CHAPTER 30

SUBSTANTIVE CODE CORRECTIONS

H.F. 536

AN ACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

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

DIVISION I
MISCELLANEOUS CHANGES

Section 1. Section 8A.315, subsection 5, Code 2015, is amended to read as follows:

5. Information on recycled content shall be requested on all bids for paper products other than printing and writing paper issued by the state and on other bids for products which could have recycled content such as oil, plastic products, including but not limited to compost materials, aggregate, solvents, soybean-based inks, and rubber products. Except for purchases of printing and writing paper made pursuant to subsection 2, paragraphs "*c*" ~~and~~, "*d*", and "*e*", the department shall require persons submitting bids for printing and writing paper to certify that the printing and writing paper proposed complies with the requirements referred to in subsection 2, paragraph "*a*".

Sec. 2. Section 8A.504, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. Before setoff, the public agency shall obtain and forward to the collection entity the full name and social security number of the person liable to ~~it~~ the public agency or to whom a claim is owing who is a natural person. If the person is not a natural person, before setoff, the public agency shall forward to the collection entity the information concerning the person as the collection entity shall, by rule, require. The collection entity shall cooperate with other public agencies in the exchange of information relevant to the identification of persons liable to or claimants of public agencies. However, the collection entity shall provide only relevant information required by a public agency. The information shall be held in confidence and used for the purpose of setoff only. Section 422.72, subsection 1, does not apply to this paragraph.

Sec. 3. Section 12B.10, subsection 5, paragraph a, subparagraphs (6) and (7), Code 2015, are amended to read as follows:

(6) An open-end management investment company registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. ~~§80a~~ §80a-1, and operated in accordance with 17 C.F.R. §270.2a-7.

(7) A joint investment trust organized pursuant to chapter 28E prior to and existing in good standing on the effective date of this Act or a joint investment trust organized pursuant to chapter 28E after April 28, 1992, provided that the joint investment trust shall either be rated within the two highest classifications by at least one of the standard rating services approved by the superintendent of banking by rule adopted pursuant to chapter 17A and operated in accordance with 17 C.F.R. §270.2a-7, or be registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. ~~§80a~~ §80a-1, and operated in accordance with 17 C.F.R. §270.2a-7. The manager or investment advisor of the joint investment trust shall be registered with the federal securities and exchange commission under the Investment Advisor Act of 1940, 15 U.S.C. ~~§80b~~ §80b-1.

Sec. 4. Section 12B.10, subsection 6, paragraph l, Code 2015, is amended to read as follows:

l. Investments in a qualified trust established pursuant to governmental accounting standards board statement number forty-three that is governed by a board of trustees of a joint investment trust organized pursuant to chapter 28E and that is registered with the

federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. ~~§80a~~ §80a-1.

Sec. 5. Section 12B.10C, subsection 2, Code 2015, is amended to read as follows:

2. As used in this section, *"public funds custodial agreement"* means any contractual arrangement pursuant to which one or more persons, including but not limited to investment advisors, investment companies, trustees, agents and custodians, are authorized to act as a custodian of or to designate another person to act as a custodian of public funds or any security or document of ownership or title evidencing public funds investments other than custodial agreements between an open-end management investment company registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. ~~§80a~~ §80a-1 and a custodian bank.

Sec. 6. Section 13.2, subsection 1, paragraph p, Code 2015, is amended to read as follows:

p. Submit a report by January 15 of each year to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, to the executive council, and to the legislative services agency detailing the amount of annual money receipts generated by each settlement or judgment in excess of two hundred fifty thousand dollars collected pursuant to legal proceedings under chapters 455B, 553, and 714. The report shall include the name of the civil or criminal case involved, the court of jurisdiction, the settlement amount, ~~including~~ the state's share of the settlement amount, the name of the fund in which the receipts were deposited, and the planned use of the moneys.

Sec. 7. Section 13.32, subsection 1, paragraph a, subparagraphs (1) and (2), Code 2015, are amended to read as follows:

(1) A mission statement and table of organization of the department of justice relating to the victim assistance grant programs, a program summary, and statistics, including but not limited to sources and uses of funds and the numbers of victims served.

(2) An itemization of out-of-state travel expenses incurred by an employee of the department of justice and an itemization of ~~such~~ travel expenses paid to a contractor.

Sec. 8. Section 13C.1, Code 2015, is amended by adding the following new unnumbered paragraph before subsection 1:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless the context otherwise requires:

Sec. 9. Section 15.105, subsection 1, paragraph a, subparagraph (1), subparagraph division (a), Code 2015, is amended to read as follows:

(a) Two members from each United States congressional district established under section 40.1 in the state.

Sec. 10. Section 15.294, subsection 4, Code 2015, is amended by striking the subsection.

Sec. 11. Section 15.333, subsection 2, unnumbered paragraph 1, Code 2015, is amended to read as follows:

For purposes of this ~~subsection~~ section, *"new investment directly related to new jobs created by the project"* means the cost of machinery and equipment, as defined in section 427A.1, subsection 1, paragraphs *"e"* and *"j"*, purchased for use in the operation of the eligible business, the purchase price of which has been depreciated in accordance with generally accepted accounting principles, the purchase price of real property and any buildings and structures located on the real property, and the cost of improvements made to real property which is used in the operation of the eligible business. *"New investment directly related to new jobs created by the project"* also means the annual base rent paid to a third-party developer by an eligible business for a period not to exceed ten years, provided the cumulative cost of the base rent payments for that period does not exceed the cost of the land and the third-party developer's costs to build or renovate the building for the eligible business. The eligible business shall enter into a lease agreement with the third-party developer for a minimum of five years. If, however, within five years of purchase, the eligible

business sells, disposes of, razes, or otherwise renders unusable all or a part of the land, buildings, or other existing structures for which tax credit was claimed under this section, the tax liability of the eligible business for the year in which all or part of the property is sold, disposed of, razed, or otherwise rendered unusable shall be increased by one of the following amounts:

Sec. 12. Section 16.1A, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. Programs established by the authority which the authority finds useful and convenient to further goals of the authority and which are consistent with the legislative findings. Such programs shall be administered in accordance with ~~section 16.4~~ subchapter III. Such additional programs shall be administered in accordance with rules, if any, which the authority determines useful and convenient to adopt pursuant to chapter 17A.

Sec. 13. Section 16.2A, Code 2015, is amended to read as follows:

16.2A Title guaranty division — board.

1. A title guaranty division is created within the authority. The division may also be referred to as Iowa title guaranty. The powers of the division relating to the issuance of title guaranties are vested in and shall be exercised by a title guaranty division board of five members appointed by the governor subject to confirmation by the senate. The membership of the title guaranty division board shall include an attorney, an abstractor, a real estate broker, a representative of a lending institution that engages in mortgage lending, and a representative of the housing development industry. The executive director of the authority shall appoint an attorney as director of the title guaranty division, who shall serve as an ex officio member of the title guaranty division board. The appointment of and compensation for the division director are exempt from the merit system provisions of chapter 8A, subchapter IV.

2. Members of the title guaranty division board shall be appointed by the governor for staggered terms of six years beginning and ending as provided in section 69.19. A person shall not serve on the title guaranty division board while serving on the authority board. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term. A member is eligible for reappointment. A member of the title guaranty division board may be removed from office by the governor for misfeasance, malfeasance, or willful neglect of duty or for other just cause, after notice and hearing, unless notice and hearing is expressly waived in writing.

3. Three members of the title guaranty division board shall constitute a quorum. An affirmative vote of a majority of the appointed members is necessary for any substantive action taken by the division.

4. Members of the title guaranty division board are entitled to receive a per diem as specified in section 7E.6 for each day spent in performance of duties as members and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as members.

5. Members of the title guaranty division board and the ~~executive~~ director shall give bond as required for public officers in chapter 64.

6. Meetings of the title guaranty division board shall be held at the call of the chair of the title guaranty division board or on written request of two members.

7. Members shall elect a chair and vice chair annually and other officers as they determine. The executive director shall serve as secretary to the title guaranty division board.

8. The net earnings of the division, beyond that necessary for reserves, backing, guaranties issued, or to otherwise implement the public purposes and programs authorized, shall not inure to the benefit of any person other than the state and are subject to section 16.2, subsection 8.

Sec. 14. Section 16.2B, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. Obtain agricultural assets transfer tax credits, including ~~by issuing~~ tax credit certificates issued pursuant to subchapter VIII, part 5.

Sec. 15. Section 16.2D, subsection 1, Code 2015, is amended to read as follows:

1. A council on homelessness is created consisting of thirty-eight voting members. At all times, at least one voting member ~~at all times~~ shall be a member of a minority group.

Sec. 16. Section 16.7, subsection 2, Code 2015, is amended to read as follows:

2. The annual report shall contain at least three parts which include all of the following:

a. A general description of the authority setting forth:

(1) ~~Its operations~~ Operations and accomplishments.

(2) ~~Its receipts~~ Receipts and expenditures during the fiscal year, in accordance with the classifications ~~it~~ the authority establishes for its operating and capital accounts.

(3) ~~Its assets~~ Assets and liabilities at the end of ~~its~~ the fiscal year and the status of reserve, special, and other funds.

(4) A schedule of ~~its~~ bonds and notes outstanding at the end of ~~its~~ the fiscal year, together with a statement of the amounts redeemed and issued during ~~its~~ the fiscal year.

(5) A statement of ~~its~~ proposed and projected activities.

(6) Recommendations to the general assembly, as ~~it~~ the authority deems necessary.

(7) Performance goals of the authority, clearly indicating the extent of progress during the reporting period in attaining the goals.

b. A summary of housing programs administered under this chapter. The summary shall include an analysis of current housing needs in this state. Where possible, results shall be expressed in terms of housing units.

c. A summary of agricultural development programs administered under subchapter VIII. Where possible, findings and results shall be expressed in terms of number of loans, tax credits, participating qualified beginning farmers, and acres of agricultural land, ~~including~~ by county.

Sec. 17. Section 16.16, subsection 3, Code 2015, is amended to read as follows:

3. The treasurer of state shall not be subject to personal liability resulting from carrying out the powers and duties of the authority or the treasurer of state, as applicable, in subchapter X, part ~~15~~ 9.

Sec. 18. Section 16.17, Code 2015, is amended to read as follows:

16.17 Rules.

1. The authority shall adopt pursuant to chapter 17A all rules necessary to administer this chapter.

2. The authority may adopt rules which establish ~~by rule~~ further definitions applicable to this chapter~~,~~ and ~~clarification of~~ clarify the definitions in this chapter, as ~~it~~ the authority deems convenient and necessary to carry out the public purposes of this chapter including all the following:

a. Any rules necessary to assure eligibility for funds available under federal housing laws, or to assure compliance with federal tax laws relating to the issuance of tax exempt bonds pursuant to the Internal Revenue Code or relating to the allowance of low-income credits under Internal Revenue Code §42.

b. Any rule ~~as~~ necessary to assure eligibility for funds, insurance, or guaranties available under federal laws and to carry out the public purposes of subchapter VIII.

3. The authority may adopt rules ~~pursuant to chapter 17A~~ relating to the purchase and sale of residential mortgage loans and the sale of mortgage-backed securities.

Sec. 19. Section 16.26, subsection 6, Code 2015, is amended to read as follows:

6. The authority may issue negotiable bond anticipation notes and may renew them from time to time but the maximum maturity of the notes, including renewals, shall not exceed ten years from the date of issue of the original notes. Bond anticipation notes are payable from any available moneys of the authority not otherwise pledged, or from the proceeds of the sale of bonds of the authority in anticipation of which the bond anticipation notes were issued. Bond anticipation notes may be issued for any corporate purpose of the authority. Bond anticipation notes shall be issued in the same manner as bonds and ~~bond anticipation~~ notes, and the resolution authorizing them may contain any provisions, conditions, or limitations, not inconsistent with the provisions of this subsection, which the bonds or a bond resolution

of the authority may contain. Bond anticipation notes may be sold at public or private sale. In case of default on its bond anticipation notes or violation of any obligations of the authority to the noteholders, the noteholders shall have all the remedies provided in this chapter for bondholders. Bond anticipation notes shall be as fully negotiable as bonds of the authority.

Sec. 20. Section 16.27A, Code 2015, is amended to read as follows:

16.27A Powers relating to loans.

Subject to any agreement with bondholders or noteholders, the authority may renegotiate a mortgage or secured loan or a loan to a lending institution in default, waive a default or consent to the modification of the terms of a mortgage or secured loan or a loan to a lending institution, forgive or forbear all or part of a mortgage or secured loan or a loan to a lending institution, and commence, prosecute, and enforce a judgment in any action, including but not limited to a foreclosure action, to protect or enforce any right conferred upon it by law, mortgage or secured loan agreement, contract, or other agreement, and in connection with any action, bid for and purchase the property or acquire or take possession of it, complete, administer, pay the principal of and interest on any obligations incurred in connection with the property, and dispose of and otherwise deal with the property in a manner the authority deems advisable to protect its interests.

Sec. 21. Section 16.50, subsection 3, paragraph b, subparagraph (1), Code 2015, is amended to read as follows:

(1) Projects that are eligible for historic preservation and cultural and entertainment district tax credits under ~~section 404A.2~~ chapter 404A.

Sec. 22. Section 16.59, unnumbered paragraph 1, Code 2015, is amended to read as follows:

~~A low or moderate net worth requirement~~ To receive financing as provided in this subchapter, ~~applies to~~ an individual, partnership, family farm corporation, or family farm limited liability company shall meet the applicable low or moderate net worth requirements established in this section. The requirement ~~as applied~~ that applies to each such person is ~~calculated~~ determined as follows:

Sec. 23. Section 16.64, subsection 1, Code 2015, is amended to read as follows:

1. ~~An~~ The authority shall publish a notice of intention to issue bonds or notes. After sixty days from the date of publication of the notice, an action shall not be brought questioning the legality of any bonds or notes or the power of the authority to issue any bonds or notes or to the legality of any proceedings in connection with the authorization or issuance of the bonds or notes after determination by the board of the authority to proceed with the issuance of the bonds or notes ~~sixty days from the date of publication of the notice~~.

Sec. 24. Section 16.76, subsections 1 and 2, Code 2015, are amended to read as follows:

1. As used in this section, "*loan*" includes but is not limited to mortgage or secured loans; loans insured, guaranteed, or otherwise secured by the federal government or a federal governmental agency or instrumentality, or a state agency or private mortgage insurers; and financing pursuant to an installment contract or contract for purchase arrangement.

2. The authority may make loans~~, including but not limited to mortgage or secured loans, or loans insured, guaranteed, or otherwise secured by the federal government or a federal governmental agency or instrumentality, or a state agency or private mortgage insurers,~~ to beginning farmers to provide financing for agricultural land and agricultural improvements or depreciable agricultural property.

Sec. 25. Section 16.78, subsection 1, Code 2015, is amended to read as follows:

1. To every extent practicable, the authority shall administer tax credits under the beginning farmer tax credit program in a uniform manner that encourages participation by qualified beginning farmers. The authority shall determine a qualified beginning farmer's low or moderate net worth by using a single method applicable to all its programs as provided under section 16.59, including the beginning farmer tax credit program.

Sec. 26. Section 16.92, subsection 1, paragraph d, Code 2015, is amended to read as follows:

d. "Division board" means the board of directors of the title guaranty division of the ~~Iowa finance~~ authority.

Sec. 27. Section 17A.5, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. (1) Subject to applicable constitutional or statutory provisions, a rule becomes effective immediately upon filing with the administrative rules coordinator, or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing and publication, if the agency finds:

~~(1)~~ (a) That a statute so provides;

~~(2)~~ (b) That the rule confers a benefit or removes a restriction on the public or some segment thereof; or

~~(3)~~ (c) That this effective date is necessary because of imminent peril to the public health, safety or welfare.

(2) In any subsequent action contesting the effective date of a rule promulgated under this paragraph *"b"*, the burden of proof shall be on the agency to justify its finding. The agency's finding and a brief statement of the reasons therefor shall be filed with and made a part of the rule. Prior to indexing and publication, the agency shall make reasonable efforts to make known to the persons who may be affected by it a rule made effective under the terms of this paragraph *"b"*.

Sec. 28. Section 28M.7, subsections 2 and 3, Code 2015, are amended to read as follows:

2. A regional transit district may disclose aggregate data on user and customer transaction history and fare card use to ~~government~~ governmental entities, organizations, school districts, educational institutions, and employers that subsidize or provide fare cards to their clients, students, or employees. ~~Government~~ Governmental entities, organizations, school districts, educational institutions, and employers may use the aggregate data only for purposes of measuring and promoting fare card use and evaluating the cost-effectiveness of their fare card programs. The disclosure of nonaggregate or personalized data on user and customer transaction history and fare card use to ~~government~~ governmental entities, organizations, school districts, educational institutions, and employers shall be strictly prohibited.

3. A regional transit district may disclose data concerning applicants, users, and customers collected by or through personalized internet services or a fare collection system to another ~~government~~ governmental entity to prevent a breach of security regarding electronic systems maintained by the regional transit district or the governmental entity, or pursuant to a subpoena issued in connection with a civil or criminal investigation.

Sec. 29. Section 29B.116, Code 2015, is amended to read as follows:

29B.116 General article.

~~Subject to section 29B.116A, though~~ Though not specifically mentioned in this code, and subject to section 29B.116A, all disorders and neglects to the prejudice of good order and discipline in the state military forces and all conduct of a nature to bring discredit upon the state military forces, of which persons subject to this code may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court.

Sec. 30. Section 29B.116B, Code 2015, is amended to read as follows:

29B.116B Adjutant general report.

The adjutant general shall report annually, by January 15, to the governor and to the chairpersons and ranking members of the general assembly's standing committees on veterans affairs on the number of offenses described in section 29B.116A, subsection 1, which have been reported to civilian law enforcement authorities in the prior year, if such offenses were committed by a member of the state military forces against another member of the state military forces while both are subject to this code. The report shall provide such numbers by type of offense.

Sec. 31. Section 43.16, Code 2015, is amended to read as follows:

43.16 Return of papers, additions not allowed.

1. After a nomination paper has been filed, it shall not be returned to the person who has filed the paper, nor shall any signature or other information be added to the nomination paper.

2. *a.* A person who has filed nomination petitions with the state commissioner may withdraw as a candidate not later than the seventy-sixth day before the primary election by notifying the state commissioner in writing.

b. A person who has filed nomination papers with the commissioner may withdraw as a candidate not later than the sixty-seventh day before the primary election by notifying the commissioner in writing.

3. The name of a candidate who has withdrawn or died ~~at a time in accordance with this section~~ on or before the final day to withdraw as a candidate for that office shall be omitted from the certificate furnished by the state commissioner under section 43.22 and omitted from the primary election ballot.

Sec. 32. Section 68A.405, subsection 1, paragraph a, subparagraph (3), Code 2015, is amended to read as follows:

(3) *"Published material"* means any newspaper, magazine, shopper, outdoor advertising facility, poster, direct mailing, brochure, internet site, campaign sign, or any other form of printed or electronic general public political advertising. *"Published material"* includes television, video, or motion picture advertising.

Sec. 33. Section 80B.5, subsection 1, Code 2015, is amended to read as follows:

1. The administration of this chapter shall be vested in the office of the governor. Except for the director and deputy director of the academy, the staff as may be necessary for ~~it~~ the academy to function shall be employed pursuant to the Iowa merit system.

