

CHAPTER 125

ASBESTOS REMOVAL AND ENCAPSULATION

S.F. 265

AN ACT relating to asbestos removal and encapsulation regulations as enforced by the labor commissioner.

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

Section 1. Section 88B.1, subsection 1, Code 2007, is amended to read as follows:

1. "Asbestos project" means an activity involving the removal or encapsulation of asbestos and affecting a building or structure. "Asbestos project" includes the preparation of the project site and all activities through the transportation of the asbestos-containing materials off the premises. "Asbestos project" includes the removal or encapsulation of building materials containing asbestos from the site of a building or structure renovation, demolition, or collapse.

Sec. 2. Section 88B.11, Code 2007, is amended to read as follows:

88B.11 BIDS FOR GOVERNMENTAL PROJECTS.

A state agency or political subdivision shall not accept a bid in connection with any asbestos project from a business entity that does not hold a permit from the division at the time the bid is submitted, unless the business entity provides the state agency or political subdivision with written proof that ensures that the business entity has contracted to have the asbestos removal or encapsulation performed by a licensed asbestos contractor.

Sec. 3. NEW SECTION. 88B.2 JURISDICTION OF OTHER AGENCIES.

This chapter shall not be construed to prevent the department of natural resources from implementing and enforcing the federal national emission standard for asbestos under 40 C.F.R. pt. 61, subpt. M, and other relevant provisions of environmental law.

Approved May 9, 2007

CHAPTER 126

SUBSTANTIVE CODE CORRECTIONS

S.F. 333

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

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

Section 1. Section 2C.11, Code 2007, is amended to read as follows:

2C.11 SUBJECTS FOR INVESTIGATIONS.

1. An appropriate subject for investigation by the office of the citizens' aide is an administrative action that might be:

1. a. Contrary to law or regulation.

2. ~~b.~~ Unreasonable, unfair, oppressive, or inconsistent with the general course of an agency's functioning, even though in accordance with law.
 3. ~~c.~~ Based on a mistake of law or arbitrary in ascertainties of fact.
 4. ~~d.~~ Based on improper motivation or irrelevant consideration.
 5. ~~e.~~ Unaccompanied by an adequate statement of reasons.
2. The citizens' aide may also be concerned with strengthening procedures and practices which lessen the risk that objectionable administrative actions will occur.

Sec. 2. Section 8F.3, subsection 1, paragraph d, Code 2007, is amended to read as follows:

d. Information regarding any policies adopted by the governing body of the recipient entity that prohibit taking adverse employment action against employees of the recipient entity who disclose information about a service contract to the oversight agency, the auditor of state, the office of the attorney general, or the office of citizens' aide and that state whether those policies are substantially similar to the protection provided to state employees under section 70A.28. The information provided shall state whether employees of the recipient entity are informed on a regular basis of their rights to disclose information to the oversight agency, the office of citizens' aide, the auditor of state, or the office of the attorney general and the telephone numbers of those organizations.

Sec. 3. Section 10B.7, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Lessees of agricultural land under section 9H.4, subsection 2, paragraph "c", for research or experimental purposes, shall file a biennial report with the secretary of state on or before March 31 of each odd-numbered year on forms adopted pursuant to chapter 17A and supplied by the secretary of state. However, a lessee required to file a biennial report pursuant to chapter 490, ~~490A~~, 496C, 497, 498, 499, 501, ~~501A~~, or 504 shall file the report required by this section in the same year as required by that chapter. The lessee may file the report required by this section together with the biennial report required to be filed by one of the other chapters referred to in this paragraph. The report shall contain the following information for the reporting period:

Sec. 4. Section 11.2, subsection 1, unnumbered paragraph 2, Code 2007, is amended to read as follows:

Provided, that the accounts, records, and documents of the ~~treasury department~~ treasurer of state shall be audited daily.

Sec. 5. Section 15.108, subsection 5, unnumbered paragraph 2, Code 2007, is amended to read as follows:

~~p. The department may establish~~ Establish, if the department deems necessary, a revolving fund to receive contributions and funds from the product sales center to be used for start-up or expansion of tourism special events, fairs, and festivals as established by department rule.

Sec. 6. Section 15E.192, subsection 3, Code 2007, is amended to read as follows:

3. A city may create an economic development enterprise zone as authorized in this division, subject to certification by the department of economic development, by designating up to four square miles of the city for that purpose. In order for an enterprise zone to be certified pursuant to this subsection, an enterprise zone shall meet the distress criteria provided in section 15E.194, subsection 3. Section 15E.194, subsection 2, shall not apply to an enterprise zone certified pursuant to this subsection. For the fiscal period beginning July 1, 2007, and ending June 30, 2010, each fiscal year a cumulative total of not more than twenty-five million dollars worth of incentives and assistance under section 15E.196, subsections 1, 2, 3, 4, and 6, shall be awarded to eligible businesses ~~applying that apply~~ to an enterprise zone commission for incentives and assistance during that fiscal year and that are located in an enterprise zone certified pursuant to this subsection. For purposes of this subsection and section 15E.194, subsection 3, "city" means a city that includes at least three census tracts, as determined in the most recent federal census.

Sec. 7. Section 15E.193, subsection 1, paragraph f, Code 2007, is amended to read as follows:

f. If the business is only partially located in an enterprise zone, the business must be located on contiguous parcels of land.

Sec. 8. Section 15E.197, Code 2007, is amended to read as follows:

15E.197 NEW JOBS CREDIT FROM WITHHOLDING.

An eligible business may enter into an agreement with the department of revenue and a community college for a supplemental new jobs credit from withholding from jobs created under the program. The agreement shall be for program services for an additional job training project, as defined in chapter 260E.

~~PARAGRAPH DIVIDED.~~ 1. The agreement shall provide for the following:

~~1. a.~~ That the project shall be administered in the same manner as a project under chapter 260E and that a supplemental new jobs credit from withholding in an amount equal to one and one-half percent of the gross wages paid by the eligible business pursuant to section 422.16 is authorized to fund the program services for the additional project.

2. ~~b.~~ That the supplemental new jobs credit from withholding shall be collected, accounted for, and may be pledged by the community college in the same manner as described in section 260E.5.

~~3. 2.~~ ~~That the~~ The auditor of state shall perform an annual audit regarding how the training funds are being used.

3. To provide funds for the payment of the costs of the additional project, a community college may borrow money, issue and sell certificates, and secure the payment of the certificates in the same manner as described in section 260E.6, including but not limited to providing the assessment of an annual levy as described in section 260E.6, subsection 4. The program and credit authorized by this section is in addition to, and not in lieu of, the program and credit authorized in chapter 260E.

4. For purposes of this section, "eligible business" means a business which has been approved to receive incentives and assistance by the department of economic development pursuant to application as provided in section 15E.195.

Sec. 9. Section 15G.203, subsections 1 and 3, Code 2007, are amended to read as follows:

1. The purpose of the program is to improve a retail motor fuel ~~site sites~~ by installing, replacing, or converting motor fuel storage and dispensing infrastructure. The infrastructure must be designed and shall be used exclusively to store and dispense renewable fuel which is E-85 gasoline, biodiesel, or biodiesel blended fuel on the premises of retail motor fuel sites operated by retail dealers.

3. To ~~all the extent practical~~ practicable, the program shall be administered in conjunction with the programs provided in section 15.401.

Sec. 10. Section 15G.204, subsection 2, Code 2007, is amended to read as follows:

2. To ~~all the extent practical~~ practicable, the program shall be administered in conjunction with the programs provided in section 15.401.

Sec. 11. Section 22.7, subsection 52, Code 2007, is amended to read as follows:

52. ~~a.~~ The following records relating to a charitable donation made to a foundation acting solely for the support of an institution governed by the state board of regents, to a foundation acting solely for the support of an institution governed by chapter 260C, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303, organized for the support of a government body:

~~a.~~ (1) Portions of records that disclose a donor's or prospective donor's personal, financial, estate planning, or gift planning matters.

~~b.~~ (2) Records received from a donor or prospective donor regarding such donor's prospective gift or pledge.

e. (3) Records containing information about a donor or a prospective donor in regard to the appropriateness of the solicitation and dollar amount of the gift or pledge.

d. (4) Portions of records that identify a prospective donor and that provide information on the appropriateness of the solicitation, the form of the gift or dollar amount requested by the solicitor, and the name of the solicitor.

e. (5) Portions of records disclosing the identity of a donor or prospective donor, including the specific form of gift or pledge that could identify a donor or prospective donor, directly or indirectly, when such donor has requested anonymity in connection with the gift or pledge. This ~~paragraph subparagraph~~ does not apply to a gift or pledge from a publicly held business corporation.

f. b. The confidential records described in ~~paragraphs "a" through "e"~~ paragraph "a", subparagraphs (1) through (5), shall not be construed to make confidential those portions of records disclosing any of the following:

(1) The amount and date of the donation.

(2) Any donor-designated use or purpose of the donation.

(3) Any other donor-imposed restrictions on the use of the donation.

(4) When a pledge or donation is made expressly conditioned on receipt by the donor, or any person related to the donor by blood or marriage within the third degree of consanguinity, of any privilege, benefit, employment, program admission, or other special consideration from the government body, a description of any and all such consideration offered or given in exchange for the pledge or donation.

g. c. Except as provided in ~~paragraphs "a" through "f"~~ paragraphs "a" and "b", portions of records relating to the receipt, holding, and disbursement of gifts made for the benefit of regents institutions and made through foundations established for support of regents institutions, including but not limited to written fund-raising policies and documents evidencing fund-raising practices, shall be subject to this chapter.

d. This subsection does not apply to a report filed with the ethics and campaign disclosure board pursuant to section 8.7.

