



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

April 10, 2014

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2423, 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 providing effective and applicability dates.

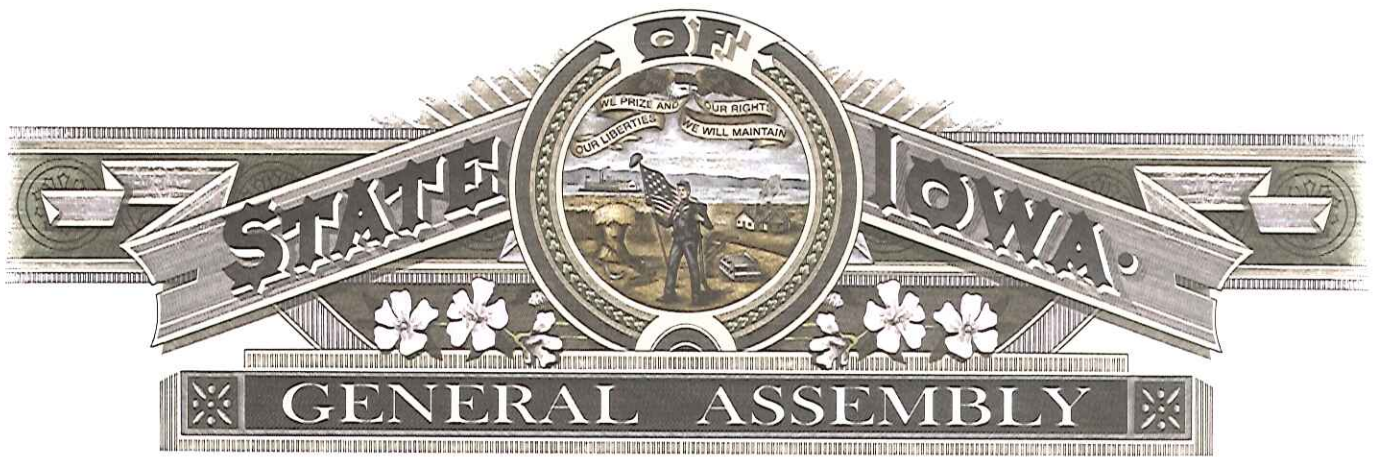
The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink that reads "Terry E. Branstad".

Terry E. Branstad
Governor

cc: Secretary of the Senate
Clerk of the House



House File 2423

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 PROVIDING EFFECTIVE AND APPLICABILITY DATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MISCELLANEOUS CHANGES

Section 1. Section 2C.16, subsection 3, Code 2014, is amended to read as follows:

3. If the ombudsman believes that a law resulted in an administrative action ~~has occurred because of laws of which results are~~ is unfair or otherwise objectionable, the ombudsman shall notify the general assembly concerning desirable statutory change.

Sec. 2. Section 6B.4, Code 2014, is amended to read as follows:

6B.4 Commission to assess damages.

1. Annually the board of supervisors of a county shall appoint not less than twenty-eight residents of the county and the names of such persons shall be placed on a list and they shall be eligible to serve as members of a compensation commission. One-fourth of the persons appointed shall be owner-operators of agricultural property, one-fourth of the persons appointed shall be owners of city property, one-fourth shall be licensed real estate salespersons or real estate brokers, and one-fourth shall be persons having knowledge of

property values in the county by reason of their occupation, such as bankers, auctioneers, property managers, property appraisers, and persons responsible for making loans on property.

2. a. The chief judge of the judicial district or the chief judge's designee shall select by lot six persons from the list, ~~two~~ who shall constitute a compensation commission to assess the damages to all property to be taken by the applicant and located in the county, as follows:

(1) Two persons who are owner-operators of agricultural property when the property to be condemned is agricultural property; ~~two.~~

(2) Two persons who are owners of city property when the property to be condemned is other than agricultural property; ~~and two.~~

(3) Two persons from each of the remaining two representative groups, ~~who shall constitute a compensation commission to assess the damages to all property to be taken by the applicant and located in the county, and shall name a chairperson from the persons selected.~~

b. The chief judge or the judge's designee shall name a chairperson from the persons selected and may appoint such alternate members and chairpersons to the commission as are deemed necessary and appropriate under the circumstances. A person shall not be selected as a member or alternate member of the compensation commission if the person possesses any interest in the proceeding which would cause the person to render a biased decision. The applicant shall mail a copy of the list of commissioners and alternates appointed by the chief judge by certified mail to the property owner at the owner's last known address. The applicant shall also cause the list of commissioners and alternates to be published once in a newspaper of general circulation in the county, not less than four nor more than twenty days before the meeting of the compensation commission to assess the damages. Service of the list of commissioners and alternates by publication shall be deemed complete on the day of publication. In lieu of mailing and publishing the list of commissioners and alternates, the applicant may cause the list to be served upon the owner of the property in the manner provided by the Iowa rules of civil procedure for the personal service of original notice. The list of commissioners and alternates shall be mailed and published or served, as above provided, prior to or

contemporaneously with service of the notice of assessment as provided in section 6B.8.

3. Written instructions for members of compensation commissions shall be prepared under the direction of the chief justice of the supreme court and distributed to the sheriff in each county. The sheriff shall transmit copies of the instructions to each member of a compensation commission, and such instructions shall be read aloud to each commission before it commences its duties.

Sec. 3. Section 6B.37, Code 2014, is amended to read as follows:

6B.37 Form of record — certificate.

~~Said~~ The papers described in sections 6B.35 and 6B.36 shall be securely fastened together, arranged in the order named ~~above~~ in those sections, and be accompanied by a certificate of the officer filing the papers that the papers are true and correct copies of the original files in the proceedings and that the statements accompanying the papers are true.

Sec. 4. Section 6B.40, Code 2014, is amended to read as follows:

6B.40 Failure to record — liability.

Any sheriff, or clerk of the district court, as the case may be, who fails to present ~~said~~ the required papers, statements, and certificate for record, and any recorder who fails to record the same as ~~above~~ provided in section 6B.38 shall be liable for all damages caused by such failure.

Sec. 5. Section 7C.12, subsection 2, paragraph a, Code 2014, is amended to read as follows:

a. Shall promulgate rules which are necessary or expedient to carry out the intent and purposes of ~~the private activity bond allocation Act~~ this chapter.

Sec. 6. Section 9I.3, subsection 3, paragraph d, subparagraphs (5) and (6), Code 2014, are amended to read as follows:

~~(5) Reserved.~~

~~(6)~~ (5) Effective July 1, 2001, a nonresident alien, foreign business, or foreign government or an agent, trustee, or fiduciary of the alien, business, or government shall not, ~~except as provided in subparagraph (5),~~ acquire or hold agricultural land used for the primary purpose of testing, developing, or producing animals.

Sec. 7. Section 12C.16, subsection 1, paragraph b, subparagraph (1), subparagraph division (d), Code 2014, is

amended to read as follows:

(d) To the extent of the guarantee, loans, obligations, or nontransferable letters of credit upon which the payment of principal and interest is fully secured or guaranteed by the United States of America or an agency or instrumentality of the United States of America ~~or the United States central credit union~~, a corporate central credit union organized under section 533.213, or a corporate credit union whose activities are subject to regulation by the national credit union administration, and the rating of any one of such credit unions remains within the two highest classifications of prime established by at least one of the standard rating services approved by the superintendent of banking by rule pursuant to chapter 17A. The treasurer of state shall adopt rules pursuant to chapter 17A to implement this section.

Sec. 8. Section 12C.17, subsection 1, paragraph c, Code 2014, is amended to read as follows:

c. The securities shall be deposited with the federal reserve bank, the federal home loan bank of Des Moines, Iowa, ~~or the United States central credit union~~, a corporate central credit union organized under section 533.213, or a corporate credit union whose activities are subject to regulation by the national credit union administration pursuant to a bailment agreement or a pledge custody agreement.

Sec. 9. Section 12C.17, subsection 4, Code 2014, is amended to read as follows:

4. Upon written request from the appropriate public officer but not less than monthly, the federal reserve bank, the federal home loan bank of Des Moines, Iowa, ~~the United States central credit union~~, a corporate central credit union organized under section 533.213, or a corporate credit union whose activities are subject to regulation by the national credit union administration shall report a description, the par value, and the market value of any pledged collateral by a credit union.

Sec. 10. Section 16.2, subsection 1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

An Iowa finance authority board of directors is created. The powers of the authority are vested in and shall be exercised by the board. The ~~board~~ authority includes nine members appointed by the governor subject to confirmation by the senate.

Sec. 11. Section 16.197, Code 2014, is amended to read as follows:

16.197 Limitation of liability.

The A member of the authority, a person acting on behalf of the authority while acting within the scope of their employment or agency, or 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, as applicable, in sections 16.193 through 16.196.

Sec. 12. Section 16.221, subsection 3, paragraph c, Code 2014, is amended to read as follows:

c. Obtain affordable operating capital,~~including as provided by section 175.35.~~

Sec. 13. Section 17A.4, subsection 3, paragraph c, Code 2014, is amended to read as follows:

c. If an objection to a rule is filed under this subsection, a copy of the objection, properly dated, shall be forwarded to the agency at the time of filing the objection. In any action contesting a rule or portion of a rule adopted pursuant to this subsection, the burden of proof shall be on the agency to show that the procedures of subsection 1 were impracticable, unnecessary, or contrary to the public interest ~~and that, if a category of rules was involved, the category was very narrowly tailored.~~

Sec. 14. Section 17A.4, subsection 5, Code 2014, is amended to read as follows:

5. ~~No~~ A rule ~~adopted after July 1, 1975,~~ is not valid unless adopted in substantial compliance with the ~~above~~ requirements of this section that are in effect at the time of adoption of the rule. However, a rule shall be conclusively presumed to have been made in compliance with all of the ~~above~~ procedural requirements of this section if it has not been invalidated on the grounds of noncompliance in a proceeding commenced within two years after its effective date.

Sec. 15. Section 17A.4, subsection 9, Code 2014, is amended to read as follows:

9. Upon the vote of two-thirds of its members, the administrative rules review committee, following notice of intended action as provided in subsection 1 and prior to adoption of a rule pursuant to that notice, may suspend further action relating to that notice for seventy days. Notice ~~of~~ that a notice of intended action ~~that~~ was suspended under this provision shall be published in the Iowa administrative code and bulletin.

Sec. 16. Section 23.6, subsection 6, Code 2014, is amended

to read as follows:

6. ~~The board may examine~~ Examine, as deemed necessary by the board, a record of a governmental body or a government body that is the subject matter of a complaint, including any record that is confidential by law. Confidential records provided to the board by a governmental body or a government body shall continue to maintain their confidential status. Any member or employee of the board is subject to the same policies and penalties regarding the confidentiality of the document as an employee of the governmental body or a the government body.

Sec. 17. Section 23.9, Code 2014, is amended to read as follows:

23.9 Informal assistance.

After accepting a complaint, the board shall promptly work with the parties, through employees ~~on its own staff of the board,~~ to reach an informal, expeditious resolution of the complaint.

Sec. 18. Section 24.13, Code 2014, is amended to read as follows:

24.13 Procedure by levying board.

Any board which has the power to levy a tax without the same first being certified to it, shall follow the same procedure for hearings as is ~~hereinbefore~~ required of certifying boards under this chapter.

Sec. 19. Section 28D.6, subsection 4, Code 2014, is amended to read as follows:

4. Any employee of a sending agency assigned in this state who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, shall be treated for the purpose of the receiving agency's employee compensation program, as an employee, as defined in such compensation program, who has sustained such injury in the performance of such duty, but shall not receive benefits under that compensation program for any period for which the employee elects to receive similar benefits as an employee under the sending agency's employee compensation program.

Sec. 20. Section 29A.50, Code 2014, is amended to read as follows:

29A.50 Immunity.

The commanding officer and members of any of the military forces engaged in the suppression of an insurrection, assistance to civil authorities in emergencies, homeland

defense, or security duties, or the enforcement of the laws, shall have the same immunity as peace officers.

Sec. 21. Section 35D.2, subsection 1, Code 2014, is amended to read as follows:

1. Persons described in section 35D.1 who are disabled by disease, injury, or old age, and who meet the qualifications for nursing or residential care, and who are unable to earn a livelihood, and who are residents of the state of Iowa on the date of the application and immediately preceding the date the application is accepted, may be admitted to the home as members under rules adopted by the commission. The commission shall adopt rules to emphasize the admission of homeless honorably discharged veterans. Eligibility determinations are subject to approval by the commandant.

Sec. 22. Section 80D.12, subsection 2, Code 2014, is amended to read as follows:

2. For reserve ~~police~~ peace officers of a tribal government, hospital and medical assistance and benefits shall be provided by the tribal government to members of the reserve force who sustain injury while performing official duties in the same manner as for a regular peace officer of the tribal government.