Sec. 34. Section 96.9, subsection 6, Code 2015, is amended to read as follows:

6. *Management of funds in the event of discontinuance of unemployment trust fund.* The provisions of subsections 1, 2, and 3 to the extent that they relate to the unemployment trust fund shall be operative only so long as such unemployment trust fund continues to exist and so long as the secretary of the treasury of the United States continues to maintain for this state a separate book account of all funds deposited therein by this state for benefit purposes, together with this state's proportionate share of the earnings of such unemployment trust fund, from which no other state is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys, properties, or securities therein, belonging to the unemployment compensation fund of this state shall be transferred to the treasurer of the unemployment compensation fund, who shall hold, invest, transfer, sell, deposit, and release such moneys, properties, or securities in a manner approved by the director, treasurer of state, and governor, in accordance with the provisions of this chapter~~: Provided~~, provided that such moneys shall be invested in ~~the following~~ such readily marketable classes of securities~~; such securities~~ as are authorized by the laws of the state of Iowa for the investment of trust funds. The treasurer shall dispose of securities and other properties belonging to the unemployment compensation fund only under the direction of the director, treasurer of state, and governor.

Sec. 35. Section 96.14, subsection 4, Code 2015, is amended to read as follows:

4. *Priorities under legal dissolutions or distributions.* In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this state, including any receivership, assignment for benefit of creditors, adjudicated insolvency, composition, or similar proceeding, contributions then or thereafter due shall be paid in full prior to all other claims except taxes and claims for wages preferred as provided by statute. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the federal Bankruptcy Act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as is provided in section 64 *"a"* of that Act ~~[11 U.S.C. §104 "b", as amended]~~, 11 U.S.C. §507.

Sec. 36. Section 96.20, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. Reimbursements so payable shall be deemed to be benefits for the purposes of section 96.3, subsection 5, paragraph *"a"*, and section 96.9, but no reimbursement so payable shall be charged against any employer's account for the purposes of section 96.7, unless wages so transferred are sufficient to establish a valid claim in Iowa, and that such charges shall not exceed the amount that would have been charged on the basis of a valid claim. The department is hereby authorized to make to other state or federal agencies and receive from such other state or federal agencies, reimbursements from or to the fund, in accordance with arrangements pursuant to this section. The department shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this ~~Act~~ chapter with the individual's wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws, and avoiding the duplication use of wages and employment by reason of such combining.

Sec. 37. Section 99.27, Code 2015, is amended to read as follows:

99.27 Mulct tax.

When a permanent injunction issues against any person for maintaining a nuisance as ~~herein~~ defined in section 99.1A, or against any owner or agent of the building kept or used for the purpose prohibited by this chapter, there shall be imposed upon said building and the ground upon which the same is located and against the person or persons maintaining ~~said~~ the nuisance and the owner or agent of ~~said~~ the premises, a mulct tax of three hundred dollars. The imposing of ~~said~~ the mulct tax shall be made by the court as a part of the proceeding.

Sec. 38. Section 105.18, subsection 3, paragraph d, Code 2015, is amended to read as follows:

d. An individual that holds either a master or journeyperson mechanical license or a master or journeyperson HVAC-refrigeration license shall be exempt from having to obtain a special electrician's license pursuant to chapter 103 in order to ~~perform~~ disconnect and reconnect ~~of~~ existing air conditioning and refrigeration systems.

Sec. 39. Section 123.5, Code 2015, is amended to read as follows:

123.5 Alcoholic beverages commission created — appointment — removal — vacancies.

1. An alcoholic beverages commission is created within the division. The commission is composed of five members, not more than three of whom shall belong to the same political party.

2. Members shall be appointed by the governor, subject to confirmation by the senate. Appointments shall be for five-year staggered terms beginning and ending as provided by section 69.19. A member may be reappointed for one additional term.

3. Members of the commission shall be chosen on the basis of managerial ability and experience as business executives. Not more than two members of the commission may be the holder of or have an interest in a permit or license to manufacture alcoholic liquor, wine, or beer or to sell alcoholic liquor, wine, or beer at wholesale or retail.

4. Any commission member shall be subject to removal for any of the causes and in the manner provided by chapter 66 relating to removal from office. Removal shall not be in lieu of any other punishment that may be prescribed by the laws of this state.

5. Any vacancy on the commission shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term.

Sec. 40. Section 123.11, Code 2015, is amended to read as follows:

123.11 ~~Expenses~~ Compensation and expenses.

Members of the commission, the administrator, and other employees of the division shall be allowed their actual and necessary expenses while traveling on business of the division

outside of their place of residence, however, an itemized account of such expenses shall be verified by the claimant and approved by the administrator. If such account is paid, the same shall be filed with the division and be and remain a part of its permanent records. Each member appointed to the commission is entitled to receive reimbursement of actual expenses incurred while attending meetings. Each member of the commission may also be eligible to receive compensation as provided in section 7E.6. All expenses and salaries of commission members, the administrator, and other employees shall be paid from appropriations for such purposes and the division shall be subject to the budget requirements of chapter 8.

Sec. 41. Section 123.17, Code 2015, is amended to read as follows:

123.17 ~~Prohibition~~ Prohibitions on commission members and employees.

1. Commission members, officers, and employees of the division shall not, while holding such office or position, ~~hold~~ do any of the following:

a. Hold any other office or position under the laws of this state, or any other state or territory or of the United States~~; nor engage~~.

b. Engage in any occupation, business, endeavor, or activity which would or does conflict with their duties under this chapter~~; nor, directly~~.

c. Directly or indirectly, use their office or employment to influence, persuade, or induce any other officer, employee, or person to adopt their political views or to favor any particular candidate for an elective or appointive public office~~; nor, directly~~.

d. Directly or indirectly, solicit or accept, in any manner or way, any money or other thing of value for any person seeking an elective or appointive public office, or to any political party or any group of persons seeking to become a political party.

2. Except as provided in section 123.5, subsection 3, a commission member or division employee shall not, directly or indirectly, individually, or as a member of a partnership or shareholder in a corporation, have any interest in dealing in or in the manufacture of alcoholic liquor, wine, or beer, and shall not receive any kind of profit nor have any interest in the purchase or sale of alcoholic liquor, wine, or beer by persons so authorized under this chapter. However, this subsection does not prohibit any member or employee from lawfully purchasing and keeping alcoholic liquor, wine, or beer in the member's or employee's possession for personal use.

3. Any officer or employee violating this section or any other provisions of this chapter shall, in addition to any other penalties provided by law, be subject to suspension or discharge from employment. Any commission member shall, in addition to any other penalties provided by law, be subject to removal from office as provided by ~~law~~ chapter 66.

Sec. 42. Section 123.45, Code 2015, is amended to read as follows:

123.45 Limitations on business interests.

~~Except as provided in section 123.6, a commission member or division employee shall not, directly or indirectly, individually, or as a member of a partnership or shareholder in a corporation, have any interest in dealing in or in the manufacture of alcoholic liquor, wine, or beer, and shall not receive any kind of profit nor have any interest in the purchase or sale of alcoholic liquor, wine, or beer by persons so authorized under this chapter. However, this provision does not prohibit any member or employee from lawfully purchasing and keeping alcoholic liquor, wine, or beer in the member's or employee's possession for personal use.~~

1. A person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages, wine, or beer, or any jobber, representative, broker, employee, or agent of such a person, shall not ~~directly~~ do any of the following:

a. Directly or indirectly supply, furnish, give, or pay for any furnishings, fixtures, or equipment used in the storage, handling, serving, or dispensing of alcoholic beverages, wine, beer, or food within the place of business of a licensee or permittee authorized under this chapter to sell at retail~~; nor shall the person directly~~.

b. Directly or indirectly extend any credit for alcoholic beverages or beer or pay for any such license or permit~~, nor directly~~.

c. Directly or indirectly be interested in the ownership, conduct, or operation of the business of another licensee or permittee authorized under this chapter to sell at retail~~, nor hold~~.

d. Hold a retail liquor control license or retail wine or beer permit.

2. However, a person engaged in the wholesaling of beer or wine may sell only disposable glassware, which is constructed of paper, paper laminated, or plastic materials and designed primarily for personal consumption on a one-time usage basis, to retailers for use within the premises of licensed establishments, for an amount which is greater than or equal to an amount which represents the greater of either the amount paid for the disposable glassware by the supplier or the amount paid for the disposable glassware by the wholesaler. Also, a person engaged in the business of manufacturing beer may sell beer at retail for consumption on or off the premises of the manufacturing facility and, notwithstanding any other provision of this chapter or the fact that a person is the holder of a class "A" beer permit, may be granted not more than one class "B" beer permit as defined in section 123.124 for that purpose.

3. A licensee or permittee who permits or assents to or is a party in any way to a violation or infringement of this section is guilty of a violation of this section.

Sec. 43. Section 123.70, Code 2015, is amended to read as follows:

123.70 Injunction against bootlegger.

A bootlegger as defined in ~~this chapter~~ section 123.59 may be restrained by injunction from doing or continuing to do any of the acts prohibited herein, and all the proceedings for injunctions, temporary and permanent, and for punishments for violation of the same as prescribed herein, shall be applicable to such person, and the fact that an offender has no known or permanent place of business, or base of supplies, or quits the business after the commencement of an action, shall not prevent a temporary or permanent injunction, as the case may be, from issuing.

Sec. 44. Section 123.83, Code 2015, is amended to read as follows:

123.83 Method of trial.

The trial of an action filed pursuant to section 123.82 shall be to the court and as in equity, and be governed by the same rules of evidence as contempt proceedings.

Sec. 45. Section 123.84, Code 2015, is amended to read as follows:

123.84 Judgment.

If the court after a hearing in an action filed pursuant to section 123.82 finds a liquor, wine, or beer nuisance has been maintained on the premises covered by the abatement bond and that liquor, wine, or beer has been sold or kept for sale on the premises contrary to law within one year from the date of the giving of the bond, then the court shall order the forfeiture of the bond and enter judgment for the full amount of the bond against the principal and sureties on the bond~~, and the~~. The lien on the real estate created pursuant to section 123.79 shall be decreed foreclosed and the court shall provide for a special and general execution for the enforcement of the decree and judgment.

Sec. 46. Section 123.85, Code 2015, is amended to read as follows:

123.85 Appeal.

Appeal from a judgment and decree entered pursuant to section 123.84 may be taken as in equity cases and the cause be triable de novo except that if the state appeals it need not file an appeal or supersedeas bond.

Sec. 47. Section 123.88, Code 2015, is amended to read as follows:

123.88 Evidence.

On the issue whether a party knew or ought to have known of ~~such~~ a nuisance described under section 123.60, evidence of the general reputation of the place shall be admissible.

Sec. 48. Section 123.122, Code 2015, is amended to read as follows:

123.122 Permit or license required.

A person shall not manufacture for sale or sell beer at wholesale or retail unless a permit is first obtained as provided in this ~~division~~ subchapter or, a liquor control license authorizing

the retail sale of beer is first obtained as provided in division [3] I of this chapter. A liquor control license holder is not required to hold a separate class "B" beer permit.

Sec. 49. Section 123.123, Code 2015, is amended to read as follows:

123.123 Effect on liquor control licensees.

All applicable provisions of this ~~division~~ subchapter relating to class "B" beer permits shall apply to liquor control licensees in the purchasing, storage, handling, serving, and sale of beer.

Sec. 50. Section 123.143, subsection 2, Code 2015, is amended to read as follows:

2. All permit fees and taxes collected by the division under this ~~division~~ subchapter shall accrue to the state general fund, except as otherwise provided.

Sec. 51. Section 123.171, Code 2015, is amended to read as follows:

123.171 Wine certificate, permit, or license required.

A person shall not cause the manufacture, importation, or sale of wine in this state unless a certificate or permit as provided in this ~~division~~ subchapter, or a liquor control license as provided in ~~division~~ subchapter I of this chapter, is first obtained which authorizes that manufacture, importation, or sale.

Sec. 52. Section 123.172, Code 2015, is amended to read as follows:

123.172 Effect on liquor control licensees.

All applicable provisions of this ~~division~~ subchapter relating to class "B" wine permits apply to liquor control licensees in the purchasing, storage, handling, serving and sale of wine.

Sec. 53. Section 124.401, subsection 5, unnumbered paragraph 3, Code 2015, is amended by striking the unnumbered paragraph.

Sec. 54. Section 124D.4, subsection 6, Code 2015, is amended to read as follows:

6. *Card issuance — department of transportation.* The department may enter into a chapter 28E agreement with the department of transportation to facilitate the issuance of ~~a~~ cannabidiol registration ~~card~~ cards pursuant to subsections 1 and 3.

Sec. 55. Section 135.173A, subsections 1, 3, and 8, Code 2015, are amended to read as follows:

1. The early childhood ~~Iowa council~~ stakeholders alliance shall establish a state child care advisory committee as part of the ~~council~~ stakeholders alliance. The advisory committee shall advise and make recommendations to the governor, general assembly, department of human services, and other state agencies concerning child care.

3. Except as otherwise provided, the voting members of the advisory committee shall be appointed by the ~~council~~ stakeholders alliance from a list of names submitted by a nominating committee to consist of one member of the advisory committee, one member of the department of human services' child care staff, three consumers of child care, and one member of a professional child care organization. Two names shall be submitted for each appointment. The voting members shall be appointed for terms of three years.

8. The advisory committee shall coordinate with the early childhood ~~Iowa council~~ stakeholders alliance its reporting annually in December to the governor and general assembly concerning the status of child care in the state, providing findings, and making recommendations. The annual report may be personally presented to the general assembly's standing committees on human resources by a representative of the advisory committee.

Sec. 56. Section 135.173A, subsection 4, paragraphs n and q, Code 2015, are amended to read as follows:

n. One designee of the ~~community empowerment~~ early childhood office of the department of management.

q. One person who represents the early childhood ~~Iowa council~~ stakeholders alliance.

[3] See chapter 138, §26 herein

Sec. 57. Section 135.173A, subsection 6, paragraph j, Code 2015, is amended to read as follows:

j. Advise and assist the early childhood ~~Iowa council~~ stakeholders alliance in developing the strategic plan required pursuant to section ~~135.173~~ 256I.4, subsection 4.

Sec. 58. Section 135C.33, subsection 2, paragraph b, subparagraph (1), Code 2015, is amended to read as follows:

(1) If a person being considered for employment, other than employment involving the operation of a motor vehicle, has been convicted of a crime listed in subparagraph (2) but does not have a record of founded child or dependent adult abuse and the licensee has requested an evaluation in accordance with paragraph *"a"* to determine whether the crime warrants prohibition of the person's employment, the licensee may employ the person for not more than sixty calendar days pending completion of the evaluation.

Sec. 59. Section 144.43, Code 2015, is amended to read as follows:

144.43 Vital records closed to inspection — exceptions.

1. To protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system kept by the state registrar, access to vital statistics records kept by the state registrar shall be limited to the state registrar and the state registrar's employees, and then only for administrative purposes.

2. ~~*a.*~~ It shall be unlawful for the state registrar to permit inspection of, or to disclose information contained in vital statistics records, or to copy or permit to be copied all or part of any such record except as authorized by ~~regulation~~ rule.

~~*b.*~~ 3. However, the following vital statistics records may be inspected and copied as of right under chapter 22 when they are in the custody of a county registrar or when they are in the custody of the state archivist and are at least seventy-five years old:

~~(1)~~ *a.* A record of birth.

~~(2)~~ *b.* A record of marriage.

~~(3)~~ *c.* A record of divorce, dissolution of marriage, or annulment of marriage.

~~(4)~~ *d.* A record of death if that death was not a fetal death.

~~3.~~ 4. A public record shall not be withheld from the public because it is combined with data processing software. The state registrar shall not implement any electronic data processing system for the storage, manipulation, or retrieval of vital records that would impair a county registrar's ability to permit the examination of a public record and the copying of a public record, as established by rule. If it is necessary to separate a public record from data processing software in order to permit the examination of the public record, the county registrar shall periodically generate a written log available for public inspection which contains the public record.

Sec. 60. Section 147.1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

For the purpose of this ~~and the following chapters of this~~ subtitle:

Sec. 61. Section 147.86, Code 2015, is amended to read as follows:

147.86 Penalties.

Any person violating any provision of this ~~or the following chapters of this~~ subtitle, except insofar as the provisions apply or relate to or affect the practice of pharmacy, or where a specific penalty is otherwise provided, shall be guilty of a serious misdemeanor.

Sec. 62. Section 157.1, subsection 27, Code 2015, is amended to read as follows:

27. *"School of cosmetology arts and sciences"* means an establishment ~~licensed~~ operated for the purpose of teaching cosmetology arts and sciences.

Sec. 63. Section 159.1, subsections 1, 2, and 4, Code 2015, are amended by striking the subsections.

Sec. 64. Section 172A.10, subsection 1, Code 2015, is amended to read as follows:

1. If any person who is required by this chapter to be licensed fails to obtain the required license, or if any person who is required by this chapter to maintain proof of financial responsibility fails to obtain or maintain such proof, or if any licensee fails to discontinue engaging in licensed activities when that person's license has been suspended, such failure shall be deemed a nuisance and the secretary may bring an action on behalf of the state to enjoin such nuisance. Such actions may be heard on not less than five days' notice to the person whose activities are sought to be enjoined. The failure to obtain a license when required, or the failure to obtain or maintain proof of financial responsibility shall constitute a violation of this chapter.

Sec. 65. Section 197.1, Code 2015, is amended to read as follows:

197.1 License.

1. Every person, partnership, or corporation engaged in the business of buying ~~for the market,~~ poultry or domestic fowls for the market from the producer ~~thereof~~, shall obtain a license from the department for each establishment at which ~~said~~ business is conducted.

2. The word *"producer"* as ~~herein~~ used in this chapter shall include anyone not a licensed dealer who has acquired such poultry or domestic fowls other than through a licensed dealer.

Sec. 66. Section 198.7, subsection 1, paragraph f, Code 2015, is amended to read as follows:

f. If it is, or it bears or contains a new animal drug which is unsafe within the meaning of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. ~~§801~~ §360b et seq.

Sec. 67. Section 206.24, unnumbered paragraph 1, Code 2015, is amended to read as follows:

A program of education and demonstration in the area of the agricultural use of fertilizers and pesticides shall be initiated by the secretary of agriculture ~~on July 1, 1987~~. The secretary shall coordinate the activities of the state regarding this program.

Sec. 68. Section 206.32, subsection 1, Code 2015, is amended to read as follows:

1. A person shall not offer for sale, sell, purchase, apply, or use chlordane in this state~~, on or after January 1, 1989~~.

Sec. 69. Section 215.23, Code 2015, is amended to read as follows:

215.23 Servicer's license.

A servicer shall not install, service, or repair a commercial weighing ~~or~~ and measuring device until the servicer has demonstrated that the servicer has available adequate testing equipment, and that the servicer possesses a working knowledge of all devices the servicer intends to install or repair and of all appropriate weights, measures, statutes, and rules, as evidenced by passing a qualifying examination to be conducted by the department and obtaining a license. The secretary of agriculture shall establish by rule pursuant to chapter 17A, requirements for and contents of the examination. In determining these qualifications, the secretary shall consider the specifications of the United States national institute of standards and technology, handbook 44, "Specifications, tolerances, and technical requirements for ~~commercial~~ weighing and measuring devices", or the current successor or equivalent specifications adopted by the United States national institute of standards and technology. The secretary shall require an annual license fee of not more than five dollars for each license. Each license shall expire one year from date of issuance.