Sec. 12. Section 29A.28, subsection 1, Code 2007, is amended to read as follows:

1. All officers and employees of the state, ~~or a subdivision thereof, or a municipality,~~ other than employees employed temporarily for six months or less, who are members of the national guard, organized reserves or any component part of the military, naval, or air forces or nurse corps of this state or nation, or who are or may be otherwise inducted into the military service of this state or of the United States, or who are members of the civil air patrol, shall, when ordered by proper authority to state active duty, state military service, or federal service, or when performing a civil air patrol mission pursuant to section 29A.3A, be entitled to a leave of absence from such civil employment for the period of state active duty, state military service, federal service, or civil air patrol duty without loss of status or efficiency rating, and without loss of pay during the first thirty days of such leave of absence. Where state active duty, state military service, federal service, or civil air patrol duty is for a period of less than thirty days, a leave of absence under this section shall only be required for those days that the civil employee would normally perform services for the state, subdivision of the state, or a municipality.

Sec. 13. Section 29A.57, subsection 2, Code 2007, is amended to read as follows:

2. The board may acquire land or real estate by purchase, contract for purchase, gift, or bequest and acquire, own, contract for the construction of, erect, purchase, maintain, alter, operate, and repair installations and facilities of the Iowa army national guard and the Iowa air national guard when funds for the installations and facilities are made available by the federal government, the state of Iowa, municipalities, corporations or individuals. The title to the property so acquired shall be taken in the name of the state of Iowa and the real estate may be sold or exchanged by the executive council, upon recommendation of the board, when it is no longer needed for the purpose for which it was acquired. Income or revenue derived from the sale of the real estate shall be credited to the national guard facilities improvement fund and used for the purposes specified in section 29A.14, subsection 2.

Sec. 14. Section 35A.10, subsection 2, Code 2007, is amended to read as follows:

2. The commandant and the commission shall have plans and specifications prepared by the department of administrative services for authorized construction, repair, or improvement projects in excess of the competitive bid threshold in section 26.3, or as established in section 314.1B. An appropriation for a project shall not be expended until the department of administrative services has adopted plans and specifications and has completed a detailed estimate of the cost of the project, prepared under the supervision of a registered architect or registered licensed professional engineer.

Sec. 15. Section 68B.32A, subsection 4, Code 2007, is amended to read as follows:

4. Receive and file registration and reporting reports from lobbyists of the executive branch of state government, client disclosure from clients of lobbyists of the executive branch of state government, personal financial disclosure information from officials and employees in the executive branch of state government who are required to file personal financial disclosure information under this chapter, and gift, bequest, and grant disclosure information ~~from an agency~~ pursuant to section 8.7. The board, upon its own motion, may initiate action and conduct a hearing relating to reporting requirements under this chapter or section 8.7.

Sec. 16. Section 68B.32B, subsection 1, Code 2007, is amended to read as follows:

1. Any person may file a complaint alleging that a candidate, committee, person holding a state office in the executive branch of state government, employee of the executive branch of state government, or other person has committed a violation of chapter 68A or rules adopted by the board. Any person may file a complaint alleging that a person holding a state office in the executive branch of state government, an employee of the executive branch of state government, or a lobbyist or a client of a lobbyist of the executive branch of state government has committed a violation of this chapter or rules adopted by the board. Any person may file a complaint alleging ~~that an agency has committed~~ a violation of section 8.7 or rules adopted by the board. The board shall prescribe and provide forms for purposes of this subsection. A complaint must include the name and address of the complainant, a statement of the facts believed to be true that form the basis of the complaint, including the sources of information and approximate dates of the acts alleged, and a certification by the complainant under penalty of perjury that the facts stated to be true are true to the best of the complainant's knowledge.

Sec. 17. Section 68B.32C, subsection 3, Code 2007, is amended to read as follows:

3. Upon a finding by the board that the party charged has violated this chapter, chapter 68A, section 8.7, or rules adopted by the board, the board may impose any penalty provided for by section 68B.32D. Upon a final decision of the board finding that the party charged has not violated this chapter, chapter 68A, section 8.7, or the rules of the board, the complaint shall be dismissed and the party charged and the original complainant, if any, shall be notified.

Sec. 18. Section 70A.28, subsection 6, Code 2007, is amended to read as follows:

6. Subsection 2 may also be enforced by an employee through an administrative action pursuant to the requirements of this subsection if the employee is not a merit system employee or an employee covered by a collective bargaining agreement. An employee eligible to pursue an administrative action pursuant to this subsection who is discharged, suspended, demoted, or otherwise ~~reduced~~ receives a reduction in pay and who believes the adverse employment action was taken as a result of the employee's disclosure of information that was authorized pursuant to subsection 2, may file an appeal of the adverse employment action with the public employment relations board within thirty calendar days following the later of the effective date of the action or the date a finding is issued to the employee by the office of the citizens' aide pursuant to section 2C.11A. The findings issued by the citizens' aide may be introduced as evidence before the public employment relations board. The employee has the right to a hearing closed to the public, but may request a public hearing. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa

administrative procedure Act, chapter 17A. If the public employment relations board finds that the action taken ~~by the person appointing in regard to~~ the employee was in violation of subsection 2, the employee may be reinstated without loss of pay or benefits for the elapsed period, or the public employment relations board may provide other appropriate remedies. Decisions by the public employment relations board constitute final agency action.

Sec. 19. Section 80.34, Code 2007, is amended to read as follows:

80.34 PEACE OFFICER — AUTHORITY.

An authorized peace officer of the department designated to conduct examinations, investigations, or inspections and enforce the laws relating to controlled or counterfeit substances shall have all the authority of other peace officers and may arrest a person without warrant for offenses under this chapter committed in the peace officer's presence or, in the case of a felony, if the peace officer has probable cause to believe that the person arrested has committed or is committing such offense. A peace officer of the department shall have the same authority as other peace officers to seize controlled or counterfeit substances or articles used in the manufacture or sale of controlled or counterfeit substances which they have reasonable grounds to believe are in violation of law. Such controlled or counterfeit substances or articles shall be subject to ~~condemnation~~ forfeiture.

Sec. 20. Section 100C.10, subsection 2, paragraph d, Code 2007, is amended to read as follows:

d. One professional engineer or architect licensed or registered in the state.

Sec. 21. Section 103A.19, Code 2007, is amended to read as follows:

103A.19 ADMINISTRATION AND ENFORCEMENT.

1. The examination and approval or disapproval of plans and specifications, the issuance and revocation of building permits, licenses, certificates, and similar documents, the inspection of buildings or structures, and the administration and enforcement of building regulations shall be the responsibility of the governmental subdivisions of the state and shall be administered and enforced in the manner prescribed by local law or ordinance. All provisions of law relating to the administration and enforcement of local building regulations in any governmental subdivision shall be applicable to the administration and enforcement of the state building code in the governmental subdivision. An application made to a local building department or to a state agency for permission to construct a building or structure pursuant to the provisions of the state building code shall, in addition to any other requirement, be signed by the owner or the owner's authorized agent, and shall contain the address of the owner, and a statement that the application is made for permission to construct in accordance with the provisions of the code.

2. In aid of administration and enforcement of the state building code, and in addition to and not in limitation of powers vested in them by law, each governmental subdivision of the state may:

1. a. Examine and approve or disapprove plans and specifications for the construction of any building or structure, the construction of which is pursuant or purports to be pursuant to the provisions of the state building code, and to direct the inspection of buildings or structures during the course of construction.

2. b. Require that the construction of any building or structure shall be in accordance with the applicable provisions of the state building code, subject, however, to the powers granted to the board of review in section 103A.16.

3. c. Order in writing any person to remedy any condition found to exist in, or about any building or structure in violation of the state building code. Orders may be served upon the owner or the owner's authorized agent personally or by certified mail at the address set forth in the application for permission to construct a building or structure. Any local building department may grant in writing such time as may be reasonably necessary for achieving compliance with an order.

4. d. Issue certificates of occupancy or use, permits, licenses, and other documents in connection with the construction of buildings or structures as may be required by ordinance.

A certificate of occupancy or use for a building or structure constructed in accordance with the provisions of the state building code shall certify that the building or structure conforms to the requirements of the code. The certificate shall be in the form the governing body of the governmental subdivision prescribes.

Every certificate of occupancy or use shall, until set aside or vacated by the board of review, director, or a court of competent jurisdiction, be binding and conclusive upon all state and local agencies, as to all matters set forth and no order, direction, or requirement at variance therewith shall be made or issued by any other state or local agency.

5. e. Make, amend, and repeal rules for the administration and enforcement of the provisions of this section, and for the collection of reasonable fees in connection therewith.

6. f. Prohibit the commencement of construction until a permit has been issued by the local building department after a showing of compliance with the requirements of the applicable provisions of the state building code.

3. The specifications for all buildings to be constructed after July 1, 1977, and which exceed a total volume of one hundred thousand cubic feet of enclosed space that is heated or cooled shall be reviewed by a registered architect or ~~registered licensed~~ engineer for compliance with applicable energy efficiency standards. A statement that a review has been accomplished and that the design is in compliance with the energy efficiency standards shall be signed and sealed by the responsible registered architect or ~~registered licensed~~ engineer. This statement shall be filed with the commissioner prior to construction. If the specifications relating to energy efficiency for a specific structure have been approved, additional buildings may be constructed from those same plans and specifications without need of further approval if construction begins within five years of the date of approval. Alterations of a structure which has been previously approved shall not require a review because of these changes, provided the basic structure remains unchanged.

Sec. 22. Section 103A.21, subsection 1, Code 2007, is amended to read as follows:

1. Any person served with an order pursuant to the provisions of section 103A.19, subsection 3 2, paragraph "c", who fails to comply with the order within thirty days after service or within the time fixed by the local building department for compliance, whichever is longer, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building or structure who shall knowingly violate any of the applicable provisions of the state building code or any lawful order of a local building department made thereunder, shall be guilty of a simple misdemeanor.