Sec. 23. Section 89.3, subsection 8, Code 2014, is amended to read as follows:

8. Inspections of unfired steam pressure vessels operating in excess of fifteen pounds per square inch and low pressure steam boilers shall be conducted at least once each calendar year. The inspections conducted ~~ever~~ within each two-year period shall include an external inspection conducted while the boiler is operating and an internal inspection, where construction permits. No more than one inspection shall be conducted ~~ever~~ a per six-month period. An internal inspection of an unfired steam pressure vessel or low pressure steam boiler may be required at any time by the commissioner upon the observation by an inspector of conditions, enumerated by the commissioner through rules, warranting an internal inspection.

Sec. 24. Section 101.21, subsection 1, paragraph a, Code 2014, is amended to read as follows:

a. An aboveground tank which ~~complies with~~ meets any of the following criteria:

- (1) Has one thousand one hundred gallons or less capacity.
- (2) Stores flammable liquids on a farm located outside the limits of a city, if the aboveground tank has two thousand gallons or less capacity.

(3) Stores combustible liquids on a farm located outside the limits of a city, if the aboveground tank has five thousand gallons or less capacity.

Sec. 25. Section 101A.2, subsection 4, Code 2014, is amended to read as follows:

4. Except as permitted in section 101A.3 and sections 101A.9 ~~to~~ through 101A.11, it shall be unlawful for any person to willfully manufacture, import, store, detonate, sell, or otherwise transfer any explosive materials unless such person is the holder of a valid license issued pursuant to this section.

Sec. 26. Section 105.10, subsection 2, Code 2014, is amended to read as follows:

2. Except as provided in section 105.11, a person shall not engage in the business of designing, installing, or repairing plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems unless at all times a licensed master, who shall be responsible for the proper designing, installing, and repairing of the plumbing, HVAC, refrigeration, sheet metal, or hydronic system, is employed by the person and is actively in charge of the plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic work of the person. An individual who performs such work pursuant to a business operated as a sole proprietorship shall be a licensed master in the applicable discipline.

Sec. 27. Section 123.3, subsection 5, Code 2014, is amended to read as follows:

5. "*Alcoholic liquor*" or "*intoxicating liquor*" means the varieties of liquor defined in subsections 3 and 43 which contain more than five percent of alcohol by weight, beverages made as described in subsection 7 which beverages contain more than five percent of alcohol by weight or six and twenty-five hundredths percent of alcohol by volume but which are not wine as defined in subsection 47 or high alcoholic content beer as defined in subsection 19, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in subsection 47 containing more than seventeen percent alcohol by weight or twenty-one and twenty-five hundredths percent of alcohol by volume, and susceptible of being consumed by a human being, for beverage purposes. Alcohol manufactured in this state for use as fuel pursuant to an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco

and firearms is not an "alcoholic liquor".

Sec. 28. Section 123.30, subsection 1, paragraph b, Code 2014, is amended to read as follows:

b. As a condition for issuance of a liquor control license or wine or beer permit, the applicant must give consent to members of the fire, police, and health departments and the building inspector of cities; the county sheriff ~~or~~ or deputy sheriff ~~;~~ ; members of the department of public safety ~~;~~ ; representatives of the division and of the department of inspections and appeals ~~;~~ ; certified police officers ~~;~~ ; and any official county health officer to enter upon areas of the premises where alcoholic beverages are stored, served, or sold, without a warrant during business hours of the licensee or permittee to inspect for violations of this chapter or ordinances and regulations that cities and boards of supervisors may adopt. However, a subpoena issued under section 421.17 or a warrant is required for inspection of private records, a private business office, or attached living quarters. Persons who are not certified peace officers shall limit the scope of their inspections of licensed premises to the regulatory authority under which the inspection is conducted. All persons who enter upon a licensed premises to conduct an inspection shall present appropriate identification to the owner of the establishment or the person who appears to be in charge of the establishment prior to commencing an inspection; however, this provision does not apply to undercover criminal investigations conducted by peace officers.

Sec. 29. Section 123.138, subsection 1, Code 2014, is amended to read as follows:

1. Each class "A" or special class "A" permittee shall keep proper records showing the amount of beer sold by the permittee, and these records shall be at all times open to inspection by the administrator and to other persons pursuant to section 123.30, subsection 1. Each class "B" permittee, class "C" permittee, ~~and~~ or retail liquor control licensee shall keep proper records showing each purchase of beer made by the permittee ~~and~~ or licensee, and the date and the amount of each purchase and the name of the person from whom each purchase was made, which records shall be open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the permittee or licensee.

Sec. 30. Section 125.10, subsection 16, Code 2014, is amended to read as follows:

16. Encourage all health and disability insurance programs to include ~~substance abuse~~ substance-related disorders as a covered ~~illness~~ illnesses.

Sec. 31. Section 135C.41, Code 2014, is amended to read as follows:

135C.41 Licensee's response to citation.

Within twenty business days after service of a citation under section 135C.40, a facility shall ~~either~~ do one of the following:

1. If ~~it~~ the facility does not desire to contest the citation, take one of the following actions:

a. Remit to the department the amount specified by the department pursuant to section 135C.36 as a penalty for each Class I violation cited, and for each Class II violation unless the citation specifically waives the penalty, which funds shall be paid by the department into the state treasury and credited to the general fund; ~~or.~~

b. In the case of a Class II violation for which the penalty has been waived in accordance with the standards prescribed in section 135C.36, subsection 2, or a Class III violation, send to the department a written response acknowledging that the citation has been received and stating that the violation will be corrected within the specific period of time allowed by the citation; ~~or.~~

2. ~~Notify~~ If the facility desires to contest the citation, notify the director that the facility desires to contest the citation and request an informal conference with an independent reviewer pursuant to section 135C.42.

Sec. 32. Section 144A.2, subsection 8, paragraph b, Code 2014, is amended to read as follows:

b. "*Life-sustaining procedure*" does not include the provision of nutrition or hydration except when required to be provided parenterally or through intubation, or the administration of medication or performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain.

Sec. 33. Section 172A.10, Code 2014, is amended to read as follows:

172A.10 Injunctions — criminal penalties.

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 maintain proof of financial responsibility shall constitute a violation of this chapter.

2. Any person convicted of violating any provision of this chapter shall be guilty of a serious misdemeanor.

Sec. 34. Section 175.31, Code 2014, is amended to read as follows:

175.31 Programs in progress.

The authority shall complete the administration of programs in progress on July 1, 1980, to the extent that funds were committed, obligations incurred or rights accrued prior to July 1, 1980, under the programs authorized under sections 234.15 to 234.20, ~~prior to the repeal of those sections~~ Code 1979. Moneys received under this section shall be deposited to the authority.

Sec. 35. Section 175.37, subsection 4, unnumbered paragraph 1, Code 2014, is amended to read as follows:

The tax credit is allowed only for agricultural assets that are subject to an agricultural assets transfer agreement. The agreement shall provide for the lease of agricultural land located in this state, including any improvements, and may provide for the rental of agricultural equipment as defined in section 322F.1.

Sec. 36. Section 203.10, subsection 2, Code 2014, is amended to read as follows:

2. The department may issue an order to suspend or revoke the license of a grain dealer who violates a provision of this chapter, including a rule adopted in accordance with this chapter, pursuant to chapter 17A.

Sec. 37. Section 203C.10, subsection 2, Code 2014, is amended to read as follows:

2. The department may issue an order to suspend or revoke the license of a warehouse operator who violates a provision of this chapter, including a rule adopted in accordance with this chapter, pursuant to chapter 17A.

Sec. 38. Section 203C.15, subsection 10, paragraph d, Code 2014, is amended to read as follows:

d. Warehouse operators who are the owners of bulk grain.

Sec. 39. Section 206.2, subsection 1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

~~The term "active ingredient"~~ "Active ingredient" means:

Sec. 40. Section 206.2, subsections 2, 3, 10, 11, 13, and 14, Code 2014, are amended to read as follows:

2. ~~The term "adulterated"~~ "Adulterated" shall apply to any pesticide if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

3. ~~The term "antidote"~~ "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

10. ~~The term "device"~~ "Device" means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects, birds, or rodents or destroying, repelling, or mitigating fungi, nematodes, weeds, or such other pests as may be designated by the secretary, but not including equipment used for the application of pesticides when sold separately therefrom.

11. ~~The term "distribute"~~ "Distribute" means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.

13. ~~The term "hazard"~~ "Hazard" means a probability that a given pesticide will have an adverse effect on man or the environment in a given situation, the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time.

14. ~~The term "inert ingredient"~~ "Inert ingredient" means an ingredient which is not an active ingredient.

Sec. 41. Section 206.2, subsection 15, unnumbered paragraph 1, Code 2014, is amended to read as follows:

~~The term "ingredient statement"~~ "Ingredient statement" means either:

Sec. 42. Section 206.2, subsection 16, Code 2014, is amended to read as follows:

16. ~~The term "label"~~ "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the pesticide or device.

Sec. 43. Section 206.2, subsection 17, unnumbered paragraph 1, Code 2014, is amended to read as follows:

~~The term "labeling"~~ "Labeling" means all labels and other written, printed, or graphic matter:

Sec. 44. Section 206.2, subsection 18, unnumbered paragraph 1, Code 2014, is amended to read as follows:

~~The term "misbranded"~~ "Misbranded" shall apply:

Sec. 45. Section 206.2, subsections 19, 20, 21, 22, 23, 26, 27, 30, and 31, Code 2014, are amended to read as follows:

19. ~~The term "permit"~~ "Permit" means a written certificate, issued by the secretary or the secretary's agent under rules adopted by the department authorizing the use of certain state restricted use pesticides.

20. ~~The term "person"~~ "Person" means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

21. ~~The term "pesticide" shall mean (a) any~~ "Pesticide" means any of the following:

a. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating directly or indirectly any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living persons, which the secretary shall declare to be a pest, ~~and (b) any.~~

b. Any substances intended for use as a plant growth regulator, defoliant, or desiccant.

22. ~~The term "pesticide dealer"~~ "Pesticide dealer" means any person who distributes restricted use pesticides, pesticide for use by commercial or public pesticide applicators, or general use pesticides labeled for agricultural or lawn and garden use with the exception of dealers whose gross annual pesticide sales are less than ten thousand dollars for each business location owned or operated by the dealer.

23. ~~The term "plant growth regulator"~~ "Plant growth regulator" means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

26. ~~The term "registrant"~~ "Registrant" means the person

registering any pesticide or device or who has obtained a certificate of license from the department pursuant to the provisions of this chapter.

27. ~~The term "restricted use pesticide"~~ "Restricted use pesticide" means any pesticide restricted as to use by rule of the secretary as adopted under section 206.20.

30. ~~The term "under the direct supervision of"~~ "Under the direct supervision of" means the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator or a state licensed commercial applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

31. ~~The term "unreasonable adverse effects on the environment"~~ "Unreasonable adverse effects on the environment" means any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

Sec. 46. Section 216A.2, subsection 2, Code 2014, is amended to read as follows:

2. The department director is the chief administrative officer of the department and in that capacity administers the programs and services of the department in compliance with applicable federal and state laws and regulations. The duties of the department director include preparing a budget, establishing an internal administrative structure, and employing personnel.

Sec. 47. Section 230.2, Code 2014, is amended to read as follows:

230.2 Finding of residence.

If a person's residency status is disputed, the residency shall be determined in accordance with section 331.394. Otherwise, the district court may, when the person is ordered placed in a hospital for psychiatric examination and appropriate treatment, or as soon thereafter as the court obtains the proper information, ~~determine~~ make one of the following determinations and enter of record whether the residence of the person is in a county or the person is deemed to be a state case, as follows:

1. ~~It~~ That the person's residence is in the county from which the person was placed in the hospital.

2. ~~It~~ That the person's residence is in another county of

the state.

3. ~~In~~ That the person's residence is in a foreign state or country and the person is deemed to be a state case.

4. ~~Unknown~~ That the person's residence is unknown and the person is deemed to be a state case.

Sec. 48. Section 230.11, Code 2014, 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 on itemized vouchers executed by the auditor of the county which has paid them, and approved by the administrator.

Sec. 49. Section 230.34, Code 2014, is amended to read as follows:

230.34 Definitions.

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

1. ~~As used in this chapter, "administrator"~~ "Administrator" means the administrator of the department of human services assigned, in accordance with section 218.1, to control the state mental health institutes, or that administrator's designee.

2. ~~As used in this chapter, "auditor"~~ "Auditor" means the county auditor or the auditor's designee.

3. ~~As used in this chapter, unless the context otherwise requires, "book"~~ "Book", "list", "record", or "schedule" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

4. ~~As used in this chapter, unless the context otherwise requires, "department"~~ "Department" means the department of human services.

