchapter S corporation, or estate or trust. Any credit in excess of the tax liability for the tax year may be credited to the tax liability for the following ten tax years or until depleted, whichever is the earlier.

3. For purposes of [this section](#), “*agreement*”, “*industry*”, “*new job*”, and “*project*” mean the same as defined in [section 260E.2](#) and “*base employment level*” means the number of full-time jobs an industry employs at the plant site which is covered by an agreement under [chapter 260E](#) on the date of that agreement.

Sec. 71. [Section 422.11S, subsection 8](#), paragraph a, subparagraph (2), subparagraph division (b), subparagraph subdivision (i), Code 2021, is amended to read as follows:

(i) During any calendar year beginning on or after January 1, 2022, if the amount of awarded tax credits from the preceding calendar year ~~are~~ is equal to or greater than ninety percent of the total approved tax credits for the current calendar year, the total approved tax credits for the current calendar year shall equal the product of ten percent multiplied by the total approved tax credits for the current calendar year plus the total approved tax credits for the current calendar year.

Sec. 72. [Section 422.25A, subsection 1](#), paragraph r, Code 2021, is amended to read as follows:

r. “*Partnership level audit*” means an examination by the internal revenue service at the partnership level pursuant to subchapter C, of title 26, subtitle F, chapter 63, of the Internal Revenue Code, as enacted by the Bipartisan Budget Act of 2015, Pub. L. No. 114-74, and as amended, which results in final federal partnership adjustments initiated and made by the internal revenue service.

Sec. 73. [Section 422.29, subsection 1](#), Code 2021, is amended to read as follows:

1. Judicial review of actions of the director may be sought in accordance with the terms of the Iowa administrative procedure Act, [chapter 17A](#). Notwithstanding the terms of said Act [chapter 17A](#), petitions for judicial review may be filed in the district court of the county in which the petitioner resides, or in which the petitioner's principal place of business is located, or in the case of a nonresident not maintaining a place of business in this state either in any county in which the income involved was earned or derived or in Polk county, within sixty days after the petitioner shall have received notice of a determination by the director as provided for in [section 422.28](#).

Sec. 74. [Section 422.33, subsection 6](#), Code 2021, is amended to read as follows:

6. a. The taxes imposed under [this subchapter](#) shall be reduced by a new jobs tax credit. An industry which has entered into an agreement under [chapter 260E](#) and which has increased its base employment level by at least ten percent within the time set in the agreement or, in the case of an industry without a base employment level, adds new jobs within the time set in the agreement is entitled to this new jobs tax credit for the tax year selected by the industry. In determining if the industry has increased its base employment level by ten percent or added new jobs, only those new jobs directly resulting from the project covered by the agreement and those directly related to those new jobs shall be counted.

b. The amount of this credit is equal to the product of six percent of the taxable wages, ~~as defined in [section 96.1A, subsection 36](#)~~, upon which an employer is required to contribute to the state unemployment compensation fund, ~~as defined in [section 96.1A, subsection 36](#)~~, times the number of new jobs existing in the tax year that directly result from the project covered by the agreement or new jobs that directly result from those new jobs. The tax year chosen by the industry shall either begin or end during the period beginning with the date of the agreement and ending with the date by which the project is to be completed under the agreement. Any credit in excess of the tax liability for the tax year may be credited to the tax liability for the following ten tax years or until depleted in less than the ten years.

c. For purposes of [this section](#), “*agreement*”, “*industry*”, “*new job*” and “*project*” mean the same as defined in [section 260E.2](#) and “*base employment level*” means the number of full-time

jobs an industry employs at the plant site which is covered by an agreement under [chapter 260E](#) on the date of that agreement.

Sec. 75. [Section 422.72, subsection 1](#), paragraph a, subparagraph (1), Code 2021, is amended to read as follows:

(1) It is unlawful for the director, or any person having an administrative duty under [this chapter](#), or any present or former officer or other employee of the state authorized by the director to examine returns, to willfully or recklessly divulge in any manner ~~whatever~~, the business affairs, operations, or information obtained by an investigation under [this chapter](#) of records and equipment of any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return;<sup>2</sup> or to willfully or recklessly permit any return or copy of a return or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law.

Sec. 76. [Section 455B.133B, subsection 5](#), paragraph d, subparagraph (2), unnumbered paragraph 1, Code 2021, is amended to read as follows:

Notwithstanding subparagraph (1), moneys in the air emission fee account are also appropriated to the department to pay for costs associated with implementing and administering regulatory activities, including programs, provided for in ~~division~~ [this subchapter II](#) of ~~this chapter~~, other than costs covered by any of the following:

Sec. 77. [Section 455B.134, subsection 3](#), paragraph e, subparagraph (1), unnumbered paragraph 1, Code 2021, is amended to read as follows:

Notwithstanding any other provision of ~~division~~ [this subchapter II](#) of ~~this chapter~~ or [chapter 459, subchapter II](#), the following siting requirements shall apply to anaerobic lagoons and earthen waste slurry storage basins:

Sec. 78. [Section 455B.134, subsections 12 and 13](#), Code 2021, are amended to read as follows:

12. Review and evaluate air pollution control programs conducted by political subdivisions of the state with respect to whether the programs are consistent with the provisions of ~~division~~ [this subchapter II](#) of ~~this chapter~~ and [chapter 459, subchapter II](#), and rules adopted by the commission.

13. Hold public hearings, except when the evidence to be received is confidential pursuant to [section 455B.137](#), necessary to accomplish the purposes of ~~division~~ [this subchapter II](#) of ~~this chapter~~ and [chapter 459, subchapter II](#). The director may issue subpoenas requiring the attendance of witnesses and the production of evidence pertinent to the hearings. A subpoena shall be issued and enforced in the same manner as in civil actions.

Sec. 79. [Section 455B.138, subsection 1](#), Code 2021, is amended to read as follows:

1. When the director has evidence that a violation of any provision of ~~division~~ [this subchapter II](#) of ~~this chapter~~ or [chapter 459, subchapter II](#), or rule, standard, or permit established or issued under ~~division~~ [this subchapter II](#) or [chapter 459, subchapter II](#), has occurred, the director shall notify the alleged violator and, by informal negotiation, attempt to resolve the problem. If the negotiations fail to resolve the problem within a reasonable period of time, the director shall issue an order directing the violator to prevent, abate, or control the emissions or air pollution involved. The order shall prescribe the date by which the violation shall cease and may prescribe timetables for necessary action to prevent, abate, or control the emissions of air pollution. The order may be appealed to the commission. The applicable time frames for the issuance and appeal of the order are defined in [section 455B.110](#).

Sec. 80. [Section 455B.140](#), Code 2021, is amended to read as follows:

**455B.140 Judicial review.**

Judicial review of actions of the commission or of the director may be sought in accordance with the terms of the Iowa administrative procedure Act, [chapter 17A](#). Notwithstanding the

terms of ~~said Act~~ [chapter 17A](#), petitions for judicial review may be filed in the district court of the county in which the alleged offense was committed.

Sec. 81. [Section 455B.143, subsection 1](#), Code 2021, is amended to read as follows:

1. The director shall promptly investigate the application and approve or disapprove the application. The director may grant a variance if the director finds ~~that~~ all of the following:

a. The emissions occurring or proposed to occur do not endanger or tend to endanger human health or safety or property; ~~and~~.

b. Compliance with the rules or standards from which the variance is sought will produce serious hardship without equal or greater benefits to the public.