Sec. 23. Section 123.53, subsection 3, Code 2007, is amended to read as follows:

3. The treasurer of state shall transfer into a special revenue account in the general fund of the state, a sum of money at least equal to seven percent of the gross amount of sales made by the division from the beer and liquor control fund on a monthly basis but not less than nine million dollars annually. Of the amounts transferred, two million dollars, plus an additional amount determined by the general assembly, shall be appropriated to the Iowa department of public health for use by the staff who administer the comprehensive substance abuse program under chapter 125 ~~to be used~~ for substance abuse treatment and prevention programs. Any amounts received in excess of the amounts appropriated to the Iowa department of public health for use by the staff who administer the comprehensive substance abuse program under chapter 125 shall be considered part of the general fund balance.

Sec. 24. Section 124.401, subsection 1, paragraph b, subparagraph (2), subparagraph subdivisions (a), (b), and (c), Code 2007, are amended to read as follows:

(a) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine ~~or~~ and their salts have been removed.

(b) Cocaine, its salts, optical and geometric isomers, ~~and~~ or salts of isomers.

(c) Ecgonine, its derivatives, their salts, isomers, ~~and~~ or salts of isomers.

Sec. 25. Section 124.552, subsection 1, paragraphs c and d, Code 2007, are amended to read as follows:

- c. ~~Prescriber~~ Prescribing practitioner identification.
- d. The date the prescription was issued by the ~~prescriber~~ prescribing practitioner.

Sec. 26. Section 124.552, subsection 4, Code 2007, is amended to read as follows:

4. This section shall not apply to a ~~prescriber~~ prescribing practitioner furnishing, dispensing, supplying, or administering drugs to the ~~prescriber's~~ prescribing practitioner's patient, or to dispensing by a licensed pharmacy for the purposes of inpatient hospital care, inpatient hospice care, or long-term residential facility patient care.

Sec. 27. Section 124.553, subsection 1, paragraph a, Code 2007, is amended to read as follows:

a. (1) A pharmacist or ~~prescriber~~ prescribing practitioner who requests the information and certifies in a form specified by the board that it is for the purpose of providing medical or pharmaceutical care to a patient of the pharmacist or ~~prescriber~~ prescribing practitioner. Neither a pharmacist nor a ~~prescriber~~ prescribing practitioner may delegate program information access to another individual.

(2) Notwithstanding subparagraph (1), a ~~prescriber~~ prescribing practitioner may delegate program information access to another licensed health care professional only in emergency situations where the patient would be placed in greater jeopardy if the ~~prescriber~~ prescribing practitioner was required to access the information personally.

Sec. 28. Section 124.553, subsections 6 and 7, Code 2007, are amended to read as follows:

6. Nothing in this section shall require a pharmacist or ~~prescriber~~ prescribing practitioner to obtain information about a patient from the program. A pharmacist or ~~prescriber~~ prescribing practitioner does not have a duty and shall not be held liable in damages to any person in any civil or derivative criminal or administrative action for injury, death, or loss to person or property on the basis that the pharmacist or ~~prescriber~~ prescribing practitioner did or did not seek or obtain or use information from the program. A pharmacist or ~~prescriber~~ prescribing practitioner acting reasonably and in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting or receiving or using information from the program.

7. The board shall not charge a fee to a pharmacy, pharmacist, or ~~prescriber~~ prescribing practitioner for the establishment, maintenance, or administration of the program, including costs for forms required to submit information to or access information from the program, except that the board may charge a fee to an individual who requests the individual's own program information. A fee charged pursuant to this subsection shall not exceed the actual cost of providing the requested information and shall be considered a repayment receipt as defined in section 8.2.

Sec. 29. Section 124.554, subsection 1, paragraphs g and h, Code 2007, are amended to read as follows:

g. Including all schedule II controlled substances and those substances in schedules III and IV that the advisory council and board determine can be addictive or fatal if not taken under the proper care and direction of a ~~prescriber~~ prescribing practitioner.

h. Access by a pharmacist or ~~prescriber~~ prescribing practitioner to information in the program pursuant to a written agreement with the board and advisory council.

Sec. 30. Section 124.554, subsection 2, paragraphs b and c, Code 2007, are amended to read as follows:

b. Information from pharmacies, ~~prescribers~~ prescribing practitioners, the board, the advisory council, and others regarding the benefits or detriments of the program.

c. Information from pharmacies, ~~prescribers~~ prescribing practitioners, the board, the advisory council, and others regarding the board's effectiveness in providing information from the program.

Sec. 31. Section 124.555, subsection 1, Code 2007, is amended to read as follows:

1. The council shall consist of eight members appointed by the governor. The members shall include three licensed pharmacists, four physicians licensed under chapter 148, 150, or 150A, and one licensed ~~prescriber~~ prescribing practitioner who is not a physician. The governor shall solicit recommendations for council members from Iowa health professional licensing boards, associations, and societies. The license of each member appointed to and serving on the advisory council shall be current and in good standing with the professional's licensing board.

Sec. 32. Section 124.555, subsection 3, paragraphs a and d, Code 2007, are amended to read as follows:

a. Ensuring the confidentiality of the patient, ~~prescriber~~ prescribing practitioner, and dispensing pharmacist and pharmacy.

d. Making recommendations regarding the continued benefits of maintaining the program in relationship to cost and other burdens to the patient, ~~prescriber~~ prescribing practitioner, pharmacist, and the board. The council's recommendations shall be included in reports required by section 124.554, subsection 2.

Sec. 33. Section 124.556, Code 2007, is amended to read as follows:

124.556 EDUCATION AND TREATMENT.

The program for drug prescribing and dispensing shall include education initiatives and outreach to consumers, ~~prescribers~~ prescribing practitioners, and pharmacists, and shall also include assistance for identifying substance abuse treatment programs and providers. The board and advisory council shall adopt rules, as provided under section 124.554, to implement this section.

Sec. 34. Section 124.558, Code 2007, is amended to read as follows:

124.558 PROHIBITED ACTS — PENALTIES.

1. FAILURE TO COMPLY WITH REQUIREMENTS. A pharmacist, pharmacy, or ~~prescriber~~ prescribing practitioner who knowingly fails to comply with the confidentiality requirements of this division or who delegates program information access to another individual is subject to disciplinary action by the appropriate professional licensing board. A pharmacist or pharmacy that knowingly fails to comply with other requirements of this division is subject to disciplinary action by the board. Each licensing board may adopt rules in accordance with chapter 17A to implement the provisions of this section.

2. UNLAWFUL ACCESS, DISCLOSURE, OR USE OF INFORMATION. A person who intentionally or knowingly accesses, uses, or discloses program information in violation of this division, unless otherwise authorized by law, is guilty of a class "D" felony. This section shall not preclude a pharmacist or ~~prescriber~~ prescribing practitioner who requests and receives information from the program consistent with the requirements of this chapter from otherwise lawfully providing that information to any other person for medical or pharmaceutical care purposes.

Sec. 35. Section 135.22B, subsections 6 and 7, Code 2007, are amended to read as follows:

6. COST-SHARE COMPONENT ELIGIBILITY. An individual must meet all of the following requirements in order to be eligible for the cost-share component of the brain injury services program:

a. The individual is age one month through sixty-four years.

b. The individual has a diagnosed brain injury as defined in section 135.22.

c. The individual is a resident of this state and either a United States citizen or a qualified alien as defined in 8 U.S.C. § 1641.

d. ~~The cost-share component's financial eligibility requirements shall be established in administrative rule. In establishing the requirements, the department shall consider the eligibility and cost-share requirements used for the hawk-i program under chapter 514I.~~ The individ-

ual ~~must meet~~ meets the cost-share component's financial eligibility requirements and ~~be is~~ willing to pay a cost-share for the cost-share component.

e. The individual does not receive services or funding under any type of medical assistance home and community-based services waiver.

7. COST-SHARE REQUIREMENTS.

a. The cost-share component's financial eligibility requirements shall be established in administrative rule. In establishing the requirements, the department shall consider the eligibility and cost-share requirements used for the hawk-i program under chapter 514I.

a. ~~b.~~ An individual's cost-share responsibility for services under the cost-share component shall be determined on a sliding scale based upon the individual's family income. An individual's cost-share shall be assessed as a copayment, which shall not exceed thirty percent of the cost payable for the service.

~~b.~~ c. The service provider shall bill the department for the portion of the cost payable for the service that is not covered by the individual's copayment responsibility.

Sec. 36. Section 149.3, subsection 4, Code 2007, is amended to read as follows:

4. Have successfully completed a residency as determined by the board by rule. This subsection applies to all applicants who graduate from ~~podiatric college~~ a school of podiatry on or after January 1, 1995.

Sec. 37. Section 151.12, Code 2007, is amended to read as follows:

151.12 TEMPORARY CERTIFICATE.

The chiropractic examiners may, in their discretion, issue a temporary certificate authorizing the ~~licensee certificate holder~~ to practice chiropractic if, in the opinion of the chiropractic examiners, a need exists and the person possesses the qualifications prescribed by the chiropractic examiners for the ~~license certificate~~, which shall be substantially equivalent to those required for licensure under this chapter. The chiropractic examiners shall determine in each instance those eligible for this ~~license certificate~~, whether or not examinations shall be given, the type of examinations, and the duration of the ~~license certificate~~. No requirements of the law pertaining to regular permanent licensure are mandatory for this temporary ~~license certificate~~ except as specifically designated by the chiropractic examiners. The granting of a temporary ~~license certificate~~ does not in any way indicate that the person ~~so licensed~~ is eligible for regular licensure, nor are the chiropractic examiners in any way obligated to ~~so license issue~~ the person a regular license.