Sec. 50. Section 232.80, Code 2014, is amended to read as follows:

232.80 Homemaker services.

A homemaker-home health aide may be assigned to give care to a child in the child's place of residence. Whenever possible, the services shall be provided in preference to removal of the child from the home. The care may be provided under this ~~Act~~ chapter on an emergency basis for up to twenty-four hours without court order, and may be ordered by the court for a period of time extending until dismissal or disposition of the case.

Sec. 51. Section 232.90, subsection 4, Code 2014, is amended to read as follows:

4. The county attorney and the attorney general shall comply with the requirements of chapter 232B and the federal Indian Child Welfare Act, Pub. L. No. 95-608, when either chapter 232B or the federal Indian Child Welfare Act is determined to be applicable in any proceeding under this division.

Sec. 52. Section 232.102, subsection 3, Code 2014, is amended to read as follows:

3. After a dispositional hearing and upon written findings of fact based upon evidence in the record that an alternative placement set forth in subsection 1, paragraph "a", subparagraph (1), has previously been made and is not appropriate the court may enter an order transferring the guardianship of the child for the purposes of subsection & 9, to the director of human services for the purposes of placement in the Iowa juvenile home at Toledo.

Sec. 53. Section 249A.47, subsection 1, paragraph h, Code 2014, is amended to read as follows:

h. A provider who intentionally and purposefully and without good cause fails to grant timely access, upon reasonable request ~~and without good cause~~, to the department for the purpose of audits, investigations, evaluations, or other functions of the department, is subject to a civil penalty of fifteen thousand dollars for each day of the failure.

Sec. 54. Section 252.27, unnumbered paragraph 2, Code 2014, is amended to read as follows:

The board shall record its proceedings relating to the provision of assistance to specific persons under this chapter. A person who is aggrieved by a decision of the board may appeal the decision as if it were a contested case before an agency and as if the person had exhausted administrative remedies in accordance with the procedures and standards in section 17A.19, subsections 2 ~~to~~ through 12, except section 17A.19, subsection

10, paragraphs "b" and "g", and section 17A.20.

Sec. 55. Section 252.37, Code 2014, is amended to read as follows:

252.37 Appeal to supervisors.

If a poor person, on application to the general assistance director, is refused the required assistance, the applicant may appeal to the board of supervisors, who, upon examination into the matter, may order the director to provide assistance, or ~~it~~ who may direct specific assistance.

Sec. 56. Section 256.7, subsection 26, paragraph a, subparagraph (3), Code 2014, is amended to read as follows:

(3) The rules establishing a core curriculum shall address the core content standards in subsection 28 and the skills and knowledge students need to be successful in the twenty-first century. The core curriculum shall include social studies and twenty-first century learning skills which include but are not limited to civic literacy, health literacy, technology literacy, financial literacy, and employability skills; and shall address the curricular needs of students in kindergarten through grade twelve in those areas. The ~~department~~ state board shall further define the twenty-first century learning skills components by rule.

Sec. 57. Section 256.42, subsection 4, Code 2014, is amended to read as follows:

4. Each participating school district and accredited nonpublic school shall submit its online curricula to the department for review. Each participating school district and accredited nonpublic school shall include in its comprehensive school improvement plan submitted pursuant to section 256.7, subsection 21, a list and description of the online coursework offered by the district or school.

Sec. 58. Section 258.6, Code 2014, is amended to read as follows:

258.6 Definitions.

As used in this chapter:

1. "Approved practitioner preparation school, department, or class" means a school, department, or class approved by the board as entitled under this chapter to federal moneys for the training of teachers of vocational subjects.

2. "Approved school, department, or class" means a school, department, or class approved by the board as entitled under this chapter to federal and state moneys for the salaries and authorized travel of teachers of vocational subjects. ~~"Approved~~

~~practitioner preparation school, department, or class" means a school, department, or class approved by the board as entitled under this chapter to federal moneys for the training of teachers of vocational subjects.~~

Sec. 59. Section 258.12, Code 2014, is amended to read as follows:

258.12 Custodian of funds.

The treasurer of state shall be custodian of the funds paid to the state from the appropriations made under ~~said~~ the federal Carl D. Perkins Vocational and Technical Education Act of Congress of 1998, and shall disburse the same on vouchers audited as provided by law.

Sec. 60. Section 278.3, Code 2014, is amended to read as follows:

278.3 Power given electors not to limit directors' power.

The power vested in the electors by section 278.1 shall not affect or limit the power granted to the board of directors of a school district in section 297.7, subsection 2, and the authority granted in ~~said~~ section 297.7, subsection 2, shall be construed as independent of the power vested in the electors by section 278.1.

Sec. 61. Section 283A.1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

For the purpose of this chapter, unless the context otherwise requires:

Sec. 62. Section 297.30, Code 2014, is amended to read as follows:

297.30 Public sale.

If the owner of the tract from which said site was taken fails to pay the amount of such appraisalment to ~~such executive council~~ the department within thirty days after the filing of the same with the sheriff, the ~~executive council~~ department may sell said site or building to any other person at the appraised value, or may sell the same at public sale to the highest bidder and the proceeds of such sale are to be added to the permanent school fund of the state.

Sec. 63. Section 299.6A, subsection 1, Code 2014, is amended to read as follows:

1. In lieu of a criminal proceeding under section 299.6, a county attorney may bring a civil action against a parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age, has not completed educational requirements, and is truant, if the parent, guardian, or legal

or actual custodian has failed to cause the child to attend a public school or an accredited nonpublic school, or ~~placed~~ to place the child under competent private instruction or independent private instruction in the manner provided in this chapter. If the court finds that the parent, guardian, or legal or actual custodian has failed to cause the child to attend as required in this section, the court shall assess a civil penalty of not less than one hundred but not more than one thousand dollars for each violation established.

Sec. 64. Section 306D.1, subsection 2, Code 2014, is amended to read as follows:

2. In addition to other goals for the program, it is the intention of the general assembly that the scenic highways program be coordinated with the state's open space program under chapter 465A.

Sec. 65. Section 307.23, Code 2014, is amended to read as follows:

307.23 General counsel.

1. The general counsel shall be a special assistant attorney general appointed by the attorney general who shall act as the attorney for the department ~~and the~~. The general counsel shall have the following duties and responsibilities:

a. Act as legal advisor to the commission and the director, ~~and provide.~~

b. Provide all legal services for the department.

2. The attorney general shall appoint additional assistant attorneys general as the director deems necessary to carry out the duties assigned to the office of the general counsel. The salary of the general counsel shall be fixed by the director, subject to the approval of the attorney general. The director shall provide and furnish a suitable office for the general counsel upon request of the attorney general.

Sec. 66. Section 309.41, Code 2014, is amended to read as follows:

309.41 Optional advertisement and letting.

1. Contracts not embraced within the provisions of section 309.40 or 309.40A shall be either advertised and let at a public letting~~,~~ or, where the cost does not exceed the engineer's estimate, let through informal bid procedure by contacting at least three qualified bidders prior to letting the contract. The informal bids received together with a statement setting forth the reasons for use of the informal procedure and bid acceptance shall be entered in the minutes

of the board of supervisors meeting at which such action was taken.

2. Nothing contained in this section shall be deemed to prohibit the board of supervisors from purchasing material and using county equipment and regularly employed county road personnel on a project within their capability as determined by the county engineer.

Sec. 67. Section 309.43, Code 2014, is amended to read as follows:

309.43 Record of bids.

All bids received shall be publicly opened, at the time and place specified in the advertisement, and shall be recorded in detail, in the road book, by the county auditor, ~~and the~~ the county engineer shall in all instances of day labor, and private or public contracts, file a detailed cost accounting sheet with the county auditor, ~~said~~. The road book and cost sheets shall at all times be open to public inspection.

Sec. 68. Section 313.2, Code 2014, is amended to read as follows:

313.2 "Road systems" defined — roadside parks.

1. The roads and streets of the state are, for the purpose of this chapter, those roads and streets established under chapter 306.

2. a. Whenever the board of supervisors of a county and the department mutually determine that a portion of a highway under the jurisdiction of either party should be transferred to the jurisdiction of the other party, the board and department may enter into an agreement to effect such transfer. Such agreement may provide that each party may undertake or share responsibility for improving said road with the costs of such improvement to be borne entirely by either the county or the department or equitably divided between the two jurisdictions. All such improvements shall be completed and all actual costs thereof paid or reimbursed prior to the time transfer of the road is made. In carrying out such agreement, the board of supervisors may expend secondary road funds of the county and the department may expend primary road funds.

b. However, prior to entering into the agreement, a notice of intent to execute such agreement shall be published in a newspaper of general circulation within the county and the cost of such notice shall be jointly borne by the department and the board of supervisors. If one hundred or more residents of the county request by petition or in writing that a hearing

be held in regard to such agreement within ten days after the publication of the notice, the board of supervisors and the department shall hold such a hearing not more than seven days after receiving the petition or written instrument, and based upon evidence presented at such hearing shall reexamine the merits of executing such agreement and make a decision in regard to it.

3. The department may, for the purpose of affording access to cities or state parks, or for the purpose of shortening the direct line of travel on important routes, or to effect connections with interstate roads at the state line, add such road or roads to the primary system.

4. The department, either alone or in cooperation with any county, shall have the authority to utilize any land acquired incidental to the acquisition of land for highway right-of-way and to also accept by gift, lands not exceeding two acres in area for roadside parks and parking areas. The department may furnish necessary maintenance. The department shall also have authority to accept by gift, equipment or other installations incidental to the use of said parks and parking areas. ~~Said~~ The parks and parking areas shall be a part of the primary road system and the department may at its discretion sell or otherwise dispose of ~~said~~ the lands.

5. Reasonable maintenance and surveillance of rest area sites and buildings located ~~thereon~~ on the sites shall be provided by employees of the department within the limits of appropriations provided for such purpose.

Sec. 69. Section 313.28, subsection 1, Code 2014, is amended to read as follows:

1. When the department, for the purpose of establishing, constructing, or maintaining any primary road, determines that any secondary road or portion thereof is necessary for a detour or haul road, the department, after consultation with the county board of supervisors having jurisdiction of the route, shall by order temporarily designate the secondary road or portion thereof as a temporary primary road detour or as a temporary primary road haul road, and the department shall maintain the same as a primary road until it shall revoke the temporary designation order. Prior to use of a secondary road as a primary road haul road or detour, the department shall designate a representative to inspect the secondary road with the county engineer to determine and note the condition of the road.

Sec. 70. Section 313.65, Code 2014, is amended to read as follows:

313.65 Approval of taxing bodies.

Before any bridge owned by any individual or private corporation shall be accepted by the department under the provisions of sections 313.59 to 313.64, the ~~said~~ proposal and acceptance shall first be approved by the following tax levying and tax certifying bodies located in the ~~said~~ tax district:

1. The board of supervisors,~~the.~~
2. The city councils~~and the.~~
3. The school board or boards.

Sec. 71. Section 313.66, subsection 4, Code 2014, is amended to read as follows:

4. Before the purchase of any such bridge shall be completed by the department under the provisions of this section, the purchase thereof shall first be approved by the following tax levying and tax certifying bodies located in ~~said~~ the district:

- a. The board of supervisors,~~the.~~
- b. The city councils,~~and the.~~
- c. The school board or boards.

Sec. 72. Section 317.25, subsection 1, Code 2014, is amended to read as follows:

1. a. A person shall not import, sell, offer for sale, or distribute ~~tease~~ in this state in any form, including the seeds, any of the following plants:

- (1) Teasel (Dipsacus) biennial,~~the multiflora.~~
- (2) Multiflora rose (Rosa multiflora),~~purple.~~
- (3) Purple loosestrife (Lythrum salicaria),~~purple.~~
- (4) Purple loosestrife (Lythrum virgatum),~~garlic.~~
- (5) Garlic mustard (Alliaria petiolata),~~oriental.~~
- (6) Oriental bittersweet (Celastrus orbiculatus),~~.~~
- (7) Japanese knotweed (Fallopia japonica),~~or.~~
- (8) Japanese hop (Humulus japonicus),~~including the seeds of these plants, in any form in this state.~~

b. However, ~~this subsection~~ paragraph "a" does not prohibit the sale, offer for sale, or distribution of the multiflora rose (Rosa multiflora) used for understock for either cultivated roses or ornamental shrubs in gardens.

