

notice, require that the hearing be held within one hundred eighty days of the filing of the petition unless good cause is shown for the delay, and require that a final decision be issued no later than one hundred twenty days following the close of the hearing. The time restrictions in this paragraph may be waived by mutual agreement of the parties.

Sec. 115. Section 474.1, Code 2007, is amended to read as follows:

474.1 CREATION OF DIVISION AND BOARD — ORGANIZATION.

1. A utilities division is created within the department of commerce. The policymaking body for the division is the utilities board which is created within the division. The board is composed of three members appointed by the governor and subject to confirmation by the senate, not more than two of whom shall be from the same political party. Each member appointed shall serve for six-year staggered terms beginning and ending as provided by section 69.19. Vacancies shall be filled for the unexpired portion of the term in the same manner as full-term appointments are made.

2. The utilities board shall organize by appointing an executive secretary, who shall take the same oath as the members. The board shall set the salary of the executive secretary within the limits of the pay plan for exempt positions provided for in section 8A.413, subsection 2 3, unless otherwise provided by the general assembly. The board may employ additional personnel as it finds necessary. Subject to confirmation by the senate, the governor shall appoint a member as the chairperson of the board. The chairperson shall be the administrator of the utilities division. The appointment as chairperson shall be for a two-year term which begins and ends as provided in section 69.19.

3. As used in this chapter and chapters 475A, 476, 476A, 478, 479, 479A, and 479B, “division” and “utilities division” mean the utilities division of the department of commerce.

DIVISION IV  
EFFECTIVE DATE — RETROACTIVE APPLICABILITY

Sec. 116. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. The section of this Act amending section 490.624, subsection 2, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1989.

Approved April 2, 2008

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**CHAPTER 1032**

NONSUBSTANTIVE CODE CORRECTIONS

S.F. 2320

**AN ACT** relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

DIVISION I  
MISCELLANEOUS CORRECTIONS

Section 1. Section 2.28, Code 2007, is amended to read as follows:

2.28 TELLERS.

1. After the time for the meeting of the joint convention has been designated each house shall appoint three tellers, and the six shall act as judges of the election.

2. Canvassing the votes for governor and lieutenant governor shall be conducted substantially according to the provisions of sections 2.25 to ~~2.28~~ through 2.27 and this section.

Sec. 2. Section 7K.1, subsection 2, paragraph i, Code 2007, is amended to read as follows:  
i. Identify ways to reduce the achievement gap between white and ~~non-white~~ nonwhite, non-Asian students.

Sec. 3. Section 12C.16, subsection 1, paragraph b, Code Supplement 2007, is amended to read as follows:

b. ~~(1)~~ The credit union may deposit, maintain, pledge and assign for the benefit of the public officer in the manner provided in this chapter, securities approved by the public officer, the market value of which is not less than one hundred ten percent of the total deposits of public funds placed by that public officer in the credit union. The securities shall consist of any of the following:

~~(1)~~ ~~(a)~~ Direct obligations of, or obligations that are insured or fully guaranteed as to principal and interest by, the United States of America or an agency or instrumentality of the United States of America.

~~(2)~~ ~~(b)~~ Public bonds or obligations of this state or a political subdivision of this state.

~~(3)~~ ~~(c)~~ Public bonds or obligations of another state or a political subdivision of another state whose bonds are rated within the two highest classifications of prime as established by at least one of the standard rating services approved by the superintendent of banking pursuant to chapter 17A.

~~(4)~~ ~~(d)~~ To the extent of the guarantee, loans, obligations, or nontransferable letters of credit upon which the payment of principal and interest is fully secured or guaranteed by the United States of America or an agency or instrumentality of the United States of America or the United States central credit union, a corporate central credit union organized under section 533.213, or a corporate credit union organized under 12 C.F.R. § 704, and the rating of any one of such credit unions remains within the two highest classifications of prime established by at least one of the standard rating services approved by the superintendent of banking by rule pursuant to chapter 17A. The treasurer of state shall adopt rules pursuant to chapter 17A to implement this section.

~~(5)~~ ~~(e)~~ First lien mortgages which are valued according to practices acceptable to the treasurer of state.

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

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

Sec. 4. Section 15.393, subsection 1, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

The department shall establish and administer a film, television, and video project promotion program that provides for the registration of projects to be shot on location in the state. A project that is registered under the program is entitled to the assistance provided in subsection 2. A fee shall not be charged for registering. The department shall not register a project unless the department determines that all of the following criteria are met:

Sec. 5. Section 15.393, subsection 2, paragraph a, subparagraph (2), Code Supplement 2007, is amended to read as follows:

(2) A qualified expenditure by a taxpayer is a payment to an Iowa resident or an Iowa-based business for the sale, rental, or furnishing of tangible personal property or for services directly related to the registered project including but not limited to aircraft, vehicles, equipment, materials, supplies, accounting, animals and animal care, artistic and design services, graphics, construction, data and information services, delivery and pickup services, labor and personnel, lighting, makeup and hairdressing, film, music, photography, sound, video and related services, printing, research, site fees and rental, travel related to Iowa distant locations, trash removal and cleanup, and wardrobe. For the purposes of this subparagraph, "labor and personnel" does not include the director, producers, or cast members other than extras and stand-ins. The department of revenue, in consultation with the department of economic development, shall by rule establish a list of eligible expenditures.

Sec. 6. Section 16.181, subsection 1, paragraph b, subparagraph (1), Code Supplement 2007, is amended to read as follows:

(1) Any assets received by the authority from the former Iowa housing corporation.

Sec. 7. Section 35.9, subsection 1, paragraph a, Code 2007, is amended to read as follows:

a. The department may expend not more than six hundred dollars per year for any one child who has lived in the state of Iowa for two years preceding application for state educational assistance, and who is the child of a person who died prior to September 11, 2001, during active federal military service while serving in the armed forces or during active federal military service in the Iowa national guard or other military component of the United States, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonably necessary expense for the child or children incident to attendance in this state at an educational or training institution of college grade, or in a business or vocational training school with standards approved by the department of veterans affairs.

Sec. 8. Section 42.4, subsection 8, paragraph b, subparagraph (2), Code Supplement 2007, is amended to read as follows:

(2) Each holdover senatorial district to which subparagraph (1) is not applicable shall elect a senator in the year ending in two for a two-year term commencing in January of the year ending in three. However, if more than one incumbent state senator is residing in a holdover senatorial district on the first Wednesday in February of the year ending in two, and, on or before the first Wednesday in February of the year ending in two, all but one of the incumbent senators resigns from office effective no later than January of the year ending in three, the remaining incumbent senator shall represent the district in the senate for the general assembly commencing in January of the year ending in three. A copy of the each resignation must be filed in the office of the secretary of state no later than five p.m. on the third Wednesday in February of the year ending in two.

Sec. 9. Section 85.61, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

In this chapter and chapters 86 and 87, unless the context otherwise requires, the following definitions of terms shall prevail:

Sec. 10. Section 85.61, subsection 1, Code Supplement 2007, is amended to read as follows:

1. The word "court" wherever used in this chapter and chapters 86 and 87, unless the context shows otherwise, shall be taken to mean the district court.

Sec. 11. Section 87.2, Code 2007, is amended to read as follows:

87.2 NOTICE OF FAILURE TO INSURE.

1. An employer who fails to insure the employer's liability as required by this chapter shall

keep posted a sign of sufficient size and so placed as to be easily seen by the employer's employees in the immediate vicinity where working, which sign shall read as follows:

NOTICE TO EMPLOYEES

You are hereby notified that the undersigned employer has failed to insure the employer's liability to pay compensation as required by law, and that because of such failure the employer is liable to the employer's employees in damages for personal injuries sustained by the employer's employees.

(Signed) .....

2. An employer coming under the provisions of this chapter and chapters 85, 85A, 85B, and 86 who fails to comply with this section or to post and keep the above notice in the manner and form required, shall be guilty of a simple misdemeanor.

Sec. 12. Section 97D.4, subsection 1, Code 2007, is amended to read as follows:

1. A public retirement systems committee is established.

a. The committee consists of five members of the senate appointed by the majority leader of the senate in consultation with the minority leader and five members of the house of representatives appointed by the speaker of the house in consultation with the minority leader. ~~The committee shall elect a chairperson and vice chairperson. Meetings may be called by the chairperson or a majority of the members.~~

b. Members shall be appointed prior to January 31 of the first regular session of each general assembly and shall serve for terms ending upon the convening of the following general assembly or when their successors are appointed, whichever is later. A vacancy shall be filled in the same manner as the original appointment and shall be for the remainder of the unexpired term of the vacancy.

c. The committee shall elect a chairperson and vice chairperson. Meetings may be called by the chairperson or a majority of the members.

Sec. 13. Section 97D.4, subsection 4, Code 2007, is amended to read as follows:

4. The committee may ~~contract~~:

a. ~~Contract~~ for actuarial assistance deemed necessary, and the costs of actuarial studies are payable from funds appropriated in section 2.12, subject to the approval of the legislative council. ~~The committee may administer~~

b. ~~Administer~~ oaths, issue subpoenas, and cite for contempt with the approval of the general assembly when the general assembly is in session and with the approval of the legislative council when the general assembly is not in session.

5. Administrative assistance shall be provided by the legislative services agency.

Sec. 14. Section 99B.10B, subsection 3, paragraph b, subparagraph (1), Code Supplement 2007, is amended to read as follows:

(1) If a written request for a hearing is not received within thirty days after the mailing or service of the notice, the denial, suspension, or revocation of a ~~registrant registration~~ shall become effective pending a final determination by the department. The proposed action in the notice may be affirmed, modified, or set aside by the department in a written decision.

Sec. 15. Section 99F.12, subsection 2, Code Supplement 2007, is amended to read as follows:

2. The licensee shall furnish to the commission reports and information as the commission may require with respect to ~~its~~ the licensee's activities. The gross receipts and adjusted gross receipts from gambling shall be separately handled and accounted for from all other moneys received from operation of an excursion gambling boat or from operation of a racetrack enclosure or gambling structure licensed to conduct gambling games. The commission may designate a representative to board a licensed excursion gambling boat or to enter a racetrack enclosure or gambling structure licensed to conduct gambling games, ~~who~~. The representative shall have full access to all places within the enclosure of the boat, the gambling structure, or the

racetrack enclosure, ~~who and~~ shall directly supervise the handling and accounting of all gross receipts and adjusted gross receipts from gambling, ~~and who.~~ The representative shall supervise and check the admissions. The compensation of a representative shall be fixed by the commission but shall be paid by the licensee.

Sec. 16. Section 99G.30A, subsection 2, paragraph b, Code 2007, is amended to read as follows:

b. All powers and requirements of the director to administer the state sales and use tax law are applicable to the administration of the monitor vending machine excise tax, including but not limited to the provisions of section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70 ~~to through~~ 422.75, section 423.14, subsection 1 and subsection 2, paragraphs “b” through “e”, and sections 423.15, 423.23, 423.24, 423.25, 423.31 ~~to through~~ 423.35, 423.37 ~~to through~~ 423.42, 423.46, and 423.47.

Sec. 17. Section 100.18, subsection 3, Code 2007, is amended to read as follows:

3. This section does not require the following:

a. The installation of smoke detectors in multiple-unit residential buildings which, on July 1, 1981, are equipped with heat detection devices or a sprinkler system with alarms approved by the state fire marshal.

~~b. This section does not require the~~ The installation of smoke detectors in hotels, motels, and dormitories equipped with an automatic smoke detection system approved by the state fire marshal.

Sec. 18. Section 101B.4, subsection 1, paragraph b, Code Supplement 2007, is amended to read as follows:

b. The department may adopt a subsequent ASTM international standard test method for measuring the ignition strength of cigarettes upon a finding that the subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with ASTM international standard E2187-04 and the performance standard in this section.

Sec. 19. Section 103.1, subsection 8, Code Supplement 2007, is amended to read as follows:

8. “Electrical contractor” means a person affiliated with an electrical contracting firm or business who is licensed by the board as either a class A or class B master electrician and who is also registered with the state of Iowa as a contractor pursuant to chapter 91C.

Sec. 20. Section 103.6, Code Supplement 2007, is amended to read as follows:

103.6 POWERS AND DUTIES.

1. The board shall:

~~1.~~ a. Adopt rules pursuant to chapter 17A and in doing so shall be governed by the minimum standards set forth in the most current publication of the national electrical code issued and adopted by the national fire protection association, and amendments to the code, which code and amendments shall be filed in the offices of the secretary of state and the board and shall be a public record. The board shall adopt rules reflecting updates to the code and amendments to the code. The board shall promulgate and adopt rules establishing wiring standards that protect public safety and health and property and that apply to all electrical wiring which is installed subject to this chapter.

~~2.~~ b. Revoke, suspend, or refuse to renew any license granted pursuant to this chapter when the licensee:

a. (1) Fails or refuses to pay any examination, license, or renewal fee required by law.

~~b.~~ (2) Is an electrical contractor and fails or refuses to provide and keep in force a public liability insurance policy and surety bond as required by the board.

e. ~~(3)~~ Violates any political subdivision's inspection ordinances.

~~The board may, in its discretion, revoke, suspend, or refuse to renew any license granted pursuant to this chapter when the licensee violates any provision of the national electrical code as adopted pursuant to subsection 1, this chapter, or any rule adopted pursuant to this chapter.~~

3. ~~c.~~ Adopt rules for continuing education requirements for each classification of licensure established pursuant to this chapter, and adopt all rules, not inconsistent with the law, necessary for the proper performance of the duties of the board.

4. ~~d.~~ Provide for the amount and collection of fees for inspection and other services.

~~2. The board may, in its discretion, revoke, suspend, or refuse to renew any license granted pursuant to this chapter when the licensee violates any provision of the national electrical code as adopted pursuant to subsection 1, this chapter, or any rule adopted pursuant to this chapter.~~

Sec. 21. Section 103.9, subsection 1, Code Supplement 2007, is amended to read as follows:

1. An applicant for an electrical contractor license shall either be or employ a licensed class A or class B master electrician, and be registered with the state of Iowa as a contractor pursuant to chapter 91C.

Sec. 22. Section 103.22, subsections 1 and 3, Code Supplement 2007, are amended to read as follows:

1. Apply to a person licensed as an engineer pursuant to chapter 542B, registered as an architect pursuant to chapter 544A, licensed as a landscape architect pursuant to chapter 544B, or designated as lighting certified by the national council on qualifications for the lighting professions who is providing consultations and developing plans concerning electrical installations and who is exclusively engaged in the practice of the person's profession.

3. Require any person doing work for which a license would otherwise be required under this chapter to hold a license issued under this chapter if the person is the holder of a valid license issued by any political subdivision, so long as the person makes electrical installations only in within the jurisdictional limits of such political subdivision and such license issued by the political subdivision meets the requirements of this chapter.