The temporary certificate shall be issued for one year and at the discretion of the chiropractic examiners may be renewed, but a person shall not practice chiropractic in excess of three years while holding a temporary certificate. The fee for this ~~license certificate~~ shall be set by the chiropractic examiners, and if extended beyond one year, a renewal fee per year shall be set by the chiropractic examiners. The fee for the temporary ~~license certificate~~ shall be based on the administrative costs of issuing the ~~licenses certificates~~.

Sec. 38. Section 161A.23, unnumbered paragraph 1, Code 2007, is amended to read as follows:

After obtaining agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than fifty percent of the lands situated in the subdistrict, the governing body of the subdistrict shall have the authority to establish a special tax for the purpose of organization, construction, repair, alteration, enlargement, extension and operation of present and future works of improvement within the boundaries of said subdistrict. The governing body shall appoint three appraisers to assess benefits and classify the land affected by such improvements. One of such appraisers shall be a competent ~~registered licensed~~ professional engineer and two of them shall be resident landowners of the county or counties in which the subdistrict is located but not living within nor owning or operating any lands included in said subdistrict.

Sec. 39. Section 174.2, unnumbered paragraph 3, Code 2007, is amended to read as follows:

No salary or compensation of any kind shall be paid to the president, vice president, treasurer, or to a director of the association fair for such duties. However, the president, vice president, treasurer, or a director of the association fair may be reimbursed for actual expenses incurred by carrying out duties under this chapter or chapter 173, including, but not limited to attending the convention provided under section 173.2. A person claiming expenses under this paragraph shall be reimbursed to the same extent that a state employee is entitled to be reimbursed for expenses.

Sec. 40. Section 185C.29, unnumbered paragraph 1, Code 2007, is amended to read as follows:

After the direct and indirect costs incurred by the secretary and the costs of elections, ~~referendum~~ referendums, necessary board expenses, and administrative costs have been paid, at least seventy-five percent of the remaining moneys from a state assessment deposited in the corn promotion fund shall be used to carry out the purposes of this chapter as provided in section 185C.11.

Sec. 41. Section 210.12, Code 2007, is amended to read as follows:

210.12 SALE OF FRUITS AND VEGETABLES IN BASKETS.

Grapes, other fruits, and vegetables may be sold in climax baskets; but when said commodities are sold in such manner and the containers are labeled with the net weight of the contents in accordance with the provisions of section 189.9, all the provisions of ~~the chapter relative to labeling foods 191~~ shall be deemed to have been complied with.

Sec. 42. Section 214.6, Code 2007, is amended to read as follows:

214.6 OATH OF WEIGHMASTERS.

All persons keeping ~~public scales~~ a commercial weighing and measuring device, before entering upon their duties as weighmasters, shall be sworn before some person having authority to administer oaths, to keep their ~~scales~~ device correctly balanced, to make true weights, and to render a correct account to the person having weighing done.

Sec. 43. Section 215.26, subsection 1, Code 2007, is amended to read as follows:

1. "Commercial weighing and measuring device" means a weight or measure or weighing or measuring device used to establish size, quantity, area or other quantitative measurement of a commodity sold by weight or measurement, or where the price to be paid for producing the commodity is based upon the weight or measurement of the commodity. The term includes an accessory attached to or used in connection with a commercial weighing or measuring device when the accessory is so designed or installed that its operation may affect the accuracy of the device. Commercial weighing and measuring device includes a public scale ~~as defined under section 214.1.~~

Sec. 44. Section 218.58, subsection 2, Code 2007, is amended to read as follows:

2. The director shall have plans and specifications prepared by the department of administrative services for authorized construction, repair, or improvement projects costing over the competitive bid threshold in section 26.3, or as established in section 314.1B. An appropriation for a project shall not be expended until the department of administrative services has adopted plans and specifications and has completed a detailed estimate of the cost of the project, prepared under the supervision of a registered architect or ~~registered~~ licensed professional engineer. Plans and specifications shall not be adopted and a project shall not proceed if the project would require an expenditure of money in excess of the appropriation.

Sec. 45. Section 232.133, subsection 2, Code 2007, is amended to read as follows:

2. Except for appeals from orders entered in child in need of assistance proceedings or or-

ders entered pursuant to section 232.117, appellate procedures shall be governed by the same provisions applicable to appeals from the district court. The supreme court may prescribe rules to expedite the resolution of appeals from final orders entered in child in need of assistance proceedings or orders entered pursuant to section 232.117.

Sec. 46. Section 256.57, subsection 1, Code 2007, is amended to read as follows:

1. An enrich Iowa program is established in the division to provide direct state assistance to public libraries, to support the open access and access plus programs, to provide public libraries with an incentive to improve library services, and that are in compliance with performance measures, and to reduce inequities among communities in the delivery of library services based on performance measures adopted by rule by the commission. The commission shall adopt rules governing the allocation of funds appropriated by the general assembly for purposes of this section to provide direct state assistance to eligible public libraries. A public library is eligible for funds under this chapter if it is in compliance with the commission's performance measures.

Sec. 47. Section 256.57, subsection 2, paragraph a, Code 2007, is amended to read as follows:

a. The level of compliance by the eligible public library with the performance measures adopted by the commission as provided in this ~~paragraph~~ section.

Sec. 48. Section 256.57, subsection 5, Code 2007, is amended to read as follows:

5. Each eligible public library shall maintain a separate listing within its budget for payments received and expenditures made pursuant to this ~~subsection~~ section, and shall annually submit this listing to the division.

Sec. 49. Section 262.58, Code 2007, is amended to read as follows:

262.58 RATES AND TERMS OF BONDS OR NOTES.

Such bonds or notes may bear such date or dates, may bear interest at such rate or rates, payable semiannually, may mature at such time or times, may be in such form, carry such registration privileges, may be payable at such place or places, may be subject to such terms of redemption prior to maturity with or without premium, if so stated on the face thereof, and may contain such terms and covenants all as may be provided by the resolution of the board authorizing the issuance of the bonds or notes. In addition to the estimated cost of construction, the cost of the project shall be deemed to include interest upon the bonds or notes during construction and for six months after the estimated completion date, the compensation of a fiscal agent or adviser, and engineering, administrative and legal expenses. Such bonds or notes shall be executed by the president of the state board of regents and attested by the executive director of the state board of regents, ~~secretary, or other official thereof performing the duties of the executive director of the state board of regents~~, and the coupons thereto attached shall be executed with the original or facsimile signatures of said president, ~~and executive director, secretary, or other official~~. Any bonds or notes bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding for all purposes, notwithstanding that before delivery thereof any or all such persons whose signatures appear thereon shall have ceased to be such officers. Each such bond or note shall state upon its face the name of the institution on behalf of which it is issued, that it is payable solely and only from the net rents, profits and income derived from the operation of residence halls or dormitories, including dining and other incidental facilities, at such institution as hereinbefore provided, and that it does not constitute a charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision. The issuance of such bonds or notes shall be recorded in the office of the treasurer of the institution on behalf of which the same are issued, and a certificate by such treasurer to this effect shall be printed on the back of each such bond or note.

Sec. 50. Section 279.34, Code 2007, is amended to read as follows:

279.34 MOTOR VEHICLES REQUIRED TO OPERATE ON ETHANOL BLENDED GASOLINE.

A motor vehicle purchased by or used under the direction of the board of directors to provide services to a school corporation shall not, ~~on or after January 1, 1993,~~ operate on gasoline other than ethanol blended gasoline as defined in section 214A.1. The motor vehicle shall also be affixed with a brightly visible sticker which notifies the traveling public that the motor vehicle is being operated on ethanol blended gasoline. However, the sticker is not required to be affixed to an unmarked vehicle used for purposes of providing law enforcement or security.

Sec. 51. Section 297.14, Code 2007, is amended to read as follows:

297.14 BARBED WIRE.

No school attendance center fence shall be constructed of barbed wire, nor shall any barbed wire fence be placed within ten feet of any school attendance center. Any person violating the provisions of this section shall be guilty of a simple misdemeanor.

Sec. 52. Section 309.17, Code 2007, is amended to read as follows:

309.17 ENGINEER — TERM.

The board of supervisors shall employ one or more ~~registered~~ licensed civil engineers who shall be known as county engineers. The board shall fix their term of employment which shall not exceed three years, but the tenure of office may be terminated at any time by the board.

Sec. 53. Section 321.30, Code 2007, is amended to read as follows:

321.30 GROUNDS FOR REFUSING REGISTRATION OR TITLE.

1. The department or the county treasurer shall refuse registration and issuance of a certificate of title or any transfer of title and registration upon any of the following grounds:

~~1.~~ a. That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the department or that the applicant is not entitled to registration and issuance of a certificate of title of the vehicle under this chapter.

~~2.~~ b. That the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways, providing such condition is revealed by a member of this department, or any peace officer.

~~3.~~ c. That the department or the county treasurer has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration and issuance of a certificate of title would constitute a fraud against the rightful owner.

~~4.~~ d. That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this state.

~~5.~~ e. That the required fee has not been paid except as provided in section 321.48.

~~6.~~ f. That the required use tax has not been paid.

~~7.~~ g. If application for registration and certificate of title for a new vehicle is not accompanied by a manufacturer's or importer's certificate duly assigned.

~~8.~~ h. If application for a transfer of registration and issuance of a certificate of title for a used vehicle registered in this state is not accompanied by a certificate of title duly assigned.

~~9.~~ i. If application and supporting documents are insufficient to authorize the issuance of a certificate of title as provided by this chapter, except that an initial registration or transfer of registration may be issued as provided in section 321.23.

~~10.~~ j. In the case of a mobile home or manufactured home, that taxes are owing under chapter 435 for a previous year.

~~11.~~ k. In the case of a mobile home or manufactured home converted from real estate, real estate taxes which are delinquent.

~~12.~~ l. If a commercial motor vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

~~13.~~ 2. Unless otherwise provided for in this chapter, the department or the county treasurer

shall refuse registration and issuance of a certificate of title unless the vehicle bears a manufacturer's label pursuant to 49 C.F.R. pt. 567 certifying that the vehicle meets federal motor vehicle safety standards.