Sec. 73. Section 321.24, subsections 7 and 10, Code 2014, are amended to read as follows:

7. The certificate shall contain the name of the county treasurer or of the department and, if the certificate of

title is printed, the signature of the county treasurer, the deputy county treasurer, or the department director or deputy designee. The certificate of title shall contain upon the reverse side a form for assignment of title or interest and warranty by the owner, for reassignments by a dealer licensed in this state or in another state if the state in which the dealer is licensed permits Iowa licensed dealers to similarly reassign certificates of title. However, titles for mobile homes or manufactured homes shall not be reassigned by licensed dealers. Notwithstanding section 321.1, subsection 17, as used in this ~~paragraph~~ subsection, "dealer" means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered under this chapter.

10. A vehicle shall be registered for the registration year. A vehicle registered for the first time in this state shall be registered for the remaining unexpired months of the registration year and pay an annual registration fee prorated for the remaining unexpired months of the registration year plus a fee for new registration if applicable pursuant to section 321.105A. Except for a vehicle registered under chapter 326, a vehicle registered for the first time during the eleventh month of the owner's registration year may be registered for the remaining unexpired months of the registration year as provided in this ~~paragraph~~ subsection or for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

Sec. 74. Section 321.178, subsection 2, paragraph a, subparagraph (2), subparagraph division (b), Code 2014, is amended to read as follows:

(b) ~~For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of subparagraph division (a).~~ The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph division (a).

Sec. 75. Section 321.180A, subsection 1, Code 2014, is amended to read as follows:

1. Notwithstanding other provisions of this chapter, a person with a physical disability, who is not suffering from a convulsive disorder and who can provide a favorable medical report, whose license renewal has been denied under section

321.177, subsection 6 or 7, or whose driver's license has been suspended under section 321.210, subsection 1, paragraph "a", subparagraph (3), upon meeting the requirements of section 321.186, other than a driving demonstration or elimination of the person's limitations which caused the denial under section 321.177, subsection 6 or 7, or suspension under section 321.210, subsection 1, paragraph "a", subparagraph (3), and upon paying the fee required in section 321.191, shall be issued a special instruction permit by the department. Upon issuance of the permit the denial or suspension shall be stayed and the stay shall remain in effect as long as the permit is valid.

Sec. 76. Section 321.180B, subsection 6, paragraph b, Code 2014, is amended to read as follows:

~~b. For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of paragraph "a".~~ The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of paragraph "a".

Sec. 77. Section 321.194, subsection 1, paragraph d, subparagraph (2), Code 2014, is amended to read as follows:

~~(2) For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of subparagraph (1).~~ The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph (1).

Sec. 78. Section 321.498, subsection 1, Code 2014, is amended to read as follows:

1. The acceptance by any nonresident of this state of the privileges extended by the laws of this state to nonresident operators or owners of operating a motor vehicle, or having the same operated, within this state shall be deemed to be all of the following:

a. An agreement by the nonresident that the nonresident shall be subject to the jurisdiction of the district court of this state over all civil actions and proceedings against the nonresident for damages to person or property growing or arising out of such use and operation, ~~and.~~

b. An appointment by such nonresident of the director of this state as the nonresident's lawful attorney upon whom may be served all original notices of suit pertaining to such

actions and proceedings, ~~and.~~

c. An agreement by such nonresident that any original notice of suit so served shall be of the same legal force and validity as if personally served on the nonresident in this state.

Sec. 79. Section 321.555, unnumbered paragraph 1, Code 2014, is amended to read as follows:

As used in this ~~division~~ section and sections 321.556 through 321.562, "habitual offender" means any person who has accumulated convictions for separate and distinct offenses described in subsection 1, 2, or 3, committed after July 1, 1974, for which final convictions have been rendered, as follows:

Sec. 80. Section 321.562, Code 2014, is amended to read as follows:

321.562 Rule of construction.

Nothing in sections 321.555 through 321.561 or this ~~division~~ section shall be construed as amending, modifying, or repealing any existing law of this state or any ordinance of any political subdivision relating to the operation of motor vehicles, the licensing of persons to operate motor vehicles, or providing penalties for the violation thereof.

Sec. 81. Section 321A.8, Code 2014, is amended to read as follows:

321A.8 Application to unlicensed drivers and unregistered motor vehicles.

In case the operator or the owner of a motor vehicle involved in an accident within this state has no license or registration, the operator or owner shall not be allowed a license or registration until the operator or owner has complied with the requirements of sections 321A.4 ~~to~~ through 321A.7, this section, and sections 321A.9 through 321A.11 to the same extent that would be necessary if, at the time of the accident, the operator or owner had held a license and registration.

Sec. 82. Section 321A.9, subsection 1, Code 2014, is amended to read as follows:

1. The security required under sections 321A.4 ~~to~~ through 321A.8, this section, and sections 321A.10 and 321A.11 shall be in such form and in such amount as the department may require but in no case in excess of the limits specified in section 321A.5 in reference to the acceptable limits of a policy or bond. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made

and, at any time while such deposit is in the custody of the department or state treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

Sec. 83. Section 321A.10, Code 2014, is amended to read as follows:

321A.10 Custody, disposition, and return of security.

Security deposited in compliance with the requirements of sections 321A.4 ~~to~~ through 321A.9, this section, and section 321A.11 shall be placed by the department in the custody of the state treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under subsection 3 of section 321A.7, and such deposit or any balance thereof shall be returned to the depositor or the depositor's personal representative when evidence satisfactory to the department has been filed with the department that there has been a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged agreement, in accordance with subsection 4 of section 321A.6, or whenever, after the expiration of one year from the date of the accident, or within one year after the date of deposit of any security under subsection 3 of section 321A.7, the department shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid.

Sec. 84. Section 321A.13, subsection 3, Code 2014, is amended to read as follows:

3. Any person whose license, registration, or nonresident's operating privilege has been suspended or is about to be suspended or shall become subject to suspension under the provisions of sections 321A.12 ~~to~~, this section, and sections 321A.14 through 321A.29 may be relieved from the effect of such judgment as hereinbefore prescribed in said sections by filing with the department an affidavit stating that at the time of the accident upon which such judgment has been rendered the affiant was insured, that the insurer is liable to pay such

judgment, and the reason, if known, why such insurance company has not paid such judgment. Such a person shall also file the original policy of insurance or a certified copy thereof, if available, and such other documents as the department may require to show that the loss, injury, or damage for which such judgment was rendered, was covered by such policy of insurance. If the department is satisfied from such papers that such insurer was authorized to issue such policy of insurance at the time and place of issuing such policy and that such insurer is liable to pay such judgment, at least to the extent and for the amounts required in this chapter, the department shall not suspend such license or registration or nonresident's operating privilege, or if already suspended shall reinstate them.

Sec. 85. Section 321J.17, subsection 3, Code 2014, is amended to read as follows:

3. The department shall also require certification of installation of an ignition interlock device of a type approved by the commissioner of public safety on all motor vehicles owned or operated by any person seeking reinstatement following a second or subsequent revocation under section 321J.4, 321J.9, or 321J.12. The requirement for the installation of an approved ignition interlock device shall be for one year from the date of reinstatement unless a longer time period is required by statute. The one-year period a person is required to maintain an ignition interlock device under this subsection shall be reduced by any period of time the person held a valid temporary restricted license during the period of the revocation for the occurrence from which the arrest arose. The person shall not operate any motor vehicle which is not equipped with an approved ignition interlock device during the period in which an ignition interlock device must be maintained, and the department shall not grant reinstatement unless the person certifies installation of an ignition interlock device as required in this subsection.

Sec. 86. Section 331.301, subsection 6, paragraph b, Code 2014, is amended to read as follows:

b. A county shall not impose any fee or charge on any individual or business licensed by the plumbing and mechanical systems board for the right to perform plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems work within the scope of the license. This paragraph does not prohibit a county from charging fees for the issuance of permits for, and inspections of, work performed in its

jurisdiction.

Sec. 87. Section 364.3, subsection 3, paragraph b, Code 2014, is amended to read as follows:

b. A city shall not impose any fee or charge on any individual or business licensed by the plumbing and mechanical systems board for the right to perform plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems work within the scope of the license. This paragraph does not prohibit a city from charging fees for the issuance of permits for, and inspections of, work performed in its jurisdiction.

Sec. 88. Section 384.3A, subsection 3, paragraph j, Code 2014, is amended to read as follows:

j. For franchise fees assessed and collected by a city in excess of five percent of gross revenues generated from sales of the franchisee within the city pursuant to section 364.2, subsection 4, paragraph "f", subparagraph (1), subparagraph division (b), during fiscal years beginning on or after July 1, 2013, but before July 1, 2030, the adjustment, renewal, or extension of any part or all of the legal indebtedness of a city, whether evidenced by bonds, warrants, court-approved settlements, court-approved compromises, or judgments, or the funding or refunding of the same, if such legal indebtedness relates to restitution, a refund, or a return ordered by a court of competent jurisdiction for franchise fees assessed and collected by the city before June ~~30~~ 20, 2013. This paragraph "j" is repealed July 1, 2030.

Sec. 89. Section 422.32, subsection 1, Code 2014, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Og.* "Income from sources within this state" means income from real, tangible, or intangible property located or having a situs in this state.

Sec. 90. Section 422.33, subsection 1, unnumbered paragraph 2, Code 2014, is amended by striking the unnumbered paragraph.

Sec. 91. Section 423A.6, subsection 1, Code 2014, is amended to read as follows:

1. The director of revenue shall administer the state and local hotel and motel tax as nearly as possible in conjunction with the administration of the state sales tax law, except that portion of the law which implements the streamlined sales and use tax agreement. The director shall provide appropriate forms, or provide on the regular state tax forms, for reporting state and local hotel and motel tax liability. All moneys received or refunded one hundred eighty days after the date

on which a city or county terminates its local hotel and motel tax and all moneys received from the state hotel and motel tax shall be deposited in or withdrawn from the general fund of the state. Beginning the first day of the calendar quarter beginning on the reinvestment district's commencement date, the director of revenue shall, subject to remittance limitations established by the economic development authority board pursuant to section 15J.4, subsection 3, transfer from the general fund of the state to a district account created in the state reinvestment district fund for each reinvestment district established under chapter 15J, the amount of the new state hotel and motel tax revenue, determined in section 15J.5, subsection 2, paragraph "b", in the district. Such transfers shall cease pursuant to section 15J.8.

Sec. 92. Section 433.2, Code 2014, is amended to read as follows:

433.2 Additional statement.

Upon the receipt of ~~said~~ the statements required in section 433.1 from the several companies, the director of revenue shall examine ~~said~~ the statements and-if. If the director ~~shall deem~~ deems the ~~same~~ statements insufficient and that further information is requisite, the director shall require the officer making ~~same~~ the statements to make such other or further statement as the director may desire.

Sec. 93. Section 433.4, subsection 1, Code 2014, is amended to read as follows:

1. The director of revenue shall on or before October 31 each year, ~~proceed to~~ find the actual value of the property of ~~these~~ telegraph and telephone companies in this state that is used by the companies in the transaction of telegraph and telephone business, taking into consideration the information obtained from the statements required, and any further information the director can obtain, using the same as a means for determining the actual value of the property of ~~these~~ the companies within this state. The director shall also take into consideration the valuation of all property of ~~these~~ the companies, including franchises and the use of the property in connection with lines outside the state, and making these deductions as may be necessary on account of extra value of property outside the state as compared with the value of property in the state, in order that the actual value of the property of the company within this state may be ascertained. The assessment shall include all property of every kind

and character whatsoever, real, personal, or mixed, used by the companies in the transaction of telegraph and telephone business. The property so included in the assessment shall not be taxed in any other manner than as provided in this chapter.

Sec. 94. Section 437A.3, subsection 18, paragraph a, subparagraph (2), Code 2014, is amended to read as follows:

(2) An electric power generating plant where the acquisition cost of all interests acquired exceeds ten million dollars. For purposes of this ~~paragraph~~ subparagraph, "*electric power generating plant*" means each nameplate rated electric power generating plant owned solely or jointly by any person or electric power facility financed under the provisions of chapter 28F or 476A in which electrical energy is produced from other forms of energy, including all equipment used in the production of such energy through its step-up transformer.

Sec. 95. Section 441.4, Code 2014, is amended to read as follows:

441.4 Removal of member.

A member of this examining board may be removed by the voting unit of the conference board by which the member was appointed but only after specific charges have been filed and a public hearing held, if a public hearing is requested by the discharged member of the board. Subsequent appointments and an appointment to fill a vacancy shall be made in the same way as the original appointment.

Sec. 96. Section 452A.6A, subsection 2, Code 2014, is amended to read as follows:

2. A refiner, supplier, terminal operator, or terminal owner who in the ordinary course of business sells or transports a conventional blendstock for oxygenate blending, gasoline unblended or blended with a biofuel, or diesel fuel unblended or blended with a biofuel shall not refuse to sell or transport to a distributor or dealer any conventional blendstock for oxygenate blending, unblended gasoline, or unblended diesel fuel that is at the terminal, based on the distributor's or dealer's intent to use the conventional blendstock for oxygenate blending~~7~~ or to blend the gasoline or diesel fuel with a biofuel.