Sec. 82. [Section 455B.145](#), Code 2021, is amended to read as follows:

**455B.145 Acceptance of local program.**

When an air pollution control program conducted by a political subdivision, or a combination of them, is deemed upon review as provided in [section 455B.134](#), to be consistent with the provisions of [this division subchapter II](#) or the rules established under [this division subchapter II](#), the director shall accept such program in lieu of state administration and regulation of air pollution within the political subdivisions involved. [This section](#) shall not be construed to limit the power of the director to issue state permits and to take other actions consistent with [this division subchapter II](#) or the rules established under [this division subchapter](#) that the director deems necessary for the continued proper administration of the air pollution programs within the jurisdiction of the local air pollution program.

1. In evaluating an air pollution control program, consideration shall be given to whether such program provides for the following:

a. Ordinances, rules, and standards establishing requirements consistent with, or more strict than, those imposed by [this division subchapter II](#) or rules and standards adopted by the department.

b. Enforcement of such requirements by appropriate administrative and judicial process.

c. Administrative organization, staff, financial, and other resources necessary to administer an efficient and effective program.

d. Location of emission monitoring devices in areas of the political subdivision in compliance with uniform state standards adopted by the department. The department shall adopt uniform state standards for the location of emission monitoring devices specifying such intervals and such procedures to provide a reasonably consistent measurement of emissions from air contaminant sources regardless of the political subdivision of the state in which the sources may be located.

2. Upon acceptance of a local air pollution control program, the director shall issue a certificate of acceptance to the appropriate local agency.

a. Any political subdivision desiring a certificate of acceptance shall apply to the department on forms prescribed by the director.

b. The director shall promptly investigate the application and approve or disapprove the application. The director may conduct a public hearing before action is taken to approve or disapprove. If the director disapproves issuing a certificate, the political subdivision may appeal the action to the department of inspections and appeals. At the hearing on appeal, the department of inspections and appeals shall decide whether the local program is substantially consistent with the provisions of [this division subchapter II](#), or rules adopted thereunder, and whether the local program is being enforced. The burden of proof shall be upon the political subdivision.

c. If the director determines at any time that a local air pollution program is being conducted in a manner inconsistent with the substantive provisions of [this division subchapter II](#) or the rules adopted thereunder ~~under~~ [this subchapter II](#), the director shall notify the political subdivision, citing the deviations from the acceptable standards and the corrective measures to be completed within a reasonable amount of time. If the corrective measures are not implemented as prescribed, the director shall suspend in whole or in part the certificate of acceptance of such political subdivision and shall administer the regulatory provisions of ~~said division~~ [this subchapter II](#) in whole or in part within the political subdivision until the appropriate standards are met. Upon receipt of evidence

that necessary corrective action has been taken, the director shall reinstate the suspended certificate of acceptance, and the political subdivision shall resume the administration of the local air pollution control program within its jurisdiction. In cases where the certificate of acceptance is suspended, the political subdivision may appeal the suspension to the department of inspections and appeals.

d. Nothing in [this division subchapter II](#) shall be construed to supersede the jurisdiction of any local air pollution control program in operation on the first of January, 1973, except that any such program shall meet all requirements of said ~~division~~ [this subchapter II](#).

Sec. 83. [Section 455B.146](#), Code 2021, is amended to read as follows:

**455B.146 Civil action for compliance — local program actions.**

If any order, permit, or rule of the department is being violated, the attorney general shall, at the request of the department or the director, institute a civil action in any district court for injunctive relief to prevent any further violation of the order, permit, or rule, or for the assessment of a civil penalty as determined by the court, not to exceed ten thousand dollars per day for each day such violation continues, or both such injunctive relief and civil penalty. Notwithstanding [sections 331.302 and 331.307](#), a city or county which maintains air pollution control programs authorized by certificate of acceptance under [this division subchapter II](#) may provide civil penalties consistent with the amount established for such penalties under [this division subchapter II](#).

Sec. 84. [Section 455B.146A, subsections 1 and 2](#), Code 2021, are amended to read as follows:

1. A person who knowingly violates any provision of ~~division this subchapter II of this chapter~~, any permit, rule, standard, or order issued under ~~division this subchapter II of this chapter~~, or any condition or limitation included in any permit issued under ~~division this subchapter II of this chapter~~, is guilty of an aggravated misdemeanor. A conviction for a violation is punishable by a fine of not more than ten thousand dollars for each day of violation or by imprisonment for not more than two years, or both. If the conviction is for a second or subsequent violation committed by a person under [this section](#), however, the conviction is punishable by a fine of not more than twenty thousand dollars for each day of violation or by imprisonment for not more than four years, or by both.

2. a. A person who knowingly makes any false statement, representation, or certification of any application, record, report, plan, or other document filed or required to be maintained under ~~division this subchapter II of this chapter~~, or by any permit, rule, standard, or order issued under ~~division this subchapter II of this chapter~~ or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under ~~division this subchapter II of this chapter~~, or by any permit, rule, standard, or order issued under ~~division this subchapter II of this chapter~~, or who knowingly fails to notify or report as required by ~~division this subchapter II of this chapter~~ or by any permit, rule, standard, or order issued under ~~division this subchapter II of this chapter~~, or by any condition or limitation included in any permit issued under ~~division this subchapter II of this chapter~~, is guilty of an aggravated misdemeanor punishable by a fine of not more than ten thousand dollars per day per violation or by imprisonment for not more than one year, or by both. If the conviction is for a second or subsequent violation committed by a person under this paragraph, however, the conviction is punishable by a fine of not more than twenty thousand dollars for each day of violation or by imprisonment for not more than two years, or by both.

b. A person who knowingly fails to pay any fee owed the state under any provision of ~~division this subchapter II of this chapter~~, or any permit, rule, standard, or order issued under ~~division this subchapter II of this chapter~~, is guilty of an aggravated misdemeanor punishable by a fine of not more than ten thousand dollars per day per violation or by imprisonment for not more than six months, or by both. If the conviction is for a second or subsequent violation under this paragraph, however, the conviction is punishable by a fine of not more than twenty thousand dollars for each day of violation or by imprisonment for not more than one year, or by both.



Sec. 85. [Section 455B.149, subsection 1](#), Code 2021, is amended to read as follows:

1. Upon application by the owner or operator of a fuel-burning stationary source, and after notice and opportunity for public hearing, the commission may petition the president, under section 110, subsection “f”, paragraph 1, of the federal Clean Air Act as amended through January 1, 1991, for a determination that a national or regional energy emergency exists. If the president determines an emergency exists, the commission may suspend any requirement of [this division subchapter II](#) or a rule or permit issued under [this division subchapter II](#). A temporary emergency suspension under [this subsection](#) shall be issued only if there exists in the vicinity of the source a temporary emergency involving high levels of unemployment or loss of necessary energy supplies for residential buildings and if the unemployment or loss can be totally or partially alleviated by the suspension. Only one suspension may be issued for a source on the basis of the same set of circumstances or on the basis of the same emergency. A suspension shall remain in effect for a maximum of four months. The commission may include in a suspension a provision directing the director to delay for a period identical to the period of the suspension a compliance schedule or increment of progress to which the source is subject under [section 455B.138](#), if the source is unable to comply with the schedule or increment solely because of the conditions on the basis of which the suspension was issued.