3. The department or the county treasurer shall refuse registration of a vehicle on the following grounds:

~~14. The department or the county treasurer knows that an applicant for renewal of a registration has a delinquent account, charge, fee, loan, taxes, or other indebtedness owed to or being collected by the state, from information received pursuant to sections 8A.504 and 421.17. An applicant may contest this action by requesting a contested case proceeding from the agency that referred the debt for collection pursuant to section 8A.504. This subsection shall apply only to a renewal of registration and shall not apply to the issuance of an original registration or to the issuance of a certificate of title.~~

~~15. a. The department or the county treasurer shall refuse registration of a vehicle if If the applicant is under the age of eighteen years, unless the applicant has an Iowa driver's license or the application is being made by more than one applicant and one of the applicants is at least eighteen years of age.~~

~~16. b. The department or the county treasurer shall also refuse registration of a vehicle if If the applicant for registration of the vehicle has failed to pay the required registration fees of any vehicle owned or previously owned when the registration fee was required to be paid by the applicant, and for which vehicle the registration was suspended or revoked under section 321.101, subsection 1, paragraph "d", or section 321.101A, until the fees are paid together with any accrued penalties.~~

Sec. 54. Section 321.40, unnumbered paragraph 6, Code 2007, is amended to read as follows:

The department or the county treasurer shall refuse to renew the registration of a vehicle registered to the applicant if the department or the county treasurer knows that the applicant has a delinquent account, charge, fee, loan, taxes, or other indebtedness owed to or being collected by the state, from information provided pursuant to sections 8A.504 and 421.17. An applicant may contest this action by requesting a contested case proceeding from the agency that referred the debt for collection pursuant to section 8A.504.

Sec. 55. Section 321.101, subsection 3, unnumbered paragraph 2, Code 2007, is amended to read as follows:

If a vehicle, for which the registration has been suspended or revoked pursuant to subsection 1, paragraph "d", or section 321.101A, is transferred to a bona fide purchaser for value without actual knowledge of such suspension or revocation, then the vehicle shall be deemed to be registered and the provisions of sections 321.28 and 321.30, ~~subsections 4~~ subsection 1, paragraphs "d" and 5 "e", shall not be applicable to such vehicle for the failure of the previous owner to pay the required fees.

Sec. 56. Section 331.610, Code 2007, is amended to read as follows:

331.610 ABOLITION OF OFFICE OF RECORDER — IDENTIFICATION OF OFFICE — PLACE OF FILING.

If the office of county recorder is abolished in a county, the auditor of that county shall be referred to as the county auditor and recorder. After abolition of the office of county recorder, references in the Code requiring filing or recording of documents with the county recorder shall be deemed to require the filing in the office of the county auditor and recorder, and all duties of the abolished office of recorder shall be performed by the county auditor and recorder. However, the board of supervisors may direct that any of the duties of the abolished office of recorder prescribed in section 331.602, subsection 9, 10, 11, or 16, or section 331.605, subsection 1, 2, 3, ~~or 4~~, or 5, shall be performed by other county officers or employees as provided in section 331.323.

Sec. 57. Section 357A.11, subsection 11, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Have authority to execute an agreement with a governmental entity, including a county, city, sanitary sewer district, or another district, for purposes of managing or administering the works, facilities, or waterways which are useful for the collection, disposal, or treatment of wastewater or sewage and which are located within the jurisdiction of the governmental entity or the district. The board may do what is necessary to carry out the agreement, including but not limited to any of the following:

Sec. 58. Section 357A.22A, unnumbered paragraph 2, Code 2007, is amended to read as follows:

A rural water district or rural water association incorporated under this chapter or chapter 504 which provides water service to cities, benefited fire districts, or townships shall not be liable for a claim against the district or association for failure to provide or maintain fire hydrants, facilities, or an adequate supply of water or water pressure for fire protection purposes if the purpose of the hydrants, facilities, or water used is not for fire protection. ~~Not later than July 1, 2006, the legislative council shall provide for a review of the liability exemption or limitation provided for rural water districts or rural water associations under this paragraph and assess its effect on the provision of fire protection in areas served by the rural water districts or rural water associations.~~

Sec. 59. Section 358.16, unnumbered paragraph 7, Code 2007, is amended to read as follows:

However, in the event of an emergency when the delay of notice and hearing might cause serious loss or injury to persons or property within the district, the board of trustees may perform any action which may be required under this section without prior notice and hearing, and assess the cost as provided in this section, following notice to the property owner and hearing in the time and manner provided in the preceding paragraph. In that event the board of trustees shall, by resolution, make a finding of the necessity to institute emergency proceedings under this section, and shall procure a certificate from a competent ~~registered~~ licensed professional engineer or registered architect certifying that emergency action is necessary.

Sec. 60. Section 358.40, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

After three years from the establishment of a sanitary ~~sewer~~ district, a petition may be filed in the office of the county auditor, addressed to the board of supervisors, signed by a majority of persons owning land in the district and who in aggregate own at least sixty percent of the land in the district. The petition shall include the above facts and recite each of the following:

Sec. 61. Section 384.37, subsection 5, Code 2007, is amended to read as follows:

5. "Engineer" means a professional engineer, ~~registered~~ licensed in the state of Iowa, authorized by the council to render services in connection with the public improvement.

Sec. 62. Section 384.103, subsection 2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

When emergency repair of a public improvement is necessary and the delay of advertising and a public letting might cause serious loss or injury to the city, the governing body shall, by resolution, make a finding of the necessity to institute emergency proceedings under this section, and shall procure a certificate from a competent ~~registered~~ licensed professional engineer or registered architect, not in the regular employ of the city, certifying that emergency repairs are necessary.

Sec. 63. Section 403.19A, subsection 3, paragraphs e, f, and k, Code 2007, are amended to read as follows:

e. (1) The employer shall certify to the department of revenue that the targeted jobs with-

holding credit is in accordance with the withholding agreement and shall provide other information the department may require. Notice of any withholding agreement shall be provided promptly to the department of revenue following its execution of the agreement by the pilot project city and the employer.

(2) Following termination of the withholding agreement, the employer credits shall cease and any money received by the pilot project city after termination shall be remitted to the treasurer of state to be deposited into the general fund of the state. Notice shall be provided promptly to the department of revenue following termination.

f. If the employer ceases to meet the requirements of the withholding agreement, the agreement shall be terminated and any withholding tax credits for the benefit of the employer shall cease. However, in regard to the number of new jobs that are to be created, if the employer has met the number of new jobs to be created pursuant to the withholding agreement and subsequently the number of new jobs falls below the required level, the employer shall not be considered as not meeting the new job requirement until eighteen months after the date of the decrease in the number of new jobs ~~employed~~ created.

k. At the time of submitting its budget to the department of management, the pilot project city shall submit to the department of management and the department of economic development a description of the activities involving the use of withholding agreements. The description shall include, but is not limited to, the following:

(1) The total number of targeted jobs and a breakdown as to those that are Iowa business expansions or retentions within the city limits of the pilot project city and those that are jobs resulting from established out-of-state businesses moving to or expanding in Iowa.

(2) The number of withholding agreements and the amount of withholding credits involved.

(3) The types of businesses that entered into ~~the~~ an agreements, and the types of businesses that declined the city's proposal to enter into ~~the~~ an agreement.

Sec. 64. Section 421.9, subsection 3, Code 2007, is amended to read as follows:

3. The director may make application to the district court or judicial magistrate in the county where the books, records, or assets are located for an administrative search warrant as authorized by section 808.14, to ensure equitable administration of state tax law, if any of the following occurs:

a. A person refuses to allow the director or the director's authorized representative to audit the person's books or records or to inspect or value the person's assets.

b. The director has good and sufficient reason to believe that a person will not allow the department to audit books or records or inspect or value assets or to believe that the person will destroy books or records or secrete or transfer assets.

4. Immediately upon issuance of a distress warrant authorized by section 422.26, the director may make application to the district court or judicial magistrate for an administrative search warrant as authorized by section 808.14 to execute the distress warrant.

Sec. 65. Section 422.5, subsection 2A, unnumbered paragraphs 1 and 2, Code 2007, are amended to read as follows:

However, the tax shall not be imposed on a resident or nonresident who is at least sixty-five years old on December 31 of the tax year and whose net income, as defined in section 422.7, is twenty-four thousand dollars or less in the case of married persons filing jointly or filing separately on a combined return, ~~unmarried~~ heads of household, and surviving spouses or eighteen thousand dollars or less in the case of all other persons; but in the event that the payment of tax under this division would reduce the net income to less than twenty-four thousand dollars or eighteen thousand dollars as applicable, then the tax shall be reduced to that amount which would result in allowing the taxpayer to retain a net income of twenty-four thousand dollars or eighteen thousand dollars as applicable. The preceding sentence does not apply to estates or trusts. For the purpose of this subsection, the entire net income, including any part of the net income not allocated to Iowa, shall be taken into account. For purposes of this subsection, net income includes all amounts of pensions or other retirement income received from

any source which is not taxable under this division as a result of the government pension exclusions in section 422.7, or any other state law. If the combined net income of a husband and wife exceeds twenty-four thousand dollars, neither of them shall receive the benefit of this subsection, and it is immaterial whether they file a joint return or separate returns. However, if a husband and wife file separate returns and have a combined net income of twenty-four thousand dollars or less, neither spouse shall receive the benefit of this paragraph, if one spouse has a net operating loss and elects to carry back or carry forward the loss as provided in section 422.9, subsection 3. A person who is claimed as a dependent by another person as defined in section 422.12 shall not receive the benefit of this subsection if the person claiming the dependent has net income exceeding twenty-four thousand dollars or eighteen thousand dollars as applicable or the person claiming the dependent and the person's spouse have combined net income exceeding twenty-four thousand dollars or eighteen thousand dollars as applicable.