Sec. 97. Section 455A.20, subsection 2, Code 2014, is amended to read as follows:

2. The duties of the county resource enhancement committee are to coordinate the resource enhancement program, plans, and proposed projects developed by cities, county conservation

board, and soil and water conservation district commissioners for funding under this ~~division~~ subchapter. The county committee shall review and comment upon all projects before they are submitted for funding under section 455A.19. Each county committee shall propose a five-year program plan which includes a one-year proposed expenditure plan and submit it to the department.

Sec. 98. Section 461.1, Code 2014, is amended to read as follows:

461.1 Title.

This ~~Act~~ chapter shall be known and may be cited as the "*Natural Resources and Outdoor Recreation Act*".

Sec. 99. Section 462A.49, Code 2014, is amended to read as follows:

462A.49 Prohibited use of "applied for" card.

~~No~~ A manufacturer or dealer shall not permit the use of ~~such~~ a "registration applied for" card unless an application for a registration certificate has been made.

Sec. 100. Section 462A.77, subsections 4 and 9, Code 2014, are amended to read as follows:

4. Every owner of a vessel subject to titling under this chapter shall apply to the county recorder for issuance of a certificate of title for the vessel within thirty days after acquisition. The application shall be on forms the department prescribes, and accompanied by the required fee. The application shall be signed and sworn to before a notarial officer as provided in chapter 9B ~~or other person who administers oaths~~, or shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the vessel or the fair market value if no sale immediately preceded the transfer, and any additional information the department requires. If the application is made for a vessel last previously registered or titled in another state or foreign country, it shall contain this information and any other information the department requires.

9. A person who owns a vessel which is not required to have a certificate of title may apply for and receive a certificate of title for the vessel and the vessel shall subsequently be subject to the requirements of this ~~division~~ subchapter as though the vessel was required to be titled.

Sec. 101. Section 466.9, subsection 1, Code 2014, is amended to read as follows:

1. An on-site wastewater systems assistance fund is established as a separate fund in the state treasury under the control of the department of natural resources. Moneys in the fund are appropriated to the department of natural resources for the exclusive purpose of supporting and administering the on-site wastewater systems assistance program as established in section 466.8.

Sec. 102. Section 466.9, subsection 3, paragraph a, subparagraph (1), Code 2014, is amended to read as follows:

(1) The financing account which shall be used for the exclusive purpose of providing financing to homeowners ~~with~~ for improving on-site wastewater systems under the on-site wastewater systems assistance program.

Sec. 103. Section 468.69, Code 2014, is amended to read as follows:

468.69 Bonds received for assessments.

Bonds issued for the cost of construction, maintenance, or repair of any drainage or levee district, or for the refunding of any obligation of such district, may be acquired by any taxpayer or group of taxpayers of such district, and applied at their face value in the order of their priority, if any priority exists between bonds of the same issue, upon the payment of the delinquent ~~and/or~~ or future assessments levied against the property of such taxpayers to pay off the bonds so acquired, ~~the~~. The interest coupons attached to such bonds, may likewise be applied at their face value to the payment of assessments for interest accounts, delinquent or future.

Sec. 104. Section 490.728, subsection 1, Code 2014, is amended to read as follows:

1. Unless otherwise provided in the articles of incorporation, directors are elected by a plurality of the votes cast by the shares entitled to ~~vote~~ be voted in the election at a meeting at which a quorum is present.

Sec. 105. Section 490.728, subsection 4, unnumbered paragraph 1, Code 2014, is amended to read as follows:

Shares otherwise entitled to ~~vote~~ be voted cumulatively shall not be voted cumulatively at a particular meeting unless any of the following applies:

Sec. 106. Section 490.860, subsection 6, paragraph b, Code 2014, is amended to read as follows:

b. If the transaction is not brought before the board of

directors of the corporation, or its committee, for action under section 490.862, ~~at~~ the time at which the corporation, or an entity controlled by the corporation, becomes legally obligated to consummate the transaction.

Sec. 107. Section 499.66, subsection 2, paragraph c, Code 2014, is amended to read as follows:

c. The fair value of a dissenting member's interest in the old association shall be determined as of the day preceding the merger or consolidation by taking the lesser of either the issue price of the dissenting member's membership, common stock, deferred patronage dividends, and preferred stock, or the amount determined by subtracting the old association's debts from the fair market value of the old association's assets, dividing the remainder by the total issue price of all memberships, common stock, preferred stock, and revolving funds, and then multiplying the quotient from this ~~division~~ equation by the total issue price of a dissenting member's membership, common stock, preferred stock, and revolving fund interest.

Sec. 108. Section 501.616, subsection 3, Code 2014, is amended to read as follows:

3. The fair value of a dissenting member's interest in the old cooperative shall be determined as of the day preceding the merger or consolidation by taking the lesser of either the issue price of the dissenting member's membership, deferred patronage, and any other interests in the cooperative, or the amount determined by subtracting the old cooperative's debts from the fair market value of the old cooperative's assets, dividing the remainder by the total issue price of all memberships, deferred patronage, and all other interests, and then multiplying the quotient from this ~~division~~ equation by the total issue price of a dissenting member's membership, deferred patronage, and other interests.

Sec. 109. Section 501B.7, subsection 7, Code 2014, is amended to read as follows:

7. A statement of authority filed ~~by~~ in the office of the county recorder as provided in subsection 2 is effective until amended or canceled, unless an earlier cancellation date is specified in the statement.

Sec. 110. Section 502.412, subsection 3, Code 2014, is amended to read as follows:

3. *Disciplinary penalties — registrants.* If the administrator finds that the order is in the public interest

and subsection 4, paragraphs "a" through "f", "h", "i", "j", "l", or "m", authorizes the action, an order under this chapter may censure, impose a bar, or impose a civil penalty in an amount not to exceed a maximum of ten thousand dollars for a single violation or one million dollars for more than one violation, or in an amount as agreed to by the parties, on a registrant, and, if the registrant is a broker-dealer or investment adviser, on a partner, officer, director, or person having a similar status or performing similar functions, or on a person directly or indirectly in control, of the broker-dealer or investment adviser.

Sec. 111. Section 508C.3, subsection 1, paragraph e, Code 2014, is amended by striking the paragraph.

Sec. 112. Section 508C.3, subsection 1, paragraph f, Code 2014, is amended to read as follows:

~~f. Coverage under this chapter shall be provided to a~~ A person who is a resident of this state and, only in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under this chapter is provided coverage under the laws of any other state, that person shall not be provided coverage under this chapter. In determining the application of the provisions of this paragraph in situations where a person could be provided coverage by the association of more than one state, whether as an owner, payee, beneficiary, or assignee, this chapter shall be construed in conjunction with other state laws to result in coverage by the association of only one state.

Sec. 113. Section 508C.3, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Coverage under this chapter shall not be provided to any of the following:

a. A person who is a payee, or the beneficiary of a payee if the payee is deceased, of a contract owner who is a resident of this state, if the payee or the beneficiary of the payee is provided any coverage by the association of another state.

b. A person who is covered pursuant to subsection 1, paragraph "c" if that person is provided any coverage by the association of another state.

Sec. 114. Section 508C.3, subsection 3, paragraph o, subparagraph (1), Code 2014, is amended to read as follows:

(1) Dividends ~~of~~ or experience rating credits.

Sec. 115. Section 514I.8, subsection 2, paragraph c, Code 2014, is amended to read as follows:

c. Is a member of a family whose income does not exceed three hundred percent of the federal poverty level, as defined in 42 U.S.C. § 9902(2), including any revision required by such section, and in accordance with the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3. The modified adjusted gross income methodology prescribed in section 2101 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, shall be used to determine family income under this paragraph.

Sec. 116. Section 515.35, subsection 4, paragraphs n and o, Code 2014, are amended to read as follows:

n. Other investments.

(1) A company organized under this chapter may invest up to five percent of its admitted assets in securities or property of any kind, without restrictions or limitations except those imposed on business corporations in general.

(2) A company organized under this chapter may invest its assets in any additional forms not specifically included in paragraphs "a" through "~~e~~" "m" and this paragraph when authorized by rules adopted by the commissioner.

~~e. Rules. The commissioner may adopt rules pursuant to chapter 17A to carry out the purposes and provisions of this section.~~

Sec. 117. Section 515.35, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 5. *Rules.* The commissioner may adopt rules pursuant to chapter 17A to carry out the purposes and provisions of this section.

Sec. 118. Section 521B.104, subsection 2, paragraph b, Code 2014, is amended to read as follows:

b. Is regulated, supervised, and examined by United States federal or state authorities having regulatory authority over banks and trust companies.

Sec. 119. Section 535.2, subsection 1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

Except as provided in subsection 2 hereof, the rate of interest shall be five cents on the hundred by the year in the following cases, unless the parties shall agree in writing for the payment of interest at a rate not exceeding the rate permitted by subsection 3:

Sec. 120. Section 543B.20, Code 2014, is amended to read as follows:

543B.20 Examination.

Examinations for ~~registration~~ a license shall be given as often as deemed necessary by the real estate commission, but no less than one time per year. Each applicant for a license must pass an examination authorized by the commission and administered by the commission or persons designated by the commission. The examination shall be of scope and wording sufficient in the judgment of the commission to establish the competency of the applicant to act as a real estate broker or salesperson in a manner to protect the interests of the public. An examination for a real estate broker shall be of a more exacting nature than that for a real estate salesperson and require higher standards of knowledge of real estate. The identity of the persons taking the examinations shall be concealed until after the examination has been graded. A person who fails to pass either examination once may immediately apply to take the next available examination. Thereafter, the applicant may take the examination at the discretion of the commission. An applicant who has failed either examination may request in writing information from the commission concerning the applicant's examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the commission administers a uniform, standardized examination, the commission is only required to provide the examination grade and other information concerning the applicant's examination results which is available to the commission.

Sec. 121. Section 543B.46, subsections 2 and 3, Code 2014, are amended to read as follows:

2. Each broker shall notify the real estate commission of the name of each bank ~~or~~, savings association, or credit union in which a trust account is maintained and also the name of the account on forms provided therefor.

3. Each broker shall authorize the real estate commission to examine each trust account and shall obtain the certification of the bank ~~or~~, savings association, or credit union attesting to each trust account and consenting to the examination and audit of each account by a duly authorized representative of the commission. The certification and consent shall be furnished on forms prescribed by the commission. This subsection does not apply to an individual farm account maintained in the name of the owner or owners for the purpose of conducting ongoing farm business whether it is conducted by the farm owner or by an agent or farm manager when the account

is part of a farm management agreement between the owner and agent or manager. This subsection also does not apply to an individual property management account maintained in the name of the owner or owners for the purpose of conducting ongoing property management whether it is conducted by the property owner or by an agent or manager when the account is part of a property management agreement between the owner and agent or manager.

Sec. 122. Section 554.3312, subsection 2, paragraph a, Code 2014, is amended to read as follows:

a. The claim becomes enforceable at the later of ~~(i)~~ the time the claim is asserted, or ~~(ii)~~ the ninetieth day following the date of the check, in the case of a cashier's check or teller's check, or the ninetieth day following the date of the acceptance, in the case of a certified check.

Sec. 123. Section 554.3504, subsection 1, Code 2014, is amended to read as follows:

1. Presentment for payment or acceptance of an instrument is excused if the person entitled to present the instrument cannot with reasonable diligence make presentment~~;~~ the maker or acceptor has repudiated an obligation to pay the instrument or is dead or in insolvency proceedings~~;~~ by the terms of the instrument presentment is not necessary to enforce the obligation of endorsers or the drawer~~;~~ the drawer or endorser whose obligation is being enforced has waived presentment or otherwise has no reason to expect or right to require that the instrument be paid or accepted~~;~~ or the drawer instructed the drawee not to pay or accept the draft or the drawee was not obligated to the drawer to pay the draft.