Sec. 23. Section 123A.2, subsection 9, Code Supplement 2007, is amended to read as follows:

9. "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade and defined and interpreted under section ~~554.2103~~ 554.1201.

Sec. 24. Section 135N.5, subsection 1, Code Supplement 2007, is amended to read as follows:

1. The committee shall meet no less than four times per year and is subject to chapters ~~20 and 21~~ and 22 relating to open meetings and public records.

Sec. 25. Section 141A.9, subsection 2, paragraph i, Code Supplement 2007, is amended to read as follows:

i. Pursuant to section 915.43, to a convicted or alleged sexual assault offender; the physician or other health care provider who orders the test of a convicted or alleged offender; the victim; the parent, guardian, or custodian of the victim if the victim is a minor; the physician of the victim if requested by the victim; the victim counselor or person requested by the victim to provide counseling regarding the HIV-related test and results; the victim's spouse; persons with whom the victim has engaged in vaginal, anal, or oral intercourse subsequent to the sexual assault; members of the victim's family within the third degree of consanguinity; and the county attorney who may use the results as evidence in the prosecution of sexual assault under chapter 915, subchapter IV, or prosecution of the offense of criminal transmission of HIV under chapter 709C. For the purposes of this paragraph, "victim" means victim as defined in section 915.40.

Sec. 26. Section 147.14, subsection 23, Code Supplement 2007, is amended to read as follows:

23. For nursing home administrators, a total of nine members: Four licensed nursing home administrators, one of whom is the administrator of a nonproprietary nursing home; three licensed members of any profession concerned with the care and treatment of chronically ill or elderly patients who are not nursing home administrators or nursing home owners; and two members of the general public who are not licensed under this chapter 147, have no financial interest in any nursing home, and who shall represent the general public. A majority of the members of the board constitutes a quorum.

Sec. 27. Section 159.20, Code 2007, is amended to read as follows:

159.20 POWERS OF DEPARTMENT.

1. The department shall perform duties designed to lead to more advantageous marketing of Iowa agricultural commodities. The department may do any of the following:

1. a. Investigate the marketing of agricultural commodities.
2. b. Promote the sale, distribution, and merchandising of agricultural commodities.
3. c. Furnish information and assistance concerning agricultural commodities to the public.
4. d. Cooperate with the college of agriculture and life sciences of the Iowa state university of science and technology in encouraging agricultural marketing education and research.
5. e. Accumulate and diffuse information concerning the marketing of agricultural commodities in cooperation with persons, agencies, or the federal government.
6. f. Investigate methods and practices related to the processing, handling, grading, classifying, sorting, weighing, packing, transportation, storage, inspection, or merchandising of agricultural commodities within this state.
7. g. Ascertain sources of supply for Iowa agricultural commodities. The department shall prepare and periodically publish lists of names and addresses of producers and consignors of agricultural commodities.
8. h. Perform inspection or grading of an agricultural commodity if requested by a person engaged in the production, marketing, or processing of the agricultural commodity. However, the person must pay for the services as provided by rules adopted by the department.
9. i. Cooperate with the Iowa department of economic development to avoid duplication of efforts between the department and the agricultural marketing program operated by the Iowa department of economic development.
10. j. Assist the office of renewable fuels and coproducts and the renewable fuels and coproducts advisory committee in administering the provisions of chapter 159A.

2. As used in this subchapter, "agricultural commodity" means any unprocessed agricultural product, including animals, agricultural crops, and forestry products grown, raised, produced, or fed in Iowa for sale in commercial channels. "Commercial channels" means the processes of sale of an agricultural commodity or unprocessed product from the agricultural commodity to any person, public or private, who resells the agricultural commodity for breeding, processing, slaughter, or distribution.

Sec. 28. Section 175A.2, subsection 1, Code 2007, is amended to read as follows:

1. A grape and wine development commission is established within the department. The commission shall be composed of the following persons:

a. The following persons, or their designees, who shall serve as nonvoting, ex officio members:

- (1) The secretary of agriculture.
- (2) The dean of the college of agriculture and life sciences of Iowa state university of science and technology.
- (3) The director of the department of economic development.
- (4) The director of the department of natural resources.

b. The following persons appointed by the secretary of agriculture, who shall serve as voting members:

- (1) Two growers.
- (2) Two winemakers.
- (3) One retail seller.

c. The secretary of agriculture shall appoint the voting members based on a list of nominations submitted by organizations representing growers, winemakers, and retail sellers as certified by the department according to requirements of the department. Appointments of voting members are subject to the requirements of sections 69.16 and 69.16A. In addition, the appointments shall be geographically balanced. Unless the secretary of agriculture determines that it is not feasible, at least one person appointed as a voting member shall reside in each of the state's congressional districts at the time of appointment. The secretary of agriculture's appointees shall be confirmed by the senate, pursuant to section 2.32.

Sec. 29. Section 178.3, subsection 2, Code 2007, is amended to read as follows:

2. The dean of the college of agriculture and life sciences of the Iowa state university of science and technology.

Sec. 30. Section 181.3, subsection 1, paragraph d, Code 2007, is amended to read as follows:

d. The dean of the college of agriculture and life sciences of Iowa state university of science and technology or a designee, who shall serve as a voting ex officio member.

Sec. 31. Section 182.5, Code 2007, is amended to read as follows:

182.5 COMPOSITION OF BOARD.

The Iowa sheep and wool promotion board established under this chapter shall be composed of nine producers, one from each district. The dean of the college of agriculture and life sciences of Iowa state university of science and technology or the dean's representative and the secretary or the secretary's designee shall serve as ex officio nonvoting members of the board. The board shall annually elect a chairperson from its membership.

Sec. 32. Section 183A.2, Code 2007, is amended to read as follows:

183A.2 IOWA PORK PRODUCERS COUNCIL.

The Iowa pork producers council is created. The council consists of seven members, including two producers from each of three districts of the state designated by the secretary, and one producer from the state at large. The secretary shall appoint these members. The Iowa pork producers association may recommend the names of potential members, but the secretary is not bound by the recommendations. The secretary, the dean of the college of agriculture and life sciences of Iowa state university of science and technology, and the state veterinarian, or their designees, shall serve on the council as nonvoting ex officio members.

Sec. 33. Section 185.3, subsection 2, paragraph b, Code 2007, is amended to read as follows:

b. The dean of the college of agriculture and life sciences of Iowa state university of science and technology or the dean's designee.

Sec. 34. Section 185C.10, subsection 2, Code 2007, is amended to read as follows:

2. The dean of the college of agriculture and life sciences of Iowa state university of science and technology or the dean's designee.

Sec. 35. Section 214A.2B, Code Supplement 2007, is amended to read as follows:

214A.2B LABORATORY FOR MOTOR FUEL AND BIOFUELS.

A laboratory for motor fuel and biofuels is established at a merged area school which is engaged in biofuels testing on July 1, 2007, and which testing includes but is not limited to ~~B20~~ B-20 biodiesel testing for motor trucks and the ability of biofuels to meet A.S.T.M. international standards. The laboratory shall conduct testing of motor fuel sold in this state and biofuel which is blended in motor fuel in this state to ensure that the motor fuel or biofuels meet the requirements in section 214A.2.



Sec. 36. Section 216.9, subsection 2, Code Supplement 2007, is amended to read as follows:

2. For the purpose of this section, "educational institution" includes any preschool, elementary, ~~or secondary school,~~ or community college, area education agency, or postsecondary college or university and their governing boards. This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes so long as comparable facilities are provided. Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

Sec. 37. Section 231D.5, Code Supplement 2007, is amended to read as follows:

231D.5 DENIAL, SUSPENSION, OR REVOCATION.

1. The department may deny, suspend, or revoke certification if the department finds that there has been a substantial or repeated failure on the part of the adult day services program to comply with this chapter or the rules or minimum standards adopted pursuant to this chapter, or for any of the following reasons:

a. Appropriation or conversion of the property of a participant without the participant's written consent or the written consent of the participant's legal representative.

b. Permitting, aiding, or abetting the commission of any illegal act in the adult day services program.

c. Obtaining or attempting to obtain or retain certification by fraudulent means, misrepresentation, or by submitting false information.

d. Habitual intoxication or addiction to the use of drugs by the applicant, owner, manager, or supervisor of the adult day services program.

e. Securing the devise or bequest of the property of a participant by undue influence.

f. Failure or neglect to maintain a required continuing education and training program for all personnel employed in the adult day services program.

g. Founded dependent adult abuse as defined in section 235B.2.

h. In the case of any officer, member of the board of directors, trustee, or designated manager of the program or any stockholder, partner, or individual who has greater than a five percent equity interest in the program, having or having had an ownership interest in an adult day services program, assisted living program, elder group home, home health agency, residential care facility, or licensed nursing facility in any state which has been closed due to removal of program, agency, or facility licensure or certification or involuntary termination from participation in either the medical assistance or Medicare programs, or having been found to have failed to provide adequate protection or services for participants to prevent abuse or neglect.

i. In the case of a certificate applicant or an existing certified owner or operator who is an entity other than an individual, the person is in a position of control or is an officer of the entity and engages in any act or omission proscribed by this chapter.

~~j. For any other reason as provided by law or administrative rule.~~

~~2.~~ j. In the case of an application by an existing certificate holder for a new or newly acquired adult day services program, continuing or repeated failure of the certificate holder to operate any previously certified adult day services program in compliance with this chapter or of the rules adopted pursuant to this chapter.

~~k. For any other reason as provided by law or administrative rule.~~

~~3.~~ 2. In the case of a certificate applicant or existing certificate holder which is an entity other than an individual, the department may deny, suspend, or revoke a certificate if any individual who is in a position of control or is an officer of the entity engages in any act or omission proscribed by this section.

Sec. 38. Section 234.7, subsection 1, Code 2007, is amended to read as follows:

1. The department of human services shall comply with the following requirement provision associated with child foster care licensees under chapter 237:

~~The department shall include that requires that~~ a child's foster parent be included in, and

~~provide~~ be provided timely notice of, planning and review activities associated with the child, including but not limited to permanency planning and placement review meetings, which shall include discussion of the child's rehabilitative treatment needs.

Sec. 39. Section 236.5, subsection 2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The court may grant a ~~protection~~ protective order or approve a consent agreement which may contain but is not limited to any of the following provisions:

Sec. 40. Section 236.5, subsection 2, unnumbered paragraph 2, Code 2007, is amended to read as follows:

An order for counseling, a ~~protection~~ protective order, or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend or extend its order or a consent agreement at any time upon a petition filed by either party and after notice and hearing. The court may extend the order if the court, after hearing at which the defendant has the opportunity to be heard, finds that the defendant continues to pose a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family. At the time of the extension, the parties need not meet the requirement in section 236.2, subsection 2, paragraph "d", that the parties lived together during the last year if the parties met the requirements of section 236.2, subsection 2, paragraph "d", at the time of the original order. The number of extensions that can be granted by the court is not limited.

Sec. 41. Section 249A.30A, Code Supplement 2007, is amended to read as follows:

249A.30A MEDICAL ASSISTANCE — PERSONAL NEEDS ALLOWANCE.

The personal needs allowance under the medical assistance program, which may be retained by a person who is a resident of a nursing facility, an intermediate care facility for persons with mental retardation, or an intermediate care facility for persons with mental illness, as defined in section 135C.1, or a person who is a resident of a psychiatric medical institution for children as defined in section 135H.1, shall be fifty dollars per month. A resident who has income of less than fifty dollars per month shall receive a supplement from the state in the amount necessary to receive a personal needs allowance of fifty dollars per month, if funding is specifically appropriated for this purpose.

Sec. 42. Section 256C.3, subsection 4, paragraph d, Code Supplement 2007, is amended to read as follows:

d. ~~Career~~ Professional development for school district preschool teachers shall be addressed in the school district's ~~career~~ professional development plan implemented in accordance with section 284.6.

Sec. 43. Section 257.11, subsection 6, paragraph c, Code Supplement 2007, is amended to read as follows:

c. Supplementary weighting pursuant to this subsection shall be available to an area education agency for a maximum of five years during the period commencing with the budget year beginning July 1, 2008. The minimum amount of additional funding for which an area education agency shall be eligible is fifty thousand dollars, and the maximum amount of additional funding for which an area education agency shall be eligible is two hundred thousand dollars. The department of management shall annually set a weighting for each area education agency to generate the approved operational sharing expense using the area education agency's special education cost per pupil amount and foundation level. Receipt of supplementary weighting by an area education agency for more than one year shall be contingent upon the annual submission of information by the district to the department documenting cost savings directly attributable to the shared operational functions. Criteria for determining the number of years for which supplementary weighting shall be received pursuant to this subsection, subject to the five-year maximum, and the amount generated by the supplementary weighting, and for

determining qualification of operational functions for supplementary weighting shall be determined by the department by rule, through consideration of long-term savings by the area educational education agency or increased student opportunities.

Sec. 44. Section 308.3, subsections 1, 4, and 5, Code 2007, are amended to read as follows:

1. "Conservation area" means land in which the state department of transportation or the department of natural resources has acquired rights, other than that land necessary for a ~~right of way~~ right-of-way.

4. "~~Right of way~~" "Right-of-way" means land area dedicated to public use for a highway and its maintenance, and includes land acquired in fee simple or by permanent easement for highway purposes, but does not include temporary easements or rights for supplementary highway appurtenances.

5. "A scenic and recreational highway" means a public highway designated to allow enjoyment of aesthetic and scenic views, points of historical, archaeological and scientific interest, state parks and other recreational areas and includes both the ~~right of way~~ right-of-way and conservation area.

Sec. 45. Section 308.4, subsection 3, paragraph b, Code 2007, is amended to read as follows:

b. Accept and administer state, federal, and any other public or private funds made available for the acquisition of rights in land and for the planning and construction or reconstruction of any segment of the great river road, and state and federal funds for the maintenance of that part of the great river road constituting the ~~right of way~~ right-of-way.

Sec. 46. Section 308.9, subsection 1, unnumbered paragraph 2, Code 2007, is amended to read as follows:

The state transportation commission shall give notice and hold a public hearing on the matter in a convenient place in the area to be affected by the proposed improvement of the great river road. The state transportation commission shall consider and evaluate the testimony presented at the public hearing and shall make a study and prepare a map showing the location of the proposed new or reconstructed segment of the great river road and the approximate widths of ~~right of way~~ right-of-way needed. The map shall show the existing roadway and the property lines and record owners of lands to be needed. The approval of the map shall be recorded by reference in the state transportation commission's minutes, and a notice of the action and a copy of the map showing the lands or interest in the lands needed in any county shall be filed in the office of the county recorder of that county. Notice of the action and of the filing shall be published once in a newspaper of general circulation in the county, and within sixty days following the filing, notice of the filing shall be served by registered mail on the owners of record on the date of filing. Using the same procedures for approval, notice and publications, and notice to the affected record owners, the state transportation commission may amend the map.