In addition, if the married persons', filing jointly or filing separately on a combined return, ~~unmarried~~ head of household's, or surviving spouse's net income exceeds twenty-four thousand dollars, the regular tax imposed under this division shall be the lesser of the maximum state individual income tax rate times the portion of the net income in excess of twenty-four thousand dollars or the regular tax liability computed without regard to this sentence. Taxpayers electing to file separately shall compute the alternate tax described in this paragraph using the total net income of the husband and wife. The alternate tax described in this paragraph does not apply if one spouse elects to carry back or carry forward the loss as provided in section 422.9, subsection 3.

Sec. 66. Section 422.11N, subsection 5, paragraph b, unnumbered paragraph 1, Code 2007, is amended to read as follows:

For a retail dealer whose tax year is not the same as a determination period beginning on January 1 and ending on December 31, the retail dealer shall calculate the tax credit ~~twice~~, as follows:

Sec. 67. Section 422.11O, subsection 4, unnumbered paragraph 1, Code 2007, is amended to read as follows:

For a retail dealer whose tax year is not on a calendar year basis, the retail dealer shall calculate the tax credit ~~twice~~, as follows:

Sec. 68. Section 422.12I, subsection 2, Code 2007, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the veterans trust fund on the tax return. The department of revenue, on or before January 31, shall transfer the total amount designated on the tax return forms due in the preceding calendar year to the veterans trust fund created in section 35A.13. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of revenue ~~administrative services~~ and accounts identified as owing under section ~~421.17 8A.504~~ and the political contribution allowed under section 68A.601 shall be satisfied.

Sec. 69. Section 423.4, subsection 1, paragraphs b and c, Code 2007, are amended to read as follows:

b. Such governmental unit, educational institution, nonprofit Iowa affiliate, or nonprofit private museum shall, not more than one year after the final settlement has been made, make application to the department for any refund of the amount of the sales or use tax which shall have been paid upon any goods, wares, or merchandise, or services furnished, the application to be made in the manner and upon forms to be provided by the department, and the department shall forthwith audit the claim and, if approved, issue a warrant to the governmental unit, educational institution, nonprofit Iowa affiliate, or nonprofit private museum in the amount of the sales or use tax which has been paid to the state of Iowa under the contract.

c. Refunds authorized under this subsection shall accrue interest at the rate in effect under section 421.7 from the first day of the second calendar month following the date the refund claim is received by the department.

e. d. Any contractor who willfully makes a false report of tax paid under the provisions of this subsection is guilty of a simple misdemeanor and in addition shall be liable for the payment of the tax and any applicable penalty and interest.

Sec. 70. Section 423A.6, unnumbered paragraph 3, Code 2007, is amended to read as follows:

Section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection 1, and sections 423.23, 423.24, 423.25, 423.31, 423.33, 423.35, 423.37 to through 423.42, and 423.47, consistent with the provisions of this chapter, apply with respect to the taxes authorized under this chapter, in the same manner and with the same effect as if the state and local hotel and motel taxes were retail sales taxes within the meaning of those statutes. Notwithstanding this paragraph, the director shall provide for quarterly filing of returns and for other than quarterly filing of returns both as prescribed in section 423.31. The director may require all persons who are engaged in the business of deriving any sales price subject to tax under this chapter to register with the department. All taxes collected under this chapter by a retailer or any individual are deemed to be held in trust for the state of Iowa and the local jurisdictions imposing the taxes.

Sec. 71. Section 423D.4, unnumbered paragraph 3, Code 2007, is amended to read as follows:

Section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection 1, and sections 423.23, 423.24, 423.25, 423.31 to through 423.35, 423.37 to through 423.42, and 423.47, consistent with the provisions of this chapter, apply with respect to the tax authorized under this chapter, in the same manner and with the same effect as if the excise taxes on equipment sales or use were retail sales taxes within the meaning of those statutes. Notwithstanding this paragraph, the director shall provide for quarterly filing of returns and for other than quarterly filing of returns both as prescribed in section 423.31. All taxes collected under this chapter by a retailer or any user are deemed to be held in trust for the state of Iowa.

Sec. 72. Section 446.19A, subsection 3, Code 2007, is amended to read as follows:

3. If after the date that a parcel is sold pursuant to this chapter, or after the date that a parcel is sold under section 446.18, ~~446.38~~, or 446.39, the parcel assessed as residential property or as commercial multifamily housing property is identified as abandoned or as a vacant lot pursuant to a verified statement filed with the county treasurer by a city or county in the form set forth in subsection 2, a city or county may require the assignment of the tax sale certificate that had been issued for such parcel by paying to the holder of such certificate the total amount due on the date the assignment of the certificate is made to the county or city and recorded with the county treasurer. If a certificate holder fails to assign the certificate of purchase to the city or county, the county treasurer is authorized to issue a duplicate certificate of purchase, which shall take the place of the original certificate, and assign the duplicate certificate to the city or county. If the certificate is not assigned by the county or city pursuant to subsection 4, the county or city, whichever is applicable, is liable for the tax sale interest that was due the certificate holder pursuant to section 447.1, as of the date of assignment.

Sec. 73. Section 446.20, subsection 2, unnumbered paragraph 2, Code 2007, is amended to read as follows:

Service of the notice shall also be made by mail on any mortgagee having a lien upon the parcel, a vendor of the parcel under a recorded contract of sale, a lessor who has a recorded lease or memorandum of a recorded lease, and any other person who has an interest of record, at the person's last known address, if the mortgagee, vendor, lessor, or other person has filed a request for notice, as prescribed in section 446.9, subsection 3, ~~and on the state of Iowa in~~

case of a supplementary assistance lien by service upon the department of human services. The notice shall also be served on any city where the parcel is situated. Failure to receive a mailed notice is not a defense to the payment of the total amount due.

Sec. 74. Section 455B.171, subsection 27, Code 2007, is amended to read as follows:

27. "Semi-public sewage disposal system" means a system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a city, a sanitary sewer district, or a designated and approved management agency under section 1288 of the federal Water Pollution Control Act (33 U.S.C. § 1288).

Sec. 75. Section 455B.183, subsection 1, paragraph a, Code 2007, is amended to read as follows:

a. The construction, installation, or modification of any disposal system or public water supply system or part thereof or any extension or addition thereto except those sewer extensions and water supply distribution system extensions that are subject to review and approval by a city or county public works department pursuant to this section, the use or disposal of sewage sludge, and private sewage disposal systems. Unless federal law or regulation requires the review and approval of plans and specifications, a permit shall be issued for the construction, installation, or modification of a public water supply system or part of a system if a qualified, ~~registered~~ licensed engineer certifies to the department that the plans for the system or part of the system meet the requirements of state and federal law or regulations. The permit shall state that approval is based only upon the engineer's certification that the system's design meets the requirements of all applicable state and federal laws and regulations and the review of the department shall be advisory.

Sec. 76. Section 455B.183, subsection 2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Upon adoption of standards by the commission pursuant to section 455B.173, subsections 5 to 8, plans and specifications for sewer extensions and water supply distribution system extensions covered by this section shall be submitted to the city or county public works department for approval if the local public works department employs a qualified, ~~registered~~ licensed engineer who reviews the plans and specifications using the specific state standards known as the Iowa Standards for Sewer Systems and the Iowa Standards for Water Supply Distribution Systems that have been formulated and adopted by the department pursuant to section 455B.173, subsections 5 to 8. The local agency shall issue a written permit to construct if all of the following apply:

Sec. 77. Section 455B.183, subsection 4, Code 2007, is amended to read as follows:

4. Plans and specifications for all other waste disposal systems and public water supply systems, including sewer extensions and water supply distribution system extensions not reviewed by a city or county public works department under this section, shall be submitted to the department before a written permit may be issued. Plans and specifications for public water supply systems and water supply distribution system extensions must be certified by a ~~registered~~ licensed engineer as provided in subsection 1, paragraph "a". The construction of any such waste disposal system or public water supply system shall be in accordance with standards formulated and adopted by the department pursuant to section 455B.173, subsections 5 to 8. If it is necessary or desirable to make material changes in the plans or specifications, revised plans or specifications together with reasons for the proposed changes must be submitted to the department for a supplemental written permit. The revised plans and specifications for a public water supply system must be certified by a ~~registered~~ licensed engineer as provided in subsection 1, paragraph "a".

Sec. 78. Section 455B.803, subsection 2, paragraph b, subparagraph (7), subparagraph subdivision (c), Code 2007, is amended to read as follows:

(c) Confirmation that the vehicle recycler has submitted switches at least once every twelve months since joining the program.

Sec. 79. Section 455G.18, subsection 2, paragraph b, Code 2007, is amended to read as follows:

b. A professional engineer ~~registered~~ licensed in Iowa.

Sec. 80. Section 455G.18, subsection 8, Code 2007, is amended to read as follows:

8. The board may provide for exemption from the certification requirements of this section for a professional engineer ~~registered~~ licensed pursuant to chapter 542B, if the person is qualified in the field of geotechnical, hydrological, environmental groundwater, or hydrogeological engineering.

Sec. 81. Section 459.314B, subsection 3, Code 2007, is amended to read as follows:

3. Knowingly employing or executing a contract with a person who acts as a commercial manure service representative and who is not certified pursuant to section 459.315.