Sec. 70. Section 215.24, Code 2015, is amended to read as follows:

215.24 Rules.

The department ~~of agriculture and land stewardship~~ may ~~promulgate~~ adopt rules pursuant to chapter 17A as necessary to promptly and effectively enforce the provisions of this chapter.

Sec. 71. Section 218.95, subsection 1, Code 2015, is amended to read as follows:

1. For purposes of construing the provisions of this and the following subtitles of this title and chapters ~~16, 35B, 347B, 709A,~~ 904, 913, and 914 relating to persons with mental illness

and reconciling these provisions with other former and present provisions of statute, the following terms shall be considered synonymous:

a. "Mentally ill" and *"insane"*, except that the hospitalization or detention of any person for treatment of mental illness shall not constitute a finding or create a presumption that the individual is legally insane in the absence of a finding of incompetence made pursuant to section 229.27.

b. "Parole" and *"convalescent leave"*.

c. "Resident" and *"patient"*.

d. "Escape" and *"depart without proper authorization"*.

e. "Warrant" and *"order of admission"*.

f. "Escapee" and *"patient"*.

g. "Sane" and *"in good mental health"*.

h. "Asylum" and *"hospital"*.

i. "Commitment" and *"admission"*.

Sec. 72. Section 229.26, Code 2015, is amended to read as follows:

229.26 Exclusive procedure for involuntary hospitalization.

Sections 229.6 through 229.19 constitute the exclusive procedure for involuntary hospitalization of persons by reason of serious mental impairment in this state, except that this chapter does not negate the provisions of section 904.503 relating to transfer of prisoners with mental illness to state hospitals for persons with mental illness and does not apply to commitments of persons under chapter 812 or the rules of criminal procedure, Iowa court rules, or negate the provisions of section 232.51 relating to disposition of children with mental illness ~~or an intellectual disability~~.

Sec. 73. Section 230.11, Code 2015, is amended to read as follows:

230.11 Recovery of costs from state.

Costs and expenses attending the taking into custody, care, and investigation of a person who has been admitted or committed to a state hospital, United States department of veterans affairs hospital, or other agency of the United States government, for persons with mental illness and who has no residence in this state or whose residence is unknown, including cost of commitment, if any, shall be paid as a state case as approved by the administrator. The amount of the costs and expenses approved by the administrator is appropriated to the department from any money in the state treasury not otherwise appropriated. Payment shall be made by the department on itemized vouchers executed by the auditor of the county which has paid them, and approved by the administrator.

Sec. 74. Section 231D.16, subsection 1, Code 2015, is amended to read as follows:

1. Adult day services programs that are serving at least two but not more than five persons and that are not voluntarily accredited by a recognized accrediting entity ~~prior to July 1, 2003,~~ shall comply with this chapter ~~by June 30, 2005~~.

Sec. 75. Section 231E.13, Code 2015, is amended to read as follows:

231E.13 Implementation.

Implementation of this chapter is subject to availability of funding as determined by the department. ~~The department shall notify the Code editor upon implementation of this chapter.~~

Sec. 76. Section 232.46, subsection 1, paragraph a, subparagraph (3), Code 2015, is amended to read as follows:

(3) The performance of a work assignment of value to the state or to the public ~~making restitution consisting of a monetary payment to the victim or a work assignment directly of value to the victim~~.

Sec. 77. Section 232.46, subsection 1, paragraph a, Code 2015, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3A) Making restitution consisting of a monetary payment to the victim or a work assignment directly of value to the victim.

Sec. 78. Section 232.125, subsection 4, Code 2015, is amended to read as follows:

4. The petition shall state all of the following:

a. The names and residences of the child.~~, and~~

b. The names and residences of the child's living parents, guardian, custodian, and guardian ad litem, if any.~~ and the~~

c. The age of the child.

Sec. 79. Section 232.178, subsections 3 and 4, Code 2015, are amended to read as follows:

3. The petition shall state all of the following:

a. The names and residence of the child.~~ and the~~

b. The names and residence of the child's living parents, guardian, custodian, and guardian ad litem, if any.~~, and the~~

c. The age of the child.

4. The petition shall describe ~~the~~ all of the following:

a. The child's emotional, physical, or intellectual disability which requires care and treatment.~~; the~~

b. The reasonable efforts to maintain the child in the child's home.~~; the~~

c. The department's request to the family of a child with an intellectual disability, other developmental disability, or organic mental illness to determine if any services or support provided to the family will enable the family to continue to care for the child in the child's home.~~; and the~~

d. The reason the child's parent, guardian, or custodian has requested a foster family care placement.

e. The ~~petition shall also describe the~~ commitment of the parent, guardian, or custodian in fulfilling the responsibilities defined in the case permanency plan.~~ and how~~

f. How the placement will serve the child's best interests.

Sec. 80. Section 235B.4, Code 2015, is amended to read as follows:

235B.4 Legislative findings and purposes.

1. The general assembly finds and declares that a central registry is required to provide a single source for the statewide collection, maintenance, and dissemination of dependent adult abuse information. Such a registry is imperative for increased effectiveness in dealing with the problem of dependent adult abuse. The general assembly also finds that vigorous protection of rights of individual privacy is an indispensable element of a fair and effective system of collecting, maintaining, and disseminating dependent adult abuse information.

2. The purposes of this section and sections 235B.5 ~~to~~ through 235B.13 are to facilitate the identification of victims or potential victims of dependent adult abuse by making available a single, statewide source of dependent adult abuse data; to facilitate research on dependent adult abuse by making available a single, statewide source of dependent adult abuse data; and to provide maximum safeguards against the unwarranted invasions of privacy which such a registry might otherwise entail.

Sec. 81. Section 235F.1, subsection 12, Code 2015, is amended to read as follows:

12. *"Present danger of elder abuse"* means a situation in which the defendant has recently threatened the vulnerable elder with initial or additional elder abuse, or the potential exists for misappropriation, misuse, or removal of the funds, benefits, property, resources, belongings, or assets of the vulnerable elder combined with reasonable grounds to believe that elder abuse is likely to occur.

Sec. 82. Section 235F.5, subsection 6, unnumbered paragraph 1, Code 2015, is amended to read as follows:

~~The showing~~ At the hearing, the allegation of elder abuse may be proven as required under subsection 1 ~~may be made~~ by~~,~~ but is not limited to the testimony ~~at the hearing of,~~ from any of the following:

Sec. 83. Section 235F.6, subsection 3, Code 2015, is amended to read as follows:

3. The court shall not ~~use~~ issue an order ~~issued~~ under this section ~~to do~~ that does any of the following:

a. ~~To allow~~ Allows any person other than the vulnerable elder to assume responsibility for the funds, benefits, property, resources, belongings, or assets of the vulnerable elder.

b. ~~For~~ Grants relief that is more appropriately obtained in a protective proceeding filed under chapter 633 including but not limited to giving control and management of the funds, benefits, property, resources, belongings, or assets of the vulnerable elder to a guardian, conservator, or attorney in fact for any purpose other than the relief granted under subsection 2.

Sec. 84. Section 235F.8, subsection 2, Code 2015, is amended to read as follows:

2. The plaintiff's right to relief under this chapter is not affected by the vulnerable elder leaving the vulnerable elder's home to avoid elder abuse.

Sec. 85. Section 237A.30, subsection 1, Code 2015, is amended to read as follows:

1. The department shall work with the ~~community empowerment office of~~ early childhood Iowa office in the department of management established in section ~~28.3~~ 256I.5 and the state child care advisory committee in designing and implementing a voluntary quality rating system for each provider type of child care facility.

Sec. 86. Section 256.2, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 5. *"Telecommunications"* means narrowcast communications through systems that are directed toward a narrowly defined audience and includes interactive live communications. *"Telecommunications"* does not include online learning.

Sec. 87. Section 256.7, subsection 7, paragraph d, Code 2015, is amended by striking the paragraph.

Sec. 88. Section 256B.2, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. "Children requiring special education" means persons under twenty-one years of age, including children under five years of age, who have a disability in obtaining an education because of a head injury, autism, behavioral disorder, or physical, mental, communication, or learning disability, as defined by the rules of the department of education. ~~If a child requiring special education reaches~~ *"Children requiring special education"* includes children receiving special education services, who reach the age of twenty-one during an academic year, ~~the child may~~ and who elect to receive special education services until the end of the academic year.

Sec. 89. Section 256F.2, subsection 2, Code 2015, is amended by striking the subsection.

Sec. 90. Section 260C.58, subsection 2, Code 2015, is amended to read as follows:

2. *a.* All bonds or notes issued under the provisions of this subchapter shall be payable from and shall be secured by an irrevocable first lien pledge of a sufficient portion of any of the following: ~~the~~

(1) The net rents, profits, and income derived from the operation of residence halls, dormitories, dining or other incidental facilities and additions, including necessary real and personal property, acquired or improved in whole or in part with the proceeds of such bonds or notes, regardless of the manner of such acquisition or improvement. ~~; and the~~

(2) The net rents, profits, and income not pledged for other purposes derived from the operation of any other residence halls or dormitories, including dining or other incidental facilities and additions, at the particular institution.

b. In addition, the board may secure any bonds or notes issued by borrowing money, by mortgaging any real estate or improvements erected on real estate, or by pledging rents, profits, and income received from property for the discharge of mortgages. All bonds or notes issued under the provisions of this subchapter shall have all the qualities of negotiable instruments under the laws of this state.

Sec. 91. Section 262.44, subsection 1, Code 2015, is amended to read as follows:

1. Set aside and use portions of the respective campuses of the institutions of higher education under its control, namely, the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa, as the board determines are suitable for the acquisition or construction of self-liquidating and revenue producing buildings and facilities which the board deems necessary for the students and suitable for the purposes for which the institutions were established including without limitation:

a. Student unions, recreational buildings, auditoriums, stadiums, field houses, and athletic buildings and areas.~~, parking~~

b. Parking structures and areas.~~, electric~~

c. Electric, heating, sewage treatment, and communication utilities.~~, research~~

d. Research equipment. ~~and additions~~

e. Additions to or alterations of existing buildings or structures.

Sec. 92. Section 262.49, Code 2015, is amended to read as follows:

262.49 No obligation against state.

No obligation created hereunder shall ever be or become a charge against the state of Iowa but all such obligations, including principal and interest, shall be payable solely from any of the following:

1. ~~From the~~ The net rents, profits, and income arising from the property so pledged or mortgaged~~,~~.

2. ~~From the~~ The net rents, profits, and income which has not been pledged for other purposes arising from any similar building, facility, area or improvement under the control and management of said board~~,~~.

3. ~~From the~~ The fees or charges established by said board for students attending the institution for the use or availability of the building, structure, area, facility or improvement for which the obligation was incurred~~, or~~.

4. ~~From the~~ The income derived from gifts and bequests made to the institutions under the control of said board for such purposes.

Sec. 93. Section 262.57, subsection 2, Code 2015, is amended to read as follows:

2. All bonds or notes issued under the ~~provision~~ provisions of this subchapter shall be payable solely and only from and shall be secured by an irrevocable pledge of a sufficient portion of the net rents, profits and income derived from the operation of residence halls, dormitories, dining or other incidental facilities and additions, including necessary real and personal property, acquired or improved in whole or in part with the proceeds of such bonds or notes, regardless of the manner of such acquisition or improvement, and the net rents, profits and income not pledged for other purposes derived from the operation of any other residence halls or dormitories, including dining or other incidental facilities and additions, at the particular institution. All bonds or notes issued under the provisions of this subchapter shall have all the qualities of negotiable instruments under the laws of this state.

Sec. 94. Section 262A.2, subsection 7, Code 2015, is amended to read as follows:

7. *"Student fees and charges"* shall mean all tuitions, fees and charges for general or special purposes levied against and collected from students attending the institutions except rates, fees, rentals or charges imposed and collected under any of the following provisions ~~of *(a)*sections~~:

a. Sections 262.35 through 262.42.~~, *(b)*sections~~

b. Sections 262.44 through 262.53.~~, and *(c)*sections~~

c. Sections 262.55 through 262.66.

Sec. 95. Section 263.8, Code 2015, is amended to read as follows:

263.8 Reports — tests.

1. Charges may be assessed for transportation of specimens and cost of examination. Reports of epidemiological examinations and investigations shall be sent to the responsible agency.

2. In addition to its regular work, the state hygienic laboratory shall perform without charge all bacteriological, serological, and epidemiological examinations and investigations

which may be required by the Iowa department of public health and ~~said~~ the department shall ~~establish~~ adopt rules pursuant to chapter 17A therefor. The laboratory shall also provide, those laboratory, scientific field measurement, and environmental quality services which, by contract, are requested by the other agencies of government.

3. The state hygienic laboratory is authorized to perform such other laboratory determinations as may be requested by any state institution, citizen, school, municipality or local board of health, and the laboratory is authorized to charge fees covering transportation of samples and the costs of examinations performed upon their request.

Sec. 96. Section 303.4, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. The governor shall appoint one member from each of the state's congressional districts established under section 40.1.

Sec. 97. Section 321.19, Code 2015, is amended to read as follows:

321.19 Exemptions — distinguishing plates — definitions of urban transit company and regional transit system.

1. *a.* The following vehicles are exempted from the payment of the registration fees imposed by this chapter, except as provided for urban transit companies in subsection 2, but are not exempt from the penalties provided in this chapter:

(1) All vehicles owned or leased for a period of sixty days or more by the government and used in the transaction of official business by the representatives of foreign governments or by officers, boards, or departments of the government of the United States, and by the state, counties, municipalities and other political subdivisions of the state including vehicles used by an urban transit company operated by a municipality or a regional transit system, and self-propelling vehicles used neither for the conveyance of persons for hire, pleasure, or business nor for the transportation of freight other than those used by an urban transit company operated by a municipality or a regional transit system.~~, all~~

(2) All fire trucks, providing they are not owned and operated for a pecuniary profit.~~, and authorized~~

(3) Authorized emergency vehicles used only in disaster relief owned and operated by an organization not operated for pecuniary profit~~, are exempted from the payment of the registration fees imposed by this chapter, except as provided for urban transit companies in subsection 2, but are not exempt from the penalties provided in this chapter~~.

b. (1) The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on state patrol vehicles shall bear the word "official" and the department shall keep a separate record.

(2) Registration plates issued for state patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate, which registration number shall be the officer's badge number.

(3) Registration plates issued for county sheriff's patrol vehicles shall display one seven-pointed gold star followed by the letter "S" and the call number of the vehicle. ~~However, the~~

c. However, the director of the department of administrative services or the director of transportation may order the issuance of regular registration plates for any exempted vehicle used by ~~peace~~ any of the following:

(1) Peace officers in the enforcement of the law.~~, persons~~

(2) Persons enforcing chapter 124 and other laws relating to controlled substances.~~, persons~~

(3) Persons in the department of justice, the alcoholic beverages division of the department of commerce, disease investigators of the Iowa department of public health, the department of inspections and appeals, and the department of revenue, who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates.~~, persons~~

(4) Persons in the Iowa lottery authority whose regularly assigned duties relating to security or the carrying of lottery tickets cannot reasonably be conducted with a vehicle displaying "official" registration plates.~~, persons~~

(5) Persons in the economic development authority who are regularly assigned duties relating to existing industry expansion or business attraction, and mental health professionals or health care professionals who provide off-site or in-home medical or mental health services to clients of publicly funded programs.

d. For purposes of sale of exempted vehicles, the exempted governmental body, upon the sale of the exempted vehicle, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit", the name of the official body from which the vehicle was purchased, together with the date of the purchase plainly marked in at least one-inch letters, and other information required by the department. The in-transit card is valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

2. *a.* "*Urban transit company*" means any person, firm, corporation, company, or municipality which operates buses or trolley cars or both, primarily upon the streets of cities over well-defined routes between certain termini, for the transportation of passengers for a uniform fare, and which accepts for passengers all who present themselves for transportation without discrimination up to the limit of the capacity of each vehicle. Included are street railways, plants, equipment, property, and rights, used and useful in the transportation of passengers. Motor carriers and interurbans subject to the jurisdiction of the state department of transportation, and taxicabs, are not included.

b. The department, in accordance with subsection 1, shall furnish distinguishing plates for vehicles used by urban transit companies operated by a municipality. No other provision of law providing for the payment of taxes, registration, or license fees for vehicles shall be applicable to any bus, car, or vehicle for the transportation of passengers owned and operated by any urban transit company.

c. Chapter 326 is not applicable to urban transit companies or systems.

3. *a. "Regional transit system"* means a public transit system serving one county or all or part of a multicounty area whose boundaries correspond to the same boundaries as those of the regional planning areas designated by the governor, except as agreed upon by the department. Privately chartered bus services and uses other than providing services that are open and public on a shared ride basis shall not be construed to be a regional transit system.

b. Each county board of supervisors within the region is responsible for determining the service and funding within its county. However, the administration and overhead support services for the overall regional transit system shall be consolidated into one existing or new agency to be mutually agreed upon by the participating members. ~~Privately chartered bus services and uses other than providing services that are open and public on a shared ride basis shall not be construed to be a regional transit system.~~

Sec. 98. Section 321.34, subsection 20C, paragraphs a and c, Code 2015, are amended to read as follows:

a. The department, in consultation with the adjutant general, shall design combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge distinguishing processed emblems. Upon receipt of two hundred fifty orders for combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge special registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with the applicable distinguishing processed emblem as provided in paragraphs "*b*", "*c*", and "*d*". The minimum order requirement shall apply separately to each of the special registration plates created under this subsection.

c. Notwithstanding subsection 12, paragraph "*a*", an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, ~~and~~ or combat medical badge distinguishing processed emblem at no charge.

Sec. 99. Section 321.34, subsection 27, paragraph a, Code 2015, is amended to read as follows:

a. An owner referred to in subsection 12 who served in the armed forces of the United States and was discharged under honorable conditions may, upon written application to the department and upon presentation of satisfactory proof of military service and discharge under honorable conditions, order special registration plates bearing a distinguishing processed emblem depicting the word "veteran" below an image of the American flag. The application is subject to approval by the department. The special plate fees collected by the director under subsection 12, paragraph "*a*", from the annual validation of letter-number designated United States veteran plates, and subsection 12, paragraph "*c*", from the issuance and annual validation of personalized United States veteran plates, shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph "*a*", in the previous month for United States veteran plates.

Sec. 100. Section 321.59, Code 2015, is amended to read as follows:

321.59 Issuance of certificate.

The department, upon granting ~~any such~~ an application made as provided under section 321.58, shall issue to the applicant a certificate containing the applicant's name and address and the general distinguishing number assigned to the applicant.

Sec. 101. Section 321.154, Code 2015, is amended to read as follows:

321.154 Reports by department.

The department, immediately upon receiving ~~said~~ the county treasurer's report under section 321.153, shall also report to the treasurer of state the amount so collected by such county treasurer.

Sec. 102. Section 321.191, subsection 7, Code 2015, is amended to read as follows:

7. *Endorsements and removal of air brake restrictions.* The fee for a ~~double/triple~~ double or triple trailer endorsement, tank vehicle endorsement, and hazardous materials endorsement is five dollars for each endorsement. The fee for a passenger endorsement or a school bus endorsement is ten dollars. The fee for removal of an air brake restriction on a commercial driver's license is ten dollars. Fees imposed under this subsection for endorsements or removal of restrictions are valid for the period of the license. Upon renewal of a commercial driver's license, no fee is payable for retaining endorsements or the removal of the air brake restriction for those endorsements or restrictions which do not require the taking of either a knowledge or a driving skills test for renewal.