Sec. 47. Section 321.52, subsection 4, paragraph c, Code Supplement 2007, is amended to read as follows:

c. A salvage theft examination shall be made by a peace officer who has been specially certified and recertified when required by the Iowa law enforcement academy to do salvage theft examinations. The Iowa law enforcement academy shall determine standards for training and certification, conduct training, and may approve alternative training programs which satisfy the academy's standards for training and certification. The owner of the salvage vehicle shall make the vehicle available for examination at a time and location designated by the peace officer doing the examination. The owner may obtain a permit to drive the vehicle to and from the examination location by submitting a repair affidavit to the agency performing the examination stating that the vehicle is reasonably safe for operation and listing the repairs which have been made to the vehicle. The owner must be present for the examination and have avail-

able for inspection the salvage title, bills of sale for all essential parts changed, and the repair affidavit. The examination shall be for the purposes of determining whether the vehicle or repair components have been stolen. The examination is not a safety inspection and a signed salvage theft examination certificate shall not be construed by any court of law to be a certification that the vehicle is safe to be operated. There shall be no cause of action against the peace officer or the agency conducting the examination or the county treasurer for failure to discover or note safety defects. If the vehicle passes the theft examination, the peace officer shall indicate that the vehicle passed examination on the salvage theft examination certificate. The permit and salvage theft examination certificate shall be on controlled forms prescribed and furnished by the department. The owner shall pay a fee of thirty dollars upon completion of the examination. The agency performing the examinations shall retain twenty dollars of the fee and shall pay five dollars of the fee to the department and five dollars of the fee to the treasurer of state for deposit in the general fund of the state. Moneys deposited to the general fund under this paragraph are subject to the requirements of section 8.60 and shall be used by the Iowa law enforcement academy to provide for the special training, certification, and recertification of officers as required by this subsection.

~~The state department of transportation shall adopt rules in accordance with chapter 17A to carry out this section.~~

Sec. 48. Section 321.52, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The state department of transportation shall adopt rules in accordance with chapter 17A to carry out this section.

Sec. 49. Section 321J.15, Code 2007, is amended to read as follows:

321J.15 EVIDENCE IN ANY ACTION.

Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating a motor vehicle in violation of section 321J.2 or 321J.2A, evidence of the alcohol concentration or the presence of a controlled substance or other drugs in the person's body ~~substances~~ at the time of the act alleged as shown by a chemical analysis of the person's blood, breath, or urine is admissible. If it is established at trial that an analysis of a breath specimen was performed by a certified operator using a device intended to determine alcohol concentration and methods approved by the commissioner of public safety, no further foundation is necessary for introduction of the evidence.

Sec. 50. Section 403A.6, Code 2007, is amended to read as follows:

403A.6 OPERATION OF HOUSING NOT FOR PROFIT.

It is hereby declared to be the policy of this state that each municipality shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals or payments for dwelling accommodations at low rates consistent with its providing decent, safe and sanitary dwelling accommodations for persons of low income, and that no municipality shall construct or operate any housing project for profit, or as a source of revenue to the municipality. To this end the municipality shall fix the rentals or payments for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenues which, ~~(together together~~ with all other available moneys, revenues, income and receipts in connection with or for such projects from whatever sources derived, including federal financial ~~assistance)~~ assistance, will be sufficient ~~(1) to do all of the following:~~

~~1. to To pay, as the same become due, the principal and interest on the bonds issued pursuant to this chapter;~~ ~~(2).~~

~~2. to To create and maintain such reserves as may be required to assure the payment of principal and interest as it becomes due on such bonds;~~ ~~(3).~~

~~3. to To meet the cost of, and to provide for, maintaining and operating the projects (including, including necessary reserves therefor and the cost of any insurance, and of administrative expenses); and~~ ~~(4) expenses.~~

~~4.~~ To make such payments in lieu of taxes and, after payment in full of all obligations for which federal annual contributions are pledged, to make such repayments of federal and local contributions as it determines are consistent with the maintenance of the low-rent character of projects. Rentals or payments for dwellings shall be established and the projects administered, insofar as possible, so as to assure that any federal financial assistance required shall be strictly limited to amounts and periods necessary to maintain the low-rent character of the projects.

Sec. 51. Section 403A.7, Code 2007, is amended to read as follows:

403A.7 HOUSING RENTALS AND TENANT ADMISSIONS.

1. A municipality shall do the following:

~~1.~~ a. Rent or lease the dwelling accommodations in a housing project only to persons or families of low income and at rentals within their financial reach.

~~2.~~ b. Rent or lease to a tenant such dwelling accommodations consisting of the number of rooms which it deems necessary to provide safe and sanitary accommodations to the proposed occupants without overcrowding.

~~3.~~ c. (1) Fix income limits for occupancy and rents after taking into consideration the following:

~~a.~~ (a) The family size, composition, age, physical disabilities, and other factors which might affect the rent-paying ability of the person or family.

~~b.~~ (b) The economic factors which affect the financial stability and solvency of the project.

(2) However, such determination of eligibility shall be within the limits of the income limits hereinbefore set out.

2. Nothing contained in this section or the ~~preceding~~ section 403A.6 shall be construed as limiting the power of a municipality with respect to a housing project, to vest in an obligee the right, in the event of a default by the municipality, to take possession or cause the appointment of a receiver for the housing project, free from all the restrictions imposed by this section or the ~~preceding~~ section 403A.6.

Sec. 52. Section 423.4, subsection 8, paragraph d, Code Supplement 2007, is amended to read as follows:

d. In determining the amount to be refunded, if the dates of the utility billing or meter reading cycle for the sale or furnishing of metered gas and electricity is are on or after the first day of the first month through the last day of the last month of the refund year, the full amount of tax charged in the billings shall be refunded. In determining the amount to be refunded, if the dates of the sale or furnishing of fuel for purposes of commercial energy and the delivery of the fuel is are on or after the first day of the first month through the last day of the last month of the refund year, the full amount of tax charged in the billings shall be refunded.

Sec. 53. Section 423B.6, subsection 2, paragraph b, Code 2007, is amended to read as follows:

b. The ordinance of a county board of supervisors imposing a local sales and services tax shall adopt by reference the applicable provisions of the appropriate sections of chapter 423. All powers and requirements of the director to administer the state sales tax law and use tax law are applicable to the administration of a local sales and services tax law and the local excise tax, including but not limited to the provisions of section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70 ~~to through~~ 422.75, section 423.14, subsection 1 and subsection 2, paragraphs "b" through "e", and sections 423.15, 423.23, 423.24, 423.25, 423.31 ~~to through~~ 423.35, 423.37 ~~to through~~ 423.42, 423.46, and 423.47. Local officials shall confer with the director of revenue for assistance in drafting the ordinance imposing a local sales and services tax. A certified copy of the ordinance shall be filed with the director as soon as possible after passage.

Sec. 54. Section 452A.53, Code 2007, is amended to read as follows:

452A.53 PERMIT OR LICENSE.

1. The advance arrangements referred to in the ~~preceding~~ section 452A.52 shall include the

procuring of a permanent international fuel tax agreement permit or license or ~~single trip~~ single-trip interstate permit.

2. Persons choosing not to make advance arrangements with the state department of transportation by procuring a permit or license are not relieved of their responsibility to purchase motor fuel and special fuel commensurate with their use of the state's highway system. When there is reasonable cause to believe that there is evasion of the fuel tax on commercial motor vehicles, the state department of transportation may audit persons not holding a permit or license. Audits shall be conducted pursuant to section 452A.55 and in accordance with international fuel tax agreement guidelines. The state department of transportation shall collect all taxes due and refund any overpayment.

3. A permanent international fuel tax agreement permit or license may be obtained upon application to the state department of transportation. A fee of ten dollars shall be charged for each permit or license issued. The holder of a permanent permit or license shall have the privilege of bringing into this state in the fuel supply tanks of commercial motor vehicles any amount of motor fuel or special fuel to be used in the operation of the vehicles and for that privilege shall pay Iowa motor fuel or special fuel taxes as provided in section 452A.54.

4. A ~~single trip~~ single-trip interstate permit may be obtained from the state department of transportation. A fee of twenty dollars shall be charged for each individual ~~single trip~~ single-trip interstate permit issued. A ~~single trip~~ single-trip interstate permit is subject to the following provisions and limitations:

1. a. The permit shall be issued and be valid for seventy-two consecutive hours, except in emergencies, or until the time of leaving the state, whichever first occurs.

2. b. The permit shall cover only one commercial motor vehicle and is not transferable.

3. c. ~~Single trip~~ Single-trip interstate fuel permits may be made available from sources other than indicated in this section at the discretion of the state department of transportation.

5. Each vehicle operated into or through Iowa in interstate operations using motor fuel or special fuel acquired in any other state shall carry in or on the vehicle a duplicate or evidence of the permit or license required in this section. A fee not to exceed fifty cents shall be charged for each duplicate or other evidence of a permit or license issued.

Sec. 55. Section 453A.31, subsection 2, paragraph c, Code Supplement 2007, is amended to read as follows:

c. A one thousand dollar penalty for a third or subsequent violation within three years of the first violation.

Sec. 56. Section 453A.50, subsection 3, paragraph a, subparagraph (3), Code Supplement 2007, is amended to read as follows:

(3) A one thousand dollar penalty for a third or subsequent violation within three years of the first violation.

Sec. 57. Section 455B.109, subsection 1, Code 2007, is amended to read as follows:

1. The commission shall establish, by rule, a schedule or range of civil penalties which may be administratively assessed. The schedule shall provide procedures and criteria for the administrative assessment of penalties of not more than ten thousand dollars for violations of this chapter or rules, permits or orders adopted or issued under this chapter. In adopting a schedule or range of penalties and in proposing or assessing a penalty, the commission and director shall consider among other relevant factors the following:

a. The costs saved or likely to be saved by noncompliance by the violator.

b. The gravity of the violation.

c. The degree of culpability of the violator.

d. The maximum penalty authorized for that violation under this chapter.

1A. Penalties may be administratively assessed only after an opportunity for a contested case hearing which may be combined with a hearing on the merits of the alleged violation. Violations not fitting within the schedule, or violations which the commission determines

should be referred to the attorney general for legal action shall not be governed by the schedule established under this subsection 1.

Sec. 58. Section 455B.455, Code 2007, is amended to read as follows:  
455B.455 SURCHARGE IMPOSED.

A land burial surcharge tax of two percent is imposed on the fee for land burial of a hazardous waste. The owner of the land burial facility shall remit the tax collected to the director of revenue after consultation with the director according to rules that the director shall adopt. The director shall forward a copy of the site license to the director of revenue which shall be the appropriate license for the collection of the land burial surcharge tax and shall be subject to suspension or revocation if the site license holder fails to collect or remit the tax collected under this section. The provisions of section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70 to through 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 part 6 of division IV, shall apply with respect to the taxes authorized under this part, in the same manner and with the same effect as if the land burial surcharge tax were sales taxes within the meaning of those statutes. Notwithstanding the provisions of this section, the director shall provide for only quarterly filing of returns as prescribed in section 423.31. Taxes collected by the director of revenue under this section shall be deposited in the general fund of the state.

Sec. 59. Section 459.102, subsection 18, Code 2007, is amended to read as follows:

18. "Covered" means organic or inorganic material placed upon an animal feeding operation structure used to store manure as provided by rules adopted by the department after receiving recommendations which shall be submitted to the department by the college of agriculture and life sciences at Iowa state university of science and technology.

Sec. 60. Section 469.9, subsection 2, Code Supplement 2007, is amended to read as follows:

2. The fund shall be used to further the goals of increasing the research, development, production, and use of biofuels and other sources of renewable energy, improve improving energy efficiency, and reduce reducing greenhouse gas emissions, and shall encourage, support, and provide for research, development, commercialization, and the implementation of energy technologies and practices. The technologies and practices should reduce this state's dependence on foreign sources of energy and fossil fuels. The research, development, commercialization, implementation, and distribution of such technologies and practices are intended to sustain the environment and develop business in this state as Iowans market these technologies and practices to the world.

Sec. 61. Section 469.9, subsection 4, paragraph b, subparagraph (2), Code Supplement 2007, is amended to read as follows:

(2) Utilization of crops and products grown or produced in this state that maximize maximizes the value of crops used as feedstock in biomanufacturing products and as coproducts.

Sec. 62. Section 469.10, subsections 3 and 4, Code Supplement 2007, are amended to read as follows:

3. Of the moneys appropriated to the office and deposited in the fund, there shall be allocated on an annual basis two million five hundred thousand dollars to the department of economic development for deposit into the workforce training and economic development funds of the community colleges created pursuant to section 260C.18A. Of the funds so deposited into the workforce training and economic development funds of the community colleges, two million five hundred thousand dollars shall be used each year in the development and expansion of energy industry areas and for the department's north American industrial industry classification system for targeted industry areas established pursuant to section 260C.18A.

4. Notwithstanding section 8.33, amounts appropriated pursuant to this section shall not revert but shall remain available for the purposes designated for the following fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the ~~funds~~ lowa power fund shall be credited to the fund.

Sec. 63. Section 477.5, Code 2007, is amended to read as follows:

477.5 EQUAL FACILITIES — DELAY.

If the proprietor of any telegraph or telephone line within the state, or the person having the control and management thereof, refuses to furnish equal facilities to the public and to all connecting lines for the transmission of communications in accordance with the nature of the business which it undertakes to carry on, or to transmit the same with fidelity and without unreasonable delay, the law in relation to limited partnerships, corporations, and to the taking of private property for works of internal improvement, shall ~~not~~ no longer apply to them, and property taken for the use thereof without the consent of the owner may be recovered by the owner.

Sec. 64. Section 479.29, subsection 2, Code Supplement 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 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. 65. Section 483A.24, subsections 3 and 4, Code Supplement 2007, are amended to read as follows:

3. The director shall provide up to seventy-five nonresident deer hunting licenses for allocation as requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the department of economic development, or their designees. The licenses provided pursuant to ~~the~~ this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.8. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon payment of the nonresident deer hunting license fee and the wildlife habitat fee. The licenses are valid in all zones open to deer hunting. The hunter safety and ethics education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

4. The director shall provide up to twenty-five nonresident wild turkey hunting licenses for allocation as requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the department of economic development, or their designees. The licenses provided pursuant to ~~the~~ this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.7. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon payment of the nonresident wild turkey hunting license fee and the wildlife habitat fee. The licenses are valid in all zones open to wild turkey hunting. The hunter safety and ethics education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.