Sec. 82. Section 459A.401, subsection 1, Code 2007, is amended to read as follows:

1. All settleable solids from open feedlot effluent shall be removed prior to discharge into ~~the waters~~ a water of the state.

a. The settleable solids shall be removed by use of a solids settling facility. The construction of a solids settling facility is not required where existing site conditions provide for removal of settleable solids prior to discharge into ~~the waters~~ a water of the state.

b. The removal of settleable solids shall be deemed to have occurred when the velocity of flow of the open feedlot effluent has been reduced to less than point five feet per second for a minimum of five minutes. A solids settling facility shall have sufficient capacity to store settled solids between periods of land application and to provide required flow-velocity reduction for open feedlot effluent flow volumes resulting from a precipitation event of less intensity than a ten-year, one-hour frequency event. A solids settling facility which receives open feedlot effluent shall provide a minimum of one square foot of surface area for each eight cubic feet of open feedlot effluent per hour resulting from a ten-year, one-hour frequency precipitation event.

Sec. 83. Section 464A.5, Code 2007, is amended to read as follows:

464A.5 APPRAISAL OF DAMAGES.

If, at the time of the hearing, the claims for damages shall have been filed, further proceedings shall be continued to an adjourned, regular, or special session, the date and place of which shall be fixed at the time of adjournment and of which all interested parties shall take notice, and the commission shall have the damages appraised by three appraisers to be appointed by the chief justice of the supreme court. One of these appraisers shall be a ~~registered~~ licensed civil engineer resident of the state and two shall be freeholders of the state, who shall not be interested in nor related to any person affected by the proposed project.

Sec. 84. Section 468.3, subsection 6, Code 2007, is amended to read as follows:

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

Sec. 85. Section 479.29, subsection 2, Code 2007, is amended to read as follows:

2. The county board of supervisors shall cause an on-site inspection for compliance with the standards adopted under this section to be performed at any pipeline construction project in the county. A licensed professional engineer familiar with the standards adopted under this section and ~~registered~~ licensed under chapter 542B shall be responsible for the inspection. A county board of supervisors may contract for the services of a licensed professional engineer for the purposes of the inspection. The reasonable costs of the inspection shall be borne by the pipeline company.

Sec. 86. Section 501A.1101, subsection 4, paragraph c, Code 2007, is amended to read as follows:

c. After the plan has been adopted, articles of merger or consolidation stating the plan and that the plan was adopted according to this subsection shall be signed by the chairperson, vice chairperson, or records officer, ~~or documents officer~~ of each cooperative merging or consolidating.

Sec. 87. Section 502.404, subsection 5, Code 2007, is amended to read as follows:

5. LIMITS ON EMPLOYMENT OR ASSOCIATION. It is unlawful for an individual acting as an investment adviser representative, directly or indirectly, to conduct business in this state on behalf of an investment adviser or a federal covered investment adviser if the registration of the individual as an investment adviser representative is suspended or revoked or the individual is barred from employment or association with an investment adviser or a federal covered investment adviser by an order under this chapter, the securities and exchange commission, or a self-regulatory organization. Upon request from a federal covered investment adviser and for good cause, the administrator, by order issued, may waive, in whole or in part, the application of the requirements of this subsection to the ~~federal covered~~ investment adviser representative.

Sec. 88. Section 504.801, subsection 2, Code 2007, is amended to read as follows:

2. Except as otherwise provided in this ~~subchapter~~ chapter or subsection 3, all corporate powers shall be exercised by or under the authority of, and the affairs of the corporation managed under the direction of, its board.

Sec. 89. Section 507.16, Code 2007, is amended to read as follows:

507.16 UNLAWFUL SOLICITATION OF BUSINESS.

It shall be unlawful for any officer, manager, agent, or representative of any insurance company contemplated by this chapter, who, with knowledge that its certificate of authority has been suspended or revoked, or that it is insolvent, or is doing an unlawful or unauthorized business, to solicit or receive applications for insurance for the company, or to do any other act or thing toward receiving or procuring any new business for the company. The provisions of sections ~~511.16~~ 505.7A and 511.17 are extended to all companies contemplated by this chapter.

Sec. 90. Section 512B.25, Code 2007, is amended to read as follows:

512B.25 ANNUAL LICENSE — RENEWAL.

The authority of a society to transact business in this state may be renewed annually. A license terminates on the ~~succeeding first day of June 1~~ following issuance or renewal. A society shall submit annually on or before March 1 a completed application for renewal of its license. For each license or renewal the society shall pay the commissioner a fee of fifty dollars. A society that fails to timely file an application for renewal shall pay an administrative penalty of five hundred dollars to the treasurer of state for deposit in the general fund of the state as provided in section 505.7. A duly certified copy or duplicate of the license is prima facie evidence that the licensee is a fraternal benefit society within the meaning of this chapter.

Sec. 91. Section 533.27, unnumbered paragraph 1, Code 2007, is amended to read as follows:

With the exception of certain account records which shall not be destroyed pursuant to section 533.26, liability shall not accrue against any credit union destroying any ~~such~~ records after the expiration of the time provided in section 533.26, this section, and section 533.29. In any cause or proceedings in which any such records or files may be called into question or be demanded of the credit union or of any officer or employee of the credit union, a showing that such records or files have been destroyed in accordance with the terms of such sections shall be a sufficient excuse for the failure to produce them. Nothing herein shall require credit unions to retain any class of records or files for the period of limitations of actions provided

herein; but any records, files, or class of records not deemed necessary for the conduct of the current business of credit unions, or future examinations thereof, or for defense in the event of litigation, may be destroyed within such period.

Sec. 92. Section 533A.2, subsection 3, Code 2007, is amended to read as follows:

3. The application for a license shall be in the form prescribed by the superintendent. If the applicant is not a natural person, a copy of the legal documents creating the applicant shall be filed with the application. The application shall contain all of the following:

- a. The name of the applicant.
- b. If the applicant is not a natural person, the type of business entity of the applicant and the date the entity was organized.
- c. The address where the business is to be conducted, including information as to any branch office of the applicant.
- d. The name and resident address of the applicant's owner or partners, or, if a corporation, association, or agency, of the members, shareholders, directors, trustees, principal officers, managers, and agents. If the applicant is not a natural person, a copy of the legal documents creating the applicant shall be filed with the application.
- e. Other pertinent information as the superintendent may require, including a credit report.

Sec. 93. Section 533A.5, subsection 1, Code 2007, is amended to read as follows:

1. To continue in the business of debt management, each licensee shall annually apply on or before June 1 to the superintendent for renewal of its license. The superintendent may assess a late fee of ten dollars per day for applications submitted and accepted for processing after June 1.

Sec. 94. Section 533A.9A, Code 2007, is amended to read as follows:

533A.9A DONATIONS.

A donation shall not be charged to a debtor or creditor, deducted from a payment to a creditor, deducted from the debtor's account, or deducted from payments made to the licensee pursuant to the debt management contract. If a licensee requests a donation from a debtor, the licensee must clearly indicate that any donation is voluntary and not a condition or requirement for providing debt management.

Sec. 95. Section 544A.17, subsections 1 and 2, Code 2007, are amended to read as follows:

1. Professional engineers ~~registered~~ licensed under chapter 542B.
2. Persons acting under the instruction, control or supervision of, and those executing the plans of, a registered architect or a professional engineer ~~registered~~ licensed under chapter 542B, provided that such unregistered or unlicensed persons shall not be placed in responsible charge of architectural or professional engineering work.

Sec. 96. Section 544A.18, subsection 5, Code 2007, is amended to read as follows:

5. Factory built buildings which are not more than two stories in height and not exceeding twenty thousand square feet in gross floor area or which are certified by a professional engineer ~~registered~~ licensed under chapter 542B.

Sec. 97. Section 544B.12, Code 2007, is amended to read as follows:

544B.12 SEAL.

Every professional landscape architect shall have a seal, approved by the board, which shall contain the name of the landscape architect and the words "Professional Landscape Architect, State of Iowa", and such other words or figures as the board may deem necessary. All landscape architectural plans and specifications, prepared by such professional landscape architect or under the supervision of such professional landscape architect, shall be dated and bear the legible seal of such professional landscape architect. Nothing contained in this section shall be construed to permit the seal of a professional landscape architect to serve as a substi-

tute for the seal of a ~~licensed registered~~ architect, a licensed professional engineer, or a licensed land surveyor whenever the seal of an architect, engineer or land surveyor is required under the laws of this state.

Sec. 98. Section 544B.20, subsections 1 and 3, Code 2007, are amended to read as follows:

1. To apply to a professional engineer duly ~~registered~~ licensed under the laws of this state.
3. To prevent a registered architect or licensed professional engineer from doing landscape planning and designing.

Sec. 99. Section 571.1A, subsection 3, Code 2007, is amended to read as follows:

3. "Harvesting services" means baling, chopping, combining, cutting, husking, picking, shelling, stacking, threshing, or ~~winnowing~~ windrowing a crop, regardless of the means or method employed.

Sec. 100. Section 602.11101, subsection 6, Code 2007, is amended by striking the subsection.

Sec. 101. Section 617.3, unnumbered paragraph 5, Code 2007, is amended to read as follows:

The original notice of suit filed with the secretary of state shall be in form and substance the same as provided in rule of civil procedure ~~1.901~~ 1.1901, form 3, Iowa court rules.

Sec. 102. Section 622.31, Code 2007, is amended to read as follows:

622.31 EVIDENCE OF REGRET OR SORROW.

In any civil action for professional negligence, personal injury, or wrongful death or in any arbitration proceeding for professional negligence, personal injury, or wrongful death against a person in a profession ~~represented~~ regulated by one of the examining boards listed in section 272C.1 ~~and or in~~ any other licensed profession recognized in this state, a hospital licensed pursuant to chapter 135B, or a health care facility licensed pursuant to chapter 135C, based upon the alleged negligence in the practice of that profession or occupation, that portion of a statement, affirmation, gesture, or conduct expressing sorrow, sympathy, commiseration, condolence, compassion, or a general sense of benevolence that was made by the person to the plaintiff, relative of the plaintiff, or decision maker for the plaintiff that relates to the discomfort, pain, suffering, injury, or death of the plaintiff as a result of an alleged breach of the applicable standard of care is inadmissible as evidence. Any response by the plaintiff, relative of the plaintiff, or decision maker for the plaintiff to such statement, affirmation, gesture, or conduct is similarly inadmissible as evidence.