Sec. 86. [Section 455B.171, subsections 28 and 36](#), Code 2021, are amended to read as follows:

28. “*Schedule of compliance*” means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with any effluent standard, water quality standard, or any other requirement of [this part 1 of this division subchapter III](#) or any rule promulgated pursuant thereto to [this subchapter](#).

36. “*Sewer system*” means pipelines or conduits, pumping stations, force mains, vehicles, vessels, conveyances, injection wells, and all other constructions, devices, and appliances appurtenant thereto used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal or disposal to any water of the state. To the extent that they are not subject to section 402 of the federal Water Pollution Control Act, ditches, pipes, and drains that serve only to collect, channel, direct, and convey nonpoint runoff from precipitation are not considered as sewer systems for the purposes of [this part 1 of this division subchapter III](#).

Sec. 87. [Section 455B.173, subsection 2](#), paragraph b, Code 2021, is amended to read as follows:

b. If the federal environmental protection agency has promulgated an effluent standard or pretreatment standard pursuant to section 301, 306, or 307 of the federal Water Pollution Control Act, a pretreatment or effluent standard adopted pursuant to [this section](#) shall not be more stringent than the federal effluent or pretreatment standard for such source. [This section](#) may not preclude the establishment of a more restrictive effluent limitation in the permit for a particular point source if the more restrictive effluent limitation is necessary to meet water quality standards, the establishment of an effluent standard for a source or class of sources for which the federal environmental protection agency has not promulgated standards pursuant to section 301, 306, or 307 of the federal Water Pollution Control Act. Except as required by federal law or regulation, the commission shall not adopt an effluent standard more stringent with respect to any pollutant than is necessary to reduce the concentration of that pollutant in the effluent to the level due to natural causes, including the mineral and chemical characteristics of the land, existing in the water of the state to which the effluent is discharged. Notwithstanding any other provision of [this part 1 of this division subchapter III](#) or [chapter 459, subchapter III](#), any new source, the construction of which was commenced after October 18, 1972, and which was constructed as to meet all applicable standards of performance for the new source or any more stringent effluent limitation required to meet water quality standards, shall not be subject to any more stringent effluent limitations during a ten-year period beginning on the date of completion of construction or during the period of depreciation or amortization of the pollution control equipment for the facility for the purposes of section 167 or 169 or both sections of the Internal Revenue Code, whichever period ends first.

Sec. 88. [Section 455B.174, subsections 1 and 3](#), Code 2021, are amended to read as follows:

1. Conduct investigations of alleged water pollution or of alleged violations of [this part 1 of this division subchapter III, chapter 459, subchapter III, chapter 459A, chapter 459B](#), or any rule adopted or any permit issued pursuant thereto upon written request of any state agency, political subdivision, local board of health, twenty-five residents of the state, as directed by the department, or as may be necessary to accomplish the purposes of [this part 1 of this division subchapter III, chapter 459, subchapter III, chapter 459A, or chapter 459B](#).

3. Take any action or actions allowed by law which, in the director's judgment, are necessary to enforce or secure compliance with the provisions of [this part 1 of this division subchapter III or chapter 459, subchapter III](#), or of any rule or standard established or permit issued pursuant thereto.

Sec. 89. [Section 455B.174, subsection 4](#), paragraph a, subparagraph (1), unnumbered paragraph 1, Code 2021, is amended to read as follows:

Approve or disapprove the plans and specifications for the construction of disposal systems or public water supply systems except for those sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in [section 455B.183](#). The director shall issue, revoke, suspend, modify, or deny permits for the operation, installation, construction, addition to, or modification of any disposal system or public water supply system except for sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in [section 455B.183](#). The director shall also issue, revoke, suspend, modify, or deny permits for the discharge of any pollutant, or for the use or disposal of sewage sludge. The permits shall contain conditions and schedules of compliance as necessary to meet the requirements of [this part 1 of this division subchapter III or chapter 459, subchapter III](#), the federal Water Pollution Control Act and the federal Safe Drinking Water Act. A permit issued under [this chapter](#) for the use or disposal of sewage sludge is in addition to and must contain references to any other permits required under [this chapter](#). The director shall not issue or renew a permit to a disposal system or a public water supply system which is not viable. If the director has reasonable grounds to believe that a disposal system or public water supply system is not viable, the department may require the system to submit a business plan as a means of determining viability. This plan shall include the following components:

Sec. 90. [Section 455B.174, subsection 5](#), paragraph a, Code 2021, is amended to read as follows:

a. Periodically review permits and reports submitted by city and county public works departments in accordance with [section 455B.183, subsection 3](#), to ensure such public works departments are complying with [this part 1 of this division subchapter III](#). If a city or county public works department is not complying with [section 455B.183](#) in reviewing plans and specifications or in granting permits or both, the department shall perform these functions in that jurisdiction until the city or county public works department is able to perform them. Performance of these functions in a jurisdiction by a local public works department shall not be suspended or revoked until after notice and opportunity for hearing as provided in [chapter 17A](#).

Sec. 91. [Section 455B.175](#), Code 2021, is amended to read as follows:  
**455B.175 Violations.**

1. If there is substantial evidence that any person has violated or is violating any provision of, or any rule or standard established or permit issued pursuant to, [this part 1 of this division subsection 1 III, chapter 459, subchapter III, chapter 459A, or chapter 459B](#), ~~or of any rule or standard established or permit issued pursuant thereto~~; then one of the following may apply:

a. The director may issue an order directing the person to desist in the practice which constitutes the violation or to take such corrective action as may be necessary to ensure that

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<sup>1</sup> See chapter 17A, §21 herein

the violation will cease. The person to whom such order is issued may cause to be commenced a contested case within the meaning of the Iowa administrative procedure Act, [chapter 17A](#), by filing with the director a notice of appeal to the commission. The applicable time frames for the issuance and appeal of the order are defined in [section 455B.110](#). On appeal the commission may affirm, modify, or vacate the order of the director~~;~~~~or~~.

b. If it is determined by the director that an emergency exists respecting any matter affecting or likely to affect the public health, the director may issue any order necessary to terminate the emergency without notice and without hearing. Any such order shall be binding and effective immediately and until such order is modified or vacated at a hearing before the commission or by a court~~;~~~~or~~.

c. The director, with the approval of the commission, may request the attorney general to institute legal proceedings pursuant to [section 455B.191](#) or [459.604](#).

2. Notwithstanding the limitations on civil and criminal penalty amounts in [sections 331.302](#) and [331.307](#), a county that has entered into an agreement with the department pursuant to [sections 455B.174](#) and [455B.183](#) regarding the construction of semipublic sewage disposal systems may assess civil penalties in amounts consistent with and not exceeding the amounts established for such penalties under [this division subchapter III](#).

Sec. 92. [Section 455B.177, subsection 1](#), Code 2021, is amended to read as follows:

1. The general assembly finds and declares that because the federal Water Pollution Control Act provides for a permit system to regulate the discharge of pollutants into the waters of the United States and provides that permits may be issued by states which are authorized to implement that Act, it is in the interest of the people of Iowa to enact [this part 1 of this division subchapter III](#) in order to authorize the state to implement the federal Water Pollution Control Act, and federal regulations and guidelines issued pursuant to that Act.