Sec. 103. Section 321.198, subsection 2, Code 2015, is amended to read as follows:

2. The provisions of this section shall also apply to the spouse and children, or ward of ~~such~~ military personnel when such spouse, children, or ward are living with the ~~above described~~ military personnel described in subsection 1 outside of the state of Iowa and provided that such extension of license does not exceed five years.

Sec. 104. Section 321.453, Code 2015, is amended to read as follows:

321.453 Exceptions.

1. ~~The~~ Except as provided in sections 321.463, 321.471, and 321.474, the provisions of this chapter governing size, weight, and load and the permit requirements of chapter 321E do not apply to ~~fire~~ any of the following:

a. Fire apparatus.~~; road~~

b. Road maintenance equipment owned by, under lease to, or used in the performance of a contract with any state or local authority.~~; implements~~

c. Implements of husbandry when moved or moving upon a highway that is not a portion of the interstate.~~; or equipment~~

d. Equipment used primarily for construction of permanent conservation practices on agricultural land when moved or moving upon a highway that is not a portion of the

interstate, so long as the equipment is without payload and the movement does not violate posted weight limitations on bridges~~, except as provided in sections 321.463, 321.471, and 321.474~~.

2. A vehicle that is carrying an implement of husbandry or equipment used primarily for construction of permanent conservation practices and is exempted from the permit requirements under this section shall be equipped with an amber flashing light visible from the rear. If the amber flashing light is obstructed by the loaded implement or equipment, the loaded implement or equipment shall also be equipped with and display an amber flashing light. The vehicle shall also be equipped with warning flags on that portion of the vehicle which protrudes into oncoming traffic, and shall only operate from thirty minutes prior to sunrise to thirty minutes following sunset.

Sec. 105. Section 321A.39, subsection 1, Code 2015, is amended to read as follows:

1. Whenever any dealer licensed under chapter 322 sells a motor vehicle at retail and the transaction does not include the sale of liability insurance coverage which will protect the purchaser under ~~the Iowa motor vehicle financial and safety responsibility Act~~ this chapter the purchase order or invoice evidencing the transaction shall contain a statement in the following form:

> I understand that liability insurance coverage which would protect me under the Iowa Motor Vehicle Financial and Safety Responsibility Act, Iowa Code chapter 321A, IS NOT INCLUDED in my purchase of the herein described motor vehicle. I have received a copy of this statement.
> .....
> (Purchaser's signature)

Sec. 106. Section 321E.11, subsection 3, Code 2015, is amended to read as follows:

3. Except as provided in section 321.457, no movement under permit shall be permitted on holidays, after 12:00 noon on days preceding holidays and holiday weekends, or special events when abnormally high traffic volumes can be expected. Such restrictions shall not be applicable to urban transit systems as defined in section ~~321.19, subsection 2~~ 324A.1.

Sec. 107. Section 321G.4, subsection 4, Code 2015, is amended to read as follows:

4. Notwithstanding subsections 1 and 2, a snowmobile manufactured prior to 1984 may be registered as an antique snowmobile for a one-time fee of twenty-five dollars, which shall exempt the owner from annual registration and fee requirements for that snowmobile. However, if ownership of an antique snowmobile is transferred, the new owner shall register the snowmobile and pay the one-time fee as required under this subsection. ~~A~~ An antique snowmobile may be registered ~~under this section~~ with only a signed bill of sale as evidence of ownership.

Sec. 108. Section 331.508, subsection 5, Code 2015, is amended to read as follows:

5. A permanent record ~~book~~ of the names and addresses of persons receiving veteran assistance as provided in section 35B.10.

Sec. 109. Section 358.21, Code 2015, is amended to read as follows:

358.21 Debt limit — borrowing — bonds — purposes.

1. *a.* Any sanitary district organized ~~hereunder~~ under this chapter may borrow money for its corporate purposes, but shall not become indebted in any manner or for any purpose to an amount in the aggregate exceeding five percent on the value of the taxable property within such district, to be ascertained by the last state and county tax lists previous to the incurring of such indebtedness. Indebtedness within this constitutional limit shall not include the indebtedness of any other municipal corporation located wholly or partly within the boundaries of such sanitary district.

b. Subject only to ~~this~~ the debt limitation described in paragraph "*a*", any ~~such~~ sanitary district organized ~~hereunder~~ under this chapter shall have and it is hereby vested with all of the same powers to issue bonds, including both general obligation and revenue bonds, which cities now or may hereafter have under the laws of this state. In the application of such laws to

this chapter, the words used in any such laws referring to municipal corporations or to cities shall be held to include sanitary districts organized under this chapter, the words "council" or "city council" shall be held to include the board of trustees of a sanitary district; the words "mayor" and "clerk" shall be held to include the president and clerk of any such board of trustees or sanitary district; and like construction shall be given to any other words in such laws where required to permit the exercise of such powers by sanitary districts.

2. Any and all bonds issued ~~hereunder~~ under the provisions of this section shall be signed by the president of the board of trustees and attested by the clerk, with the seal of the district, if any, affixed, and interest coupons attached thereto shall be attested by the signature of the clerk.

3. The proceeds of any bond issue made under the provisions of this section shall be used only for the purpose of acquiring, locating, laying out, establishing and construction of drainage facilities, conduits, treatment plants, pumping plants, works, ditches, channels and outlets of such capacity and character as may be required for the treatment, carrying off and disposal of the sewage and industrial wastes and other drainage incidental thereto of such district, or to repair, change, enlarge and add to such facilities as may be necessary or proper to meet the requirements present and future for the purposes aforesaid. Proceeds from such bond issue may also be used for the payment of special assessment deficiencies. Said bonds shall be payable in not more than forty annual installments and with interest at a rate not exceeding that permitted by chapter 74A, and shall be made payable at such place and be of such form as the board of trustees shall by resolution designate. Any sanitary district issuing bonds as authorized in this section is hereby granted authority to pledge the future avails of a tax levy to the payment of the principal and interest of such bonds after the same come due, and the power to impose and certify said levy is hereby granted to the trustees of sanitary districts organized under the provisions of this chapter.

Sec. 110. Section 359A.6, Code 2015, is amended to read as follows:

359A.6 Default — costs and fees collected.

If the erecting, rebuilding, or repairing of a fence is not completed within thirty days from and after the time fixed in the order, the board of township trustees acting as fence viewers shall cause the fence to be erected, rebuilt, and repaired, and the value thereof may be fixed by the fence viewers~~, and unless~~. Unless the sum so fixed, together with all fees of the fence viewers caused by ~~such~~ the default, is paid to the county treasurer, within ten days after the ~~same~~ full amount due is ~~so~~ ascertained~~;~~, or when ordered to pay for an existing fence, and the value thereof is fixed by the fence viewers, and ~~said~~ the sum, together with the fees of the fence viewers, remains unpaid by the party in default for ten days, the fence viewers shall certify to the county treasurer the full amount due from the party or parties in default, including all fees and costs assessed by the fence viewers, together with a description of the real estate owned by the party or parties in default along or upon which the said fence exists~~, and the~~. The county treasurer shall enter the ~~same~~ full amount due upon the county system, and the amount shall be collected in the same manner as ordinary taxes. Upon certification to the county treasurer, the amount assessed shall be a lien on the parcel until paid.

Sec. 111. Section 364.24, Code 2015, is amended to read as follows:

364.24 Traffic light synchronization.

~~After July 1, 1992, all~~ All cities with more than three traffic lights within the corporate limits shall establish a traffic light synchronization program for energy efficiency in accordance with rules adopted by the state department of transportation pursuant to chapter 17A. ~~The state department of transportation shall adopt rules required by this section by July 1, 1990. This section does not require that a city replace lighting, which has not completed its useful life, in order to comply with the requirements of this section. However, all lighting shall be replaced, whether or not it has completed its useful life, by July 1, 2001.~~

Sec. 112. Section 388.11, Code 2015, is amended to read as follows:

388.11 Liability within two miles.

A city or city utility providing water service within two miles of the limits of the city shall not be liable for a claim for failure to provide or maintain ~~fire~~ hydrants, facilities, or an adequate

supply of water or water pressure for fire protection purposes in the area receiving water service if such hydrants, facilities, or water are not intended to be used for fire protection purposes.

Sec. 113. Section 403.9, subsection 1, Code 2015, is amended to read as follows:

1. A municipality shall have power to periodically issue bonds in its discretion to pay the costs of carrying out the purposes and provisions of this chapter, including but not limited to the payment of principal and interest upon any advances for surveys and planning, and the payment of interest on bonds, herein authorized, not to exceed three years from the date the bonds are issued. The municipality shall have power to issue refunding bonds for the payment or retirement of such bonds previously issued by ~~it~~ the municipality. Said bonds shall be payable solely from the income and proceeds of the fund and portion of taxes referred to in section 403.19, subsection 2, and revenues and other funds of the municipality derived from or held in connection with the undertaking and carrying out of urban renewal projects under this chapter. The municipality may pledge to the payment of the bonds the fund and portion of taxes referred to in section 403.19, subsection 2, and may further secure the bonds by a pledge of any loan, grant, or contribution from the federal government or other source in aid of any urban renewal projects of the municipality under this chapter, or by a mortgage of any such urban renewal projects, or any part thereof, title which is vested in the municipality.

Sec. 114. Section 403.15, subsection 1, Code 2015, is amended to read as follows:

1. There is hereby created in each municipality a public body corporate and politic to be known as the "urban renewal agency" of the municipality~~: Provided, that such~~. An urban renewal agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has made the finding prescribed in section 403.4, and has elected to have the urban renewal project powers exercised by an urban renewal agency as provided in section 403.14.

Sec. 115. Section 404.4, Code 2015, is amended to read as follows:

404.4 Prior approval of eligibility.

1. A person may submit a proposal for an improvement project to the governing body of the city or county to receive prior approval for eligibility for a tax exemption on the project. The governing body shall, by resolution, give its prior approval for an improvement project if the project is in conformance with the plan for revitalization developed by the city or county. Such prior approval shall not entitle the owner to exemption from taxation until the improvements have been completed and found to be qualified real estate; however, if the proposal is not approved, the person may submit an amended proposal for the governing body to approve or reject.

2. An application shall be filed for each new exemption claimed. The first application for an exemption shall be filed by the owner of the property with the governing body of the city or county in which the property is located by February 1 of the assessment year for which the exemption is first claimed, but not later than the year in which all improvements included in the project are first assessed for taxation, or the following two assessment years, in which case the exemption is allowed for the total number of years in the exemption schedule. However, upon the request of the owner at any time, the governing body of the city or county provides by resolution that the owner may file an application by February 1 of any other assessment year selected by the governing body in which case the exemption is allowed for the number of years remaining in the exemption schedule selected. The application shall contain~~,~~ but not be limited to~~,~~ all of the following information:

a. The nature of the improvement.~~, its~~

b. The cost~~,~~ of the improvement project.

c. The estimated or actual date of completion.~~, the~~

d. The tenants that occupied the owner's building on the date the city or county adopted the resolution referred to in section 404.2, subsection 1.~~, and which~~

e. Which exemption in section 404.3 or in the different schedule, if one has been adopted, will be elected.

3. The governing body of the city or county shall approve the application, subject to review by the local assessor pursuant to section 404.5, if the project is in conformance with the plan for revitalization developed by the city or county, is located within a designated revitalization area, and if the improvements were made during the time the area was so designated. The governing body of the city or county shall forward for review all approved applications to the appropriate local assessor by March 1 of each year with a statement indicating whether section 404.3, subsection 1, 2, 3 or 4 applies or if a different schedule has been adopted, which exemption from that schedule applies. Applications for exemption for succeeding years on approved projects shall not be required.

Sec. 116. Section 422.11D, Code 2015, is amended to read as follows:

422.11D Historic preservation and cultural and entertainment district tax credit.

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a historic preservation and cultural and entertainment district tax credit allowed under ~~section 404A.2~~ chapter 404A.

Sec. 117. Section 422.11L, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. Sixty percent of the federal residential energy efficient property credit related to solar energy provided in section ~~25E(a)(1)~~ 25D(a)(1) and section 25D(a)(2) of the Internal Revenue Code, not to exceed five thousand dollars.

Sec. 118. Section 422.33, subsection 10, Code 2015, is amended to read as follows:

10. The taxes imposed under this division shall be reduced by a historic preservation and cultural and entertainment district tax credit allowed under ~~section 404A.2~~ chapter 404A.

Sec. 119. Section 422.60, subsection 4, Code 2015, is amended to read as follows:

4. The taxes imposed under this division shall be reduced by a historic preservation and cultural and entertainment district tax credit allowed under ~~section 404A.2~~ chapter 404A.

Sec. 120. Section 423.3, subsection 26A, Code 2015, is amended to read as follows:

26A. ~~*a.*~~ The sales price of reagents and related accessory equipment to a regional blood testing facility if all of the following conditions are met:

~~(1)~~ *a.* The regional blood testing facility is registered by the federal food and drug administration.

~~(2)~~ *b.* The regional blood testing facility performs donor testing for other blood centers.

~~(3)~~ *c.* The regional blood testing facility is located in this state on or before January 1, 2011.

~~*b.* This subsection is repealed if a regional blood testing facility is not located in this state on or before January 1, 2011.~~

Sec. 121. Section 423.30, Code 2015, is amended to read as follows:

423.30 Foreign sellers not registered under the agreement.

1. The director may, upon application, authorize the collection of the use tax by any seller who is a retailer not maintaining a place of business within this state and not registered under the agreement, who, to the satisfaction of the director, furnishes adequate security to ensure collection and payment of the tax. Such sellers shall be issued, without charge, permits to collect tax subject to any regulations which the director shall prescribe. When so authorized, it shall be the duty of foreign sellers to collect the tax upon all tangible personal property sold, to the retailer's knowledge, for use within this state, in the same manner and subject to the same requirements as a retailer maintaining a place of business within this state. The authority and permit may be canceled when, at any time, the director considers the security inadequate, or that tax can more effectively be collected from the person using property in this state.

2. The discretionary power granted in ~~this section~~ subsection 1 is extended to apply in the case of foreign retailers furnishing services enumerated in section 423.2.

Sec. 122. Section 432.12A, Code 2015, is amended to read as follows:

432.12A Historic preservation and cultural and entertainment district tax credit.

The taxes imposed under this chapter shall be reduced by a historic preservation and cultural and entertainment district tax credit allowed under ~~section 404A.2~~ chapter 404A.

Sec. 123. Section 445.37, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. ~~However~~ Notwithstanding paragraph "*a*", if there is a delay in the delivery of the tax list referred to in chapter 443 to the county treasurer, the amount of ad valorem taxes and manufactured or mobile home taxes due shall become delinquent thirty days after the date of delivery or on the delinquent date of the first installment, whichever date occurs later. The delay shall not affect the due dates for special assessments and rates or charges. The delinquent date for special assessments and rates or charges is the same as the first installment delinquent date for ad valorem taxes, including any extension, in absence of a statute to the contrary.

Sec. 124. Section 452A.3, subsection 3, Code 2015, is amended to read as follows:

3. An excise tax of seventeen cents is imposed on each gallon of E-85 gasoline ~~as defined in section 214A.1~~, subject to the determination provided in subsection 4.

Sec. 125. Section 452A.8, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

For the purpose of determining the amount of the supplier's, restrictive supplier's, or importer's tax liability, a supplier or restrictive supplier shall file a return~~, not later than the last day of the month following the month in which this division becomes effective and~~ not later than the last day of each calendar month ~~thereafter,~~ and an importer shall file a return semimonthly with the department, signed under penalty for false certification. For an importer for the reporting period from the first day of the month through the fifteenth of the month, the return is due on the last day of the month. For an importer for the reporting period from the sixteenth of the month through the last day of the month, the return is due on the fifteenth day of the following month. The returns shall include the following:

Sec. 126. Section 452A.8, subsection 2, paragraph e, subparagraph (2), Code 2015, is amended to read as follows:

(2) The tax for compressed natural gas, liquefied natural gas, and liquefied petroleum gas delivered by a licensed dealer for use in this state shall attach at the time of the delivery and shall be collected by the dealer from the ~~consumer~~ purchaser and paid to the department as provided in this chapter. The tax, with respect to compressed natural gas, liquefied natural gas, and liquefied petroleum gas acquired by a ~~consumer~~ purchaser in any manner other than by delivery by a licensed dealer into a fuel supply tank of a motor vehicle, attaches at the time of the use of the fuel and shall be paid over to the department by the ~~consumer~~ purchaser as provided in this chapter.

Sec. 127. Section 452A.8, subsection 2, paragraph e, subparagraph (3), Code 2015, is amended to read as follows:

(3) The department shall adopt rules governing the dispensing of compressed natural gas, liquefied natural gas, and liquefied petroleum gas by licensed dealers and licensed users. The director may require by rule that reports and returns be filed by electronic transmission. The department shall require that all pumps located at dealer locations and user locations through which liquefied petroleum gas can be dispensed shall be metered, inspected, tested for accuracy, and sealed and licensed by the department of agriculture and land stewardship, and that fuel delivered into the fuel supply tank of any motor vehicle shall be dispensed only through tested metered pumps and may be sold without temperature correction or corrected to a temperature of 60 degrees Fahrenheit. If the metered gallonage is to be temperature-corrected, only a temperature-compensated meter shall be used. Natural gas used as fuel shall be delivered into compressing equipment through sealed meters certified for accuracy by the department of agriculture and land stewardship.

Sec. 128. Section 452A.8, subsection 2, paragraph e, subparagraph (5), subparagraph division (a), Code 2015, is amended to read as follows:

(a) For the purpose of determining the amount of liability for fuel tax, each dealer and each user shall file with the department not later than the last day of ~~the month following the month in which this division becomes effective and not later than the last day of~~ each calendar month ~~thereafter~~ a monthly tax return certified under penalties for false certification. The return shall show, with reference to each location at which fuel is delivered or placed by the dealer or user into a fuel supply tank of any motor vehicle during the next preceding calendar month, information as required by the department.

Sec. 129. Section 452A.62, subsection 1, paragraph a, subparagraph (2), Code 2015, is amended to read as follows:

(2) A licensed compressed natural gas, liquefied natural gas, or liquefied petroleum gas dealer, user, or person supplying compressed natural gas, liquefied natural gas, or liquefied petroleum gas to a licensed compressed natural gas, liquefied natural gas, or liquefied petroleum gas dealer or user.

Sec. 130. Section 452A.74, subsection 2, Code 2015, is amended to read as follows:

2. Any delivery of compressed natural gas, liquefied natural gas, or liquefied petroleum gas to a compressed natural gas, liquefied natural gas, or liquefied petroleum gas dealer or user for the purpose of evading the state tax on compressed natural gas, liquefied natural gas, or liquefied petroleum gas, into facilities other than those licensed ~~above~~ under this chapter knowing that the fuel will be used for highway use shall constitute a violation of this section. Any compressed natural gas, liquefied natural gas, or liquefied petroleum gas dealer or user for purposes of evading the state tax on compressed natural gas, liquefied natural gas, or liquefied petroleum gas, who allows a distributor to place compressed natural gas, liquefied natural gas, or liquefied petroleum gas for highway use in facilities other than those licensed ~~above~~ under this chapter, shall also be deemed in violation of this section.

Sec. 131. Section 455B.133, subsection 4, paragraph b, Code 2015, is amended by striking the paragraph.

Sec. 132. Section 455B.198, subsection 1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The commission shall adopt rules pursuant to chapter 17A to regulate the discharge of wastewater from water well drilling sites. The rules shall incorporate the following considerations:

Sec. 133. Section 455B.198, subsection 4, Code 2015, is amended by striking the subsection.