Sec. 103. Section 622A.1, Code 2007, is amended to read as follows:

622A.1 DEFINITION DEFINITIONS.

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

1. "Administrative agency" means any department, board, commission, or agency of the state or any political subdivision of the state.
2. "Legal proceeding" means any action before any court, or any legal action preparatory to appearing before any court, whether civil, criminal, or juvenile in nature; and any ~~administrative proceeding before any state administrative agency or governmental subdivision which is quasi-judicial in nature and which has direct legal implications to any person.~~

Sec. 104. Section 627.6, subsection 9, Code 2007, is amended to read as follows:

9. The debtor's interest in ~~the following:~~
 - a. ~~One one~~ motor vehicle, not to exceed in value seven thousand dollars ~~in the aggregate.~~
 - b. 9A. In the event of a bankruptcy proceeding, the debtor's interest in accrued wages and in state and federal tax refunds as of the date of filing of the petition in bankruptcy, not to exceed one thousand dollars in the aggregate. This exemption is in addition to the limitations contained in sections 642.21 and 537.5105.

Sec. 105. Section 654.15A, Code 2007, is amended to read as follows:
654.15A NOTICE OF SALE TO JUNIOR CREDITORS.

A junior creditor may file and serve on the judgment creditor a request for notice of the sheriff's sale. Such request for notice shall include a facsimile number or electronic mail address where the creditor shall be notified of the sale. At least ten days prior to the date of sale, the attorney for the junior creditor shall file proof of service of such request for notice. Upon motion filed within thirty days of the sale, the court may set aside a sale in which a junior creditor who requests notice is damaged by the failure of the sheriff or the judgment creditor to give notice pursuant to this section.

Sec. 106. Section 654.17, Code 2007, is amended to read as follows:
654.17 RECISION OF FORECLOSURE.

At any time prior to the recording of the sheriff's deed, and before the mortgagee's rights become unenforceable by operation of the statute of limitations, the judgment creditor, or the judgment creditor who is the successful bidder at the sheriff's sale, with the written consent of the mortgagor may rescind the foreclosure action by filing a notice of recision with the clerk of court in the county in which the property is located along with a filing fee of fifty dollars. In addition, such person shall pay a fee of twenty-five dollars for documents filed in the foreclosure action which the plaintiff requests returned. Upon the filing of the notice of recision, the mortgage loan shall be enforceable according to the original terms of the foreclosure mortgage loan and the rights of all persons with an interest in the property may be enforced as if the foreclosure had not been filed. However, any findings of fact or law shall be preclusive for purposes of any future action unless the court, upon hearing, rules otherwise. The mortgagor shall be assessed costs, including reasonable attorney fees, of foreclosure and recision if provided by the mortgage agreement.

Sec. 107. Section 655A.3, subsection 3, Code 2007, is amended to read as follows:

3. The mortgagee may file a written notice required in subsection 1 together with proof of service on the mortgagor with the recorder of the county where the mortgaged property is located. Such a filing shall have the same force and effect on third parties as an indexed notation entered by the clerk of the district court pursuant to section 617.10 ~~and shall commence on, commencing from~~ the filing of proof of service on the mortgagors and ~~terminate terminating~~ on the filing of a rejection pursuant to section 655A.6, an affidavit of completion pursuant to section 655A.7, or the expiration of ninety days from completion of service on the mortgagors, whichever occurs first.

Sec. 108. Section 715.6, Code 2007, is amended to read as follows:
715.6 EXCEPTIONS.

Sections 715.4 and 715.5 shall not apply to the monitoring of, or interaction with, an owner's or an operator's internet or other network connection, service, or computer, by a telecommunications carrier, cable operator, computer hardware or software provider, or provider of information service or interactive computer service for network or computer security purposes, diagnostics, technical support, maintenance, repair, authorized updates of computer software or system firmware, authorized remote system management, or detection¹ or prevention of the ~~unauthorized~~ use of or fraudulent or other illegal activities prohibited in this chapter in connection with a network, service, or computer software, including scanning for and removing computer software prescribed under this chapter. Nothing in this chapter shall limit the rights of providers of wire and electronic communications under 18 U.S.C. § 2511.

Sec. 109. Section 726.6, subsection 7, Code 2007, is amended to read as follows:

7. A person who commits child endangerment that is not subject to penalty under subsection ~~4, 5,~~ or 6 is guilty of an aggravated misdemeanor.

¹ See chapter 215, §257 herein

Sec. 110. Section 802.2, Code 2007, is amended to read as follows:

802.2 SEXUAL ABUSE — FIRST, SECOND, OR THIRD DEGREE.

1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if ~~the identity of the person against whom the information or indictment is sought is established~~ identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the ~~identity of the person is identified by the person's DNA profile~~, whichever is later.

2. An information or indictment for any other sexual abuse in the first, second, or third degree shall be found within ten years after its commission, or if ~~the identity of the person against whom the information or indictment is sought is established~~ identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the ~~identity of the person is identified by the person's DNA profile~~, whichever is later.

3. As used in this section, "identified" means a person's legal name is known and the person has been determined to be the source of the DNA.

Sec. 111. Section 802.10, Code 2007, is amended to read as follows:

802.10 DNA PROFILE OF ACCUSED.

1. As used in this section:

a. "DNA profile" means the same as defined in section 81.1.

b. "Identified" means the same as defined in section 802.2.

2. An indictment or information may be found containing only the DNA profile of the person ~~charged sought~~. When an indictment or information is found containing only a DNA profile, the limitation of any action under section 802.3 is tolled.

3. However, notwithstanding subsection 2, an indictment or information shall be found against a person within three years from the date the ~~identity of the person charged~~ is identified by the person's DNA profile ~~under section 802.3~~. If the action involves sexual abuse, the indictment or information shall be found as provided in section 802.2, if the person is identified by the person's DNA profile.

Sec. 112. 2006 Iowa Acts, chapter 1112, section 2, is amended to read as follows:

SEC. 2. Section 422.5, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 2B. However, the tax shall not be imposed on a resident or nonresident who is at least sixty-five years old on December 31 of the tax year and whose net income, as defined in section 422.7, is thirty-two thousand dollars or less in the case of married persons filing jointly or filing separately on a combined return, ~~unmarried~~ heads of household, and surviving spouses or twenty-four thousand dollars or less in the case of all other persons; but in the event that the payment of tax under this division would reduce the net income to less than thirty-two thousand dollars or twenty-four thousand dollars as applicable, then the tax shall be reduced to that amount which would result in allowing the taxpayer to retain a net income of thirty-two thousand dollars or twenty-four thousand dollars as applicable. The preceding sentence does not apply to estates or trusts. For the purpose of this subsection, the entire net income, including any part of the net income not allocated to Iowa, shall be taken into account. For purposes of this subsection, net income includes all amounts of pensions or other retirement income received from any source which is not taxable under this division as a result of the government pension exclusions in section 422.7, or any other state law. If the combined net income of a husband and wife exceeds thirty-two thousand dollars, neither of them shall receive the benefit of this subsection, and it is immaterial whether they file a joint return or separate returns. However, if a husband and wife file separate returns and have a combined net income of thirty-two thousand dollars or less, neither spouse shall receive the benefit of this paragraph, if one spouse has a net operating loss and elects to carry back or carry forward the loss as provided in section 422.9, subsection 3. A person who is claimed as a dependent by another person as defined in section 422.12 shall not receive the benefit of this subsection if the person claiming the dependent has net income exceeding thirty-two thousand dollars or

twenty-four thousand dollars as applicable or the person claiming the dependent and the person's spouse have combined net income exceeding thirty-two thousand dollars or twenty-four thousand dollars as applicable.

In addition, if the married persons', filing jointly or filing separately on a combined return, ~~un~~married head of household's, or surviving spouse's net income exceeds thirty-two thousand dollars, the regular tax imposed under this division shall be the lesser of the maximum state individual income tax rate times the portion of the net income in excess of thirty-two thousand dollars or the regular tax liability computed without regard to this sentence. Taxpayers electing to file separately shall compute the alternate tax described in this paragraph using the total net income of the husband and wife. The alternate tax described in this paragraph does not apply if one spouse elects to carry back or carry forward the loss as provided in section 422.9, subsection 3.

This subsection applies even though one spouse has not attained the age of sixty-five, if the other spouse is at least sixty-five at the end of the tax year.

Sec. 113. Section 13B.8A, Code 2007, is repealed.

Sec. 114. Sections 15E.131 through 15E.149, Code 2007, are repealed.

Sec. 115. Sections 260F.10, 260G.10, and 446.38, Code 2007, are repealed.

Sec. 116. EFFECTIVE DATE. The section of this Act amending 2006 Iowa Acts, chapter 1112, section 2, takes effect January 1, 2009.

Approved May 9, 2007

CHAPTER 127

CITY CIVIL SERVICE COMMISSIONERS — NUMBER

S.F. 336

AN ACT allowing certain cities to appoint additional civil service commissioners.

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

Section 1. Section 400.1, Code 2007, is amended to read as follows:

400.1 APPOINTMENT OF COMMISSION.

In cities having a population of eight thousand or over and having a paid fire department or a paid police department, the mayor, one year after a regular city election, with the approval of the council, shall appoint three civil service commissioners who shall hold office, one until the first Monday in April of the second year, one until the first Monday in April of the third year, and one until the first Monday in April of the fourth year after such appointment, whose successors shall be appointed for a term of four years. In cities having a population of more than ~~one hundred~~ seventy thousand, the city council may establish, by ordinance, the number of civil service commissioners at not less than three.

For the purpose of determining the population of a city under this chapter, the federal census conducted in 1980 shall be used.

Approved May 9, 2007