Sec. 93. [Section 455B.179](#), Code 2021, is amended to read as follows:

**455B.179 Trade secrets protected.**

Upon a satisfactory showing by any person to the director that public disclosure of any record, report, permit, permit application, or other document or information or part thereof would divulge methods or processes entitled to protection as a trade secret, any such record, report, permit, permit application, or other document or part thereof other than effluent data and analytical results of monitoring of public water supply systems, shall be accorded confidential treatment. Notwithstanding the provisions of [chapter 22](#), a person in connection with duties or employment by the department shall not make public any information accorded confidential status; however, any such record or other information accorded confidential status may be disclosed or transmitted to other officers, employees, or authorized representatives of this state or the United States concerned with carrying out [this part 1 of this division subchapter III](#); [chapter 459, subchapter III](#); or [chapter 459A](#); or when relevant in any proceeding under [this part 1 of this division subchapter III](#); [chapter 459, subchapter III](#); or [chapter 459A](#).

Sec. 94. [Section 455B.182](#), Code 2021, is amended to read as follows:

**455B.182 Failure constitutes contempt.**

Failure to obey any order issued by the department with reference to a violation of [this part 1 of this division subchapter III](#); [chapter 459, subchapter III](#); [chapter 459A](#); [chapter 459B](#); or any rule promulgated or permit issued pursuant thereto shall constitute prima facie evidence of contempt. In such event the department may certify to the district court of the county in which such alleged disobedience occurred the fact of such failure. The district court after notice, as prescribed by the court, to the parties in interest shall then proceed to hear the matter and if it finds that the order was lawful and reasonable, it shall order the party to comply with the order. If the person fails to comply with the court order, that person shall be guilty of contempt and shall be fined not to exceed five hundred dollars for each day that the person fails to comply with the court order. The penalties provided in [this section](#) shall be considered as additional to any penalty which may be imposed under the law relative to nuisances or any other statute relating to the pollution of any waters of the state or related to public water

supply systems and a conviction under [this section](#) shall not be a bar to prosecution under any other penal statute.

Sec. 95. [Section 455B.183A, subsection 1](#), Code 2021, is amended to read as follows:

1. A water quality protection fund is created in the state treasury under the control of the department. The fund consists of moneys appropriated to the fund by the general assembly, moneys deposited into the fund from fees described in [subsection 2](#), moneys deposited into the fund from fees collected pursuant to [sections 455B.187](#) and [455B.190A](#), and other moneys available to and obtained or accepted by the department from the United States government or private sources for placement in the fund. The fund is divided into the public water supply system account and the private water supply system account. Moneys in the public water supply system account are appropriated to the department for purposes of carrying out the provisions of [this division subchapter III](#), which relate to the administration, regulation, and enforcement of the federal Safe Drinking Water Act, and to support the program to assist supply systems, as provided in [section 455B.183B](#). Moneys in the private water supply system account are appropriated to the department for the purpose of supporting the programs established to protect private drinking water supplies as provided in [sections 455B.187](#), [455B.188](#), [455B.190](#), and [455B.190A](#).

Sec. 96. [Section 455B.183C](#), Code 2021, is amended to read as follows:

**455B.183C Personnel — department of management.**

Notwithstanding any limitation upon the department's number of full-time equivalent positions as defined in [section 8.36A](#), any point limitation on personnel, or any other limitation upon the number of personnel or their employment classification, imposed by the department of management, the department may employ the number of full-time equivalent positions which equals the number of positions allocated by the general assembly to the department for each applicable fiscal year in order to carry out the provisions of [this division subchapter III](#) relating to the administration, regulation, and enforcement of the federal Safe Drinking Water Act and the program to assist supply systems, but only to the extent that moneys used to support the positions derive from moneys deposited in the water quality protection fund, as provided in [section 455B.183A](#). If a specific number of full-time equivalent positions are not allocated by the general assembly, the department may fill any number of positions required to administer the program, to the extent the positions are supported by the fund.

Sec. 97. [Section 455B.191, subsections 2, 4, 5, and 6](#), Code 2021, are amended to read as follows:

2. Any person who violates any provision of [this part 1 of division subchapter III of this chapter](#) or any permit, rule, standard, or order issued under [this part 1 of division subchapter III of this chapter](#) shall be subject to a civil penalty not to exceed five thousand dollars for each day of such violation.

4. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under [this part 1 of division subchapter III of this chapter](#), or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under [this part 1 of division subchapter III of this chapter](#) or by any permit, rule, regulation, or order issued under [this part 1 of division subchapter III of this chapter](#), shall upon conviction be punished by a fine of not more than ten thousand dollars or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment.

5. The attorney general shall, at the request of the director with approval of the commission, institute any legal proceedings, including an action for an injunction or a temporary injunction, necessary to enforce the penalty provisions of [this part 1 of division subchapter III of this chapter](#) or to obtain compliance with the provisions of [this part 1 of division subchapter III of this chapter](#) or any rules promulgated or any provision of any permit issued under [this part 1 of division subchapter III of this chapter](#). In any such action, any previous findings of fact of the director or the commission after notice and hearing shall

be conclusive if supported by substantial evidence in the record when the record is viewed as a whole.

6. In all proceedings with respect to any alleged violation of the provisions of [this part 1 of division subchapter III](#) or any rule established by the commission or the department, the burden of proof shall be upon the commission or the department except in an action for contempt as provided in [section 455B.182](#).

Sec. 98. [Section 455B.192](#), Code 2021, is amended to read as follows:

**455B.192 Local government — penalties.**

Notwithstanding [sections 331.302, 331.307, 364.3, and 364.22](#), a city or county may assess a civil penalty for a violation of [this division subchapter III](#) which is equal to the amount the department has assessed for a violation under [this division subchapter III](#).

Sec. 99. [Section 455B.219, subsection 8](#), Code 2021, is amended to read as follows:

8. Willful or repeated violations of [division this subchapter III](#) of this chapter.

Sec. 100. [Section 455B.224](#), Code 2021, is amended to read as follows:

**455B.224 Simple misdemeanor.**

Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency, violating any provisions of [this part 2 of division subchapter III](#) or the rules adopted thereunder under [this part](#) after written notice thereof by the executive director is guilty of a simple misdemeanor. Each day of operation in such violation of said [this part](#) or any rules adopted thereunder under [this part](#) shall constitute a separate offense. It shall be the duty of the appropriate county attorney to secure injunctions of continuing violations of any provisions of said [this part](#) or the rules adopted thereunder under [this part](#).

Sec. 101. [Section 455B.307](#), Code 2021, is amended to read as follows:

**455B.307 Dumping — where prohibited — penalty.**

1. A private agency or public agency shall not dump or deposit or permit the dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the director unless the agency has been granted a permit by the department which allows the dumping or depositing of solid waste on land owned or leased by the agency. The department shall adopt rules regarding the permitting of this activity which shall provide that the public interest is best served, but which may be based upon criteria less stringent than those regulating a public sanitary disposal project provided that the rules adopted meet the groundwater protection goal specified in [section 455E.4](#). The comprehensive plans for these facilities may be varied in consideration of the types of sanitary disposal practices, hydrologic and geologic conditions, construction and operations characteristics, and volumes and types of waste handled at the disposal site. The director may issue temporary permits for dumping or disposal of solid waste at disposal sites for which an application for a permit to operate a sanitary disposal project has been made and which have not met all of the requirements of [part 1 of this division subchapter IV](#) and the rules adopted by the commission if a compliance schedule has been submitted by the applicant specifying how and when the applicant will meet the requirements for an operational sanitary disposal project and the director determines the public interest will be best served by granting such temporary permit.