Sec. 66. Section 512B.9, subsection 2, Code 2007, is amended to read as follows:

2. a. A person may be indemnified and reimbursed by a society for expenses reasonably incurred by, and liabilities imposed upon, the person in connection with or arising out of a proceeding, whether civil, criminal, administrative, or investigative, or a threat of action in which the person is or may be involved by reason of the person being a director, officer, employee, or agent of the society or of any other legal entity or position which the person served in any capacity at the request of the society.

b. However, a person shall not be so indemnified or reimbursed for either of the following:

a. (1) In relation to any matter to which the person is finally adjudged to be or have been guilty of breach of a duty as a director, officer, employee, or agent of the society.

b. (2) In relation to any matter which has been made the subject of a compromise settlement.

c. However, if the person acted in good faith for a purpose the person reasonably believed to be in or not opposed to the best interests of the society and, in addition, in a criminal proceeding, had no reasonable cause to believe that the conduct was unlawful, ~~paragraphs "a" and paragraph "b", subparagraphs (1) and (2),~~ do not apply. The determination whether the conduct of the person met the standard required in order to justify indemnification and reimbursement in relation to any matter described in paragraph "a" or "b", ~~subparagraph (1) or (2),~~ may only be made by the supreme governing body by a majority vote of a quorum consisting of persons who were not parties to the proceeding or by a court of competent jurisdiction. The termination of a proceeding by judgment, order, settlement, conviction, or upon a plea of no contest, as to a person, does not in itself create a conclusive presumption that the person met or did not meet the standard of conduct required in order to justify indemnification and reimbursement. The right of indemnification and reimbursement is not exclusive of other rights to which a person may be entitled as a matter of law and shall inure to the benefit of the person's heirs, executors, and administrators.

Sec. 67. Section 554.2315, Code 2007, is amended to read as follows:

554.2315 IMPLIED WARRANTY — FITNESS FOR PARTICULAR PURPOSE.

Where the seller at the time of contracting has reason to know any particular purpose for which the goods are required and that the buyer is relying on the seller's skill or judgment to select or furnish suitable goods, there is unless excluded or modified under ~~the next section 554.2316~~ an implied warranty that the goods shall be fit for such purpose.

Sec. 68. Section 554.2502, subsection 1, Code 2007, is amended to read as follows:

1. Subject to subsections 2 and 3 and even though the goods have not been shipped a buyer who has paid a part or all of the price of goods in which the buyer has a special property under the provisions of ~~the immediately preceding section 554.2501~~ may on making and keeping good a tender of any unpaid portion of their price recover them from the seller if:

a. in the case of goods bought for personal, family, or household purposes, the seller repudiates or fails to deliver as required by the contract; or

b. in all cases the seller becomes insolvent within ten days after receipt of the first installment on their price.

Sec. 69. Section 554.2503, subsection 2, Code Supplement 2007, is amended to read as follows:

2. Where the case is within ~~the next section 554.2504~~ respecting shipment tender requires that the seller comply with its provisions.

Sec. 70. Section 554.2604, Code 2007, is amended to read as follows:

554.2604 BUYER'S OPTIONS AS TO SALVAGE OF RIGHTFULLY REJECTED GOODS.

Subject to the provisions of ~~the immediately preceding section 554.2603~~ on perishables if the seller gives no instructions within a reasonable time after notification of rejection the buyer

may store the rejected goods for the seller's account or reship them to the seller or resell them for the seller's account with reimbursement as provided in the preceding section 554.2603. Such action is not acceptance or conversion.

Sec. 71. Section 554.2615, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Except so far as a seller may have assumed a greater obligation and subject to the preceding section 554.2614 on substituted performance:

Sec. 72. Section 554.2616, subsections 1 and 3, Code 2007, are amended to read as follows:

1. Where the buyer receives notification of a material or indefinite delay or an allocation justified under the preceding section 554.2615 the buyer may by written notification to the seller as to any delivery concerned, and where the prospective deficiency substantially impairs the value of the whole contract under the provisions of this Article relating to breach of installment contracts (section 554.2612), then also as to the whole,

a. terminate and thereby discharge any unexecuted portion of the contract; or

b. modify the contract by agreeing to take the buyer's available quota in substitution.

3. The provisions of this section may not be negated by agreement except insofar as the seller has assumed a greater obligation under the preceding section 554.2615.

Sec. 73. Section 554.2703, Code 2007, is amended to read as follows:

554.2703 SELLER'S REMEDIES IN GENERAL.

Where the buyer wrongfully rejects or revokes acceptance of goods or fails to make a payment due on or before delivery or repudiates with respect to a part or the whole, then with respect to any goods directly affected and, if the breach is of the whole contract (section 554.2612), then also with respect to the whole undelivered balance, the aggrieved seller may:

a. 1. withhold delivery of such goods;

b. 2. stop delivery by any bailee as hereafter provided (section 554.2705);

c. 3. proceed under the next section 554.2704 respecting goods still unidentified to the contract;

d. 4. resell and recover damages as hereafter provided (section 554.2706);

e. 5. recover damages for nonacceptance (section 554.2708) or in a proper case the price (section 554.2709);

f. 6. cancel.

Sec. 74. Section 554.2704, subsection 1, Code 2007, is amended to read as follows:

1. An aggrieved seller under the preceding section 554.2703 may:

a. identify to the contract conforming goods not already identified if at the time the seller learned of the breach they are in the seller's possession or control;

b. treat as the subject of resale goods which have demonstrably been intended for the particular contract even though those goods are unfinished.

Sec. 75. Section 554.2709, subsections 1 and 3, Code 2007, are amended to read as follows:

1. When the buyer fails to pay the price as it becomes due the seller may recover, together with any incidental damages under the next section, the price:

a. of goods accepted or of conforming goods lost or damaged within a commercially reasonable time after risk of their loss has passed to the buyer; and

b. of goods identified to the contract if the seller is unable after reasonable effort to resell them at a reasonable price or the circumstances reasonably indicate that such effort will be unavailing.

3. After the buyer has wrongfully rejected or revoked acceptance of the goods or has failed to make a payment due or has repudiated (section 554.2610), a seller who is held not entitled to the price under this section shall nevertheless be awarded damages for nonacceptance under the preceding section 554.2708.

Sec. 76. Section 554.2711, subsections 1 and 2, Code 2007, are amended to read as follows:

1. Where the seller fails to make delivery or repudiates or the buyer rightfully rejects or justifiably revokes acceptance then with respect to any goods involved, and with respect to the whole if the breach goes to the whole contract (section 554.2612), the buyer may cancel and whether or not the buyer has done so may in addition to recovering so much of the price as has been paid:

a. “cover” and have damages under ~~the next~~ section 554.2712 as to all the goods affected whether or not they have been identified to the contract; or

b. recover damages for nondelivery as provided in this Article (section 554.2713).

2. Where the seller fails to deliver or repudiates the buyer may also:

a. if the goods have been identified recover them as provided in this Article (section 554.2502); or

b. in a proper case obtain specific performance or replevy the goods as provided in this Article (section 554.2716).

Sec. 77. Section 554.2712, subsection 1, Code 2007, is amended to read as follows:

1. After a breach within ~~the preceding~~ section 554.2711 the buyer may “cover” by making in good faith and without unreasonable delay any reasonable purchase of or contract to purchase goods in substitution for those due from the seller.

Sec. 78. Section 554.2714, subsection 3, Code 2007, is amended to read as follows:

3. In a proper case any incidental and consequential damages under ~~the next~~ section 554.2715 may also be recovered.

Sec. 79. Section 554.2719, subsection 1, Code 2007, is amended to read as follows:

1. Subject to the provisions of subsections 2 and 3 of this section and of ~~the preceding~~ section 554.2718 on liquidation and limitation of damages,

a. the agreement may provide for remedies in addition to or in substitution for those provided in this Article and may limit or alter the measure of damages recoverable under this Article, as by limiting the buyer’s remedies to return of the goods and repayment of the price or to repair and replacement of nonconforming goods or parts; and

b. resort to a remedy as provided is optional unless the remedy is expressly agreed to be exclusive, in which case it is the sole remedy.

Sec. 80. Section 554.7601A, subsection 2, Code Supplement 2007, is amended to read as follows:

2. If a warehouse receipt has been lost, ~~stolen~~, or destroyed, the depositor may either remove the goods from the warehouse facility or sell the goods to the warehouse after executing a lost warehouse receipt release on a form prescribed by the department of agriculture and land stewardship. The form shall include an affidavit stating that the warehouse receipt has been lost or destroyed, and the depositor’s undertaking to indemnify the warehouse for any loss incurred as a result of the loss or destruction of the warehouse receipt. The form shall be filed with the department of agriculture and land stewardship.

Sec. 81. Section 554.13103, subsection 3, Code Supplement 2007, is amended to read as follows:

3. The following definitions in other Articles apply to this Article:

“Account”	Section 554.9102, subsection 1, paragraph “b”
“Between merchants”	Section 554.2104, subsection 3
“Buyer”	Section 554.2103, subsection 1, paragraph “a”
“Chattel paper”	Section 554.9102, subsection 1, paragraph “k”

“Consumer goods”	Section 554.9102, subsection 1, paragraph “w”
“Document”	Section 554.9102, subsection 1, paragraph “ad”
“Entrusting”	Section 554.2403, subsection 3
“General intangible”	Section 554.9102, subsection 1, paragraph “ap”
“Good faith”	Section <del>554.2103, subsection 1, paragraph “b”</del> <u>554.1201</u>
“Instrument”	Section 554.9102, subsection 1, paragraph “au”
“Merchant”	Section 554.2104, subsection 1
“Mortgage”	Section 554.9102, subsection 1, paragraph “bc”
“Pursuant to commitment”	Section 554.9102, subsection 1, paragraph “bp”
“Receipt”	Section 554.2103, subsection 1, paragraph “c”
“Sale”	Section 554.2106, subsection 1
“Sale on approval”	Section 554.2326
“Sale or return”	Section 554.2326
“Seller”	Section 554.2103, subsection 1, paragraph “d”

Sec. 82. Section 554.13309, subsection 7, Code 2007, is amended to read as follows:

7. In cases not within the preceding subsections 1 through 6, priority between the interest of a lessor of fixtures, including the lessor’s residual interest, and the conflicting interest of an encumbrancer or owner of the real estate who is not the lessee is determined by the priority rules governing conflicting interests in real estate.

Sec. 83. Section 614.1, subsection 5, Code Supplement 2007, is amended to read as follows:

5. WRITTEN CONTRACTS — JUDGMENTS OF COURTS NOT OF RECORD — RECOVERY OF REAL PROPERTY. Those founded on written contracts, or on judgments of any courts except those provided for in ~~the next~~ subsection 6, and those brought for the recovery of real property, within ten years.

Sec. 84. Section 633.113, Code 2007, is amended to read as follows:  
633.113 COMMITMENT.

If, upon being served with an order of the court requiring appearance for interrogation, as provided in ~~the preceding sections hereof~~ section 633.112, any person fails to appear in accordance therewith, or if, having appeared, the person refuses to answer any question which the court thinks proper to be put to the person in the course of such examination, or if the person fails to comply with the order of the court requiring the delivery of the property to the fiduciary, the person may be committed to the jail of the county until the person does.

Sec. 85. Section 633.305, unnumbered paragraph 1, Code 2007, is amended to read as follows:

On admission of a will to probate without administration of the estate, the proponent shall cause to be published, in the manner prescribed in ~~the preceding section 633.304~~, a notice of the admission of the will to probate. As soon as practicable following the admission of the will to probate, the proponent shall give notice of the admission of the will to probate by ordinary mail addressed to the surviving spouse, each heir of the decedent, and each devisee under the will admitted to probate whose identities are reasonably ascertainable, at such persons’ last known addresses. The notice of the admission of the will to probate shall include a notice that

any action to set aside the will must be brought within the later to occur of four months from the date of the second publication of the notice or one month from the date of mailing of this notice, or thereafter be barred.

Sec. 86. Section 633.426, Code 2007, is amended to read as follows:

633.426 ORDER OF PAYMENT OF DEBTS AND CHARGES.

Payment of debts and charges of the estate shall be made in the order provided in the preceding section ~~633.425~~, without preference of any claim over another of the same class. If the assets of the estate are insufficient to pay in full all of the claims of a class, then such claims shall be paid on a pro rata basis, without preference between claims then due and those of the same class not due.

Sec. 87. Section 633.700, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

Unless specifically relieved from so doing, by the instrument creating the trust, or by order of the court, the trustee shall make a written report, under oath, to the court, once each year, within ninety days of the close of the reporting period, and more often, if required by the court. Such report shall state:

Sec. 88. Section 718A.1, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

As used in this section ~~chapter~~:

Sec. 89. Section 729.1, Code 2007, is amended to read as follows:

729.1 RELIGIOUS TEST.

Any violation of ~~section 4~~, Article I, ~~section 4~~, of the Constitution of the State of Iowa is hereby declared to be a simple misdemeanor unless a greater penalty is otherwise provided by law.

Sec. 90. Section 820.14, Code 2007, is amended to read as follows:

820.14 ARREST WITHOUT WARRANT.

The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against the accused under oath setting forth the ground for the arrest as in ~~the preceding section 820.13~~; and thereafter the accused's answer shall be heard as if the accused had been arrested on a warrant.

Sec. 91. Section 820.15, Code 2007, is amended to read as follows:

820.15 HOLDING TO AWAIT REQUISITION.

If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under section 820.6, that the person has fled from justice, the judge or magistrate must, by a warrant reciting the accusation, commit the person to the county jail for such a time not exceeding thirty days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in ~~the next section 820.16~~, or until the accused shall be legally discharged.

Sec. 92. Section 915.20A, subsection 1, paragraph d, Code 2007, is amended to read as follows:

d. "Victim counselor" means a person who is engaged in a crime victim center, is certified as a counselor by the crime victim center, and is under the control of a direct services supervisor of a crime victim center, whose primary purpose is the rendering of advice, counseling, and assistance to the victims of crime. To qualify as a "victim counselor" under this section, the

person must also have completed at least twenty hours of training provided by the center in which the person is engaged, by the Iowa organization of victim assistance, by the Iowa coalition against sexual abuse assault, or by the Iowa coalition against domestic violence, which shall include but not be limited to, the dynamics of victimization, substantive laws relating to violent crime, sexual assault, and domestic violence, crisis intervention techniques, communication skills, working with diverse populations, an overview of the state criminal justice system, information regarding pertinent hospital procedures, and information regarding state and community resources for victims of crime.

Sec. 93. 2007 Iowa Acts, chapter 182, section 3, subsection 1, is amended to read as follows:

1. The Iowa propane education and research council is established. Members of the council shall be appointed by the governor from a list of nominees submitted by qualified propane industry organizations within thirty days after the effective date of this section of this Act and by December 15 of each year thereafter. The council shall consist of ten voting members, nine of whom represent retail propane marketers and one of whom shall be a public member. Qualified propane industry organizations shall together nominate all members of the council. A vacancy in the unfinished term of a council member shall be filled for the remainder of the term in the same manner as the original appointment was made. Other than the public member, council members shall be full-time employees or owners of a propane industry business or representatives of an agricultural cooperative actively engaged in the propane industry. An employee of a qualified propane industry organization shall not serve as a member of the council. An officer of the board of directors of a qualified propane industry organization or propane industry trade association shall not serve concurrently as a member of the council. The fire marshal or a designee may serve as an ex officio, nonvoting member of the council.