Sec. 124. Section 554.9502, subsection 3, paragraph c, Code 2014, is amended to read as follows:

c. the record satisfies the requirements for a financing statement in this section, but~~+~~

(1) the record need not indicate that it is to be filed in the real property records; and

(2) the record sufficiently provides the name of a debtor who is an individual if it provides the individual name of the debtor or the surname and first personal name of the debtor, even if the debtor is an individual to whom section 554.9503, subsection 1, paragraph "d" applies; and

Sec. 125. Section 559.2, unnumbered paragraph 1, Code 2014, is amended to read as follows:

The term "*power to appoint*" as used in ~~section 559.1~~ this

chapter, shall mean and include all powers which are in substance and effect powers of appointment, regardless of the language used in creating them and whether they are:

Sec. 126. Section 572.13A, subsection 3, paragraphs a and c, Code 2014, are amended to read as follows:

a. At the time a notice of commencement of work is posted on the mechanics' notice and lien registry internet site, the administrator shall assign a mechanics' notice and lien registry number and send a copy of the owner notice described in section 572.13. The owner notice shall contain the following language:

Persons or companies furnishing labor or materials for the improvement of real property may enforce a lien upon the improved property if they are not paid for their contributions, even if the parties have no direct contractual relationship with the owner. The mechanics' notice and lien registry internet site provides a listing of all persons or companies furnishing labor or materials who have posted a lien or who may post a lien upon the improved property. If the person or company has posted its notice or lien to the mechanics' notice and lien registry internet site, you may be required to pay the person or company even if you have paid the general contractor the full amount due. Therefore, check the mechanics' notice and lien registry internet site for information about the property including persons or companies furnishing labor or materials before paying your general contractor. In addition, when making payment to your general contractor, it is important to obtain lien waivers from your general contractor and from persons or companies registered as furnishing labor or materials to your property. The information in the mechanics' notice and lien registry is posted on the internet site of the mechanics' notice and lien registry.

c. The notice described in subsection 1 shall be sent to the owner's address as posted to the mechanics' notice and lien registry internet site by the general contractor, owner-builder, or subcontractor. If the owner's address is different than the property address, a copy of the notice shall also be sent to the property address, addressed to the owner if a mailing address has been assigned to the property by the United States postal service.

Sec. 127. Section 572.13B, subsection 2, Code 2014, is amended to read as follows:

2. At the time a preliminary notice is posted to the

mechanics' notice and lien registry internet site, the administrator shall send notification to the owner, including the owner notice described in section 572.13, subsection 1, and shall post the mailing of the notice on the mechanics' notice and lien registry internet site as prescribed by the administrator pursuant to rule. Notices under this section shall not be sent to owner-builders. Upon request, the administrator shall provide proof of service at no cost for the notice required under this section.

Sec. 128. Section 572.33A, subsection 1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

An owner of a building, land, or improvement upon which a mechanic's lien of a subcontractor may be posted, is not required to pay the general contractor ~~for~~ compensation for work done or material furnished for the building, land, or improvement until the expiration of ninety days after the completion of the building or improvement unless the general contractor furnishes to the owner one of the following:

Sec. 129. Section 572.34, subsection 6, Code 2014, is amended to read as follows:

6. The administrator shall charge and collect fees as established by rule necessary for the administration and maintenance of the registry and the registry's internet site. The administrator shall not charge a posting fee for a preliminary notice required pursuant to this chapter that exceeds the cost of sending such notice by certified mail with restricted delivery and return receipt. The administrator shall not charge a posting fee that exceeds forty dollars for a mechanic's lien ~~that exceeds forty dollars~~.

Sec. 130. Section 589.4, Code 2014, is amended to read as follows:

589.4 Acknowledgments by corporation officers.

The acknowledgments of all deeds, mortgages, or other instruments in writing taken or certified more than ten years earlier, which instruments have been recorded in the recorder's office of any county of this state, including acknowledgments of instruments made by a corporation, or to which the corporation was a party, or under which the corporation was a beneficiary, and which have been acknowledged before or certified by a notarial officer as provided in chapter 9B who was at the time of the acknowledgment or certifying a stockholder or officer in the corporation, are legal and valid official acts of the ~~notaries public~~ notarial officers, and

entitle the instruments to be recorded, anything in the laws of the state of Iowa in regard to acknowledgments to the contrary notwithstanding. This section does not affect pending litigation.

Sec. 131. Section 589.5, Code 2014, is amended to read as follows:

589.5 Acknowledgments by stockholders.

All deeds and conveyances of lands within this state executed more than ten years earlier, but which have been acknowledged or proved according to and in compliance with the laws of this state before a notarial officer as provided in chapter 9B ~~or other official authorized by law to take acknowledgments~~ who was, at the time of the acknowledgment, an officer or stockholder of a corporation interested in the deed or conveyance, or otherwise interested in the deeds or conveyances, are, if otherwise valid, valid in law as though acknowledged or proved before an officer not interested in the deeds or conveyances; and if recorded more than ten years earlier, in the respective counties in which the lands are, the records are valid in law as though the deeds and conveyances, so acknowledged or proved and recorded, had, prior to being recorded, been acknowledged or proved before ~~an~~ a notarial officer having no interest in the deeds or conveyances.

Sec. 132. Section 602.8103A, subsection 3, Code 2014, is amended to read as follows:

3. If a request is made pursuant to subsection 1, ~~within seven days of the filing of the final briefs in the appeal,~~ the clerk of the district court shall transmit any of the remaining record to the clerk of the supreme court within seven days of the filing of the final briefs in the appeal.

Sec. 133. Section 602.11105, subsection 1, unnumbered paragraph 1, Code 2014, is amended to read as follows:

Commencing one year prior to each category of employees becoming state employees as a result of ~~this Act~~ 1983 Acts, ch. 186, new employees shall not be hired and vacancies shall not be filled, except as provided in subsection 2, with respect to any of the following agencies or positions:

Sec. 134. Section 602.11106, Code 2014, is amended to read as follows:

602.11106 Employee reclassification moratorium.

Commencing one year prior to county employees becoming state employees as a result of ~~this Act~~ 1983 Acts, ch. 186, the county employees shall not be promoted or demoted, and shall

not be subject to a reduction in salary or a reduction in other employee benefits, except after approval by the chief judge of the judicial district. An employer wishing to take any of these actions shall apply to the chief judge in a writing that discloses the proposed action, the reasons for the action, and the statutory or other authority for the action. The chief judge shall not approve any proposed action that is in violation of an employee's rights or that is extraordinary when compared with customary practices and procedures of the employer. The chief judge shall obtain the advice of the district judges of the judicial district respecting decisions to be made under this section.

Sec. 135. Section 602.11107, subsections 1 and 5, Code 2014, are amended to read as follows:

1. Commencing on the date when each category of employees becomes state employees as a result of ~~this Act~~ 1983 Acts, ch. 186, public property referred to in subsection 2 that on the day prior to that date is in the custody of a person or agency referred to in subsection 3 shall not become property of the judicial branch but shall be devoted for the use of the judicial branch in its course of business. The judicial branch shall only be responsible for maintenance contracts or contracts for purchase entered into by the judicial branch. Upon replacement of the property by the judicial branch, the property shall revert to the use of the appropriate county. However, if the property is personal property of a historical nature, the property shall not become property of the judicial branch, and the county shall make the property available to the judicial branch for the judicial branch's use within the county courthouse until the court no longer wishes to use the property, at which time the property shall revert to the use of the appropriate county.

5. Personal property of a type that is subject to subsections 1 through 3 shall be subject to the control of the chief judge of the judicial district commencing on the date when each category of employees becomes state employees as a result of ~~this Act~~ 1983 Acts, ch. 186. On and after that date the chief judge of the judicial district may issue necessary orders to preserve the use of the property by the district court. Commencing on that date, the chief judge, subject to the direction of the supreme court, shall establish and maintain an inventory of property used by the district court.

Sec. 136. Section 631.8, subsections 4, 5, and 6, Code 2014,

are amended to read as follows:

4. In small claims actions, a counterclaim, cross claim, or intervention in a greater amount than that of a small claim shall be in the form of a regular pleading. A copy shall be filed for each existing party. New parties, when permitted by order, may be brought in under rule of civil procedure 1.246 and shall be given notice under the rules of civil procedure pertaining to commencement of actions. The court shall either order such counterclaim, cross claim, or intervention to be tried by regular procedure and the other claim to be heard under this ~~division~~ chapter, or order the entire action to be tried by regular procedure.

5. In regular action, when a party joins a small claim with one which is not a small claim, regular procedure shall apply to both unless the court transfers the small claim to the small claims docket for hearing under this ~~division~~ chapter.

6. In regular actions, a counterclaim, cross claim, or intervention in the amount of a small claim shall be pleaded, tried, and determined by regular procedure, unless the court transfers the small claim to the small claims docket for hearing under this ~~division~~ chapter.

Sec. 137. Section 633.304, subsection 2, Code 2014, is 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 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, provide notice by ordinary mail to each such claimant at the claimant's last known address, and 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, ~~a~~ that gives notice of admission of the will to probate and of the appointment of the executor, ~~in which.~~ 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, ~~and in which shall be included~~ 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.

Sec. 138. Section 656.3, subsection 2, Code 2014, is amended to read as follows:

2. The notice provided for in section 656.2 may be served on a judgment creditor of a deceased ~~vender~~ vendee or on any other person who is, as a matter of record, interested in the estate of a deceased ~~vender~~ vendee in the manner provided in section 654.4A, subsections 4 and 5.

Sec. 139. Section 692A.101, subsection 1, paragraph b, Code 2014, is amended to read as follows:

b. Any conviction for an offense specified in the laws of another jurisdiction or ~~any conviction for an offense~~ prosecuted in federal, military, or foreign court, that is comparable to an offense listed in paragraph "a" shall be considered an aggravated offense for purposes of registering under this chapter.

Sec. 140. Section 692A.101, subsection 2, paragraph b, Code 2014, is amended to read as follows:

b. Any offense specified in the laws of another jurisdiction or prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in paragraph "a" shall be considered an aggravated offense against a minor if such an offense was committed against a minor or otherwise involves a minor.

Sec. 141. Section 692A.102, subsection 1, paragraph a, subparagraph (18), Code 2014, is amended to read as follows:

(18) Any sex offense specified in the laws of another jurisdiction, or any sex offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (17).

Sec. 142. Section 692A.102, subsection 1, paragraph b, subparagraph (28), Code 2014, is amended to read as follows:

(28) Any sex offense specified in the laws of another jurisdiction, or any sex offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (27).

Sec. 143. Section 692A.102, subsection 1, paragraph c, subparagraph (41), Code 2014, is amended to read as follows:

(41) Any sex offense specified in the laws of another

jurisdiction, or any sex offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (40).

Sec. 144. Section 702.17, Code 2014, is amended to read as follows:

702.17 Sex act.

The term "*sex act*" or "*sexual activity*" means any sexual contact between two or more persons by any of the following: penetration

1. Penetration of the penis into the vagina or anus; ~~contact.~~

2. Contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person; ~~contact.~~

3. Contact between the finger or hand of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, 151, or 152; ~~ejaculation.~~

4. Ejaculation onto the person of another; ~~or by.~~

5. By use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.

Sec. 145. Section 715A.1, Code 2014, is amended to read as follows:

715A.1 Definitions.

As used in this chapter:

1. "Credit card" means a writing purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer and includes a debit card or access device used to engage in an electronic transfer of funds through a satellite terminal as defined in section 527.2, subsection 20.

~~1. 2. As used in this chapter the term "*writing*" "*Writing*" includes printing or any other method of recording information, and includes money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification.~~

~~2. As used in this chapter the term "*credit card*" means a writing purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer and includes a debit card or access device used to engage in an electronic transfer of funds through a satellite terminal as defined in section 527.2, subsection 20.~~

Sec. 146. Section 715A.6, subsection 2, Code 2014, is amended to read as follows:

2. a. An offense under this section is a class "C" felony if the value of the property or services secured or sought to be secured by means of the credit card is greater than ten thousand dollars.

b. If the value of the property or services secured or sought to be secured by means of the credit card is greater than one thousand dollars but not more than ten thousand dollars, an offense under this section is a class "D" felony, ~~otherwise the.~~

c. If the value of the property or services secured or sought to be secured by means of the credit card is one thousand dollars or less, an offense under this section is an aggravated misdemeanor.

Sec. 147. Section 717B.3, subsection 1, Code 2014, is amended to read as follows:

1. A person who impounds or confines, in any place, an animal is guilty of animal neglect, if the person does any of the following: ~~fails~~

a. Fails to supply the animal during confinement with a sufficient quantity of food or water,~~fails.~~

b. Fails to provide a confined dog or cat with adequate shelter,~~or tortures.~~

c. Tortures, deprives of necessary sustenance, mutilates, beats, or kills an animal by any means which causes unjustified pain, distress, or suffering.

Sec. 148. Section 724.1, Code 2014, is amended to read as follows:

724.1 Offensive weapons.

1. An offensive weapon is any device or instrumentality of the following types:

~~1.~~ a. A machine gun. A machine gun is a firearm which shoots or is designed to shoot more than one shot, without manual reloading, by a single function of the trigger.

~~2.~~ b. A short-barreled rifle or short-barreled shotgun. A short-barreled rifle or short-barreled shotgun is a rifle with a barrel or barrels less than sixteen inches in length or a shotgun with a barrel or barrels less than eighteen inches in length, as measured from the face of the closed bolt or standing breech to the muzzle, or any rifle or shotgun with an overall length less than twenty-six inches.