2. The director may issue any order necessary to secure compliance with or prevent a violation of the provisions of [this part 1 of division subchapter IV](#) or the rules adopted pursuant to the part. The attorney general shall, on request of the department, institute any legal proceedings necessary in obtaining compliance with an order of the commission or the director or prosecuting any person for a violation of the provisions of the part or rules issued pursuant to the [this part](#).

3. Any person who violates any provision of [part 1 of this division subchapter IV](#) or any rule or any order adopted or the conditions of any permit or order issued pursuant to [part 1 of this division subchapter IV](#) shall be subject to a civil penalty, not to exceed five thousand dollars for each day of such violation.<sup>2</sup>

<sup>2</sup> See chapter 174, §22 herein

Sec. 102. [Section 455B.307A, subsection 4](#), Code 2021, is amended to read as follows:

4. [This section](#) shall not apply to the discarding of litter regulated under [chapter 455B, division subchapter IV, part 3](#), and local littering ordinances.<sup>3</sup>

Sec. 103. [Section 455B.396, subsection 1](#), Code 2021, is amended to read as follows:

1. Liability to the state under [this part 4](#) or [part 5 of this division subchapter IV](#) is a debt to the state. Liability to a political subdivision under [this part 4](#) of this <sup>4</sup> [division subchapter IV](#) is a debt to the political subdivision. The debt, together with interest on the debt at the maximum lawful rate of interest permitted pursuant to [section 535.2, subsection 3](#), paragraph “a”, from the date costs and expenses are incurred by the state or a political subdivision is a lien on real property, except single and multifamily residential property, on which the department incurs costs and expenses creating a liability and owned by the persons liable under [this part 4](#) or [part 5](#). To perfect the lien, a statement of claim describing the property subject to the lien must be filed within one hundred twenty days after the incurrence of costs and expenses by the state or a political subdivision. The statement shall be filed with, accepted by, and recorded by the county recorder in the county in which the property subject to the lien is located. The statement of claim may be amended to include subsequent liabilities. To be effective, the statement of claim shall be amended and filed within one hundred twenty days after the occurrence of the event resulting in the amendment.

Sec. 104. [Section 455B.423, subsection 2](#), paragraph a, subparagraph (3), Code 2021, is amended to read as follows:

(3) Emergency response activities as provided in [part 4 of this division subchapter IV](#).

Sec. 105. [Section 455B.477, subsection 7](#), Code 2021, is amended to read as follows:

7. The civil penalties or other damages or moneys recovered by the state or the petroleum underground storage tank fund in connection with a petroleum underground storage tank under [this part 8 of this division subchapter IV](#) or [chapter 455G](#) shall be credited to the fund created in [section 455G.3](#) and allocated between fund accounts according to the fund budget. Any federal moneys, including but not limited to federal underground storage tank trust fund moneys, received by the state or the department of natural resources in connection with a release occurring on or after May 5, 1989, or received generally for underground storage tank programs on or after May 5, 1989, shall be credited to the fund created in [section 455G.3](#) and allocated between fund accounts according to the fund budget, unless such use would be contrary to federal law. The department shall cooperate with the board of the Iowa comprehensive petroleum underground storage tank fund to maximize the state’s eligibility for and receipt of federal funds for underground storage tank related purposes.

Sec. 106. [Section 455B.751](#), unnumbered paragraph 1, Code 2021, is amended to read as follows:

As used in [this division subchapter X](#), unless the context otherwise requires:

Sec. 107. [Section 455B.754](#), Code 2021, is amended to read as follows:

**455B.754 Legal responsibility.**

[This division subchapter X](#) shall not be interpreted to affect the legal responsibility to the state to conduct response actions under any applicable state law. [This division subchapter X](#) shall not be interpreted to affect or provide immunity from any criminal liability.

Sec. 108. [Section 455B.801](#), Code 2021, is amended to read as follows:

**455B.801 Short title.**

[This division subchapter XI](#) shall be known and may be cited as the “Mercury-Free Recycling Act”.

<sup>3</sup> See chapter 174, §23 herein

<sup>4</sup> See chapter 174, §24 herein

Sec. 109. [Section 455B.802](#), unnumbered paragraph 1, Code 2021, is amended to read as follows:

As used in [this division subchapter XI](#), unless the context otherwise requires:

Sec. 110. [Section 455B.803, subsection 2](#), paragraph b, subparagraph (9), Code 2021, is amended to read as follows:

(9) The program shall not include inaccessible mercury-added switches from end-of-life vehicles with significant damage to the vehicle in the area surrounding the mercury-added switch location. All accessible mercury-added switches are expected to be collected under the provisions of [this division subchapter XI](#).

Sec. 111. [Section 455B.803, subsection 2](#), paragraph e, Code 2021, is amended to read as follows:

e. On July 1, 2020, the commission shall cease enforcement of the removal, collection, and recovery plans under [this section](#). On or before July 1, 2020, the commission shall review the mercury-added switch removal, collection, and recovery portion of [this division subchapter XI](#) and submit a recommendation to the general assembly regarding the necessity of continuing the enforcement of the removal, collection, and recovery plans under [this section](#).

Sec. 112. [Section 455B.805](#), Code 2021, is amended to read as follows:

**455B.805 General compliance with other provisions.**

Except as expressly provided in [this division subchapter XI](#), compliance with [this division subchapter XI](#) shall not exempt a person from compliance with any other law.

Sec. 113. [Section 455B.806](#), Code 2021, is amended to read as follows:

**455B.806 Regulations.**

The commission shall adopt rules pursuant to [chapter 17A](#) as necessary to implement the provisions of [this division subchapter XI](#).

Sec. 114. [Section 455B.807, subsection 2](#), Code 2021, is amended to read as follows:

2. Publication of all required plans, information, reports, and educational materials under [this division subchapter XI](#) shall be through no less than two types of media available to the general public. One medium must be available twenty-four hours per day, seven days per week, and maintained with current information. Acceptable types of media include but are not limited to internet sites, periodicals, journals, and other publicly available media in the state.

Sec. 115. [Section 458A.21, subsection 1](#), Code 2021, is amended to read as follows:

1. The state, counties, and cities, and other political subdivisions may lease publicly owned lands under their respective jurisdictions for the purpose of oil or gas or metallic minerals exploration and production. Any such leases shall be entered into on behalf of the state by the executive council, on behalf of a county by the board of supervisors, on behalf of a city by the council, and on behalf of another political subdivision by the governing body. The leases shall be upon terms and conditions as agreed upon.