Sec. 94. 2007 Iowa Acts, chapter 197, section 33, subsection 1, is amended to read as follows:

1. All new electrical installations for commercial or industrial applications, including installations both inside and outside of buildings, and for public use buildings and facilities and any installation at the request of the property owner.

Sec. 95. 2007 Iowa Acts, chapter 197, section 34, subsection 2, is amended to read as follows:

2. State inspection shall not apply within the jurisdiction of any political subdivision which, pursuant to section 103.29, provides by resolution or ordinance standards of electrical wiring and its installation that are not less stringent than those prescribed by the board or by this chapter and which further provides by resolution or ordinance for the inspection of electrical installations within the limits of such subdivision by a certified electrical inspector. A copy of the certificate of each electrical inspector shall be provided to the board by the political subdivision issuing the certificate.

Sec. 96. Section 103.25, as enacted by 2007 Iowa Acts, chapter 197, section 35, is amended to read as follows:

103.25 REQUEST FOR INSPECTION — FEES.

At or before commencement of any installation required to be inspected by the board, the licensee or property owner making such installation shall submit to the state fire marshal's office a request for inspection. The board shall prescribe the methods by which the request may be submitted, which may include electronic submission or through a form prescribed by the board that can be submitted either through the mail or by a fax transmission. The board shall also prescribe methods by which inspection fees can be paid, which may include electronic methods of payment. If the board or the state fire marshal's office becomes aware that a person has failed to file a necessary request for inspection, the board or the state fire marshal's office shall send a written notification by certified mail that the request must be filed within fourteen days. Any person filing a late request for inspection shall pay a delinquency

fee in an amount to be determined by the board. ~~Failure~~ A person who fails to file a late request within fourteen days shall be subject to a civil penalty to be determined by the board by rule.

Sec. 97. Section 103.26, as enacted by 2007 Iowa Acts, chapter 197, section 36, is amended to read as follows:

103.26 CONDEMNATION — DISCONNECTION — OPPORTUNITY TO CORRECT NON-COMPLIANCE.

If the inspector finds that any installation or portion of an installation is not in compliance with accepted standards of construction for health safety ~~to health~~ and property safety, based upon minimum standards set forth in the local electrical code or the national electrical code adopted by the board pursuant to section 103.6, the inspector shall by written order condemn the installation or noncomplying portion or order service to such installation disconnected and shall send a copy of such order to the board, the state fire marshal, and the electrical utility supplying power involved. If the installation or the noncomplying portion is such as to seriously and proximately endanger human health or property, the order of the inspector when approved by the inspector's superior shall require immediate condemnation and disconnection by the applicant. In all other cases, the order of the inspector shall establish a reasonable period of time for the installation to be brought into compliance with accepted standards of construction for health safety ~~to health~~ and property safety prior to the effective date established in such order for condemnation or disconnection.

Sec. 98. 2007 Iowa Acts, chapter 197, section 38, subsection 2, is amended to read as follows:

2. If the electrical inspector determines that an electrical installation subject to inspection by the board is not in compliance with accepted standards of construction for health safety ~~to health~~ and property safety, based upon minimum standards adopted by the board pursuant to this chapter, the inspector shall issue a correction order. A correction order made pursuant to this section shall be served personally or by United States mail only upon the licensee making the installation. The correction order shall order the licensee to make the installation comply with the standards, noting specifically what changes are required. The order shall specify a date, not more than seventeen calendar days from the date of the order, when a new inspection shall be made. When the installation is brought into compliance to the satisfaction of the inspector, the inspector shall file with the electrical utility supplying power a certificate stating that the electrical inspector has approved energization.

Sec. 99. 2007 Iowa Acts, chapter 197, section 41, subsection 4, is amended to read as follows:

4. Except when an inspection reveals that an installation or portion of an installation is not in compliance with accepted standards of construction for health safety ~~to health~~ and property safety, based upon minimum standards set forth in the local electrical code or the national electrical code adopted by the board pursuant to section 103.6, such that an order of condemnation or disconnection is warranted pursuant to section 103.26, an inspector shall not add to, modify, or amend a construction plan as originally approved by the state fire marshal in the course of conducting an inspection.

Sec. 100. 2007 Iowa Acts, chapter 197, section 42, subsection 3, is amended to read as follows:

3. When an inspection is requested by ~~an a~~ a property owner, the minimum fee shall be thirty dollars plus five dollars per branch circuit or feeder. The fee for fire and accident inspections shall be computed at the rate of forty-seven dollars per hour, and mileage and other expenses shall be reimbursed as provided by the office of the state fire marshal.

Sec. 101. 2007 Iowa Acts, chapter 197, section 43, subsection 1, is amended to read as follows:

1. Any person aggrieved by a condemnation or disconnection order issued by the state fire

marshal's office may appeal from the order by filing a written notice of appeal with the board within ten days after the date the order was served upon the property owner or within ten days after the order was filed with the board, whichever is later.

Sec. 102. Section 104C.2, subsection 8, as enacted by 2007 Iowa Acts, chapter 198, section 2, is amended to read as follows:

8. "Hydronic" means a heating or cooling system that transfers heating or cooling by circulating fluid through a closed system, including boilers, pressure vessels, refrigerated equipment in connection with chilled water systems, all steam piping, hot or chilled water piping together with all control devices and accessories, installed as part of, or in connection with, any comfort heating or comfort cooling system or appliance using a liquid, water, or steam as the heating or cooling media. "Hydronic" includes all low-pressure and high-pressure systems.

Sec. 103. 2007 Iowa Acts, chapter 198, section 10, subsection 3, is amended to read as follows:

3. The board may allow a two-year delay in implementing the licensure requirements for contractors who employ ~~less~~ fewer than ten mechanical professionals.

Sec. 104. 2007 Iowa Acts, chapter 198, section 11, subsection 1, is amended to read as follows:

1. Apply to a person licensed as an engineer pursuant to chapter 542B, registered as an architect pursuant to chapter 544A, or licensed as a landscape architect pursuant to chapter 544B who provides consultations or develops plans or other work concerning plumbing, HVAC, refrigeration, or hydronic work and who is exclusively engaged in the practice of the person's profession.

Sec. 105. 2007 Iowa Acts, chapter 198, section 18, subsection 2, paragraph c, subparagraph (3), is amended to read as follows:

(3) Provide evidence to the examining board that the person has previously been a licensed journeyman in the applicable discipline or satisfies all requirements ~~required to be licensed for licensure~~ as a journeyman in the applicable discipline.

Sec. 106. Sections 99A.1, 177A.16, 321.1, 321A.1, 321H.2, 322.2, 329.1, 428.28, 428.29, 433.12, 438.1, 438.2, 438.3, 453A.1, 455B.131,<sup>1</sup> 476.44, 484B.4, 536.4, 536.5, 536.19, 536A.17, 543B.31,<sup>2</sup> 589.8, 589.24, 624.27, 624.28, 727.2, and 730.2, Code 2007, are amended by striking the word "copartnership" and inserting the word "partnership".

Sec. 107. Sections 322.4 and 322.7, Code Supplement 2007, are amended by striking the word "copartnership" and inserting the word "partnership".

Sec. 108. Sections 214A.2B,<sup>3</sup> 258.16, 260C.40, and 282.7, Code 2007, are amended by striking the words "merged area school" and "merged area schools" and inserting the words "community college" and "community colleges".

## DIVISION II VOLUME I RENUMBERING

Sec. 109. Section 1.18, Code 2007, is amended to read as follows:

### 1.18 IOWA ENGLISH LANGUAGE REAFFIRMATION.

1. The general assembly of the state of Iowa finds and declares the following:
  - a. The state of Iowa is comprised of individuals from different ethnic, cultural, and linguistic backgrounds. The state of Iowa encourages the assimilation of Iowans into Iowa's rich culture.
  - b. Throughout the history of Iowa and of the United States, the common thread binding individuals of differing backgrounds together has been the English language.

<sup>1</sup> Section 455B.131 appeared in Code Supplement 2007

<sup>2</sup> Section 543B.31 appeared in Code Supplement 2007

<sup>3</sup> Section 214A.2B appeared in Code Supplement 2007



c. Among the powers reserved to each state is the power to establish the English language as the official language of the state, and otherwise to promote the English language within the state, subject to the prohibitions enumerated in the Constitution of the United States and in laws of the state.

2. In order to encourage every citizen of this state to become more proficient in the English language, thereby facilitating participation in the economic, political, and cultural activities of this state and of the United States, the English language is hereby declared to be the official language of the state of Iowa.

3. Except as otherwise provided for in subsections 4 ~~5~~ and 5 ~~6~~, the English language shall be the language of government in Iowa. All official documents, regulations, orders, transactions, proceedings, programs, meetings, publications, or actions taken or issued, which are conducted or regulated by, or on behalf of, or representing the state and all of its political subdivisions shall be in the English language.

4. For the purposes of this section, "official action" means any action taken by the government in Iowa or by an authorized officer or agent of the government in Iowa that does any of the following:

- a. Binds the government.
- b. Is required by law.
- c. Is otherwise subject to scrutiny by either the press or the public.

4. ~~5~~. This section shall not apply to:

- a. The teaching of languages.
- b. Requirements under the federal Individuals with Disabilities Education Act.
- c. Actions, documents, or policies necessary for trade, tourism, or commerce.
- d. Actions or documents that protect the public health and safety.
- e. Actions or documents that facilitate activities pertaining to compiling any census of populations.
- f. Actions or documents that protect the rights of victims of crimes or criminal defendants.
- g. Use of proper names, terms of art, or phrases from languages other than English.
- h. Any language usage required by or necessary to secure the rights guaranteed by the Constitution and laws of the United States of America or the Constitution of the State of Iowa.
- i. Any oral or written communications, examinations, or publications produced or utilized by a driver's license station, provided public safety is not jeopardized.

5. ~~6~~. Nothing in this section shall be construed to do any of the following:

- a. Prohibit an individual member of the general assembly or officer of state government, while performing official business, from communicating through any medium with another person in a language other than English, if that member or officer deems it necessary or desirable to do so.
- b. Limit the preservation or use of Native American languages, as defined in the federal Native American Languages Act of 1992.
- c. Disparage any language other than English or discourage any person from learning or using a language other than English.

Sec. 110. Section 2.10, subsection 4, Code 2007, is amended to read as follows:

4. a. The director of the department of administrative services shall pay the travel and expenses of the members of the general assembly commencing with the first pay period after the names of such persons are officially certified. The salaries of the members of the general assembly shall be paid pursuant to any of the following alternative methods:

- a. (1) During each month of the year at the same time state employees are paid.
- b. (2) During each pay period during the first six months of each calendar year.
- c. (3) During the first six months of each calendar year by allocating two-thirds of the annual salary to the pay periods during those six months and one-third of the annual salary to the pay periods during the second six months of a calendar year.

b. Each member of the general assembly shall file with the director of the department of administrative services a statement as to the method the member selects for receiving payment of salary. The presiding officers of the two houses of the general assembly shall jointly certify

to the director of the department of administrative services the names of the members, officers, and employees of their respective houses and the salaries and mileage to which each is entitled. Travel and expense allowances shall be paid upon the submission of vouchers to the director of the department of administrative services indicating a claim for the same.

Sec. 111. Section 2.15, Code 2007, is amended to read as follows:

2.15 POWERS AND DUTIES OF STANDING COMMITTEES.

1. The powers and duties of standing committees shall include, but shall not be limited to, the following:

1. a. Introducing legislative bills and resolutions.
2. b. Conducting investigations with the approval of either or both houses during the session, or the legislative council during the interim, with authority to call witnesses, administer oaths, issue subpoenas, and cite for contempt.
3. c. Requiring reports and information from state agencies as well as the full ~~co-operation~~ cooperation of their personnel.
4. d. Selecting nonlegislative members when conducting studies as provided in section 2.14.
5. e. Undertaking in-depth studies of governmental matters within their assigned jurisdiction, not only for the purpose of evaluating proposed legislation, but also for studying existing laws and governmental operations and functions to determine their usefulness and effectiveness, as provided in section 2.14.
6. f. Reviewing the operations of state agencies and departments.
7. g. Giving thorough consideration to, establishing priorities for, and making recommendations on all bills assigned to committees.
8. h. Preparing reports to be made available to members of the general assembly containing the committee's findings, recommendations, and proposed legislation.

2. A standing committee may call upon any department, agency or office of the state, or any political subdivision of the state, for information and assistance as needed in the performance of its duties and the information and assistance shall be furnished to the extent that they are within the resources and authority of the department, agency, office or political subdivision. This ~~paragraph~~ subsection does not require the production or opening of any records which are required by law to be kept private or confidential.

Sec. 112. Section 7K.1, subsection 3, Code 2007, is amended to read as follows:

3. MEMBERSHIP.

a. The board of directors of the foundation shall consist of fifteen members serving staggered three-year terms beginning on May 1 of the year of appointment who shall be appointed as follows:

- a. (1) Five members shall be appointed by the governor as follows:
  - (1) (a) A school district superintendent from a school district with enrollment of one thousand one hundred forty-nine or fewer pupils.
  - (2) (b) An individual representing an Iowa business employing more than two hundred fifty employees.
  - (3) (c) A community college president.
  - (4) (d) An individual representing labor and workforce interests.
  - (5) (e) An individual representing an Iowa agriculture association.
- b. (2) Five members shall be appointed by the speaker of the house of representatives as follows:
  - (1) (a) An individual representing the area education agencies.
  - (2) (b) The president of an accredited private institution as defined in section 261.9.
  - (3) (c) An individual representing an Iowa business employing more than fifty employees but not more than two hundred fifty employees.
  - (4) (d) An individual representing urban economic development interests.
  - (5) (e) An individual from an association representing Iowa businesses.
- c. (3) Five members shall be appointed by the president of the senate as follows:

(1) (a) A school district superintendent from a school district with an enrollment of more than one thousand one hundred forty-nine pupils.

~~(2) (b)~~ A president of an institution of higher education under the control of the state board of regents.

(3) (c) An individual representing an Iowa business employing fifty or fewer employees.

(4) (d) An individual representing rural economic development interests.

(5) (e) An individual representing a business that established itself in Iowa on or after July 1, 1999.

b. Members, except as provided in paragraph “e” “a”, subparagraph ~~(2) (3)~~, subparagraph subdivision (b), shall not be employed by the state. One co-chairperson shall be appointed by the speaker of the house of representatives and one co-chairperson shall be appointed by the president of the senate.