Sec. 134. Section 455D.11A, subsection 5, paragraph a, Code 2015, is amended to read as follows:

a. For a waste tire collection or processing site, the financial assurance instrument for a waste tire collection site shall provide coverage in an amount which is equivalent to thirty-five cents per passenger tire equivalent collected by the site prior to July 1, 1998. The financial assurance instrument for a waste tire processing site shall provide coverage in an amount which is equivalent to thirty-five cents per passenger tire equivalent collected for processing by the site which is above the three-day processing supply of tires for the site as determined by the department. ~~This paragraph shall take effect July 1, 1999.~~

Sec. 135. Section 455D.11A, subsection 8, Code 2015, is amended by striking the subsection.

Sec. 136. Section 455D.19, subsection 6, Code 2015, is amended to read as follows:

6. *a.* ~~By July 1, 1992, a~~ A manufacturer or distributor of packaging or packaging components shall make available to purchasers, to the department, and to the general public upon request, certificates of compliance which state that the manufacturer's or distributor's

packaging or packaging components comply with, or are exempt from, the requirements of this section.

b. If the manufacturer or distributor of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer or distributor shall provide an amended or new certificate of compliance for the reformulated or new package or packaging component.

Sec. 137. Section 455E.11, subsection 2, paragraph b, subparagraph (3), subparagraph division (b), subparagraph subdivision (i), Code 2015, is amended to read as follows:

(i) A county applying for grants under this subparagraph division shall submit only one application. To be eligible for a grant, a county must have adopted standards for private water supply and private disposal facilities at least as stringent as the standards adopted by the commission. During each fiscal year, the amount granted each eligible applicant shall be the total funds available divided by the number of eligible counties applying. Upon receipt of the grant, the county may apply the funds to any one or more of the ~~above three~~ county-based programs for the testing of private rural water supply wells, private rural water supply well sealing, and the proper closure of private rural abandoned wells and cisterns.

Sec. 138. Section 456A.16, Code 2015, is amended to read as follows:

456A.16 Income tax refund checkoff for fish and game protection fund.

1. A person who files an individual or a joint income tax return with the department of revenue under section 422.13 may designate any amount to be paid to the state fish and game protection fund. If the refund due on the return or the payment remitted with the return is insufficient to pay the additional amount designated by the taxpayer to the state fish and game protection fund, the amount designated shall be reduced to the remaining amount of refund or the remaining amount remitted with the return.

2. The revenues received shall be used within the state of Iowa for habitat development and shall be deposited in the state fish and game protection fund. The revenue may be used for the matching of federal funds. The revenues and matched federal funds may be used for acquisition of land, leasing of land or obtaining of easements from willing sellers for use of land as wildlife habitats for game and nongame species. Not less than fifty percent of the funds derived from the checkoff shall be used for the purposes of preserving, protecting, perpetuating and enhancing nongame wildlife in this state. Nongame wildlife includes those animal species which are endangered, threatened or not commonly pursued or killed either for sport or profit. Notwithstanding the exemption in section 427.1, the land acquired with the revenues and matched federal funds is subject to the full consolidated levy of property taxes which shall be paid from those revenues. In addition the revenues may be used for the development and enhancement of wildlife lands and habitat areas and for research and management necessary to qualify for federal funds.

3. The director of revenue shall draft the income tax form to allow the designation of contributions to the state fish and game protection fund on the tax return.

4. The department of revenue on or before January 31 of the year following the preceding calendar year shall certify the total amount designated on the tax return forms due in the preceding calendar year and shall report the amount to the state treasurer. The state treasurer shall credit the amount to the state fish and game protection fund.

5. The general assembly shall appropriate annually from the state fish and game protection fund the amount credited to the fund from the checkoff to the department for the purposes specified in this section.

6. The action taken by a person for the checkoff is irrevocable.

7. The department shall adopt rules pursuant to chapter 17A to implement this section. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 and the political contribution allowed under section 68A.601 shall be satisfied.

Sec. 139. Section 456A.27, Code 2015, is amended to read as follows:

456A.27 Federal wildlife Act — assent.

The state of Iowa assents to the provisions of the Act of Congress entitled "An Act To Provide That The United States Shall Aid The States In Wildlife Restoration Projects, And For Other Purposes", approved September 2, 1937, 50 Stat. 917, codified at 16 U.S.C. §669 – 669k, and the department may perform acts as necessary to the conduct and establishment of cooperative wildlife restoration projects, as defined in the Act of Congress, in compliance with the Act and with regulations promulgated by the secretary of agriculture under the Act. No funds accruing to the state of Iowa from license fees paid by hunters shall be diverted for any other purpose than as set out in sections 456A.17 and 456A.19.

Sec. 140. Section 456A.28, Code 2015, is amended to read as follows:

456A.28 Fish restoration projects.

The state of Iowa assents to the provisions of the Act of Congress entitled "An Act To Provide That The United States Shall Aid The States In Fish Restoration Projects, And For Other Purposes", approved August 9, 1950, ~~Pub. L. No. 681~~ Ch. 658, 64 Stat. 430, codified at 16 U.S.C. §777 – 777n, and the department may perform acts as necessary to the conduct and establishment of cooperative fish restoration projects, as defined in the Act of Congress, in compliance with the Act and with regulations promulgated by the secretary of the interior under the Act. No funds accruing to the state of Iowa from fishing license fees shall be diverted for any other purposes than as set out in sections 456A.17 and 456A.19.

Sec. 141. Section 459.102, subsection 57, Code 2015, is amended to read as follows:

57. *"Swine farrow-to-finish operation"* means a confinement feeding operation in which porcine animals are produced and in which a primary portion of the phases of the production cycle are conducted at one confinement feeding operation. Phases of the production cycle include but are not limited to gestation, farrowing, growing, and finishing.

Sec. 142. Section 461A.57, Code 2015, is amended to read as follows:

461A.57 Penalties.

~~Any~~ Unless another punishment is provided, any person violating any of the provisions of sections 461A.36 ~~to~~ through 461A.41, 461A.43, and 461A.45 ~~to~~ through 461A.56 is guilty of a simple misdemeanor.

Sec. 143. Section 468.3, subsections 2, 6, and 8, Code 2015, are amended to read as follows:

2. Within the meaning of this subchapter, parts 1 through 5 and 7, and subchapter II, part 1, the term *"board"* shall embrace the board of supervisors, the joint boards of supervisors in case of intercounty levee or drainage districts, and the board of trustees in case of a district under trustee management.

6. The term *"engineer"* ~~and the term~~ or *"civil engineer"*, within the meaning of this subchapter, parts 1 through 5 and 7, subchapter II, parts 1, 4, 5, and 6, and subchapter V, shall mean a person licensed as a professional engineer under the provisions of chapter 542B.

8. For the purpose of this subchapter, parts 1 through 5 and 7, and with reference to improvements along or adjacent to the Missouri river, the word *"levee"* shall be construed to include, in addition to its ordinary and accepted meaning, embankments, revetments, retards, or any other approved system of construction which may be deemed necessary to adequately protect the banks of any river or stream, within or adjacent to any county, from wash, cutting, or erosion.

Sec. 144. Section 468.49, Code 2015, is amended to read as follows:

468.49 Classification as basis for future assessments.

1. A classification of land for drainage, erosion or flood control purposes, when finally adopted, shall remain the basis of all future assessments for the purpose of ~~said~~ the district unless revised by the board in the manner provided for reclassification~~, except that~~. However, where land included in said classification has been destroyed, in whole or in part, by the erosion of a river, or where additional right-of-way has been subsequently taken for drainage purposes, ~~said~~ the land which has been so eroded and carried away by the action of a river or which has been taken for additional right-of-way, may be removed by ~~said~~ the board from

~~said~~ the district as classified, without any reclassification, and no assessment shall thereafter be made on the land so removed. Any deficiency in assessment existing as the result of said action of the board shall be spread by it over the balance of lands remaining in said district in the same ratio as was fixed in the classification of the lands, payable at the next taxpaying period.

2. Except districts established by mutual agreement in accordance with section 468.142 in the event any forty-acre tract or less, or any lot, tract, or parcel, as set forth in the existing classification or reclassification of any drainage district now or hereafter established, is divided into two or more tracts, whether such division is by sale or condemnation or platted as a subdivision, the classification of the original tract shall be apportioned to the resulting parcels, regardless of use, except for land taken for additional drainage right-of-way. The classification of the original tract may be apportioned between the resulting parcels by agreement between the parties to such division. The parties shall file with the county auditor a written agreement setting forth the original description and the description of the tracts as subdivided and the percentage of the original classification apportioned to each. This agreement shall bear the signature of all of the parties to ~~such~~ the subdivision. The agreement contemplated herein may be contained in the deed or other instrument effecting the division of the land, which agreement shall be binding upon the grantee or grantees by their acceptance of such instrument and their signatures shall not be necessary. The auditor shall enter this agreement in the drainage record and amend the current classification of the district in accordance with ~~such~~ the agreement.

3. In the event the parties to ~~such~~ the subdivision cannot agree as to the apportionment of the percentage classification, the board of supervisors shall, upon application of either party, appoint a commission having the qualifications of commissioners, in accordance with section 468.38. The commissioners shall inspect the lands involved and apportion the existing classification of the original tract equitably and fairly to each of the several tracts as subdivided ~~and~~. The board shall make a full, accurate, and detailed report thereof and file the ~~same~~ report with the county auditor within the time set by the board. The report of the commissioners shall set forth the names of the owners thereof, the description of each of the tracts and the percentage of the original classification that each such tract shall bear for main ditches and settling basins, for laterals, for levees and pumping station. Thereafter all the proceedings in relation thereto as to notice of hearing and fixing of percentage benefits shall be as in this subchapter, parts 1 through 5 and 7, provided in relation to original classification and assessments, and at such hearing, the board may affirm, increase or diminish the percentage of benefits so as to make them just and equitable, and cause the record of the existing classification, percentage of benefits or assessments, or both, to be modified accordingly. In the event the parties neither agree as to the apportionment of classification nor make application for the appointment of commissioners, then the auditor of the county in which the land is situated shall make such apportionment upon an equitable basis and enter the same of record as herein provided. No tract of land included within the boundary of any drainage district shall be exempt from drainage assessments or reassessments, except as herein provided.

Sec. 145. Section 468.206, Code 2015, is amended to read as follows:

468.206 Notice and hearing.

If upon consideration of the plan or amended plan and the report or reports of the engineer and the commitments involved in the adoption of the plan the board finds that the district will benefit therefrom or the purposes for which the district was established will be promoted thereby, the board shall adopt the same as a tentative plan, ~~entering~~ enter an order to that effect, and ~~fixing~~ fix a date for hearing thereon not less than thirty days thereafter and ~~directing~~ direct the auditor to cause notice to be given of such hearing as ~~hereinafter~~ provided in section 468.207.

Sec. 146. Section 468.209, unnumbered paragraph 1, Code 2015, is amended to read as follows:

If the board, after consideration of the subject matter, including all objections filed to the adoption of the plan and all claims for damages, shall find that the district will be benefited

by adoption of the plan or the purposes for which the district was established is furthered ~~thereby~~ by the plan, they shall enter an order approving and adopting ~~such~~ the final plan. ~~Such~~ The order shall have the effect of:

Sec. 147. Section 468.220, Code 2015, is amended to read as follows:

468.220 Occupancy and use permitted — assessments paid.

1. Any levee or drainage district organized, or in the process of being organized, under the laws of this state may occupy and use for any lawful levee or drainage purpose land owned by the state of Iowa, upon first obtaining permission to do so from the state or state agency controlling the ~~same~~ land.

2. In the case of lands lying within the beds of meandered streams and border streams the permission shall be obtained from the natural resource commission of the department of natural resources. In the case of lands that are not under the control of ~~no~~ any office or agency of the state, then the permission shall be obtained from the executive council.

3. Such permission shall not be unreasonably withheld and shall be in the form of an easement executed by the governor or in the case of an agency, by the chairperson or presiding officer thereof, and when once granted shall be perpetual, except that if no use is made of the ~~same~~ easement for a period of five years ~~such~~, the permission shall immediately thereafter expire.

4. All uses and occupancies as contemplated by this section existing on July 4, 1961, are hereby legalized.

5. The state of Iowa, its agencies and subdivisions shall be financially responsible for drainage and special assessments against land which they own, or hold title to, within existing drainage districts.

Sec. 148. Section 468.262, Code 2015, is amended to read as follows:

468.262 Purpose.

The provisions of this part apply to drainage or levee districts~~, governed by a board of supervisors, joint boards of supervisors, or board of trustees, as provided in section 468.3,~~ when such districts participate in a merger.

Sec. 149. Section 468.269, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. The board must approve a report by an engineer appointed by the board as provided in ~~this~~ part 1 stating those improvements directly benefiting land situated in the participating ~~dominant~~ servient district were made within the five-year period provided in subsection 2.

Sec. 150. Section 468.540, Code 2015, is amended to read as follows:

468.540 Refunding bonds.

The board of supervisors of any county may extend the time of the payment of any of its outstanding drainage bonds issued in anticipation of the collection of drainage assessments levied upon property within a drainage district, and may extend the time of payment of any unpaid assessment, or any installment or installments thereof~~, and~~. The board may renew or extend the time of payment of such legal bonded indebtedness, or any part thereof, for account of such drainage district, and may refund the same and issue drainage refunding bonds therefor subject to the limitation and in the manner hereinafter provided.

Sec. 151. Section 468.544, Code 2015, is amended to read as follows:

468.544 Requirements of notice.

~~Said~~ The notice shall be directed to each person whose name appears upon the transfer books in the auditor's office as owner of lands within ~~said~~ the drainage district upon which ~~said~~ the drainage assessments are unpaid, naming the owner, and also to the person or persons in actual occupancy of any of ~~said~~ the tracts of land without naming them~~, and~~. The notice shall also state ~~the~~ all of the following:

1. The amount of unpaid assessments upon each forty-acre tract of land or less.~~, and that~~

2. That all of ~~said~~ the unpaid assessments, installment or installments thereof as proposed to be extended, may be paid on or before the time fixed for ~~said~~ the hearing.~~, and that~~

3. That after the expiration of such time no assessments may be paid except in the manner and at the times fixed by the board in the resolution authorizing the issuance of ~~said~~ the drainage refunding bonds.

Sec. 152. Section 476.20, subsection 2, Code 2015, is amended to read as follows:

2. The board shall establish rules requiring a regulated public utility furnishing gas or electricity to include in the utility's notice of pending disconnection of service a written statement advising the customer that the customer may be eligible to participate in the low income home energy assistance program or weatherization assistance program administered by the division of community action agencies of the department of human rights. The written statement shall list the address and telephone number of the local agency which is administering the customer's low income home energy assistance program and the weatherization assistance program. The written statement shall also state that the customer is advised to contact the public utility to settle any of the customer's complaints with the public utility, but if a complaint is not settled to the customer's satisfaction, the customer may file the complaint with the board. The written statement shall include the address and phone number of the board. If the notice of pending disconnection of service applies to a residence, the written statement shall advise that the disconnection does not apply from November 1 through April 1 for a resident who is a "head of household", as defined ~~by law~~ in section 422.4, and who has been certified to the public utility by the local agency which is administering the low income home energy assistance program and weatherization assistance program as being eligible for either the low income home energy assistance program or weatherization assistance program, and that if such a resident resides within the serviced residence, the customer should promptly have the qualifying resident notify the local agency which is administering the low income home energy assistance program and weatherization assistance program. The board shall establish rules requiring that the written notice contain additional information as it deems necessary and appropriate.

Sec. 153. Section 476.29, subsection 3, Code 2015, is amended to read as follows:

3. A certificate is transferable, subject to approval of the board pursuant to section 476.20, subsection 1, paragraph "*a*".

Sec. 154. Section 476.96, unnumbered paragraph 1, Code 2015, is amended to read as follows:

As used in sections 476.95, 476.100, and 476.101, unless the context otherwise requires:

Sec. 155. Section 478.15, Code 2015, is amended to read as follows:

478.15 Eminent domain — procedure — entering on land — reversion on nonuse.

1. Any person, company, or corporation having secured a franchise as provided in this chapter, shall thereupon be vested with the right of eminent domain to such extent as the utilities board may approve, prescribe and find to be necessary for public use, not exceeding one hundred feet in width for right-of-way and not exceeding one hundred sixty acres in any one location, in addition to right-of-way, for the location of electric substations to carry out the purposes of said franchise; provided however, that where two hundred K V lines or higher voltage lines are to be constructed, the person, company, or corporation may apply to the board for a wider right-of-way not to exceed two hundred feet, and the board may for good cause extend the width of such right-of-way for such lines to the person, company, or corporation applying for the same. The burden of proving the necessity for public use shall be on the person, company, or corporation seeking the franchise. A homestead site, cemetery, orchard, or schoolhouse location shall not be condemned for the purpose of erecting an electric substation. If agreement cannot be made with the private owner of lands as to damages caused by the construction of said transmission line, or electric substations, the same proceedings shall be taken as provided for taking private property for works of internal improvement.

2. Any person, company, or corporation proposing to construct a transmission line or other facility which involves the taking of property under the right of eminent domain and desiring to enter upon the land, which it proposes to appropriate, for the purpose of examining or surveying the same, shall first file with the utilities board, a written statement

under oath setting forth the proposed routing of the line or facility including a description of the lands to be crossed, the names and addresses of owners, together with request that a permit be issued by ~~said~~ the board authorizing ~~said~~ the person, company, or corporation or its duly appointed representative to enter upon the land for the purpose of examining and surveying and to take and use ~~thereon~~ on the land any vehicle and surveying equipment necessary in making the survey. ~~Said~~ The board shall within ten days after ~~said~~ the request issue a permit, accompanied by such bond in such amount as the board shall approve, to the person, company, or corporation making ~~said~~ the application, if in ~~its~~ the board's opinion the application is made in good faith and not for the purpose of harassing the owner of the land. If the board is of the opinion that the application is not made in good faith or made for the purpose of harassment to the owner of ~~said~~ the land ~~it~~ the board shall set the matter for hearing ~~and it~~. The matter shall be heard not more than twenty days after filing ~~said~~ the application. Notice of the time and place of hearing shall be given by ~~said~~ the board, to the owner of ~~said~~ the land by registered mail with a return receipt requested, not less than ten days preceding the date of hearing.

3. Any person, company or corporation that has obtained a permit in the manner ~~herein~~ prescribed in this section may enter upon ~~said~~ the land or lands, as ~~above~~ provided in this section, and shall be liable for actual damages sustained in connection with such entry. An action in damages shall be the exclusive remedy.

4. If an electric transmission line right-of-way, or any part thereof, is wholly abandoned for public utility purposes by the relocation of the transmission lines, is not used or operated for a period of five years, or if its construction has been commenced and work has ceased and has not in good faith been resumed for five years, the right-of-way shall revert to the person or persons who, at the time of the abandonment or reversion, are the owners of the tract from which ~~such~~ the right-of-way was taken. Following such abandonment of right-of-way, the owner or holder of purported fee title to ~~such~~ the real estate may serve notice upon the owner of ~~such~~ the right-of-way easement, or the owner's successor in interest, and upon any party in possession of ~~said~~ the real estate, a written notice which shall accurately describe the real estate in question, set out the facts concerning ownership of the fee, ownership of the right-of-way easement, and the period of abandonment, and notify ~~said~~ the parties that such reversion shall be complete and final, and that the easement or other right shall be forfeited, unless ~~said~~ the parties shall, within one hundred twenty days after the completed service of notice, file an affidavit with the county recorder of the county in which the real estate is located disputing the facts contained in ~~said~~ the notice.