Sec. 116. [Section 458A.25](#), Code 2021, is amended to read as follows:

**458A.25 Liens for labor or materials and of contractor and subcontractor — manner of perfecting liens — enforcement of liens.**

Provisions of [chapter 572](#) as to mechanic's liens or labor and materials furnished for improvements on real estate and of contractors and subcontractors shall apply to labor and materials furnished for gas or oil wells, or pipe lines, ~~and such.~~ The liens shall not attach on the real estate, but shall attach to the whole of the lease held, and upon the gas or oil wells, buildings and appurtenances, and pipe lines for which said labor or materials were furnished, and shall be perfected and enforced as provided by said [chapter 572](#).

Sec. 117. [Section 459.202, subsection 1](#), paragraph b, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The following table represents the minimum separation distance in feet required between a confinement feeding operation structure and a residence not owned by the owner of the confinement feeding operation, or a commercial enterprise, a bona fide religious institution, or an educational institution:

Sec. 118. [Section 459.202, subsection 2](#), paragraph b, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The following table represents the minimum separation distance in feet required between a confinement feeding operation structure and a residence not owned by the owner of the confinement feeding operation, or a commercial enterprise, a bona fide religious institution, or an educational institution:

Sec. 119. [Section 459.304, subsection 3](#), paragraph c, Code 2021, is amended to read as follows:

c. In completing the master matrix, the board shall not score criteria on a selective basis. The board must score all criteria which is are part of the master matrix according to the terms and conditions relating to construction as specified in the application or commitments for manure management that are to be incorporated into a manure management plan as provided in [section 459.312](#).

Sec. 120. [Section 462A.8](#), Code 2021, is amended to read as follows:

**462A.8 Transmittal of information.**

When any request is duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the commission under [this chapter](#), ~~such information~~ shall be transmitted to ~~said~~ that official or agency.

Sec. 121. [Section 481A.98](#), Code 2021, is amended to read as follows:

**481A.98 Reporting violations.**

Each fur dealer shall report to the commission, the name of any person, if known to the dealer, who attempts to sell any skins or hides which appear to have been unlawfully taken, or possessed by that person.

Sec. 122. [Section 483A.1A, subsection 2](#), Code 2021, is amended to read as follows:

2. “Commission” means the natural resource commission created under [section 455A.5](#).

Sec. 123. [Section 483A.24, subsection 7](#), Code 2021, is amended to read as follows:

7. A license shall not be required of minor pupils of the ~~state school for the blind Iowa braille and sight saving school~~, Iowa school for the deaf, or of minor residents of other state institutions under the control of an administrator of a division of the department of human services. In addition, a person who is on active duty with the armed forces of the United States, on authorized leave from a duty station located outside of this state, and a resident of the state of Iowa shall not be required to have a license to hunt or fish in this state. The military person shall carry the person’s leave papers and a copy of the person’s current earnings statement showing a deduction for Iowa income taxes while hunting or fishing. In lieu of carrying the person’s earnings statement, the military person may also claim residency if the person is registered to vote in this state. If a deer or wild turkey is taken, the military person shall immediately contact a state conservation officer to obtain an appropriate tag to transport the animal. A license shall not be required of residents of county care facilities or any person who is receiving supplementary assistance under [chapter 249](#).

Sec. 124. [Section 508.36, subsection 6](#), paragraph b, subparagraph (1), subparagraph division (a), Code 2021, is amended to read as follows:

(a) For life insurance,

$$I \text{ equals } .03 + W(R1 - .03) + 2 \frac{W}{2} \times (R2 - .09),$$



where R1 is the lesser of R and .09, R2 is the greater of R and .09, R is the reference interest rate defined in paragraph “d” of [this subsection](#), and W is the weighting factor defined in paragraph “c” of [this subsection](#).

Sec. 125. [Section 509.2](#), unnumbered paragraph 1, Code 2021, is amended to read as follows:

No policy of group life insurance shall be delivered in this state unless it contains in substance the following provisions, or provisions which in the opinion of the commissioner are more favorable to the persons insured or at least as favorable to the persons insured, and more favorable to the policyholder, provided, however, that provisions of [subsections 6 to through 10](#), ~~inclusive, of [this section](#)~~ shall not apply to policies issued to a creditor to insure debtors of such creditor; that the standard provisions required for individual life insurance policies shall not apply to group life insurance policies; and that if the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a nonforfeiture provision or provisions which in the opinion of the commissioner is or are equitable to the insured persons and to the policyholder, but nothing herein shall be construed to require that group life insurance policies contain the same nonforfeiture provisions as are required for individual life insurance policies:

Sec. 126. [Section 509.2, subsection 7](#), Code 2021, is amended to read as follows:

7. A provision that the insurer will issue to the policyholder for delivery to each person insured an individual certificate setting forth a statement as to the insurance protection to which the person is entitled, to whom the insurance benefits are payable, and the rights and conditions set forth in [subsections 8 to through 10](#), ~~inclusive~~, following if applicable.

Sec. 127. [Section 515.4](#), Code 2021, is amended to read as follows:

**515.4 Name.**

If the commissioner of insurance finds the name of the company to be so similar to one already appropriated by a corporation of the same character as to be likely to mislead the public or to cause inconvenience, the commissioner shall refuse the commissioner’s certificate to ~~its~~ the company’s articles on that ground.

Sec. 128. [Section 515D.6](#), Code 2021, is amended to read as follows:

**515D.6 Prohibited reasons.**

1. ~~No~~ An insurer shall not refuse to renew a policy solely because of age, residence, sex, race, color, creed, or occupation of an insured.

2. ~~No~~ An insurer shall not require a physical examination of a policyholder as a condition for renewal solely on the basis of age or other arbitrary reason. In the event that an insurer requires a physical examination of a policyholder, the burden of proof in establishing reasonable and sufficient grounds for ~~such~~ the requirement shall rest with the insurer and the expenses incident to ~~such~~ the examination shall be borne by the insurer.

Sec. 129. [Section 518B.5](#), Code 2021, is amended to read as follows:

**518B.5 Warrants issued — overage fund.**

1. The secretary shall be reimbursed up to the amount requested by warrants issued against the fund by the director of the department of administrative services upon vouchers approved by the director of the department of administrative services and the commissioner. If the assessment produces a fund greater than the amount requested by the secretary, the overage shall be placed in a special fund in the office of the treasurer of state under the control of the commissioner and the director of the department of administrative services and shall be applied to any subsequent requests by the secretary for reimbursement of losses paid on lines of insurance reinsured by the secretary in this state in accordance with the Act.

2. In the event that the provisions of [this chapter](#) and the assessments made ~~thereunder~~ under [this chapter](#) are no longer needed in order to effectuate the program for which they were intended, the amounts remaining in the special fund shall inure to the general fund of the state.

Sec. 130. [Section 521A.2, subsection 1](#), paragraph 1, Code 2021, is amended to read as follows:

l. Owning a corporation or corporations engaged or organized to engage exclusively in one or more of the businesses specified in paragraphs “a” to through “k” inclusive.

Sec. 131. [Section 523C.9, subsection 3](#), Code 2021, is amended to read as follows:

3. The service company has without just cause refused to perform or negligently or incompetently performed services required to be performed under its service contracts and the refusal, or negligent or incompetent performance, has occurred with such frequency, as determined by the commissioner, as to indicate the general business practices of the service company.