~~3.~~ c. Any weapon other than a shotgun or muzzle loading

rifle, cannon, pistol, revolver or musket, which fires or can be made to fire a projectile by the explosion of a propellant charge, which has a barrel or tube with the bore of more than six-tenths of an inch in diameter, or the ammunition or projectile therefor, but not including antique weapons kept for display or lawful shooting.

4- d. A bomb, grenade, or mine, whether explosive, incendiary, or poison gas; any rocket having a propellant charge of more than four ounces; any missile having an explosive charge of more than one-quarter ounce; or any device similar to any of these.

5- e. A ballistic knife. A ballistic knife is a knife with a detachable blade which is propelled by a spring-operated mechanism, elastic material, or compressed gas.

6- f. Any part or combination of parts either designed or intended to be used to convert any device into an offensive weapon as described in ~~subsections 1 to 5 of this section~~ paragraphs "a" through "e", or to assemble into such an offensive weapon, except magazines or other parts, ammunition, or ammunition components used in common with lawful sporting firearms or parts including but not limited to barrels suitable for refitting to sporting firearms.

7- g. Any bullet or projectile containing any explosive mixture or chemical compound capable of exploding or detonating prior to or upon impact, or any shotshell or cartridge containing exothermic pyrophoric misch metal as a projectile which is designed to throw or project a flame or fireball to simulate a flamethrower.

8- h. Any mechanical device specifically constructed and designed so that when attached to a firearm silences, muffles, or suppresses the sound when fired. However, this ~~subsection~~ paragraph does not apply to a mechanical device possessed and used by a person solely for the purpose of shooting a deer pursuant to an approved city special deer population control plan if the person has a valid federal permit to possess and use the mechanical device.

9- 2. An offensive weapon or part or combination of parts therefor shall not include the following:

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 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.

b. A collector's item. A collector's item is any firearm other than a machine gun that by reason of its date of manufacture, value, design, and other characteristics is not likely to be used as a weapon. The commissioner of public safety shall designate by rule firearms which the commissioner determines to be collector's items and shall revise or update the list of firearms at least annually.

c. Any device which is not designed or redesigned for use as a weapon; any device which is designed solely for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; or any firearm which is unserviceable by reason of being unable to discharge a shot by means of an explosive and is incapable of being readily restored to a firing condition.

Sec. 149. Section 809A.16, subsection 4, Code 2014, is amended to read as follows:

4. After final disposition of all claims and answers timely filed in an action in rem, or after final judgment and disposition of all claims timely filed in an action in personam, the court shall enter an order that the state has clear title to the forfeited property interest. Title to the forfeited property interest and its proceeds shall be deemed to have vested in the state on the commission of the conduct giving rise to the forfeiture under this chapter.

Sec. 150. Section 904.905, subsection 1, paragraph a, Code 2014, is amended to read as follows:

a. An amount the inmate may be legally obligated to pay for the support of the inmate's dependents, the amount of which shall be paid to the dependents through the department of human services ~~located in~~ office or unit serving the county or city in which the dependents reside.

Sec. 151. Section 905.12, subsection 1, paragraph a, Code 2014, is amended to read as follows:

a. An amount the resident may be legally obligated to pay for the support of dependents, which shall be paid to the dependents directly or through the department of human services ~~in~~ office or unit serving the county in which the dependents reside. For the purpose of this paragraph, "legally obligated" means under a court order.

Sec. 152. REPEAL. Sections 225C.7, 225C.12, 225C.18, and

260G.7, Code 2014, are repealed.

Sec. 153. 2013 Iowa Acts, chapter 24, section 13, is amended to read as follows:

SEC. 13. NEW SECTION. 249A.49 Internet site — providers found in violation of medical assistance program.

1. The director shall maintain on the department's internet site, in a manner readily accessible by the public, all of the following:

a. A list of all providers that the department has terminated, suspended, or placed on probation.

b. A list of all providers that have failed to return an identified overpayment of medical assistance within the time frame specified in section ~~249A.41~~ 249A.39.

c. A list of all providers found liable for a false claims law violation related to the medical assistance program under chapter 685.

2. The director shall take all appropriate measures to safeguard the protected health information, social security numbers, and other information of the individuals involved, which may be redacted or omitted as provided in rule of civil procedure 1.422. A provider shall not be included on the internet site until all administrative and judicial remedies relating to the violation have been exhausted.

Sec. 154. Section 456A.38, subsection 4, as enacted by 2013 Iowa Acts, chapter 64, section 1, is amended to read as follows:

4. The department shall execute a lease with a beginning farmer selected to participate in the program after such person has been certified by the ~~agricultural development~~ authority as a beginning farmer who meets the requirements of the authority, which shall be based on section 175.12, subsection 3, paragraphs "a", "c", "f", and "g".

Sec. 155. 2013 Iowa Acts, chapter 125, section 25, subsection 1, is amended to read as follows:

1. The sections of this Act amending ~~sections~~ section 2.48, section 175.8, subsection 2, and sections 175.37, 422.11M, and 422.33, are repealed. The Code editor shall revise the applicable Code language to that language existing in the 2013 Code of Iowa.

Sec. 156. 2013 Iowa Acts, chapter 130, section 22, is amended by striking that section and inserting in lieu thereof the following:

SEC. 22. Section 222.61, Code 2014, is amended to read as

follows:

222.61 Residency determined.

When a county receives an application on behalf of any person for admission to a resource center or a special unit ~~or when a court issues an order committing any person to a resource center or a special unit~~, the board of supervisors shall refer the determination of residency to the central point of coordination process to determine and certify that the residence of the person is in one of the following:

1. In the county in which the application is received ~~or in which the court is located~~.
2. In some other county of the state.
3. In another state or in a foreign country.
4. Unknown.

Sec. 157. 2013 Iowa Acts, chapter 130, section 23, is amended to read as follows:

SEC. 23. Section 222.64, Code 2013, is amended to read as follows:

222.64 Foreign state or country or unknown legal settlement.

If the legal settlement of the person is determined by the board of supervisors through the central point of coordination process to be in a foreign state or country or is determined to be unknown, the board of supervisors shall certify the determination to the administrator. The certification shall be accompanied by a copy of the evidence supporting the determination. The care of the person shall be as arranged by the board of supervisors ~~or by an order as the court may enter~~. Application for admission may be made pending investigation by the administrator.

DIVISION II

CORRESPONDING REFERENCE CORRECTIONS

Sec. 158. Section 135.180, subsection 3, Code 2014, is amended to read as follows:

3. The program shall provide stipends to support psychiatrist positions with an emphasis on securing and retaining medical directors at community mental health centers, providers of mental health services to county residents pursuant to a waiver approved under section 225C.7, subsection 3, Code 2011, and hospital psychiatric units that are located in mental health professional shortage areas.

Sec. 159. Section 161A.51, subsection 2, Code 2014, is amended to read as follows:

2. In the application the commissioners shall state that

entry on the premises is mandated by the laws of this state or that entry is needed to conduct soil sampling necessary to classify soil in the district as specified in section 161A.44, subsection 1, paragraph "a", or to determine whether soil erosion is occurring on the property in violation of the district's regulations. The application shall describe the area or premises, give the date of the last known investigation or sampling, give the date and time of the proposed inspection, declare the need for such inspection, recite that notice of desire to make an inspection has been given to affected persons and that admission was refused if that be the fact, and state that the inspection has no purpose other than to carry out the purpose of the statute, ordinance or regulation pursuant to which the inspection is to be made.

Sec. 160. Section 422.15, subsection 2, Code 2014, is amended to read as follows:

2. Every partnership, including limited partnerships, doing business in this state, or deriving income from sources within this state as defined in section ~~422.33~~ 422.32, subsection 1, paragraph "og", shall make a return, stating specifically the net income and capital gains (or losses) reported on the federal partnership return, the names and addresses of the partners, and their respective shares in said amounts.

DIVISION III

UPDATES TO FEDERAL CITATIONS

Sec. 161. Section 11.2, subsection 3, paragraph d, Code 2014, is amended to read as follows:

d. The review of the most recent annual report to shareholders of an open-end management investment company or an unincorporated investment company or investment trust registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. § ~~80a~~ §80a-1 et seq., pursuant to 17 C.F.R. § 270.30d-1 or the review, by the person performing the audit, of the most recent annual report to shareholders, call reports, or the findings pursuant to a regular examination under state or federal law, to the extent the findings are not confidential, of a bank, savings and loan association, or credit union shall satisfy the review requirements of this subsection.

Sec. 162. Section 11.6, subsection 1, paragraph c, subparagraph (3), Code 2014, is amended to read as follows:

(3) The review by the auditor of the most recent annual report to shareholders of an open-end management investment

company or an unincorporated investment company or investment trust registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., pursuant to 17 C.F.R. § 270.30d-1 or the review, by the auditor, of the most recent annual report to shareholders, call reports, or the findings pursuant to a regular examination under state or federal law, to the extent the findings are not confidential, of a bank, savings and loan association, or credit union shall satisfy the review requirements of this paragraph.

Sec. 163. Section 12B.10, subsection 4, paragraph a, subparagraph (7), Code 2014, is amended to read as follows:

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

Sec. 164. Section 12C.16, subsection 1, paragraph b, subparagraph (1), subparagraph division (f), Code 2014, is amended to read as follows:

(f) Investments in 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 et seq., which is operated in accordance with 17 C.F.R. § 270.2a-7.

Sec. 165. Section 12C.16, subsection 1, paragraph b, subparagraph (2), Code 2014, is amended to read as follows:

(2) Direct obligations of, or obligations that are insured or fully guaranteed as to principal and interest by, the United States of America, which may be used to secure the deposit of public funds under subparagraph (1), subparagraph division (a), include investments in an investment company or investment trust registered under the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., the portfolio of which is limited to the United States government obligations described in subparagraph (1), subparagraph division (a), and to repurchase agreements fully collateralized by the United States government obligations described in subparagraph (1), subparagraph division (a), if the investment company or investment trust takes delivery of the collateral either directly or through an authorized custodian.

Sec. 166. Section 29A.23, Code 2014, is amended to read as follows:

29A.23 Roll of retired officers and enlisted personnel.

An officer or enlisted person who is a member of the Iowa national guard who has completed twenty years of military service under 10 U.S.C. ~~§ 1331(d)~~ §12731, as evidenced by a letter of notification of retired pay at age sixty, shall upon retirement from the Iowa national guard and written request to the adjutant general be placed by order of the commander in chief on a roll in the office of the adjutant general to be known as the "roll of retired national guard military personnel". A member registered on the roll is entitled to wear the uniform of the rank last held on state or other occasions of ceremony, when the wearing of such uniform is not in conflict with federal law.

Sec. 167. Section 125.10, subsection 1, Code 2014, is amended to read as follows:

1. Prepare and submit a state plan subject to approval by the board and in accordance with ~~the provisions of~~ 42 U.S.C. ~~§ 4573~~ §300x-21 et seq. The state plan shall designate the department as the sole agency for supervising the administration of the plan.

Sec. 168. Section 125.93, Code 2014, is amended to read as follows:

125.93 Commitment records — confidentiality.

Records of the identity, diagnosis, prognosis, or treatment of a person which are maintained in connection with the provision of substance abuse treatment services are confidential, consistent with the requirements of section 125.37, and with the federal confidentiality regulations authorized by the federal Drug Abuse Office and Treatment Act, ~~21 U.S.C. § 1175 (1976)~~ 42 U.S.C. §290ee and the federal Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act, 42 U.S.C. ~~§ 4582 (1976)~~ §290dd-2.

Sec. 169. Section 198.7, subsection 1, paragraph f, Code 2014, 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. ~~§ 512~~ §801 et seq.

Sec. 170. Section 225C.3, subsection 2, Code 2014, is amended to read as follows:

2. The division is designated the state developmental disabilities agency for the purpose of directing the benefits of the federal Developmental Disabilities ~~Services and~~

~~Facilities Construction Assistance and Bill of Rights Act~~, 42 U.S.C. ~~§ 6001~~ §15001 et seq.

Sec. 171. Section 225C.35, subsection 3, Code 2014, is amended to read as follows:

3. "*Family member*" means a person less than eighteen years of age who by educational determination has a moderate, severe, or profound educational disability or special health care needs or who otherwise meets the definition of developmental disability in the federal Developmental Disabilities Assistance and Bill of Rights Act, ~~section 102(5)~~, as codified in 42 U.S.C. ~~§ 6001(5)~~ §15002. The department shall adopt rules establishing procedures for determining whether a child has a developmental disability.