5. ~~Said~~ The notice shall be served in the same manner as an original notice under the Iowa rules of civil procedure, except that when notice is served by publication no affidavit therefor shall be required before publication. If no affidavit disputing the facts contained in the notice is filed within one hundred twenty days, the party serving the notice may file for record in the office of the county recorder a copy of the notice with proofs of service attached thereto or endorsed thereon, and when so recorded, the record shall be constructive notice to all persons of the abandonment, reversion, and forfeiture of ~~such~~ the right-of-way.

Sec. 156. Section 478.31, Code 2015, is amended to read as follows:

478.31 Temporary permits for lines less than one mile.

1. Notwithstanding the provisions of section 478.1, any person, company, or corporation proposing to construct an electric transmission line not exceeding one mile in length and which does not involve the taking of property under the right of eminent domain may obtain a temporary construction permit from the utilities board by proceeding in the manner ~~hereinafter~~ set forth in this section. ~~Said~~ The person, company, or corporation shall first file with the board a verified petition setting forth the requirements of section 478.3, subsection 1, paragraphs "*a*" through "*h*", with the further allegation that the petitioner is the nearest electric utility to the proposed point of service.

2. The petition shall also state that the filing thereof constitutes an application for a temporary construction permit and shall also have endorsed thereon the approval of the appropriate highway authority or railroad concerned if such line is to be constructed over, across or along a public highway or railroad.

3. Upon receipt of ~~such~~ the petition the utilities board shall consider same and may grant a temporary construction permit in whole or in part or upon such terms, conditions and restrictions, and with such modifications as to location as may seem to it just and proper~~, however, no~~. A finding of public use ~~will~~ shall not be made at the time of the issuance of the permit, ~~such finding to~~ but shall be made, if substantiated by petitioner, at the subsequent consideration of the propriety of granting a franchise for the line subject to the permit. The signature of one utilities board member on ~~such~~ the permit shall be sufficient. The issuance of ~~such~~ the permit shall constitute temporary authority for the permit holder to construct the line for which the permit is granted.

4. Upon the granting of such temporary construction permit the utilities board shall cause the publication of notice required by section 478.5 and all other requirements shall be complied with as in the manner provided for the granting of a franchise. If a hearing is required then the petitioner shall make a sufficient and proper showing thereat before a franchise will be issued for the line. Any franchise issued will be subject to all applicable provisions of this chapter.

5. Notwithstanding ~~anything foregoing~~ subsections 1 through 4, if the utilities board shall determine that a franchise should not be granted, or that further restrictions, conditions or modifications are required, or if the petitioner shall fail to make a sufficient and proper showing of the necessity for the granting of a franchise within six months of the granting of the temporary construction permit, the permit issued hereunder shall become null and void and the permit holder may be required to take such action deemed necessary by the board to remove, modify or relocate the construction undertaken by virtue of the temporary permit issued hereunder.

Sec. 157. Section 481A.22, Code 2015, is amended to read as follows:

481A.22 Field and retriever meets — permit required.

1. *a.* All officially sanctioned field meets or trials and retriever meets or trials where the skill of dogs is demonstrated in pointing, retrieving, trailing, or chasing any game bird, game animal, or fur-bearing animal shall require a field trial permit. Except as otherwise provided by law, it shall be unlawful to kill any wildlife in such events. Notwithstanding the provisions of section 481A.21 it shall be lawful to hold field meets or trials and retriever meets or trials where dogs are permitted to work in exhibition or contest whereby the skill of dogs is demonstrated by retrieving dead or wounded game birds which have been propagated by licensed game breeders within the state or secured from lawful sources outside the state and lawfully brought into the state. All ~~such~~ of the birds must be released on the day of trials on premises where the trials are held.

b. ~~Such~~ Any birds released may be shot by official guns after having secured a permit as ~~herein~~ provided in this section.

c. ~~Such~~ The permits may be issued by the director of the department upon proper application and the payment of a fee of two dollars for each trial held. A representative of the department shall attend all such trials and enforce the laws and regulations governing same.

2. The person or persons designated by the committee in charge to do the shooting for ~~such~~ the trials shall be known as the official guns, and no other person shall be permitted to kill or attempt to kill any of the birds released for such trials.

3. Before any birds are released under this section, they must each have attached a tag provided by the department and attached by a representative of the department at a cost of not more than ten cents for each tag. All tags are to remain attached to birds until prepared for consumption.

4. It is unlawful for any person to hold, conduct, or to participate in a field or retriever trial before the permit required by this section has been secured or for any person to possess or remove from the trial grounds any birds which have not been tagged as ~~herein~~ in this section required.

Sec. 158. Section 490.1302, subsection 2, paragraph a, subparagraph (3), Code 2015, is amended to read as follows:

(3) Issued by an open-end management investment company registered with the United States securities and exchange commission under the federal Investment Company Act of

1940, 15 U.S.C. §80a-1 et seq., and may be redeemed at the option of the holder at net asset value.

Sec. 159. Section 490.1402, subsection 2, paragraph a, subparagraph (2), Code 2015, is amended to read as follows:

(2) If paragraph "*a*", subparagraph (1), subparagraph division (a) or ~~(2)~~ (b), applies, it must communicate the basis for so proceeding.

Sec. 160. Section 491.3, subsection 6, Code 2015, is amended to read as follows:

6. To make contracts~~,~~ and acquire and transfer ~~property —~~ property, possessing the same powers in such respects as natural persons.

Sec. 161. Section 491.23, Code 2015, is amended to read as follows:

491.23 Dissolution — filing a statement with secretary of state.

A corporation may be dissolved prior to the period fixed in the articles of incorporation, by unanimous consent, or in accordance with the provisions of its articles, ~~and~~ if a statement swearing to the dissolution, signed by the officers of such corporation, is filed with the secretary of state. A ~~recording~~ fee of one dollar shall apply to the filing of the statement.

Sec. 162. Section 502A.4, subsection 1, paragraph e, Code 2015, is amended to read as follows:

e. A commodity contract under which the offeree or the purchaser is a person under section 502A.3, an insurance company, an investment company as defined in the federal Investment Company Act of 1940, 15 U.S.C. §80a-1 et seq., or an employee pension and profit sharing or benefit plan other than a self-employed individual retirement plan, or individual retirement account.

Sec. 163. Section 511.8, subsection 22, paragraph i, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Securities held in the legal reserve of a life insurance company or association and pledged as collateral for financial instruments used in hedging transactions shall continue to be eligible for inclusion in the legal reserve of the life insurance company or association subject to all of the following:

Sec. 164. Section 511.8, subsection 22, paragraph i, subparagraph (3), Code 2015, is amended to read as follows:

(3) Securities pledged as collateral for financial instruments used in hedging transactions that the life insurance company or association does not report as highly effective hedging transactions, together with securities pledged to a counterparty, clearing organization, or clearinghouse on an upfront basis in the form of initial margin, independent amount, or other securities pledged as a precondition of entering into hedging transactions pursuant to subparagraph (1) that the life insurance company or association does not report as highly effective hedging transactions ~~pursuant to subparagraph (1)~~, are not eligible in excess of three percent of the legal reserve of the life insurance company or association, less any financial instruments used in hedging transactions held in the legal reserve under this subsection.

Sec. 165. Section 515.103, subsection 11, Code 2015, is amended by striking the subsection.

Sec. 166. Section 517.2, Code 2015, is amended to read as follows:

517.2 Terms defined.

As used in this chapter, unless the context otherwise requires:

1. *a.* ~~The term "*earned premiums*" as used herein~~ *"Earned premiums"* shall include gross premiums charged on all policies written, including all determined excess and additional premiums, less returned premiums, other than premiums returned to policyholders as dividends, and less reinsurance premiums and premiums on policies canceled, and less unearned premiums on policies in force.

b. Any participating company which has charged in its premiums a loading solely for dividends shall not be required to include such loading in its earned premiums, provided a statement of the amount of such loading has been filed with and approved by the commissioner of insurance.

2. ~~The term "*compensation*" as used in this chapter~~ *"Compensation"* shall relate to all insurances affected by virtue of statutes providing compensation to employees for personal injuries irrespective of fault of the employer.

3. ~~The term "*liability*"~~ *"Liability"* shall relate to all insurance, except compensation insurance, against loss or damage from accident to or injuries suffered by an employee or other person and for which the insured is liable.

4. ~~The terms "*loss payments*"~~ *"Loss payments"* and *"loss expense payments"* ~~as used herein~~ shall include all payments to claimants, including payments for medical and surgical attendance, legal expenses, salaries and expenses of investigators, and field personnel, rents, stationery, telegraph and telephone charges, postage, salaries and expenses of office employees, home office expenses, and all other payments made on account of claims, whether such payments shall be allocated to specific claims or unallocated.

Sec. 167. Section 517.3, Code 2015, is amended to read as follows:

517.3 Distribution of unallocated payments.

1. *a.* All unallocated liability loss expense payments made in a given calendar year subsequent to the first four years in which an insurer has been issuing liability policies shall be distributed as follows:

(1) Thirty-five percent shall be charged to the policies written in that year.~~, forty~~

(2) Forty percent to the policies written in the preceding year.~~, ten~~

(3) Ten percent to the policies written in the second year preceding, ten percent to the policies written in the third year preceding.~~, and five~~

(4) Five percent to the policies written in the fourth year preceding.~~, and such~~

b. The payments made in each of the first four calendar years in which an insurer issues liability policies shall be distributed as follows:

(1) In the first calendar year one hundred percent shall be charged to the policies written in that year.~~, in~~

(2) In the second calendar year fifty percent shall be charged to the policies written in that year and fifty percent to the policies written in the preceding year.~~, in~~

(3) In the third calendar year forty percent shall be charged to the policies written in that year, forty percent to the policies written in the preceding year, and twenty percent to the policies written in the second year preceding.~~, and in~~

(4) In the fourth calendar year thirty-five percent shall be charged to the policies written in that year, forty percent to the policies written in the preceding year, fifteen percent to the policies written in the second year preceding, and ten percent to the policies written in the third year preceding.~~, and a~~

c. A schedule showing such distribution shall be included in the annual statement.

2. *a.* All unallocated compensation loss expense payments made in a given calendar year subsequent to the first three years in which an insurer has been issuing compensation policies shall be distributed as follows:

(1) Forty percent shall be charged to the policies written in that year.~~, forty-five~~

(2) Forty-five percent to the policies written in the preceding year.~~, ten~~

(3) Ten percent to the policies written in the second year preceding. ~~and five~~

(4) Five percent to the policies written in the third year preceding.~~, and such~~

b. The payments made in each of the first three calendar years in which an insurer issues compensation policies shall be distributed as follows:

(1) In the first calendar year one hundred percent shall be charged to the policies written in that year.~~, in~~

(2) In the second calendar year fifty percent shall be charged to the policies written in that year and fifty percent to the policies written in the preceding year.~~, in~~

(3) In the third calendar year forty-five percent shall be charged to the policies written in that year, forty-five percent to the policies written in the preceding year and ten percent to the policies written in the second year preceding.~~, and a~~

c. A schedule showing such distribution shall be included in the annual statement.

3. Whenever, in the judgment of the commissioner of insurance, the liability or compensation loss reserves of any insurer under the commissioner's supervision, calculated in accordance with the foregoing provisions, are inadequate, the commissioner may, in the commissioner's discretion, require such insurer to maintain additional reserves based upon estimated individual claims or otherwise.

Sec. 168. Section 518A.1, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. An application on blanks furnished by the association and signed by the insured or the insured's representative, which may contain in addition to other provisions: ~~the~~

(1) The value of the property.~~, the~~

(2) The proper description ~~thereof, the~~ of the property.

(3) The amount of other insurance and the encumbrance ~~thereon, and agreement~~ on the property.

(4) Agreement to be governed by the articles of incorporation and bylaws in force at the time the policy is issued.~~, a~~

(5) A representation that the foregoing statements are true as far as the same are known to the insured or material to the risk.~~, and that~~

(6) That the insurance shall take effect when approved by the secretary.

Sec. 169. Section 523I.312, subsection 2, paragraph n, Code 2015, is amended to read as follows:

n. Include an explanation of regulatory oversight by the insurance division in twelve point boldface type, in substantially the following language:

> This agreement is subject to rules administered by the Iowa insurance division. You may call the insurance division with inquiries or complaints at ~~(515)~~281–5705 (insert telephone number). Written inquiries or complaints should be mailed to: Iowa Securities and Regulated Industries Bureau, ~~330 Maple Street, Des Moines, Iowa 50319~~ (insert address).

Sec. 170. Section 533.301, subsection 5, paragraph i, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Corporate bonds as defined by and subject to terms and conditions imposed by the superintendent, provided that the superintendent shall not approve investment in corporate bonds unless the bonds are investment grade. For purposes of this paragraph, "*investment grade*" means the issuer of a security has an adequate capacity to meet the financial commitments under the security for the projected life of the asset or exposure, even under adverse economic conditions. An issuer has an adequate capacity to meet the financial commitments ~~of a security~~ if the risk of default by the obligor is low and the full and timely repayment of principal and interest on the security is expected. A state credit union may consider any or all of the following nonexhaustive or nonmutually exclusive factors, to the extent appropriate, with respect to the credit risk of a security:

Sec. 171. Section 536.1, subsections 4 and 5, Code 2015, are amended to read as follows:

4. A person who enters into less than ten supervised loans per year in this state and who neither has an office physically located in this state nor engages in face-to-face solicitation in this state may contract for and receive the rate of interest permitted in this chapter for licensees under this chapter. ~~A "*consumer loan*" means the same as defined in section 537.1301.~~

5. For the purposes of this section:~~, "*threshold amount*"~~

a. "Consumer loan" means the same as defined in section 537.1301.

b. "Threshold amount" means the same as defined in section 537.1301.

Sec. 172. Section 537.1301, subsection 26, Code 2015, is amended to read as follows:

26. *"Lender"* means a person who makes a loan or, except as otherwise provided in this ~~Act~~ chapter, a person who takes an assignment of a lender's right to payment, but use of the term does not in itself impose on an assignee any obligation of the lender.

Sec. 173. Section 551A.4, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. The offer or sale of a business opportunity if the purchaser is a bank, federally chartered savings and loan association, trust company, insurance company, credit union, or investment company as defined by the federal Investment Company Act of 1940, 15 U.S.C. §80a-1 et seq., a pension or profit-sharing trust, or other financial institution or institutional buyer, or a broker-dealer registered pursuant to chapter 502, whether the purchaser is acting for itself or in a fiduciary capacity.

Sec. 174. Section 554.8110, subsection 5, paragraph a, Code 2015, is amended to read as follows:

a. if an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that a particular jurisdiction is the securities intermediary's jurisdiction for purposes of this part, this Article, or ~~this Act~~ 2000 Iowa Acts, ch. 1149, that jurisdiction is the securities intermediary's jurisdiction.

Sec. 175. Section 558.1, Code 2015, is amended to read as follows:

558.1 "Instruments affecting real estate" defined — revocation.

All instruments containing a power to convey, or in any manner relating to real estate, including certified copies of petitions in bankruptcy with or without the schedules appended, of decrees of adjudication in bankruptcy, and of orders approving trustees' bonds in bankruptcy, and a jobs training agreement entered into under chapter 260E between an employer and community college which contains a description of the real estate affected, shall be held to be ~~instruments~~ "instruments affecting ~~the same; and no such~~ real estate". An instrument affecting real estate, when acknowledged or certified and recorded as in this chapter prescribed, ~~can~~ cannot be revoked as to third parties by any act of the parties by whom it was executed, until the instrument containing such revocation is acknowledged and filed for record in the same office in which the instrument containing such power is recorded, except that uniform commercial code financing statements and financing statement changes as provided in chapter 554 need not be thus acknowledged.

Sec. 176. Section 602.8108, subsection 2, Code 2015, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in subsections 3, 4, ~~5,~~ 6, 7, 8, 9, 10, and 11, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative services agency within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

Sec. 177. Section 602.11113, Code 2015, is amended to read as follows:

602.11113 Bailiffs employed as court attendants.

Persons who were employed as bailiffs and who were performing services for the court, other than law enforcement services, immediately prior[2] ~~to the effective date of section 602.6601~~ July 1, 1983, shall be employed by the district court administrators as court attendants under section 602.6601 on ~~the effective date of that section~~ July 1, 1983.

[2] See chapter 138, §48 herein

Sec. 178. Section 614.6, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The period of limitation ~~above described~~ specified in sections 614.1 through 614.5 shall be computed omitting any time when:

Sec. 179. Section 614.35, Code 2015, is amended to read as follows:

614.35 Recording interest.

To be effective and to be entitled to record, the notice ~~above~~ referred to in section 614.34 shall contain an accurate and full description of all land affected by such notice which description shall be set forth in particular terms and not by general inclusions; but if the claim is founded upon a recorded instrument, then the description in such notice may be the same as that contained in such recorded instrument. Such notice shall be filed for record in the office of the county recorder of the county or counties where the land described in the notice is situated. The recorder of each county shall accept all such notices presented to the recorder which describe land located in the county in which the recorder serves and shall enter and record full copies of the notices and shall index the applicable entries specified in sections 558.49 and 558.52, and each recorder shall be entitled to charge the same fees for the recording of the notices as are charged for recording deeds. In indexing such notices in the recorder's office each recorder shall enter such notices under the grantee indexes of deeds in the names of the claimants appearing in such notices.

Sec. 180. Section 633.279, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. An attested will may be made self-proved at the time of its execution, or at any subsequent date, by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before a person authorized to administer oaths and take acknowledgments under the laws of this state, and evidenced by such person's certificate, under seal, attached or annexed to the will, in form and content substantially as follows:

Affidavit

State of.....)
County of.....) ss

We, the undersigned, ..., ... and ....., the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, declare to the undersigned authority that at the date of the instrument, we all knew the identity of each other; the instrument was exhibited to the witnesses by the testator, who declared it to be the testator's last will and testament and was signed by the testator or by another at the direction of the testator at ....., in the County of ....., State of ....., on the date shown in the instrument, and in the presence of each other as subscribing witnesses; that we, as witnesses, declare to the undersigned authority that in our presence the testator executed and acknowledged such will as the testator's will and that we, in the testator's presence, at the testator's request, and in the presence of each other, did subscribe our names thereto as attesting witnesses on the date of such will; and that the witnesses were sixteen years of age or older.

.....
Testator
.....
Witness
.....
Witness
.....

Subscribed, sworn and acknowledged before me by ....., the testator; and subscribed and sworn before

me by ..... and ....., witnesses, this ..... day of ..... (month), ... (year)

.....
~~Notary Public, or other~~
Signature of notarial
officer ~~authorized to take~~
(Stamp) ~~and certify acknowledgments~~
~~and administer oaths~~
[.....]
Title of office
[My commission expires]

Sec. 181. Section 633.304, subsections 2 and 3, Code 2015, are amended to read as follows:

2. On admission of a will to probate, the executor, as soon as letters are issued, shall cause notice to be published once each week for two consecutive weeks in a daily or weekly newspaper of general circulation published in the county in which the estate is pending ~~and at~~. At any time during the pendency of administration that the executor has knowledge of the name and address of a person believed to own or possess a claim which will not or may not be paid or otherwise satisfied during administration, the executor shall provide notice by ordinary mail to each such claimant at the claimant's last known address~~, and~~. The executor shall also, as soon as practicable give notice, except to any executor, by ordinary mail to the surviving spouse, each heir of the decedent, and each devisee under the will admitted to probate whose identities are reasonably ascertainable, at such persons' last known addresses, ~~that gives notice~~ of admission of the will to probate and of the appointment of the executor. In the notice shall be included a notice that any action to set aside the probate of the will must be brought within the later to occur of four months from the date of the second publication of the notice or one month from the date of mailing of this notice or thereafter be forever barred, a notice to debtors to make payment, and a notice to creditors having claims against the estate to file them with the clerk within four months from the second publication of the notice, or thereafter be forever barred.