Sec. 113. Section 8A.204, subsection 1, paragraph a, unnumbered paragraphs 1 and 2, Code Supplement 2007, are amended to read as follows:

“Agency” means a participating agency as defined in section 8A.201. In addition, the following definitions shall also apply:

~~In addition, the following definitions shall also apply:~~

Sec. 114. Section 8A.502, subsection 14, Code 2007, is amended to read as follows:

14. FEDERAL CASH MANAGEMENT AND IMPROVEMENT ACT ADMINISTRATOR.

a. To serve as administrator for state actions relating to the federal Cash Management and Improvement Act of 1990, Pub. L. No. 101-453, as codified in 31 U.S.C. § 6503. The director shall perform the following duties relating to the federal law:

~~a-~~ (1) Act as the designated representative of the state in the negotiation and administration of contracts between the state and federal government relating to the federal law.

~~b-~~ (2) Modify the centralized statewide accounting system and develop, or require to be developed by the appropriate departments of state government, the reports and procedures necessary to complete the managerial and financial reports required to comply with the federal law.

b. There is annually appropriated from the general fund of the state to the department an amount sufficient to pay interest costs that may be due the federal government as a result of implementation of the federal law. This paragraph does not authorize the payment of interest from the general fund of the state for any departmental revolving, trust, or special fund where monthly interest earnings accrue to the credit of the departmental revolving, trust, or special fund. For any departmental revolving, trust, or special fund where monthly interest is accrued to the credit of the fund, the director may authorize a supplemental expenditure to pay interest costs from the individual fund which are due the federal government as a result of implementation of the federal law.

Sec. 115. Section 9D.3, subsection 2, Code 2007, is amended to read as follows:

2. a. The bond shall be payable to the state for the use and benefit of either:

~~a-~~ (1) A person who is injured by the fraud, misrepresentation, or financial failure of the travel agency or a travel agent employed by the travel agency.

~~b-~~ (2) The state on behalf of a person or persons under ~~paragraph “a”~~ subparagraph (1).

b. The bond shall be conditioned such that the registrant will pay any judgment recovered by a person in a court of this state in a suit for actual damages, including reasonable attorney’s fees, or for rescission, resulting from a cause of action involving the sale or offer of sale of travel services. The bond shall be open to successive claims, but the aggregate amount of the claims paid shall not exceed the principal amount of the bond.

Sec. 116. Section 9H.4, Code 2007, is amended to read as follows:

9H.4 RESTRICTION ON INCREASE OF HOLDINGS — EXCEPTIONS — PENALTY.

1. A corporation, limited liability company, or trust, other than a family farm corporation, authorized farm corporation, family farm limited liability company, authorized limited liability-

ty company, family trust, authorized trust, revocable trust, or testamentary trust shall not, either directly or indirectly, acquire or otherwise obtain or lease any agricultural land in this state. However, the restrictions provided in this section shall not apply to the following:

1. a. A bona fide encumbrance taken for purposes of security.
2. b. Agricultural land acquired for research or experimental purposes. Agricultural land is used for research or experimental purposes if any of the following apply:
  - a. (1) Research and experimental activities are undertaken on the agricultural land and commercial sales of products produced from farming the agricultural land do not occur or are incidental to the research or experimental purposes of the corporation or limited liability company. Commercial sales are incidental to the research or experimental purposes of the corporation or limited liability company when such sales are less than twenty-five percent of the gross sales of the primary product of the research.
  - b. (2) The agricultural land is used for the primary purpose of testing, developing, or producing seeds or plants for sale or resale to farmers as seed stock. Grain which is not sold as seed stock is an incidental sale and must be less than twenty-five percent of the gross sales of the primary product of the research and experimental activities.
  - e. (3) (a) The agricultural land is used by a corporation or limited liability company, including any trade or business which is under common control, as provided in 26 U.S.C. § 414 for the primary purpose of testing, developing, or producing animals for sale or resale to farmers as breeding stock. However, after July 1, 1989, to qualify under this ~~paragraph~~ subparagraph subdivision, the following conditions must be satisfied:
    - (1) (i) The corporation or limited liability company must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. The corporation or limited liability company shall not renew a lease. The corporation or limited liability company shall not enter into a lease under this ~~paragraph~~ subparagraph subdivision part, if the corporation or limited liability company has ever entered into another lease under this ~~paragraph~~ “c” subparagraph (3), whether or not the lease is in effect. However, this subparagraph does not apply to a domestic corporation organized under chapter 504, Code 1989, or current chapter 504.
    - (2) (ii) A term or condition of sale, including resale, of breeding stock must not relate to the direct or indirect control by the corporation or limited liability company of the breeding stock or breeding stock progeny subsequent to the sale.
    - (3) (iii) The number of acres of agricultural land held by the corporation or limited liability company must not exceed six hundred forty acres.
    - (4) (iv) The corporation or limited liability company must deliver a copy of the lease to the secretary of state. The secretary of state shall notify the lessee of receipt of the copy of the lease. However, this subparagraph subdivision does not apply to a domestic corporation organized under chapter 504, Code 1989, or current chapter 504.
  - (b) Culls and test animals may be sold under this ~~paragraph~~ “e” subparagraph (3). For a three-year period beginning on the date that the corporation or limited liability company acquires an interest in the agricultural land, the gross sales for any year shall not be greater than five hundred thousand dollars. After the three-year period ends, the gross sales for any year shall not be greater than twenty-five percent of the gross sales for that year of the breeding stock, or five hundred thousand dollars, whichever is less.
3. c. Agricultural land, including leasehold interests, acquired by a nonprofit corporation organized under the provisions of chapter 504, Code 1989, and current chapter 504 including land acquired and operated by or for a state university for research, experimental, demonstration, foundation seed increase or test purposes and land acquired and operated by or for nonprofit corporations organized specifically for research, experimental, demonstration, foundation seed increase or test purposes in support of or in conjunction with a state university.
4. d. Agricultural land acquired by a corporation or limited liability company for immediate or potential use in nonfarming purposes.
5. e. Agricultural land acquired by a corporation or limited liability company by process of

law in the collection of debts, or pursuant to a contract for deed executed prior to August 15, 1975, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise.

6. f. A municipal corporation.

7. g. Agricultural land which is acquired by a trust company or bank in a fiduciary capacity or as trustee for a family trust, authorized trust or testamentary trust or for nonprofit corporations.

8. h. A corporation or its subsidiary organized under chapter 490 or a limited liability company organized under chapter 490A and to which section 312.8 is applicable.

9. i. Agricultural land held or leased by a corporation on July 1, 1975, as long as the corporation holding or leasing the land on this date continues to hold or lease such agricultural land.

10. j. Agricultural land held or leased by a trust on July 1, 1977, as long as the trust holding or leasing such land on this date continues to hold or lease such agricultural land.

11. k. Agricultural land acquired by a trust for immediate use in nonfarming purposes.

2. A corporation, limited liability company, or trust, other than a family farm corporation, authorized farm corporation, family farm limited liability company, authorized limited liability company, family trust, authorized trust, revocable trust, or testamentary trust, violating this section shall be assessed a civil penalty of not more than twenty-five thousand dollars and shall divest itself of any land held in violation of this section within one year after judgment. The courts of this state may prevent and restrain violations of this section through the issuance of an injunction. The attorney general or a county attorney shall institute suits on behalf of the state to prevent and restrain violations of this section.

Sec. 117. Section 11.4, Code 2007, is amended to read as follows:

11.4 REPORT OF AUDITS.

1. The auditor of state shall make or cause to be made and filed and kept in the auditor's office written reports of all audits and examinations, which reports shall set out in detail the following:

1. a. The actual condition of such department found to exist on every examination.

2. b. Whether, in the auditor's opinion,

a. (1) All funds have been expended for the purpose for which appropriated.

b. (2) The department so audited and examined is efficiently conducted, and if the maximum results for the money expended are obtained.

c. (3) The work of the departments so audited or examined needlessly conflicts with or duplicates the work done by any other department.

3. c. All illegal or unbusinesslike practices.

4. d. Any recommendations for greater simplicity, accuracy, efficiency, or economy in the operation of the business of the several departments and institutions.

5. e. Comparisons of prices paid and terms obtained by the various departments for goods and services of like character and reasons for differences therein, if any.

6. f. Any other information which, in the auditor's judgment, may be of value to the auditor.

2. All such reports shall be filed and kept in the auditor's office.

3. The state auditor is hereby authorized to obtain, maintain, and operate, under the auditor's exclusive control such machinery as may be necessary to print confidential reports and documents originating in the auditor's office.

Sec. 118. Section 11.6, subsection 1, paragraph a, Code 2007, is amended to read as follows:

a. (1) The financial condition and transactions of all cities and city offices, counties, county hospitals organized under chapters 347 and 347A, memorial hospitals organized under chapter 37, entities organized under chapter 28E having gross receipts in excess of one hundred thousand dollars in a fiscal year, merged areas, area education agencies, and all school offices in school districts, shall be examined at least once each year, except that cities having a population of seven hundred or more but less than two thousand shall be examined at least once every

four years, and cities having a population of less than seven hundred may be examined as otherwise provided in this section. The examination shall cover the fiscal year next preceding the year in which the audit is conducted. The examination of school offices shall include an audit of all school funds, the certified annual financial report, the certified enrollment as provided in section 257.6, and the revenues and expenditures of any nonprofit school organization established pursuant to section 279.62. Differences in certified enrollment shall be reported to the department of management. The examination of a city that owns or operates a municipal utility providing local exchange services pursuant to chapter 476 shall include an audit of the city's compliance with section 388.10. The examination of a city that owns or operates a municipal utility providing telecommunications services pursuant to section 388.10 shall include an audit of the city's compliance with section 388.10.

(2) Subject to the exceptions and requirements of subsection 2 and subsection 4, paragraph "e" "a", subparagraph (3), examinations shall be made as determined by the governmental subdivision either by the auditor of state or by certified public accountants, certified in the state of Iowa, and they shall be paid from the proper public funds of the governmental subdivision.

Sec. 119. Section 11.6, subsection 1, paragraph b, subparagraph (2), Code 2007, is amended to read as follows:

(2) (a) As part of its audit, the governmental subdivision is responsible for obtaining and providing to the person performing the audit the audited financial statements and related report on internal control structure of outside persons, performing any of the following during the period under audit for the governmental subdivision:

(a) (i) Investing public funds.

(b) (ii) Advising on the investment of public funds.

(c) (iii) Directing the deposit or investment of public funds.

(d) (iv) Acting in a fiduciary capacity for the governmental subdivision.

(b) The audit under this section shall not be certified until all material information required by this subparagraph is reviewed by the person performing the audit.

Sec. 120. Section 11.6, subsection 4, Code 2007, is amended to read as follows:

4. a. In addition to the powers and duties under other provisions of the Code, the auditor of state may at any time cause to be made a complete or partial reaudit of the financial condition and transactions of any city, county, county hospital, memorial hospital, entity organized under chapter 28E, merged area, area education agency, school corporation, township, or other governmental subdivision, or an office of any of these, if one of the following conditions exists:

a. (1) The auditor of state has probable cause to believe such action is necessary in the public interest because of a material deficiency in an audit of the governmental subdivision filed with the auditor of state or because of a substantial failure of the audit to comply with the standards and procedures established and published by the auditor of state.

b. (2) The auditor of state receives from an elected official or employee of the governmental subdivision a written request for a complete or partial reaudit of the governmental subdivision.

c. (3) The auditor of state receives a petition signed by at least fifty eligible electors of the governmental subdivision requesting a complete or partial reaudit of the governmental subdivision. If the governmental subdivision has not contracted with or employed a certified public accountant to perform an audit of the fiscal year in which the petition is received by the auditor of state, the auditor of state may perform an audit required by subsection 1 or 3.

b. The state audit shall be paid from the proper public funds available in the office of the auditor of state. In the event the audited governmental subdivision recovers damages from a person performing a previous audit due to negligent performance of that audit or breach of the audit contract, the auditor of state shall be entitled to reimbursement on an equitable basis for funds expended from any recovery made by the governmental subdivision.

c. An examination under this subsection shall include a determination of whether investments by the governmental subdivision are authorized by state law.

Sec. 121. Section 13.2, Code 2007, is amended to read as follows:

13.2 DUTIES.

1. It shall be the duty of the attorney general, except as otherwise provided by law to:

~~1. a.~~ Prosecute and defend all causes in the appellate courts in which the state is a party or interested.

2. ~~b.~~ Prosecute and defend in any other court or tribunal, all actions and proceedings, civil or criminal, in which the state may be a party or interested, when, in the attorney general's judgment, the interest of the state requires such action, or when requested to do so by the governor, executive council, or general assembly.

~~3. c.~~ Prosecute and defend all actions and proceedings brought by or against any state officer in the officer's official capacity.

4. ~~d.~~ Prosecute and defend all actions and proceedings brought by or against any employee of a judicial district department of correctional services in the performance of an assessment of risk pursuant to chapter 692A.

5. ~~e.~~ Give an opinion in writing, when requested, upon all questions of law submitted by the general assembly or by either house thereof, or by any state officer, elective or appointive. Questions submitted by state officers must be of a public nature and relate to the duties of such officer.

6. ~~f.~~ Prepare drafts for contracts, forms, and other writings which may be required for the use of the state.

7. ~~g.~~ Report to the governor, at the time provided by law, the condition of the attorney general's office, opinions rendered, and business transacted of public interest.

8. ~~h.~~ Supervise county attorneys in all matters pertaining to the duties of their offices, and from time to time to require of them reports as to the condition of public business entrusted to their charge.

9. ~~i.~~ Promptly account, to the treasurer of state, for all state funds received by the attorney general.

10. ~~j.~~ Keep in proper books a record of all official opinions, and a register of all actions, prosecuted and defended by the attorney general, and of all proceedings had in relation thereto, which books shall be delivered to the attorney general's successor.

11. ~~k.~~ Perform all other duties required by law.

12. ~~l.~~ Inform prosecuting attorneys and assistant prosecuting attorneys to the state of all changes in law and matters pertaining to their office and establish programs for the continuing education of prosecuting attorneys and assistant prosecuting attorneys. The attorney general may accept funds, grants and gifts from any public or private source which shall be used to defray the expenses incident to implementing duties under this subsection paragraph.

13. ~~m.~~ Establish and administer, in cooperation with the law schools of Drake university and the state university of Iowa, a prosecutor intern program incorporating the essential elements of the pilot program denominated "law student intern program in prosecutors' office" funded by the Iowa crime commission and participating counties. The attorney general shall consult with an advisory committee including representatives of each participating law school and the Iowa county attorneys association, inc. concerning development, administration, and critique of this program. The attorney general shall report on the program's operation annually to the general assembly and the supreme court.