Sec. 132. [Section 537.1201, subsection 1](#), paragraph a, unnumbered paragraph 1, Code 2021, is amended to read as follows:

A transaction, or acts, practices, or conduct with respect to a transaction, if the transaction is entered into in this state, except that a transaction involving other than open-end credit or acts, practices, or conduct with respect to such a transaction shall not subject any person to damages or penalty under [article 5 of this chapter](#), or administrative enforcement under [article 6, part 1](#):

Sec. 133. [Section 543C.1, subsection 1](#), Code 2021, is amended to read as follows:

1. “Advertisement” means the attempt by, dissemination, solicitation, or circulation to ~~induce~~ directly or indirectly induce any person to enter into any obligation or acquire any title or interest in land offered for sale or lease, to the public in this state.

Sec. 134. [Section 551.6](#), Code 2021, is amended to read as follows:

**551.6 Enforcement.**

It shall be the duty of the county attorneys, in their counties, and the attorney general, to enforce the provisions of [sections 551.1 to, 551.2, 551.4, and 551.5, inclusive](#), by appropriate actions in courts of competent jurisdiction.

Sec. 135. [Section 556E.6](#), Code 2021, is amended to read as follows:

**556E.6 Tests for articles.**

In any test for the ascertainment of the fineness of any such article mentioned in this and [sections 556E.3 to through 556E.5, inclusive](#), according to the foregoing standards, the part of the article taken for the test shall be such portion as does not contain or have attached thereto any solder or alloy of inferior metal used for brazing or uniting the parts of such article, and provided further and in addition to the foregoing test and standards, that the actual fineness of the entire quantity of metal purporting to be silver contained in any article mentioned in [sections 556E.3 to through 556E.5, inclusive](#), including all solder or alloy of inferior fineness used for brazing or uniting the parts of any such article, all such silver, alloy, or solder being assayed as one piece, shall not be less by more than ten one-thousandths parts than the fineness indicated according to the foregoing standards, by the mark stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any container in which said article is enclosed.

Sec. 136. [Section 557C.2](#), Code 2021, is amended to read as follows:

**557C.2 Definitions.**

As used in [this chapter](#), unless the context otherwise requires, “~~book~~”:

1. “Book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in [section 445.1](#).

2. A ~~“mineral~~ “Mineral interest in coal” means an interest created by an instrument which creates or transfers either by grant, assignment, reservation, or otherwise, an interest of any kind in coal, as described in [chapter 207](#), without limitation on the manner of mining the coal.

Sec. 137. [Section 573.6](#), Code 2021, is amended to read as follows:

**573.6 Subcontractors on public improvements.**

The following provisions shall be held to be a part of every bond given for the performance of a contract for the construction of a public improvement, whether said provisions be inserted in such bond or not, to wit:

1. [1] The principal and sureties on this bond hereby agree to pay to all persons, firms, or corporations having contracts directly with the principal or with subcontractors, all just claims due them for labor performed or materials furnished, in the performance of the contract on account of which this bond is given, when the same are not satisfied out of the portion of the contract price which the public corporation is required to retain until completion of the public improvement, but the principal and sureties shall not be liable to said persons, firms, or corporations unless the claims of said claimants against said portion of the contract price shall have been established as provided by law.

2. [2] Every surety on this bond shall be deemed and held, any contract to the contrary notwithstanding, to consent without notice:

a. [a] To any extension of time to the contractor in which to perform the contract.

b. [b] To any change in the plans, specifications, or contract, when such change does not involve an increase of more than twenty percent of the total contract price, and shall then be released only as to such excess increase.

c. [c] That no provision of this bond or of any other contract shall be valid which limits to less than one year from the time of the acceptance of the work the right to sue on this bond for defects in the quality of the work or material not discovered or known to the obligee at the time such work was accepted.

Sec. 138. [Section 588.1](#), Code 2021, is amended to read as follows:

**588.1 Failure to make proper entries.**

All execution sales heretofore had wherein the execution officer has failed to endorse on the execution the day and hour when received, the levy, sale, or other act done by virtue thereof, with the date thereof, the dates and amounts of any receipts or payment in satisfaction thereof at the time of the receipt or act done, or has failed to endorse thereon, an exact description of the property levied upon at length with the date of levy, be and the same are hereby legalized and declared to be legal and valid as if all of the provisions of laws as required by [sections 11664 to through 11668.1](#) [~~Code 1939~~], ~~both inclusive~~, [Code 1939](#), had been in all respects strictly and fully complied with.

Sec. 139. [Section 590.1](#), Code 2021, is amended to read as follows:

**590.1 Notice of appointment of executors.**

1. In all instances prior to January 1, 1964, where executors or administrators have failed to publish notice of their appointment as required by [section 3304, Code of 1897](#), and [section 11890, Codes of 1924 to through 1939, inclusive](#), and [section 633.46, Codes 1946 to through 1962, inclusive](#), but have published a notice of appointment, such notice of appointment is hereby legalized and shall have the same force and effect as though the same had been published as directed by the court or clerk.

2. In all instances where more than five years have passed since the appointment of a personal representative or probate of a will without administration, where administrators have failed to publish notice of their appointment as required by [section 633.230](#), and executors have failed to publish a notice of admission of the will to probate and their appointment as required by [sections 633.304 and 633.305](#), but have published a notice of appointment or notice of admission of the will to probate and of the appointment of the executor, such notice of appointment or notice of admission of the will to probate and of the appointment of the executor, is hereby legalized and shall have the same force and effect as though the same had been published as required.

Sec. 140. [Section 592.4](#), Code 2021, is amended to read as follows:

**592.4 Making and recording plats.**

The acts of the county auditors of Iowa, in making and recording plats as authorized under [sections 922, 923, and 924](#) of the Code, of 1897, and sections 6289 to [through 6299, inclusive](#), of subsequent Codes to and including the [Code, of 1939](#), without first having properly signed or acknowledged the same, and the acts of the county recorders of Iowa in recording such

plats, are hereby legalized and the same declared valid and binding the same as though they had in such respects been made and recorded in strict compliance with law.

Sec. 141. [Section 602.8108, subsection 7](#), paragraph b, unnumbered paragraph 1, Code 2021, is amended to read as follows:

The moneys in the fund shall be used to enhance the ability of the judicial branch to process cases more quickly and efficiently, to electronically transmit information to state government, local governments, law enforcement agencies, and the public, and to improve public access to the court system. The moneys in the ~~collection~~ fund may also be used for any of the following:

Sec. 142. [Section 621.4](#), Code 2021, is amended to read as follows:

**621.4 Dismissal for failure to furnish.**

An action in which a bond for costs is required by [sections 621.1 to through 621.3, inclusive](#), shall be dismissed, if a bond is not given in such time as the court allows.

Sec. 143. [Section 621.5](#), Code 2021, is amended to read as follows:

**621.5 Becoming nonresident.**

If the plaintiff or any intervenor in an action, after its institution and at any time before its final determination, becomes a nonresident of this state, the plaintiff or intervenor may be required to give security for costs in the manner provided in [sections 621.1 to through 621.4, inclusive](#).