Sec. 172. Section 225C.47, subsection 1, paragraph b, Code 2014, is amended to read as follows:

b. "*Individual with a disability*" means an individual who is less than twenty-two years of age and meets the definition of developmental disability in 42 U.S.C. ~~§ 6001~~ §15002.

Sec. 173. Section 229.22, subsection 5, Code 2014, is amended to read as follows:

5. The department of public safety shall prescribe the form to be used when a law enforcement agency desires notification under this section from a facility or hospital prior to discharge of a person admitted to the facility or hospital and for whom an arrest warrant has been issued or against whom charges are pending. The form shall be consistent with all laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and regulations promulgated in accordance with that Act and published in 45 C.F.R. pts. ~~160-64~~ 160-164.

Sec. 174. Section 249A.3, subsection 12, Code 2014, is amended to read as follows:

12. In determining the eligibility of an individual for medical assistance, the department shall consider income or assets relating to trusts or similar legal instruments or devices established on or before August 10, 1993, as available to the individual, in accordance with the federal Comprehensive Omnibus Budget Reconciliation Act of ~~1986~~ 1985, Pub. L. No. 99-272, § 9506(a), as amended by the federal Omnibus Budget Reconciliation Act of 1986, Pub. L. No. 99-509, § 9435(c).

Sec. 175. Section 249F.1, subsection 2, paragraph b,

subparagraphs (7) and (8), Code 2014, are amended to read as follows:

(7) Transfers to a trust established solely for the benefit of the transferor's child who is blind or permanently and totally disabled as defined in the federal Social Security Act, section 1614, as codified in 42 U.S.C. ~~§ 1382b~~ §1382c.

(8) Transfers to a trust established solely for the benefit of an individual under sixty-five years of age who is disabled, as defined in the federal Social Security Act, section 1614, as codified in 42 U.S.C. ~~§ 1382b~~ §1382c.

Sec. 176. Section 321.12, subsection 4, Code 2014, is amended to read as follows:

4. The director shall not destroy any operating records pertaining to arrests or convictions for operating while intoxicated, in violation of section 321J.2 or operating records pertaining to revocations for violations of section 321J.2A, except that a conviction or revocation under section 321J.2 or 321J.2A that is not subject to 49 C.F.R. § pt. 383 shall be deleted from the operating records twelve years after the date of conviction or the effective date of revocation. Convictions or revocations that are retained in the operating records for more than twelve years under this subsection shall be considered only for purposes of disqualification actions under 49 C.F.R. § pt. 383.

Sec. 177. Section 321.450, subsection 1, Code 2014, is amended to read as follows:

1. A person shall not transport or have transported or shipped within this state any hazardous material except in compliance with rules adopted by the department under chapter 17A. The rules shall be consistent with the federal hazardous materials regulations adopted under United States Code, Tit. 49, and found in 49 C.F.R. § pts. 107, 171 to 173, 177, 178, and 180.

Sec. 178. Section 325A.6, Code 2014, is amended to read as follows:

325A.6 Insurance.

All motor carriers subject to this chapter shall have minimum insurance coverage which meets the limits established in the federal motor carrier safety regulations in 49 C.F.R. ~~ch.~~ pt. 387.

Sec. 179. Section 327J.1, subsection 1, Code 2014, is amended to read as follows:

1. "AMTRAK" means the national railroad passenger

corporation created under 45 U.S.C. ~~§ 541~~ §24101.

Sec. 180. Section 459A.102, subsections 19 and 28, Code 2014, are amended to read as follows:

19. "*Operating permit*" means a permit which regulates the operation of an open feedlot operation as issued by the department or the United States environmental protection agency, including as provided in state law or pursuant to the federal Water Pollution Control Act, ~~Tit. 33,~~ U.S.C. ch. 26, as amended, and 40 C.F.R. pt. 122.

28. "*Waters of the United States*" means the same as defined in 40 C.F.R. ~~pt. 122, § 2~~ §122.2, as that section exists on July 1, 2005.

Sec. 181. Section 502.304A, subsection 3, paragraph c, Code 2014, is amended to read as follows:

c. The issuer or a broker-dealer offering or selling the securities is not or would not be disqualified under rule 505, 17 C.F.R. ~~§ 230.505(2)(iii)~~ §230.505(b)(2)(iii), adopted under the federal Securities Act of 1933.

Sec. 182. Section 513B.13, subsection 8, paragraph f, Code 2014, is amended to read as follows:

f. Premium rates charged for reinsurance by the program to a health maintenance organization that is federally qualified under 42 U.S.C. ~~§ 300e(c)(2)(A)~~ §300e(c)(2)(A), and is thereby subject to requirements that limit the amount of risk that may be ceded to the program that are more restrictive than those specified in paragraph "d", shall be reduced to reflect that portion of the risk above the amount set forth in paragraph "d" that may not be ceded to the program, if any.

Sec. 183. Section 513B.13, subsection 11, paragraph b, subparagraph (4), Code 2014, is amended to read as follows:

(4) Subject to the approval of the commissioner, the board shall make an adjustment to the assessment formula for reinsuring carriers that are approved health maintenance organizations which are federally qualified under 42 U.S.C. ~~§ 300~~ §300e et seq., to the extent, if any, that restrictions are placed on them that are not imposed on other small employer carriers.

Sec. 184. Section 514I.2, subsection 9, Code 2014, is amended to read as follows:

9. "*Health insurance coverage*" means health insurance coverage as defined in 42 U.S.C. ~~§ 300gg(91)~~ §300gg-91.

Sec. 185. Section 515.35, subsection 4, paragraph a, Code 2014, is amended to read as follows:

a. United States government obligations. Obligations issued or guaranteed by the United States or an agency or instrumentality of the United States. Bonds or other evidences of indebtedness issued, assumed, or guaranteed by the United States of America, or by any agency or instrumentality of the United States of America include investments in 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 et seq., and operated in accordance with 17 C.F.R. § 270.2a-7, the portfolio of which is limited to the United States government obligations described in this paragraph "a", and which are included in the national association of insurance commissioners' securities valuation office's United States direct obligation - full faith and credit list.

Sec. 186. Section 518.14, subsection 4, paragraph a, Code 2014, is amended to read as follows:

a. United States government obligations. Bonds or other evidences of indebtedness issued, assumed, or guaranteed by the United States of America, or by any agency or instrumentality of the United States of America, including investments in 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 et seq., and operated in accordance with 17 C.F.R. § 270.2a-7, the portfolio of which is limited to the United States obligations described in this paragraph, and which are included in the national association of insurance commissioners' securities valuation office's United States direct obligation - full faith and credit list.

Sec. 187. Section 518A.12, subsection 4, paragraph a, Code 2014, is amended to read as follows:

a. United States government obligations. Bonds or other evidences of indebtedness issued, assumed, or guaranteed by the United States of America, or by any agency or instrumentality of the United States of America, including investments in 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 et seq., and operated in accordance with 17 C.F.R. § 270.2a-7, the portfolio of which is limited to the United States obligations described in this paragraph, and which are included in the national association of insurance commissioners' securities

valuation office's United States direct obligation - full faith and credit list.

Sec. 188. Section 524.901, subsection 4, Code 2014, is amended to read as follows:

4. A state bank may invest without limit in the shares or units of investment companies or investment trusts registered under the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., the portfolio of which is limited to United States investment securities described in subsection 3 or repurchase agreements fully collateralized by United States investment securities described in subsection 3, if delivery of the collateral is taken either directly or through an authorized custodian and the dollar-weighted average maturity of the portfolio is not more than five years. All other investments by a state bank in the shares or units of investment companies or investment trusts registered under the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., whose portfolios exclusively contain investment securities permissible pursuant to subsections 2 and 3, shall not exceed fifteen percent of the state bank's aggregate capital.

Sec. 189. Section 535.2, subsection 2, paragraph a, subparagraph (4), Code 2014, is amended to read as follows:

(4) A domestic or foreign corporation, and a real estate investment trust as defined in section 856 of the Internal Revenue Code, and a person purchasing securities as defined in chapter 502 on credit from a broker or dealer registered or licensed under chapter 502 or under the federal Securities Exchange Act of 1934, 15 U.S.C., ch. 78A §78a et seq., as amended.

Sec. 190. Section 535.12, subsection 4, Code 2014, is amended to read as follows:

4. As used in this section, "*agricultural credit corporation*" means a corporation which has been designated by the farm credit bank of Omaha, Nebraska, as an agricultural credit corporation eligible to sell or discount loans to that bank pursuant to 12 U.S.C. ~~§ 2074~~ §2075.

Sec. 191. Section 551A.3, subsection 3, paragraph b, Code 2014, is amended to read as follows:

b. A disclosure document prepared pursuant to the federal trade commission rule relating to disclosure requirements and prohibitions concerning franchising and business opportunity ventures in accordance with 16 C.F.R. § pt. 436 or any

successor regulation.

Sec. 192. Section 551A.4, subsection 1, paragraph b, subparagraph (1), subparagraph division (b), Code 2014, is amended to read as follows:

(b) A disclosure document prepared pursuant to the federal trade commission rule entitled "Disclosure requirements and prohibitions concerning franchising and business opportunity ventures", 16 C.F.R. § pt. 436 or any successor regulation.

Sec. 193. Section 602.8103, subsection 5, paragraph b, Code 2014, is amended to read as follows:

b. An open-end management investment company organized in trust form registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., and operated in accordance with 17 C.F.R. § 270.2a-7, the portfolio of which is limited to obligations of the United States of America or agencies or instrumentalities of the United States of America and to repurchase agreements fully collateralized by obligations of the United States of America or an agency or instrumentality of the United States of America if the investment company takes delivery of the collateral either directly or through an authorized custodian.

Sec. 194. Section 636.23, subsections 2 and 16, Code 2014, are amended to read as follows:

2. *Federal bank bonds.* Bonds, notes or other obligations issued by any federal land bank, federal intermediate credit bank, bank for cooperatives, or any or all of the federal farm credit banks, and in bonds issued by any federal home loan bank under the Act of Congress known and cited as the federal Home Loan Bank Act, ~~†12 U.S.C. § 1421 - 1449†~~ and the Acts amendatory thereof.

16. *Investments included — government obligations.* Federal bonds, federal bank bonds, and bonds and debentures guaranteed by the federal government which are authorized investments under subsections 1, 2, and 11 include investments in an investment company or investment trust registered under the federal Investment Company Act of 1940, 15 U.S.C. ~~§ 80a~~ §80a-1 et seq., the portfolio of which is limited to the United States government obligations described in subsections 1, 2, and 11 and to repurchase agreements fully collateralized by such United States government obligations, if the investment company or investment trust takes delivery of the collateral either directly or through an authorized custodian.

Sec. 195. Section 714B.10, subsection 2, Code 2014, is amended to read as follows:

2. Advertising in connection with the sale or purchase of books, recordings, videocassettes, periodicals, and similar goods through a membership group or club which is regulated by the federal trade commission pursuant to 16 C.F.R. ~~pt.~~ §425.1, concerning use of negative option plans by sellers in commerce.

Sec. 196. Section 907B.2, subsection 6, paragraph f, unnumbered paragraph 1, Code 2014, is amended to read as follows:

Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission shall promulgate rules consistent with the principles contained in the federal Government in the Sunshine Act, 5 U.S.C. ~~§552(6)~~ §552(a)(6), as may be amended. The interstate commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

DIVISION IV

EFFECTIVE DATE AND APPLICABILITY PROVISIONS

Sec. 197. EFFECTIVE UPON ENACTMENT. The following provisions of division I of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 384.3A.
2. The section of this Act amending 2013 Iowa Acts, ch. 24, section 13.
3. The section of this Act amending section 456A.38, subsection 4, as enacted by 2013 Iowa Acts, ch. 64, section 1.
4. The section of this Act amending 2013 Iowa Acts, ch. 125, section 25.

Sec. 198. RETROACTIVE APPLICABILITY. The section in division I of this Act amending section 384.3A applies retroactively to June 20, 2013.

Sec. 199. RETROACTIVE APPLICABILITY. The section in division I of this Act amending 2013 Iowa Acts, ch. 24, section 13, applies retroactively to July 1, 2013.

Sec. 200. RETROACTIVE APPLICABILITY. The section in division I of this Act amending section 456A.38, subsection 4, as enacted by 2013 Iowa Acts, ch. 64, section 1, applies retroactively to July 1, 2013.

Sec. 201. RETROACTIVE APPLICABILITY. The section in division I of this Act amending 2013 Iowa Acts, ch. 125,

section 25, applies retroactively to January 1, 2013, for tax years beginning on or after that date.



KRAIG PAULSEN
Speaker of the House



PAM JOCHUM
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2423, Eighty-fifth General Assembly.



CARMINE BOAL
Chief Clerk of the House

Approved April 10, 2014



TERRY E. BRANSTAD
Governor