14. ~~n.~~ Develop written procedures and policies to be followed by prosecuting attorneys in the prosecution of domestic abuse cases under chapters 236 and 708.

2. Executing the duties of this section shall not be deemed a violation of section 68B.6.

Sec. 122. Section 15.313, subsection 1, Code 2007, is amended to read as follows:

1. ~~a.~~ An Iowa strategic investment fund is created as a revolving fund consisting of any money appropriated by the general assembly for that purpose and any other moneys available

to and obtained or accepted by the department from the federal government or private sources for placement in the fund. The fund shall also include all of the following:

a. (1) All unencumbered and unobligated funds from the special community economic betterment program fund created under 1990 Iowa Acts, chapter 1262, section 1, subsection 18, remaining on June 30, 1992, all repayments of loans or other awards made under the community economic betterment account or under the community economic betterment program during any fiscal year beginning on or after July 1, 1985, and recaptures of awards.

b. (2) All unencumbered and unobligated funds from the targeted small business financial assistance program, the financing rural economic development or successor loan program, and the value-added agricultural products and processes financial assistance fund remaining on June 30, 1992, and all repayments of loans or other awards or recaptures of awards made under these programs.

b. Notwithstanding section 8.33, moneys in the strategic investment fund at the end of each fiscal year shall not revert to any other fund but shall remain in the strategic investment fund for expenditure for subsequent fiscal years.

Sec. 123. Section 15.331A, Code 2007, is amended to read as follows:

15.331A SALES AND USE TAX REFUND.

1. The eligible business shall be entitled to a refund of the sales and use taxes paid under chapter 423 for gas, electricity, water, or sewer utility services, goods, wares, or merchandise, or on services rendered, furnished, or performed to or for a contractor or subcontractor and used in the fulfillment of a written contract relating to the construction or equipping of a facility of the eligible business. Taxes attributable to intangible property and furniture and furnishings shall not be refunded. However, an eligible business shall be entitled to a refund for taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center subject to section 15.331C.

2. To receive the refund a claim shall be filed by the eligible business with the department of revenue as follows:

1. a. The contractor or subcontractor shall state under oath, on forms provided by the department, the amount of the sales of goods, wares, or merchandise or services rendered, furnished, or performed including water, sewer, gas, and electric utility services upon which sales or use tax has been paid prior to the project completion, and shall file the forms with the eligible business before final settlement is made.

2. b. The eligible business shall, not more than one year after project completion, make application to the department for any refund of the amount of the sales and use taxes paid pursuant to chapter 423 upon any goods, wares, or merchandise, or services rendered, furnished, or performed, including water, sewer, gas, and electric utility services. The application shall be made in the manner and upon forms to be provided by the department, and the department shall audit the claim and, if approved, issue a warrant to the eligible business in the amount of the sales or use tax which has been paid to the state of Iowa under a contract. A claim filed by the eligible business in accordance with this section shall not be denied by reason of a limitation provision set forth in chapter 421 or 423.

3. A contractor or subcontractor who willfully makes a false report of tax paid under the provisions of this section is guilty of a simple misdemeanor and in addition is liable for the payment of the tax and any applicable penalty and interest.

Sec. 124. Section 15A.1, subsection 1, Code 2007, is amended to read as follows:

1. a. Economic development is a public purpose for which the state, a city, or a county may provide grants, loans, guarantees, tax incentives, and other financial assistance to or for the benefit of private persons.

b. For purposes of this chapter, "economic development" means private or joint public and private investment involving the creation of new jobs and income or the retention of existing jobs and income that would otherwise be lost.



Sec. 125. Section 15A.2, Code 2007, is amended to read as follows:

15A.2 CONFLICTS OF INTEREST.

1. a. If a member of the governing body of a city or county or an employee of a state, city, or county board, agency, commission, or other governmental entity of the state, city, or county has an interest, either direct or indirect, in a private person for which grants, loans, guarantees, tax incentives, or other financial assistance may be provided by the governing board or governmental entity, the interest shall be disclosed to that governing body or governmental entity in writing. The member or employee having the interest shall not participate in the decision-making process with regard to the providing of such financial assistance to the private person.

b. Employment by a public body, its agencies, or institutions or by any other person having such an interest shall not be deemed an indicia of an interest by the employee or of any ownership or control by the employee of interests of the employee's employer.

c. The word "participate" or "participation" shall be deemed not to include discussion or debate preliminary to a vote of a local governing body or agency upon proposed ordinances or resolutions relating to such a project or any abstention from such a vote.

d. The designation of a bank or trust company as depository, paying agent, or agent for investment of funds shall not be deemed a matter of interest or personal interest.

e. Stock ownership in a corporation having such an interest shall not be deemed an indicia of an interest or of ownership or control by the person owning the stocks when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by that person.

f. The phrase "decision-making process" shall not be deemed to include resolutions advisory to the local governing body or agency by any citizens group, board, body, or commission designated to serve a purely advisory approving or recommending function for economic development.

2. A violation of a provision of this section is misconduct in office under section 721.2. However, a decision of the governing board or governmental entity is not invalid because of the participation of the member or employee in the decision-making process or because of a vote cast by a member or employee in violation of this section unless the participation or vote was decisive in the awarding of the financial assistance.

Sec. 126. Section 15A.9, subsection 8, paragraphs a, b, and e, Code Supplement 2007, are amended to read as follows:

a. (1) The credit equals the sum of the following:

~~(1)~~ (a) Thirteen percent of the excess of qualified research expenses during the tax year over the base amount for the tax year based upon the state's apportioned share of the qualifying expenditures for increasing research activities.

~~(2)~~ (b) Thirteen percent of the basic research payments determined under section 41(e)(1)(A) of the Internal Revenue Code during the tax year based upon the state's apportioned share of the qualifying expenditures for increasing research activities.

(2) The state's apportioned share of the qualifying expenditures for increasing research activities is a percent equal to the ratio of qualified research expenditures in this state within the zone to total qualified research expenditures.

b. In lieu of the credit amount computed in paragraph "a", subparagraph (1), subparagraph subdivision (a), a business may elect to compute the credit amount for qualified research expenses incurred in this state within the zone in a manner consistent with the alternative incremental credit described in section 41(c)(4) of the Internal Revenue Code. The taxpayer may make this election regardless of the method used for the taxpayer's federal income tax. The election made under this paragraph is for the tax year and the taxpayer may use another or the same method for any subsequent year.

e. (1) For the purposes of this subsection, "base amount", "basic research payment", and "qualified research expense" mean the same as defined for the federal credit for increasing research activities under section 41 of the Internal Revenue Code, except that for the alternative incremental credit such amounts are for research conducted within this state within the zone.

(2) For purposes of this subsection, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1, 2007.

Sec. 127. Section 15F.204, subsection 8, paragraph b, Code 2007, is amended to read as follows:

b. There is appropriated from the franchise tax revenues deposited in the general fund of the state to the community attraction and tourism fund, the following amounts:

(1) For the fiscal year beginning July 1, 2005, and ending June 30, 2006, the sum of seven million dollars.

(2) For the fiscal year beginning July 1, 2006, and ending June 30, 2007, the sum of seven million dollars.

(3) For the fiscal year beginning July 1, 2007, and ending June 30, 2008, the sum of seven million dollars.

(4) For the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of seven million dollars.

(5) For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of seven million dollars.

9. Notwithstanding the allocation requirements in subsection 5, the board may make a multiyear commitment to an applicant of up to four million dollars in any one fiscal year.

Sec. 128. Section 15G.203, subsection 7, Code Supplement 2007, is amended to read as follows:

7. a. An award of financial incentives to a participating person shall be in the form of a grant.

b. In order to participate in the program an eligible person must execute a cost-share agreement with the department as approved by the infrastructure board in which the person contributes a percentage of the total costs related to improving the retail motor fuel site.

a. (1) Except as provided in paragraph "b" subparagraph (2), a participating person may be awarded standard financial incentives. The standard financial incentives awarded to the participating person shall not exceed fifty percent of the actual cost of making the improvement or thirty thousand dollars, whichever is less. The infrastructure board may approve multiple awards to make improvements to a retail motor fuel site so long as the total amount of the awards does not exceed the limitations provided in this paragraph subparagraph.

b. (2) In addition to any standard financial incentives awarded to a participating person under paragraph "a" subparagraph (1), the participating person may be awarded supplemental financial incentives to upgrade or replace a dispenser which is part of gasoline storage and dispensing infrastructure used to store and dispense E-85 gasoline as provided in section 455G.31. The person is only eligible to receive the supplemental financial incentives if the person installed the dispenser not later than sixty days after the date of the publication in the Iowa administrative bulletin of the state fire marshal's order providing that a commercially available dispenser is listed as compatible for use with E-85 gasoline by an independent testing laboratory as provided in section 455G.31. The supplemental financial incentives awarded to the participating person shall not exceed seventy-five percent of the actual cost of making the improvement or thirty thousand dollars, whichever is less.

Sec. 129. Section 15I.2, subsection 1, Code Supplement 2007, is amended to read as follows:

1. a. Any nonretail, nonservice business may claim a tax credit equal to a percentage of the annual wages and benefits paid for a qualified new job created by the location or expansion of the business in the state.

a. (1) The tax credit shall be allowed against taxes imposed under chapter 422, division II, III, or V, and chapter 432 and against the moneys and credits tax imposed in section 533.329. The percentage shall be equal to the amount provided in subsection 2.

(2) Any credit in excess of the tax liability shall be refunded. In lieu of claiming a refund,

a taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return credited to the tax liability for the following taxable year.

b. If the business is a partnership, S corporation, limited liability company, or estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, S corporation, limited liability company, or estate or trust.

Sec. 130. Section 16.28, subsection 2, Code 2007, is amended to read as follows:

2. a. The authority or any trustee appointed under the indenture under which the bonds are issued may, and upon written request of the holders of twenty-five percent in aggregate principal amount of the issue of bonds or notes then outstanding shall:

a. (1) Enforce all rights of the bondholders or noteholders, including the right to require the authority to carry out its agreements with the holders and to perform its duties under this chapter.

b. (2) Bring suit upon the bonds or notes.

c. (3) By action require the authority to account as if it were the trustee of an express trust for the holders.

d. (4) By action enjoin any acts or things which are unlawful or in violation of the rights of the holders.

e. (5) Declare all the bonds or notes due and payable and if all defaults are made good then with the consent of the holders of twenty-five percent of the aggregate principal amount of the issue of bonds or notes then outstanding, annul the declaration and its consequences.

b. The bondholders or noteholders, to the extent provided in the resolution by which the bonds or notes were issued or in their agreement with the authority, may enforce any of the remedies in ~~paragraphs paragraph "a" to "e", subparagraphs (1) to (5)~~ or the remedies provided in those agreements for and on their own behalf.

Sec. 131. Section 16.52, subsections 2 and 3, Code 2007, are amended to read as follows:

2. The authority shall adopt rules and allocation procedures which will ensure the maximum use of available tax credits in order to encourage development of low-income housing in the state. The authority shall consider the following factors in the adoption and application of the allocation rules:

a. Timeliness of the application.

b. Location of the proposed housing project.

c. Relative need in the proposed area for low-income housing.

d. Availability of low-income housing in the proposed area.

e. Economic feasibility of the proposed project.

f. Ability of the applicant to proceed to completion of the project in the calendar year for which the credit is sought.

3. a. The authority shall adopt rules specifying the application procedure and the allowance of low-income housing credits under the state housing credit ceiling.

3. b. The authority shall not allow more than ninety percent of the low-income housing credits under the state housing credit ceiling to projects other than qualified low-income housing projects as defined in Internal Revenue Code § 42(h)(5)(B).

Sec. 132. Section 16.91, subsection 5, Code Supplement 2007, is amended to read as follows:

5. The participation of abstractors and attorneys shall be in accordance with rules established by the division and adopted by the authority pursuant to chapter 17A.

a. (1) Each participant shall at all times maintain liability coverage in amounts approved by the division. Upon payment of a claim by the division, the division shall be subrogated to the rights of the claimant against all persons relating to the claim.

(2) Additionally, each participating abstractor is required to own or lease, and maintain and use in the preparation of abstracts, an up-to-date abstract title plant including tract indices for

real estate for each county in which abstracts are prepared for real property titles guaranteed by the division. The tract indices shall contain a reference to all instruments affecting the real estate which are recorded in the office of the county recorder, and shall commence not less than forty years prior to the date the abstractor commences participation in the title guaranty program. However, a participating attorney providing abstract services continuously from November 12, 1986, to the date of application, either personally or through persons under the attorney's supervision and control is exempt from the requirements of this ~~paragraph~~ subparagraph.

b. The division may waive the requirements of this subsection pursuant to an application of an attorney or abstractor which shows that the requirements impose a hardship to the attorney or abstractor and that the waiver clearly is in the public interest or is absolutely necessary to ensure availability of title guaranties throughout the state.

Sec. 133. Section 16.100, subsection 2, paragraph c, Code 2007, is amended to read as follows:

c. (1) A home ownership incentive program to help lower income and very low income families achieve single family home ownership. Funds provided under this program shall not be restricted to first-time home buyers but shall be limited to mortgages under fifty-five thousand dollars, except in those areas of the state where the median price of homes exceeds the state average. The assistance provided shall include at least one of the following kinds of assistance:

(1) ~~(a)~~ Closing costs assistance.

(2) ~~(b)~~ Down payment assistance.

(3) ~~(c)~~ Home maintenance and repair assistance.

(4) ~~(d)~~ Loan processing assistance through a loan endorser review contractor who acts on behalf of the authority in assisting lenders in processing loans that will qualify for government insurance or guarantee or for financing under the authority's mortgage revenue bond program.

(5) ~~(e)~~ Mortgage insurance program.

(2) Five percent of the moneys expended under this program shall be used to finance the purchase or acquisition, in communities with a population of less than ten thousand, of manufactured homes as defined in 42 U.S.C. § 5403. Moneys available for this purpose which are unencumbered or unobligated at the end of the fiscal year shall revert to the housing improvement fund for reallocation for the next fiscal year.

(3) Not more than fifty percent of the assistance provided under this program shall be provided under ~~subparagraphs (4) subparagraph (1), subparagraph subdivisions (d) and (5) (e)~~. So long as at least one of the kinds of assistance described in ~~subparagraphs subparagraph (1), subparagraph subdivisions (a) through (5) (e)~~ is provided, additional assistance not described in ~~subparagraphs subparagraph (1), subparagraph subdivisions (a) through (5) (e)~~ may also be provided.