Sec. 144. [Section 622.10, subsection 3](#), paragraph e, Code 2021, is amended to read as follows:

e. Defendant's counsel shall provide a written notice to plaintiff's attorney in a manner consistent with the Iowa rules of civil procedure providing for notice of deposition at least ten days prior to any meeting with plaintiff's physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional. Plaintiff's attorney has the right to be present at all such meetings, or participate in telephonic communication with the physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional and the attorney for the defendant. Prior to scheduling any meeting or engaging in any communication with the physician or surgeon, physician assistant, advanced registered nurse practitioner, or mental health professional, the attorney for the defendant shall confer with plaintiff's attorney to determine a mutually convenient date and time for such meeting or telephonic communication. Plaintiff's attorney may seek a protective order structuring all communication by making application to the court at any time.

Sec. 145. [Section 633.402](#), Code 2021, is amended to read as follows:

**633.402 Sale defined.**

For purposes of [this part](#), sale of property includes but is not limited to the granting of an easement, the granting of an option, the granting of a right of refusal, and the granting or conveyance of any other interest, title, or right regarding property.

Sec. 146. [Section 633.563, subsection 1](#), unnumbered paragraph 1, Code 2021, is amended to read as follows:

At or before a hearing on a petition for the appointment of a guardian or conservator or the modification or termination of a guardianship or conservatorship, the court shall order a professional evaluation of the respondent unless one of the following criteria ~~are~~ is met:

Sec. 147. [Section 802.9](#), Code 2021, is amended to read as follows:

**802.9 Indictment or information where a defect is found.**

If a defect, error, or irregularity is discovered in any indictment or information which, on motion of either party, causes ~~same~~ the indictment or information to be dismissed or the prosecution to be set aside or reversed on appeal, a new indictment or information may be found within thirty days after such action notwithstanding the time limitations enumerated in [this chapter](#).

Sec. 148. [2020 Iowa Acts, chapter 1102, section 16](#), is amended to read as follows:

SEC. 16. [Section 270.1](#), Code 2020, is amended to read as follows:

**270.1 Superintendent.**

The superintendent of the Iowa school for the deaf shall be a trained and experienced educator of the deaf and hard of hearing. The superintendent's salary may include residence in the institution, but no such allowance shall be made except by express contract in advance.

Sec. 149. [2020 Iowa Acts, chapter 1108, section 2](#), is amended to read as follows:

SEC. 2. [Section 256.16, subsection 1](#), paragraph c, Code 2020, is amended to read as follows:

c. Include in the professional education program, preparation that contributes to the education of students with disabilities and students who are gifted and talented, preparation in developing and implementing individualized education programs and behavioral intervention plans, preparation for educating individuals in the least restrictive environment and identifying that environment, ~~and~~ strategies that address difficult and violent student behavior and improve academic engagement and achievement, and preparation in classroom management addressing high-risk behaviors including but not limited to behaviors related to substance abuse. Preparation required under this paragraph must be successfully completed before graduation from the practitioner preparation program.

DIVISION II  
CODE EDITOR DIRECTIVES

Sec. 150. CODE EDITOR DIRECTIVES.

1. a. The Code editor shall change Arabic numeral subchapter designations to Roman numeral subchapter designations in the following Code chapters:

- (1) [Chapter 190C](#).
- (2) [Chapter 216A](#).
- (3) [Chapter 455H](#).
- (4) [Chapter 554D](#).
- (5) [Chapter 637](#).

b. In addition to making changes throughout the 2021 version of the Iowa Code, the Code editor is directed to make changes in any Code sections amended or enacted by any other Act to correspond with the changes made in this section of this Act if there appears to be no doubt as to the proper method of making the changes and the changes would not be contrary to or inconsistent with the purposes of this Act or any other Act.

2. a. The Code editor is directed to make the following transfers:

- (1) [Section 232.152](#) to section 232.7A.
- (2) [Section 232.153](#) to section 232.7B.

b. The Code editor shall correct internal references in the Code and in any enacted legislation as necessary due to the enactment of this section.

3. The Code editor may change chapter division designations to subchapter designations and correct internal reference as necessary in and to [chapter 455B](#).

4. [Sections 101.10, 455B.135, 455B.137, 455B.142, 455B.185, 455B.223, 455B.336, 455B.339, 455B.340, 455B.382, 455H.102, and 459A.501](#), Code 2021, are amended by striking the word "division" and inserting in lieu thereof the word "subchapter".

5. [Sections 172D.3, subsection 2](#), paragraph "b", unnumbered paragraph 1; [172D.3, subsection 2](#), paragraph "c", unnumbered paragraph 1; [172D.3, subsection 2](#), paragraph "c", subparagraphs (1), (2), (3), and (4); [455B.103, subsection 4](#), paragraph "d"; [455B.103A, subsection 5](#); [455B.104, subsection 1](#); [455B.131](#), unnumbered paragraph 1; [455B.134, subsection 2](#); [455B.171](#), unnumbered paragraph 1; [455B.211](#), unnumbered paragraph 1; [455B.261](#), unnumbered paragraph 1; [455B.301](#), unnumbered paragraph 1; [455B.303, subsection 1](#); [455B.304, subsection 1](#); [455B.331](#), unnumbered paragraph 1; [455B.335, subsections 1 and 3](#); [455B.337, subsection 2](#); [455B.361](#), unnumbered paragraph 1; [455B.362, subsection 2](#); [455B.381](#), unnumbered paragraph 1; [455B.381, subsection 4](#); [455B.384, subsection 2](#); [455B.390](#), unnumbered paragraph 1; [455B.390, subsection 2](#); [455B.391, subsection 1](#); [455D.4A, subsection 2](#), unnumbered paragraph 1; [455D.4A, subsections 3](#)

and 4; 455E.11, subsection 2, paragraph “d”, subparagraph (2); 455H.107, subsection 3, paragraph “a”; 455H.204, subsection 6; 456.14, subsection 2, unnumbered paragraph 1; 459.601, subsection 2, paragraph “a”; and 459A.401, subsection 3, Code 2021, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

6. The Code editor may number unnumbered paragraphs within sections 28A.17, 28I.1, 28K.4, 64.15, 80D.6, 87.19, 90A.8, 103A.2, 135J.2, 136B.4, 148B.1, 162.19, 165.28, 232A.2, 238.12, 252F.2, 256A.5, 262A.5, 262A.9, 263A.7, 285.4, 285.14, 299.10, 306C.21, 316.14, 323.5, 323.11, 327C.19, 341A.3, 341A.4, 341A.5, 341A.8, 347B.9, 389.4, 425A.8, 426.6, 450B.6, 465B.1, 481B.3, 481B.4, 484A.4, 492.6, 493.12, 496B.13, 497.22, 497.35, 498.19, 498.24, 498.37, 507D.2, 507D.5, 510.12, 510.21, 513A.6, 515A.15, 516A.1, 516A.3, 516B.2, 517A.1, 518.29, 518A.44, 518A.54, 518C.16, 521G.8, 527.10, 538A.11, 552.4, 552.17, 553.14, 570.4, 589.27, 591.16, 591.17, 610.1, 611.2, 617.9, 618.14, 625.22, 645.2, 647.1, 647.2, 654B.11, 679B.14, 681.11, 714A.4, 714D.1, 819.3, 819.4, 904.109, and 914.7, Code 2021, in accordance with established section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

### DIVISION III APPLICABILITY PROVISIONS

Sec. 151. RETROACTIVE APPLICABILITY. The following applies retroactively to July 1, 2020:

The section of this Act amending 2020 Iowa Acts, chapter 1102, section 16.

Approved April 30, 2021