3. The notice shall be substantially in the following form:

NOTICE OF PROBATE OF WILL,
OF APPOINTMENT OF EXECUTOR,
AND NOTICE TO CREDITORS

In the District Court of Iowa
in and for ..... County.
Probate No. .....
In the Estate of ....., Deceased
To All Persons Interested in the Estate of ....., Deceased, who died on or about ..... (date):

You are hereby notified that on the ..... day of ..... (month), ... (year), the last will and testament of ....., deceased, bearing date of the ..... day of ..... (month), ... (year), was admitted to probate in the above named court and that ..... was appointed executor of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to

occur of four months from the date of second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.

Dated this ..... day of ..... (month), ... (year)

.....
Executor of estate

.....
Address

.....
Attorney for executor

.....
Address

Date of second publication

..... day of ..... (month), ... (year)

(Date to be inserted by publisher)

Sec. 182. Section 633A.3110, subsection 5, Code 2015, is amended to read as follows:

5. The notice described in subsection 2 shall be substantially in the following form:

To all persons regarding ....., deceased, who died on or about .....(date). You are hereby notified that ..... is the trustee of the ..... Trust.

Any action to contest the validity of the trust must be brought in the District Court of .... County, Iowa, within the later to occur of four months from the date of second publication of this notice, or thirty days from the date of mailing this notice to all heirs of the decedent settlor and the spouse of the decedent settlor whose identities are reasonably ascertainable. Any suit not filed within this period shall be forever barred.

Notice is further given that any person or entity possessing a claim against the trust must mail proof of the claim to the trustee at the address listed below via certified mail, return receipt requested, by the later to occur of four months from the date of the second publication of this notice or thirty days from the date of mailing this notice if required, or the claim shall be forever barred, unless paid or otherwise satisfied.

Dated this ..... day of .....(month), ...(year)

..... Trust

.....
Trustee
Address: .....

.....

Date of second publication

..... day of .....(month), ...(year)

Sec. 183. Section 633B.203, subsections 3 and 9, Code 2015, are amended to read as follows:

3. Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including but not limited to creating at any time a schedule listing some or all of the principal's property and attaching the instrument ~~of~~ or communication to the power of attorney.

9. Access communications intended for, and communicate on behalf of, the principal, whether by mail, electronic transmission, telephone, or other means.

Sec. 184. Section 633B.205, subsection 2, Code 2015, is amended to read as follows:

2. Sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; create a security interest in; grant options concerning; lease;

sublease; or~~,~~ otherwise dispose of tangible personal property or an interest in tangible personal property.

Sec. 185. Section 633B.205, subsection 5, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including but not limited to by doing all of the following:

Sec. 186. Section 636.33, Code 2015, is amended to read as follows:

636.33 Final discharge.

Said fiduciary may file ~~such~~ the receipt described in section 636.32 with the fiduciary's final report, and if it shall be made to appear to the satisfaction of the court that the fiduciary has in all other respects complied with the law governing the fiduciary's appointment and duties, the court may approve such final report and enter the fiduciary's discharge.

Sec. 187. Section 636.34, Code 2015, is amended to read as follows:

636.34 Notice of deposit.

Notice of ~~such~~ a contemplated deposit under section 636.31, and of final report, shall be given for the same time and in the same manner as is now required in cases of final report by personal representatives under the probate code.

Sec. 188. Section 654.13, Code 2015, is amended to read as follows:

654.13 Pledge of rents — priority.

Whenever any real estate is encumbered by two or more real estate mortgages which in addition to the lien upon the real estate grant to the mortgagee the right to subject the rents, profits, avails ~~and/or~~, or income from said real estate to the payment of the debt secured by such mortgage, the priority of the respective mortgagees under the provisions of their mortgages affecting the rents, profits, avails ~~and/or~~, or incomes from the said real estate shall, as between such mortgagees, be in the same order as the priority of the lien of their respective mortgages on the real estate.

Sec. 189. Section 654.14, subsection 2, Code 2015, is amended to read as follows:

2. If the owner or person in actual possession of agricultural land as defined in section 9H.1 is not afforded a right of first refusal in leasing the mortgaged premises by the receiver, the owner or person in actual possession has a cause of action against the receiver to recover either actual damages or a one thousand dollar penalty, and costs, including reasonable attorney's fees. The receiver shall deliver notice of an offer made to the receiver to the owner or person in actual possession or the attorney of the owner or person in actual possession~~, of an offer made to the receiver~~, which contains the terms of the offer~~,~~ and the name and address of the person making the offer. The delivery shall be made personally with receipt returned or by certified or registered mail, with the proper postage on the envelope, addressed to the owner or person in actual possession or the attorney of the owner or person in actual possession. An offer shall be deemed to have been refused if the owner or person in actual possession or the attorney of the owner or person in actual possession does not respond within ten days following the date that the notice is mailed.

Sec. 190. Section 656.5, Code 2015, is amended to read as follows:

656.5 Proof and record of service.

If the terms and conditions as to which there is default are not performed within ~~said~~ thirty days, the party serving ~~said~~ the notice or causing the ~~same~~ notice to be served, may file for record in the office of the county recorder a copy of the notice ~~aforesaid~~ with proofs of service attached or endorsed thereon ~~(and, in case of service~~. If notice has been served by publication, a personal affidavit that personal service could not be made within this ~~state), and when~~ state shall also be attached or endorsed on the notice. When so filed and recorded, the said record shall be constructive notice to all parties of the due forfeiture and cancellation of ~~said~~ the contract.

Sec. 191. Section 669.2, subsection 4, paragraph c, Code 2015, is amended to read as follows:

c. "Employee of the state" also includes an architect registered pursuant to chapter 544A or a professional engineer licensed pursuant to chapter 542B who voluntarily and without compensation provides initial structural or building systems inspection services for the purposes of determining human occupancy at the scene of a disaster as defined in section 29C.2, subsection 4. To be considered an employee of the state, the architect or engineer shall be acting at the request and under the direction of the commissioner of public safety and in coordination with the local emergency management commission established under chapter 29C. For purposes of this paragraph, *"compensation"* does not include reimbursement for expenses.

Sec. 192. Section 714.11, subsection 1, paragraph c, Code 2015, is amended to read as follows:

c. A fraudulent practice where it is not possible to determine an amount of money or value of property and ~~service~~ services involved.

Sec. 193. Section 714.14, subsection 2, Code 2015, is amended to read as follows:

2. If money, property, or a service involved in two or more acts of fraudulent practice is from the same person or location, or from different persons by two or more acts which occur in approximately the same location or time period so that the fraudulent practices are attributable to a single scheme, plan, or conspiracy, these acts may be considered as a single fraudulent practice and the value may be the total value of all money, property, and ~~service~~ services involved.

Sec. 194. Section 724.1, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. An antique firearm. An antique firearm is any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898 or any firearm which is a replica of such a firearm if such replica is not designed or redesigned for using conventional rimfire or centerfire fixed ammunition or which uses only rimfire or centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Sec. 195. Section 725.1, subsection 1, paragraph c, Code 2015, is amended to read as follows:

c. If the person who sells or offers for sale the person's services as a partner in a sex act is under the age of eighteen, upon the expiration of two years following the person's conviction for a violation of paragraph *"a"* or of a similar local ordinance, the person may petition the court to expunge the conviction, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of chapter 321 during the two-year period, the conviction shall be expunged as a matter of law. The court shall enter an order that the record of the conviction be expunged by the clerk of the district court. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction ~~has been expunged~~ for a violation of paragraph *"a"* has been expunged, the record of conviction shall be removed from the criminal history data files maintained by the department of public safety.

Sec. 196. Section 915.50, subsection 3, Code 2015, is amended to read as follows:

3. The right to receive a ~~criminal~~ no-contact order upon a finding of probable cause, pursuant to section 664A.3.

Sec. 197. Section 915.50A, subsection 2, Code 2015, is amended to read as follows:

2. The right to receive a ~~criminal~~ no-contact order upon a finding of probable cause, pursuant to section 664A.3.

Sec. 198. REPEAL. Sections 123.6, 123.7, 123.12, and 507C.8, Code 2015, are repealed.

Sec. 199. REPEAL. 2013 Iowa Acts, chapter 125, division II, is repealed.

Sec. 200. Section 633B.213, subsection 1, unnumbered paragraph 1, as enacted by 2014 Iowa Acts, chapter 1078, section 38, is amended to read as follows:

Unless the power of attorney otherwise provides and subject to ~~subsection~~ section 633B.201, language in a power of attorney granting general authority with respect to personal and family maintenance authorizes the agent to do all of the following:

Sec. 201. REPEAL. 2014 Iowa Acts, chapter 1080, section 121, is repealed.

Sec. 202. REPEAL. 2014 Iowa Acts, chapter 1092, sections 153 and 199, are repealed.

Sec. 203. 2014 Iowa Acts, chapter 1092, section 197, subsection 2, is amended by striking the subsection.

Sec. 204. CODE EDITOR DIRECTIVE — TRANSFERS.

1. The Code editor shall transfer and renumber the following sections as follows:

a. Section 123.9 to become section 123.6.
b. Section 123.10 to become section 123.7.
c. Section 123.16 to become section 123.8.
d. Section 123.20 to become section 123.9.
e. Section 123.21 to become section 123.10.
f. Section 123.13 to become section 123.12.
g. Section 123.17 to become section 123.13.
h. Section 123.18 to become section 123.15.
i. Section 123.55 to become section 123.16.
j. Section 123.53 to become section 123.17.
k. Section 123.54 to become section 123.18.
l. Section 123.19 to become section 123.23.
m. Section 226.47 to become section 226.1A.
n. Section 462A.69 to become section 462A.3A.
o. Section 462A.71 to become section 462A.3B.

2. The Code editor shall correct internal references as necessary.

Sec. 205. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 237A.30, subsection 1.
2. The section of this Act amending section 321.34, subsection 27, paragraph “a”.

Sec. 206. EFFECTIVE DATE. The following provision or provisions of this division of this Act take effect June 30, 2021:

1. The section of this Act amending section 15.294, subsection 4.

Sec. 207. EFFECTIVE DATE. The following provision or provisions of this division of this Act take effect July 1, 2017:

1. The section of this Act amending section 124.401, subsection 5, unnumbered paragraph 3.

Sec. 208. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to July 1, 2010:

1. The section of this Act amending section 237A.30, subsection 1.

Sec. 209. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to July 1, 2014:

1. The section of this Act amending section 321.34, subsection 27, paragraph “a”.

Sec. 210. RETROACTIVE APPLICABILITY. The following provision or provisions of this division of this Act apply retroactively to January 1, 2014, for tax years beginning on or after that date:

1. The section of this Act amending section 422.11L.

DIVISION II
REENACTMENT OF DIVISION II OF 2014 IOWA ACTS, CH. 1106

Sec. 211. NEW SECTION. **135.153A Safety net provider recruitment and retention initiatives program — repeal.**

The department, in accordance with efforts pursuant to sections 135.163 and 135.164 and in cooperation with the Iowa collaborative safety net provider network governing group as described in section 135.153, shall establish and administer a safety net provider recruitment and retention initiatives program to address the health care workforce shortage relative to safety net providers. Funding for the program may be provided through the health care workforce shortage fund or the safety net provider network workforce shortage account created in section 135.175. The department, in cooperation with the governing group, shall adopt rules pursuant to chapter 17A to implement and administer such program. This section is repealed June 30, 2016.

Sec. 212. NEW SECTION. **135.175 Health care workforce support initiative — workforce shortage fund — accounts.**

1. *a.* A health care workforce support initiative is established to provide for the coordination and support of various efforts to address the health care workforce shortage in this state. This initiative shall include the medical residency training state matching grants program created in section 135.176, the nurse residency state matching grants program created in section 135.178, the fulfilling Iowa's need for dentists matching grant program created in section 135.179, the health care professional incentive payment program and Iowa needs nurses now initiative created in sections 261.128 and 261.129, the safety net provider recruitment and retention initiatives program created in section 135.153A, health care workforce shortage national initiatives, and the physician assistant mental health fellowship program created in section 135.177.

b. A health care workforce shortage fund is created in the state treasury as a separate fund under the control of the department, in cooperation with the entities identified in this section as having control over the accounts within the fund. The fund and the accounts within the fund shall be controlled and managed in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164.

2. The fund and the accounts within the fund shall consist of moneys appropriated from the general fund of the state for the purposes of the fund or the accounts within the fund; moneys received from the federal government for the purposes of addressing the health care workforce shortage; contributions, grants, and other moneys from communities and health care employers; and moneys from any other public or private source available.

3. The department and any entity identified in this section as having control over any of the accounts within the fund, may receive contributions, grants, and in-kind contributions to support the purposes of the fund and the accounts within the fund. Not more than five percent of the moneys allocated to any account within the fund may be used for administrative costs.

4. The fund and the accounts within the fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the fund and the accounts within the fund shall not be considered revenue of the state, but rather shall be moneys of the fund or the accounts. The moneys in the fund and the accounts within the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund and the accounts within the fund.

5. The fund shall consist of the following accounts:

a. The medical residency training account. The medical residency training account shall be under the control of the department and the moneys in the account shall be used for the purposes of the medical residency training state matching grants program as specified in section 135.176. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the medical

residency training state matching grants program or account for the purposes of such account.

b. The health care professional and Iowa needs nurses now initiative account. The health care professional and Iowa needs nurses now initiative account shall be under the control of the college student aid commission created in section 261.1 and the moneys in the account shall be used for the purposes of the health care professional incentive payment program and the Iowa needs nurses now initiative as specified in sections 261.128 and 261.129. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the health care professional and Iowa needs nurses now initiative or the account for the purposes of the account.

c. The safety net provider network workforce shortage account. The safety net provider network workforce shortage account shall be under the control of the governing group of the Iowa collaborative safety net provider network created in section 135.153 and the moneys in the account shall be used for the purposes of the safety net provider recruitment and retention initiatives program as specified in section 135.153A. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the safety net provider recruitment and retention initiatives program or the account for the purposes of the account.

d. The health care workforce shortage national initiatives account. The health care workforce shortage national initiatives account shall be under the control of the state entity identified for receipt of the federal funds by the federal government entity through which the federal funding is available for a specified health care workforce shortage initiative. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to health care workforce shortage national initiatives or the account and for a specified health care workforce shortage initiative.

e. The physician assistant mental health fellowship program account. The physician assistant mental health fellowship program account shall be under the control of the department and the moneys in the account shall be used for the purposes of the physician assistant mental health fellowship program as specified in section 135.177. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the physician assistant mental health fellowship program or the account for the purposes of the account.

f. The Iowa needs nurses now infrastructure account. The Iowa needs nurses now infrastructure account shall be under the control of the department and the moneys in the account shall be used to award grants in accordance with rules adopted by the department, in consultation with the board of nursing, the department of education, and a statewide association that represents nurses specified by the director, pursuant to chapter 17A, for clinical simulators, laboratory facilities, health information technology, and other infrastructure to improve the training of nurses and nurse educators in the state and to enhance the clinical experience for nurses. Grants awarded shall authorize the use of a reasonable portion of the grant moneys for training in the use of the infrastructure purchased with the grant moneys. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the Iowa needs nurses now infrastructure account for the purposes of the account.

g. The nurse residency state matching grants program account. The nurse residency state matching grants program account shall be under the control of the department and the moneys in the account shall be used for the purposes of the nurse residency state matching grants program as specified in section 135.178. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the nurse residency state matching grants program account for the purposes of such account.

h. The fulfilling Iowa's need for dentists matching grant program account. The fulfilling Iowa's need for dentists matching grant program account shall be under the control of the department and the moneys in the account shall be used for the purposes of the fulfilling Iowa's need for dentists matching grant program as specified in section 135.179. Moneys in the account shall consist of moneys appropriated or allocated for deposit in the account or

received by the fund or the account and specifically dedicated to the fulfilling Iowa's need for dentists matching grant program account for the purposes of such account.

6. *a.* Moneys in the fund and the accounts in the fund shall only be appropriated in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164 to support the medical residency training state matching grants program, the nurse residency state matching grants program, the fulfilling Iowa's need for dentists matching grant program, the health care professional incentive payment program, the Iowa needs nurses now initiative, the safety net recruitment and retention initiatives program, for national health care workforce shortage initiatives, for the physician assistant mental health fellowship program, for the purposes of the Iowa needs nurses now infrastructure account, and to provide funding for state health care workforce shortage programs as provided in this section.

b. State programs that may receive funding from the fund and the accounts in the fund, if specifically designated for the purpose of drawing down federal funding, are the primary care recruitment and retention endeavor (PRIMECARRE), the Iowa affiliate of the national rural recruitment and retention network, the primary care office shortage designation program, the state office of rural health, and the Iowa health workforce center, administered through the bureau of health care access of the department of public health; the area health education centers programs at Des Moines university — osteopathic medical center and the university of Iowa; the Iowa collaborative safety net provider network established pursuant to section 135.153; any entity identified by the federal government entity through which federal funding for a specified health care workforce shortage initiative is received; and a program developed in accordance with the strategic plan developed by the department of public health in accordance with sections 135.163 and 135.164.

c. State appropriations to the fund shall be allocated in equal amounts to each of the accounts within the fund, unless otherwise specified in the appropriation or allocation. Any federal funding received for the purposes of addressing state health care workforce shortages shall be deposited in the health care workforce shortage national initiatives account, unless otherwise specified by the source of the funds, and shall be used as required by the source of the funds. If use of the federal funding is not designated, twenty-five percent of such funding shall be deposited in the safety net provider network workforce shortage account to be used for the purposes of the account and the remainder of the funds shall be used in accordance with the strategic plan developed by the department of public health in accordance with sections 135.163 and 135.164, or to address workforce shortages as otherwise designated by the department of public health. Other sources of funding shall be deposited in the fund or account and used as specified by the source of the funding.

7. No more than five percent of the moneys in any of the accounts within the fund, not to exceed one hundred thousand dollars in each account, shall be used for administrative purposes, unless otherwise provided by the appropriation, allocation, or source of the funds.

8. The department, in cooperation with the entities identified in this section as having control over any of the accounts within the fund, shall submit an annual report to the governor and the general assembly regarding the status of the health care workforce support initiative, including the balance remaining in and appropriations from the health care workforce shortage fund and the accounts within the fund.

