

CHAPTER 81AREA AGENCY ON AGING
BOARD MEMBER SELECTION PROCEDURES

H.F. 585

AN ACT relating to the selection of board members by area agencies on aging.

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

Section 1. Section 231.23, subsection 14, Code 2007, is amended to read as follows:

14. Establish a procedure for an area agency on aging to use in selection of members of the agency's board of directors. The selection procedure shall be incorporated into the bylaws of the board of directors ~~and shall include a nomination process by which nominations are submitted to the department, objections to a nominee may be submitted to the department by a date certain, and if at least twenty-five objections to a nominee are received by the department, the nominee shall be eliminated from nomination for that term of membership.~~

Approved April 17, 2007

CHAPTER 82

ENFORCEMENT OF ANIMAL FEEDING OPERATIONS REGULATIONS

H.F. 765

AN ACT relating to animal feeding operations, by providing for the enforcement of regulatory provisions.

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

Section 1. Section 455B.175, unnumbered paragraph 1, Code 2007, is amended to read as follows:

If there is substantial evidence that any person has violated or is violating any provision of this part of this division or chapter 459, subchapter III, chapter 459A, or of any rule or standard established or permit issued pursuant thereto; then:

Sec. 2. Section 459.103, subsection 3, Code 2007, is amended by striking the subsection.

Sec. 3. Section 459.601, Code 2007, is amended by adding the following new subsection: NEW SUBSECTION. 1A. a. The department and the attorney general shall enforce the provisions of this chapter in the same manner as provided in chapter 455B, division I.

b. The department and the attorney general may enforce the provisions of subchapter III in the same manner as provided in section 455B.175.

Sec. 4. Section 459.603, Code 2007, is amended to read as follows:

459.603 WATER QUALITY VIOLATIONS — CIVIL PENALTY.

A person who violates subchapter III shall be subject to a civil penalty which shall be established, assessed, and collected in the same manner as provided in section ~~455B.109 or 455B.191~~. Any civil penalty collected shall be deposited in the animal agriculture compliance fund created in section 459.401.

Sec. 5. Section 459A.501, Code 2007, is amended to read as follows:
459A.501 GENERAL.

The department and the attorney general shall enforce the provisions of this chapter in the same manner as provided in chapter 455B, division I and section 455B.175, unless otherwise provided in this chapter.

Approved April 17, 2007

CHAPTER 83
MECHANICS' LIENS
H.F. 774

AN ACT relating to mechanics' liens.

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

Section 1. Section 572.1, Code 2007, is amended by adding the following new subsection:
NEW SUBSECTION. 1A. "Labor" means labor completed by the claimant.

Sec. 2. Section 572.1, subsections 2, 3, and 5, Code 2007, are amended to read as follows:

2. "Material" shall, in addition to its ordinary meaning, include machinery, tools, fixtures, trees, evergreens, vines, plants, shrubs, tubers, bulbs, hedges, bushes, sod, soil, dirt, mulch, peat, fertilizer, fence wire, fence material, fence posts, tile, and the use of forms, accessories, and equipment furnished by the claimant.

3. "Owner" ~~shall include~~ means the record titleholder and every person for whose use or benefit any building, erection, or other improvement is made, having the capacity to contract, including guardians.

5. "Subcontractor" shall include every person furnishing material or performing labor upon any building, erection, or other improvement, except those having contracts ~~therefor~~ directly with the owner, ~~the owner's agent, or trustee~~.

Sec. 3. Section 572.2, Code 2007, is amended to read as follows:
572.2 PERSONS ENTITLED TO LIEN.

1. Every person who shall furnish any material or labor for, or perform any labor upon, any building or land for improvement, alteration, or repair thereof, including those engaged in the construction or repair of any work of internal or external improvement, and those engaged in grading, sodding, installing nursery stock, landscaping, sidewalk building, fencing on any land or lot, by virtue of any contract with the owner, ~~the owner's agent, trustee, contractor, or subcontractor~~ shall have a lien upon such building or improvement, and land belonging to the owner on which the same is situated or upon the land or lot so graded, landscaped, fenced, or otherwise improved, altered, or repaired, to secure payment for the material or labor furnished or labor performed.

2. If material is rented by a person to the owner, ~~the owner's agent, trustee, contractor, or subcontractor~~, the person shall have a lien upon such building, improvement, or land to secure payment for the material rental. The lien is for the reasonable rental value during the period of actual use of the material and any reasonable periods of nonuse of the material taken into account in the rental agreement. The delivery of material to such building, improvement, or