Sec. 213. NEW SECTION. **135.176 Medical residency training state matching grants program.**

1. The department shall establish a medical residency training state matching grants program to provide matching state funding to sponsors of accredited graduate medical education residency programs in this state to establish, expand, or support medical residency training programs. Funding for the program may be provided through the health care workforce shortage fund or the medical residency training account created in section 135.175. For the purposes of this section, unless the context otherwise requires, "*accredited*" means a graduate medical education program approved by the accreditation council for graduate medical education or the American osteopathic association. The grant funds may be used to support medical residency programs through any of the following:

a. The establishment of new or alternative campus accredited medical residency training programs. For the purposes of this paragraph, *"new or alternative campus accredited medical residency training program"* means a program that is accredited by a recognized entity approved for such purpose by the accreditation council for graduate medical education or the American osteopathic association with the exception that a new medical residency training program that, by reason of an insufficient period of operation is not eligible for accreditation on or before the date of submission of an application for a grant, may be deemed accredited if the accreditation council for graduate medical education or the American osteopathic association finds, after consultation with the appropriate accreditation entity, that there is reasonable assurance that the program will meet the accreditation standards of the entity prior to the date of graduation of the initial class in the program.

b. The provision of new residency positions within existing accredited medical residency or fellowship training programs.

c. The funding of residency positions which are in excess of the federal residency cap. For the purposes of this paragraph, *"in excess of the federal residency cap"* means a residency position for which no federal Medicare funding is available because the residency position is a position beyond the cap for residency positions established by the federal Balanced Budget Act of 1997, Pub. L. No. 105-33.

2. The department shall adopt rules pursuant to chapter 17A to provide for all of the following:

a. Eligibility requirements for and qualifications of a sponsor of an accredited graduate medical education residency program to receive a grant. The requirements and qualifications shall include but are not limited to all of the following:

(1) Only a sponsor that establishes a dedicated fund to support a residency program that meets the specifications of this section shall be eligible to receive a matching grant. A sponsor funding residency positions in excess of the federal residency cap, as defined in subsection 1, paragraph *"c"*, exclusive of funds provided under the medical residency training state matching grants program established in this section, is deemed to have satisfied this requirement and shall be eligible for a matching grant equal to the amount of funds expended for such residency positions, subject to the limitation on the maximum award of grant funds specified in paragraph *"e"*.

(2) A sponsor shall demonstrate, through documented financial information as prescribed by rule of the department, that funds have been reserved and will be expended by the sponsor in the amount required to provide matching funds for each residency proposed in the request for state matching funds.

(3) A sponsor shall demonstrate, through objective evidence as prescribed by rule of the department, a need for such residency program in the state.

b. The application process for the grant.

c. Criteria for preference in awarding of the grants, including preference in the residency specialty.

d. Determination of the amount of a grant. The total amount of a grant awarded to a sponsor shall be limited to no more than twenty-five percent of the amount that the sponsor has demonstrated through documented financial information has been reserved and will be expended by the sponsor for each residency sponsored for the purpose of the residency program.

e. The maximum award of grant funds to a particular individual sponsor per year. An individual sponsor shall not receive more than twenty-five percent of the state matching funds available each year to support the program. However, if less than ninety-five percent of the available funds has been awarded in a given year, a sponsor may receive more than twenty-five percent of the state matching funds available if total funds awarded do not exceed ninety-five percent of the available funds. If more than one sponsor meets the requirements of this section and has established, expanded, or supported a graduate medical residency training program, as specified in subsection 1, in excess of the sponsor's twenty-five percent maximum share of state matching funds, the state matching funds shall be divided proportionately among such sponsors.

f. Use of the funds awarded. Funds may be used to pay the costs of establishing, expanding, or supporting an accredited graduate medical education program as specified in this section,

including but not limited to the costs associated with residency stipends and physician faculty stipends.

Sec. 214. NEW SECTION. **135.177 Physician assistant mental health fellowship program — repeal.**

1. The department, in cooperation with the college student aid commission, shall establish a physician assistant mental health fellowship program in accordance with this section. Funding for the program may be provided through the health care workforce shortage fund or the physician assistant mental health fellowship program account created in section 135.175. The purpose of the program is to determine the effect of specialized training and support for physician assistants in providing mental health services on addressing Iowa's shortage of mental health professionals.

2. The program shall provide for all of the following:

a. Collaboration with a hospital serving a thirteen-county area in central Iowa that provides a clinic at the Iowa veterans home, a private nonprofit agency headquartered in a city with a population of more than one hundred ninety thousand that operates a freestanding psychiatric medical institution for children, a private university with a medical school educating osteopathic physicians located in a city with a population of more than one hundred ninety thousand, the Iowa veterans home, and any other clinical partner designated for the program. Population figures used in this paragraph refer to the most recent certified federal census. The clinical partners shall provide supervision, clinical experience, training, and other support for the program and physician assistant students participating in the program.

b. Elderly, youth, and general population clinical experiences.

c. A fellowship of twelve months for three physician assistant students, annually.

d. Supervision of students participating in the program provided by the university and the other clinical partners participating in the program.

e. A student participating in the program shall be eligible for a stipend of not more than fifty thousand dollars for the twelve months of the fellowship plus related fringe benefits. In addition, a student who completes the program and practices in Iowa in a mental health professional shortage area, as defined in section 135.180, shall be eligible for up to twenty thousand dollars in loan forgiveness. The stipend and loan forgiveness provisions shall be determined by the department and the college student aid commission, in consultation with the clinical partners.

f. The state and private entity clinical partners shall regularly evaluate and document their experiences with the approaches utilized and outcomes achieved by the program to identify an optimal model for operating the program. The evaluation process shall include but is not limited to identifying ways the program's clinical and training components could be modified to facilitate other student and practicing physician assistants specializing as mental health professionals.

3. This section is repealed June 30, 2016.

Sec. 215. NEW SECTION. **135.178 Nurse residency state matching grants program — repeal.**

1. The department shall establish a nurse residency state matching grants program to provide matching state funding to sponsors of nurse residency programs in this state to establish, expand, or support nurse residency programs that meet standards adopted by rule of the department. Funding for the program may be provided through the health care workforce shortage fund or the nurse residency state matching grants program account created in section 135.175. The department, in cooperation with the Iowa board of nursing, the department of education, Iowa institutions of higher education with board of nursing-approved programs to educate nurses, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A to establish minimum standards for nurse residency programs to be eligible for a matching grant that address all of the following:

a. Eligibility requirements for and qualifications of a sponsor of a nurse residency program to receive a grant, including that the program includes both rural and urban components.

b. The application process for the grant.

c. Criteria for preference in awarding of the grants.

d. Determination of the amount of a grant.

e. Use of the funds awarded. Funds may be used to pay the costs of establishing, expanding, or supporting a nurse residency program as specified in this section, including but not limited to the costs associated with residency stipends and nursing faculty stipends.

2. This section is repealed June 30, 2016.

Sec. 216. NEW SECTION. **261.128 Health care professional incentive payment program — repeal.**

1. The commission shall establish a health care professional incentive payment program to recruit and retain health care professionals in this state. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and Iowa needs nurses now initiative account created in section 135.175.

2. The commission shall administer the incentive payment program with the assistance of Des Moines university — osteopathic medical center.

3. The commission, with the assistance of Des Moines university — osteopathic medical center, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the health care professional incentive payment program. The rules adopted shall address all of the following:

a. Eligibility and qualification requirements for a health care professional, a community, and a health care employer to participate in the incentive payment program. Any community in the state and all health care specialties shall be considered for participation. However, health care employers located in and communities that are designated as medically underserved areas or populations or that are designated as health professional shortage areas by the health resources and services administration of the United States department of health and human services shall have first priority in the awarding of incentive payments.

(1) To be eligible, a health care professional at a minimum must not have any unserved obligations to a federal, state, or local government or other entity that would prevent compliance with obligations under the agreement for the incentive payment; must have a current and unrestricted license to practice the professional's respective profession; and must be able to begin full-time clinical practice upon signing an agreement for an incentive payment.

(2) To be eligible, a community must provide a clinical setting for full-time practice of a health care professional and must provide a fifty thousand dollar matching contribution for a physician and a fifteen thousand dollar matching contribution for any other health care professional to receive an equal amount of state matching funds.

(3) To be eligible, a health care employer must provide a clinical setting for a full-time practice of a health care professional and must provide a fifty thousand dollar matching contribution for a physician and a fifteen thousand dollar matching contribution for any other health care professional to receive an equal amount of state matching funds.

b. The process for awarding incentive payments. The commission shall receive recommendations from the department of public health regarding selection of incentive payment recipients. The process shall require each recipient to enter into an agreement with the commission that specifies the obligations of the recipient and the commission prior to receiving the incentive payment.

c. Public awareness regarding the program including notification of potential health care professionals, communities, and health care employers about the program and dissemination of applications to appropriate entities.

d. Measures regarding all of the following:

(1) The amount of the incentive payment and the specifics of obligated service for an incentive payment recipient. An incentive payment recipient shall agree to provide service in full-time clinical practice for a minimum of four consecutive years. If an incentive payment recipient is sponsored by a community or health care employer, the obligated service shall be provided in the sponsoring community or health care employer location. An incentive payment recipient sponsored by a health care employer shall agree to provide health care services as specified in an employment agreement with the sponsoring health care employer.

(2) Determination of the conditions of the incentive payment applicable to an incentive payment recipient. At the time of approval for participation in the program, an incentive payment recipient shall be required to submit proof of indebtedness incurred as the result of obtaining loans to pay for educational costs resulting in a degree in health sciences. For the purposes of this subparagraph, *"indebtedness"* means debt incurred from obtaining a government or commercial loan for actual costs paid for tuition, reasonable education expenses, and reasonable living expenses related to the graduate, undergraduate, or associate education of a health care professional.

(3) Enforcement of the state's rights under an incentive payment agreement, including the commencement of any court action. A recipient who fails to fulfill the requirements of the incentive payment agreement is subject to repayment of the incentive payment in an amount equal to the amount of the incentive payment. A recipient who fails to meet the requirements of the incentive payment agreement may also be subject to repayment of moneys advanced by a community or health care employer as provided in any agreement with the community or employer.

(4) A process for monitoring compliance with eligibility requirements, obligated service provisions, and use of funds by recipients to verify eligibility of recipients and to ensure that state, federal, and other matching funds are used in accordance with program requirements.

(5) The use of the funds received. Any portion of the incentive payment that is attributable to federal funds shall be used as required by the federal entity providing the funds. Any portion of the incentive payment that is attributable to state funds shall first be used toward payment of any outstanding loan indebtedness of the recipient. The remaining portion of the incentive payment shall be used as specified in the incentive payment agreement.

4. A recipient is responsible for reporting on federal income tax forms any amount received through the program, to the extent required by federal law. Incentive payments received through the program by a recipient in compliance with the requirements of the incentive payment program are exempt from state income taxation.

5. This section is repealed June 30, 2016.

Sec. 217. NEW SECTION. **261.129 Iowa needs nurses now initiative — repeal.**

1. Nurse educator incentive payment program.

a. The commission shall establish a nurse educator incentive payment program. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and Iowa needs nurses now initiative account created in section 135.175. For the purposes of this subsection, *"nurse educator"* means a registered nurse who holds a master's degree or doctorate degree and is employed as a faculty member who teaches nursing in a nursing education program as provided in 655 IAC 2.6 at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

b. The program shall consist of incentive payments to recruit and retain nurse educators. The program shall provide for incentive payments of up to twenty thousand dollars for a nurse educator who remains teaching in a qualifying teaching position for a period of not less than four consecutive academic years.

c. The nurse educator and the commission shall enter into an agreement specifying the obligations of the nurse educator and the commission. If the nurse educator leaves the qualifying teaching position prior to teaching for four consecutive academic years, the nurse educator shall be liable to repay the incentive payment amount to the state, plus interest as specified by rule. However, if the nurse educator leaves the qualifying teaching position involuntarily, the nurse educator shall be liable to repay only a pro rata amount of the incentive payment based on incompleted years of service.

d. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the nurse educator incentive payment program. The rules shall include provisions specifying what constitutes a qualifying teaching position.

2. Nursing faculty fellowship program.

a. The commission shall establish a nursing faculty fellowship program to provide funds to nursing schools in the state, including but not limited to nursing schools located at community colleges, for fellowships for individuals employed in qualifying positions on the nursing faculty. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and the Iowa needs nurses now initiative account created in section 135.175. The program shall be designed to assist nursing schools in filling vacancies in qualifying positions throughout the state.

b. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, and in cooperation with nursing schools throughout the state, shall develop a distribution formula which shall provide that no more than thirty percent of the available moneys are awarded to a single nursing school. Additionally, the program shall limit funding for a qualifying position in a nursing school to no more than ten thousand dollars per year for up to three years.

c. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A to administer the program. The rules shall include provisions specifying what constitutes a qualifying position at a nursing school.

d. In determining eligibility for a fellowship, the commission shall consider all of the following:

(1) The length of time a qualifying position has gone unfilled at a nursing school.

(2) Documented recruiting efforts by a nursing school.

(3) The geographic location of a nursing school.

(4) The type of nursing program offered at the nursing school, including associate, bachelor's, master's, or doctoral degrees in nursing, and the need for the specific nursing program in the state.

3. Nurse educator scholarship program.

a. The commission shall establish a nurse educator scholarship program. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and the Iowa needs nurses now initiative account created in section 135.175. The goal of the nurse educator scholarship program is to address the waiting list of qualified applicants to Iowa's nursing schools by providing incentives for the training of additional nursing educators. For the purposes of this subsection, "*nurse educator*" means a registered nurse who holds a master's degree or doctorate degree and is employed as a faculty member who teaches nursing in a nursing education program as provided in 655 IAC 2.6 at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

b. The program shall consist of scholarships to further advance the education of nurses to become nurse educators. The program shall provide for scholarship payments in an amount established by rule for students who are preparing to teach in qualifying teaching positions.

c. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the nurse educator scholarship program. The rules shall include provisions specifying what constitutes a qualifying teaching position and the amount of any scholarship.

4. Nurse educator scholarship-in-exchange-for-service program.

a. The commission shall establish a nurse educator scholarship-in-exchange-for-service program. Funding for the program may be provided through the health care workforce shortage fund or the health care professional and Iowa needs nurses now initiative account created in section 135.175. The goal of the nurse educator scholarship-in-exchange-for-service program is to address the waiting list of qualified applicants to Iowa's nursing schools by providing incentives for the education of additional nursing educators. For the purposes of this subsection, "*nurse educator*" means a registered nurse who holds a master's degree or doctorate degree and is employed as a faculty member who teaches nursing in a nursing education program as provided in 655 IAC 2.6 at a community college, an accredited private institution, or an institution of higher education governed by the state board of regents.

b. The program shall consist of scholarships to further advance the education of nurses to become nurse educators. The program shall provide for scholarship-in-exchange-for-service payments in an amount established by rule for students who are preparing to teach in qualifying teaching positions for a period of not less than four consecutive academic years.

c. The scholarship-in-exchange-for-service recipient and the commission shall enter into an agreement specifying the obligations of the applicant and the commission. If the nurse educator leaves the qualifying teaching position prior to teaching for four consecutive academic years, the nurse educator shall be liable to repay the scholarship-in-exchange-for-service amount to the state plus interest as specified by rule. However, if the nurse educator leaves the qualified teaching position involuntarily, the nurse educator shall be liable to repay only a pro rata amount of the scholarship based on incomplete years of service.

d. The receipt of a nurse educator scholarship-in-exchange-for-service shall not impact eligibility of an individual for other financial incentives including but not limited to loan forgiveness programs.

e. The commission, in consultation with the department of public health, the board of nursing, the department of education, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A relating to the establishment and administration of the nurse educator scholarship-in-exchange-for-service program. The rules shall include the provisions specifying what constitutes a qualifying teaching position and the amount of any scholarship-in-exchange-for-service.

5. *Repeal.* This section is repealed June 30, 2016.

Sec. 218. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 219. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to June 30, 2014.

DIVISION III
REENACTMENT OF DIVISION III OF 2014 IOWA ACTS, CH. 1106

Sec. 220. Section 135.175, subsection 1, paragraph a, as enacted in this Act, is amended to read as follows:

a. A health care workforce support initiative is established to provide for the coordination and support of various efforts to address the health care workforce shortage in this state. This initiative shall include the medical residency training state matching grants program created in section 135.176~~, the nurse residency state matching grants program created in section 135.178, the fulfilling Iowa's need for dentists matching grant program created in section 135.179, the health care professional incentive payment program and Iowa needs nurses now initiative created in sections 261.128 and 261.129, the safety net provider recruitment and retention initiatives program created in section 135.153A,~~ and health care workforce shortage national initiatives~~, and the physician assistant mental health fellowship program created in section 135.177~~.

Sec. 221. Section 135.175, subsection 5, paragraphs b, c, e, f, and g, as enacted in this Act, are amended by striking the paragraphs.

Sec. 222. Section 135.175, subsection 6, paragraphs a and c, as enacted in this Act, are amended to read as follows:

a. Moneys in the fund and the accounts in the fund shall only be appropriated in a manner consistent with the principles specified and the strategic plan developed pursuant to sections 135.163 and 135.164 to support the medical residency training state matching grants program, ~~the nurse residency state matching grants program, the fulfilling Iowa's need for dentists matching grant program, the health care professional incentive payment program, the Iowa needs nurses now initiative, the safety net recruitment and retention initiatives program,~~ for national health care workforce shortage initiatives, ~~for the physician assistant mental health fellowship program, for the purposes of the Iowa needs nurses now infrastructure account,~~

and to provide funding for state health care workforce shortage programs as provided in this section.

c. State appropriations to the fund shall be allocated in equal amounts to each of the accounts within the fund, unless otherwise specified in the appropriation or allocation. Any federal funding received for the purposes of addressing state health care workforce shortages shall be deposited in the health care workforce shortage national initiatives account, unless otherwise specified by the source of the funds, and shall be used as required by the source of the funds. If use of the federal funding is not designated, ~~twenty-five percent of such funding shall be deposited in the safety net provider network workforce shortage account to be used for the purposes of the account and the remainder of~~ the funds shall be used in accordance with the strategic plan developed by the department of public health in accordance with sections 135.163 and 135.164, or to address workforce shortages as otherwise designated by the department of public health. Other sources of funding shall be deposited in the fund or account and used as specified by the source of the funding.

Sec. 223. EFFECTIVE DATE. This division of this Act takes effect July 1, 2016.

DIVISION IV
CORRESPONDING CHANGES

Sec. 224. Section 249A.3, subsection 11, paragraph b, Code 2015, is amended to read as follows:

b. The department shall exercise the option provided in 42 U.S.C. §1396p(c) to provide a period of ineligibility for medical assistance due to a transfer of assets by a noninstitutionalized individual or the spouse of a noninstitutionalized individual. For noninstitutionalized individuals, the number of months of ineligibility shall be equal to the total, cumulative uncompensated value of all assets transferred by the individual or the individual's spouse on or after the look-back date specified in 42 U.S.C. §1396p(c)(1)(B)(i), divided by the average monthly cost to a private patient for nursing facility services in Iowa at the time of application. The services for which noninstitutionalized individuals shall be made ineligible shall include any long-term care services for which medical assistance is otherwise available. Notwithstanding section 17A.4, the department may adopt rules providing a period of ineligibility for medical assistance due to a transfer of assets by a noninstitutionalized individual or the spouse of a noninstitutionalized individual without notice of opportunity for public comment, to be effective immediately upon filing under section 17A.5, subsection 2, paragraph "*b*", subparagraph (1), subparagraph division (a).

Sec. 225. Section 519A.4, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. The association shall submit a plan of operation to the commissioner, together with any amendments necessary or suitable to assure the fair, reasonable, and equitable administration of the association consistent with sections 519A.2 to 519A.13. The plan of operation and any amendments thereto shall become effective only after promulgation of the plan or amendment by the commissioner as a rule pursuant to section 17A.4: Provided that the initial plan may in the discretion of the commissioner become effective immediately upon filing with the secretary of state pursuant to section 17A.5, subsection 2, paragraph "*b*", subparagraph (1), subparagraph division (a).

Approved April 8, 2015