Sec. 134. Section 16A.10, subsection 2, Code 2007, is amended to read as follows:

2. a. The authority or any trustee appointed under the indenture under which the obligations are issued may, and upon written request of the holders of twenty-five percent in aggregate principal amount of the issue of obligations then outstanding shall:

a. (1) Enforce all rights of the holders of the obligations, including the right to require the authority to carry out its agreements with the holders and to perform its duties under this chapter.

b. (2) Bring suit upon the obligations.

c. (3) By action require the authority to account as if it were the trustee of an express trust for the holders.

d. (4) By action enjoin any acts or things which are unlawful or in violation of the rights of the holders.

e. (5) Declare all the obligations due and payable and if all defaults are made good then with the consent of the holders of twenty-five percent of the aggregate principal amount of the issue of obligations then outstanding, annul the declaration and its consequences.

b. The holders of obligations, to the extent provided in the resolution by which the obligations were issued or in their agreement with the authority, may enforce any of the remedies in paragraphs paragraph "a", subparagraphs (1) to "e" (5) or the remedies provided in those agreements for and on their own behalf.

Sec. 135. Section 17A.1, subsection 2, Code 2007, is amended to read as follows:

2. This chapter is intended to provide a minimum procedural code for the operation of all state agencies when they take action affecting the rights and duties of the public. Nothing in this chapter is meant to discourage agencies from adopting procedures providing greater protections to the public or conferring additional rights upon the public; and save for express provisions of this chapter to the contrary, nothing in this chapter is meant to abrogate in whole or in part any statute prescribing procedural duties for an agency which are greater than or in addition to those provided here. This chapter is meant to apply to all rulemaking and contested case proceedings and all suits for the judicial review of agency action that are not specifically excluded from this chapter or some portion thereof by its express terms or by the express terms of another chapter.

3. The purposes of this chapter are: To provide legislative oversight of powers and duties delegated to administrative agencies; to increase public accountability of administrative agencies; to simplify government by assuring a uniform minimum procedure to which all agencies will be held in the conduct of their most important functions; to increase public access to governmental information; to increase public participation in the formulation of administrative rules; to increase the fairness of agencies in their conduct of contested case proceedings; and to simplify the process of judicial review of agency action as well as increase its ease and availability.

4. In accomplishing its objectives, the intention of this chapter is to strike a fair balance between these purposes and the need for efficient, economical and effective government administration. The chapter is not meant to alter the substantive rights of any person or agency. Its impact is limited to procedural rights with the expectation that better substantive results will be achieved in the everyday conduct of state government by improving the process by which those results are attained.

Sec. 136. Section 17A.7, subsection 2, Code 2007, is amended to read as follows:

2. a. Any interested person, association, agency, or political subdivision may submit a written request to the administrative rules coordinator for an agency to conduct a formal review of a specified rule of that agency to determine whether the rule should be repealed or amended or a new rule adopted instead. The administrative rules coordinator shall determine whether the request is reasonable and does not place an unreasonable burden upon the agency.

b. If the agency has not conducted such a review of the specified rule within a period of five years prior to the filing of the written request, and upon a determination by the administrative rules coordinator that the request is reasonable and does not place an unreasonable burden upon the agency, the agency shall prepare within a reasonable time a written report with respect to the rule summarizing the agency's findings, its supporting reasons, and any proposed course of action. The report must include, for the specified rule, a concise statement of all of the following:

a. (1) The rule's effectiveness in achieving its objectives, including a summary of any available data supporting the conclusions reached.

b. (2) Written criticisms of the rule received during the previous five years, including a summary of any petitions for waiver of the rule tendered to the agency or granted by the agency.

c. (3) Alternative solutions regarding the subject matter of the criticisms and the reasons they were rejected or the changes made in the rule in response to those criticisms and the reasons for the changes.

c. A copy of the report shall be sent to the administrative rules review committee and the administrative rules coordinator and shall be made available for public inspection.

Sec. 137. Section 23A.2, subsection 10, paragraph 1, subparagraph (2), subparagraph subdivision (c), Code 2007, is amended to read as follows:

(c) A resident who cannot be placed in a community placement plan with a community-based provider of services may be placed by the state resource center in an on-campus or off-campus vocational or employment training program.

(i) However, prior to placing a resident in an on-campus vocational or employment training program, the state resource center shall seek an off-campus vocational or employment training program offered by a community-based provider who serves the county in which the state resource center is based or the counties contiguous to the county, provided that the resident will not be required to travel for more than thirty minutes one way to obtain services.

(ii) If off-campus services cannot be provided by a community-based provider, the state resource center shall offer the resident an on-campus vocational or employment training program. The on-campus program shall be operated in compliance with the federal Fair Labor Standards Act. At least semiannually, the state resource center shall seek an off-campus community-based vocational or employment training option for each resident placed in an on-campus program.

(iii) The state resource center shall not place a resident in an off-campus program in which the cost to the state resource center would be in excess of the provider's actual cost as determined by purchase of service rules or if the service would not be reimbursed under the medical assistance program.

Sec. 138. Section 24.48, Code 2007, is amended to read as follows:

24.48 APPEAL TO STATE BOARD FOR SUSPENSION OF LIMITATIONS.

1. If the property tax valuations effective January 1, 1979 and January 1 of any subsequent year, are reduced or there is an unusually low growth rate in the property tax base of a political subdivision, the political subdivision may appeal to the state appeal board to request suspension of the statutory property tax levy limitations to continue to fund the present services provided. A political subdivision may also appeal to the state appeal board where the property tax base of the political subdivision has been reduced or there is an unusually low growth rate for any of the following reasons:

1. a. Any unusual increase in population as determined by the preceding certified federal census.

2. b. Natural disasters or other emergencies.

3. c. Unusual problems relating to major new functions required by state law.

4. d. Unusual staffing problems.

5. e. Unusual need for additional funds to permit continuance of a program which provides substantial benefit to its residents.

6. f. Unusual need for a new program which will provide substantial benefit to residents, if the political subdivision establishes the need and the amount of the necessary increased cost.

2. The state appeal board may approve or modify the request of the political subdivision for suspension of the statutory property tax levy limitations.

3. Upon decision of the state appeal board, the department of management shall make the necessary changes in the total budget of the political subdivision and certify the total budget to the governing body of the political subdivision and the appropriate county auditors.

4. a. The city finance committee shall have officially notified any city of its approval, modification or rejection of the city's appeal of the decision of the director of the department of management regarding a city's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March 15.

b. The state appeals board shall have officially notified any county of its approval, modification or rejection of the county's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March 15.

5. a. For purposes of this section only, "political subdivision" means a city, school district, or any other special purpose district which certifies its budget to the county auditor and derives

funds from a property tax levied against taxable property situated within the political subdivision.

b. For the purpose of this section, when the political subdivision is a city, the director of the department of management, and the city finance committee on appeal of the director's decision, shall be the state appeal board.

Sec. 139. Section 28A.18, subsections 1, 2, and 4, Code 2007, are amended to read as follows:

1. a. The bonds issued by the board pursuant to this division shall be authorized by resolution of the board and shall be either term or serial bonds, shall bear the date, mature at the time, not exceeding forty years from their respective dates, bear interest at the rate, not exceeding the rate permitted under chapter 74A or the rate authorized by another state within the greater metropolitan area, whichever rate is lower, payable monthly or semiannually, be in the denominations, be in the form, either coupon or fully registered, shall carry the registration, exchangeability and interchangeability privileges, be payable in the medium of payment and at the place, within or without the state, be subject to the terms of redemption and be entitled to the priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority as the resolution may provide. The bonds shall be executed either by manual or facsimile signature by the officers as the authority shall determine, provided that the bonds shall bear at least one signature which is manually executed on the bond, and the coupons attached to the bonds shall bear the facsimile signature of the officer as designated by the authority and the bonds shall have the seal of the authority, affixed, imprinted, reproduced, or lithographed on the bond, all as may be prescribed in a resolution.

b. The bonds shall be sold at public sale or private sale at the price as the authority shall determine to be in the best interests of the authority provided that the bonds shall not be sold at less than ninety-eight percent of the par value of the bond, plus accrued interest and provided that the net interest cost shall not exceed that permitted by applicable state law. Pending the preparation of definitive bonds, interim certificates or temporary bonds may be issued to the purchaser of the bonds, and may contain the terms and conditions as the board may determine.

2. a. The board, after the issuance of bonds, may borrow moneys for the purposes for which the bonds are to be issued in anticipation of the receipt of the proceeds of the sale of the bonds and within the authorized maximum amount of the bond issue. Any loan shall be paid within three years after the date of the initial loan. Bond anticipation notes shall be issued for all moneys so borrowed under this section, and the notes may be renewed, but all the renewal notes shall mature within the time above limited for the payment of the initial loan. The notes shall be authorized by resolution of the board and shall be in the denominations, shall bear interest at the rate not exceeding the maximum rate permitted by the resolution authorizing the issuance of the bonds, shall be in the form and shall be executed in the manner, all as the authority prescribes.

b. The notes shall be sold at public or private sale or, if the notes are renewal notes, they may be exchanged for notes outstanding on the terms as the board determines. The board may retire any notes from the revenues derived from its metropolitan facilities or from other moneys of the authority which are lawfully available or from a combination of revenues and other available moneys, in lieu of retiring them by means of bond proceeds. However, before the retirement of the notes by any means other than the issuance of bonds, the board shall amend or repeal the resolution authorizing the issuance of the bonds, in anticipation of the proceeds of the sale of the notes, so as to reduce the authorized amount of the bond issue by the amount of the notes so retired. The amendatory or repealing resolution shall take effect upon its passage.

4. The board of the authority may enter into any deeds of trust, mortgages, indentures, or other agreements, with any bank or trust company or any other lender within or without the state as security for the bonds, and may assign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority. The deeds of trust, mortgages, indentures, or other agreements may contain the provisions as may be customary in the instruments, or, as the board may authorize, including, but without limitation, provisions as to:

- a. The construction, improvement, operation, leasing, maintenance, and repair of the metropolitan facilities and duties of the board with reference to the facilities.
  - b. The application of funds and the safeguarding and investment of funds on hand or on deposit.
  - c. The appointment of consulting engineers or architects and approval by the holders of the bonds.
  - d. The rights and remedies of the trustee and the holders of the bonds.
  - e. The terms and provisions of the bonds or the resolution authorizing the issuance of the bonds.
5. Any of the bonds issued pursuant to this section are negotiable instruments, and have all the qualities and incidents of negotiable instruments and are exempt from state taxation.

Sec. 140. Section 28E.17, subsection 3, Code 2007, is amended to read as follows:

3. a. A city which is a party to a joint transit agency may issue general corporate purpose bonds for the support of a capital program for the joint agency in the following manner:

a. (1) The council shall give notice and conduct a hearing on the proposal in the manner set forth in section 384.25. However, the notice must be published at least ten days prior to the hearing, and if a petition valid under section 362.4 is filed with the clerk of the city prior to the hearing, asking that the question of issuing the bonds be submitted to the registered voters of the city, the council shall either by resolution declare the proposal abandoned or shall direct the county commissioner of elections to call a special election to vote upon the question of issuing the bonds. Notice of the election and its conduct shall be in the manner provided in section 384.26.

b. (2) If no petition is filed, or if a petition is filed and the proposition of issuing bonds is approved at the election, the council may proceed with the authorization and issuance of the bonds.

b. An agreement may provide for full or partial payment from transit revenues to the cities for meeting debt service on such bonds.

c. This subsection shall be construed as granting additional power without limiting the power already existing in cities, and as providing an alternative independent method for the carrying out of any project for the issuance and sale of bonds for the financing of a city's share of a capital expenditures project of a joint transit agency, and no further proceedings with respect to the authorization of the bonds shall be required.

Sec. 141. Section 28E.22, Code 2007, is amended to read as follows:

28E.22 REFERENDUM FOR TAX.

1. The board of supervisors, or the city councils of a district composed only of cities, may, and upon receipt of a petition signed by eligible electors residing in the district equal in number to at least five percent of the registered voters in the district shall, submit a proposition to the electorate residing in the district at any general election or at a special election held throughout the district. The proposition shall provide for the establishment of a public safety fund and the levy of a tax on taxable property located in the district at rates not exceeding the rates specified in this section for the purpose of providing additional moneys for the operation of the district.

2. The ballot for the election shall be prepared in substantially the form for submitting special questions at general elections and the form of the proposition shall be substantially as follows:

Shall "Shall an annual levy, the amount of which will not exceed a rate of one dollar and fifty cents per thousand dollars of assessed value of the taxable property in the unified law enforcement district be authorized for providing additional moneys needed for unified law enforcement services in the district?

Yes \_\_\_ No \_\_\_ "

3. If a majority of the registered voters in each city and the unincorporated area of the county voting on the proposition approve the proposition, the county board of supervisors for unincor-



porated area and city councils for cities are authorized to levy the tax as provided in section 28E.23.

4. Such moneys collected pursuant to the tax levy shall be expended only for providing additional moneys needed for unified law enforcement services in the district and shall be in addition to the revenues raised in the county and cities in the district from their general funds which are based upon an average of revenues raised for law enforcement purposes by the county or city for the three previous years. The amount of revenues raised for law enforcement purposes by the county for the three previous years shall be computed separately for the unincorporated portion of the district and for each city in the district.

Sec. 142. Section 29B.117, Code 2007, is amended to read as follows:  
29B.117 COURTS OF INQUIRY.

1. a. Courts of inquiry to investigate any matter may be convened by the adjutant general, the governor, or by any other person designated by the adjutant general or authorized to convene a general court-martial for that purpose, whether or not the persons involved have requested the inquiry.

b. A court of inquiry consists of three or more commissioned officers. For each court of inquiry the convening authority shall also appoint counsel for the court.

2. Any person subject to this code whose conduct is subject to inquiry shall be designated as a party. Any person subject to this code who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

3. a. Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

b. The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties.

c. Witnesses may be summoned to appear and testify and be examined before courts of inquiry, as provided for courts-martial.

d. Courts of inquiry shall make findings of fact but may not express opinions or make recommendations unless required to do so by the convening authority.

e. Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

Sec. 143. Section 34A.3, subsection 3, Code 2007, is amended to read as follows:

3. CHAPTER 28E AGREEMENT — ALTERNATIVE TO JOINT E911 SERVICE BOARD.

a. A legal entity created pursuant to chapter 28E by a county or counties, other political divisions, and public or private agencies to jointly plan, implement, and operate a countywide, or larger, enhanced 911 service system may be substituted for the joint E911 service board required under subsection 1. An alternative legal entity created pursuant to chapter 28E as a substitute for a joint E911 service board, as permitted by this subsection, may be created by either:

~~An alternative legal entity created pursuant to chapter 28E as a substitute for a joint E911 service board, as permitted by this subsection, may be created by either:~~

a. (1) Agreement of the parties entitled to voting membership on a joint E911 service board.

b. (2) Agreement of the members of a joint E911 service board.

b. An alternative chapter 28E entity has all of the powers of a joint E911 service board and any additional powers granted by the agreement. As used in this chapter, "joint E911 service board" includes an alternative chapter 28E entity created for that purpose, except as specifically limited by the chapter 28E agreement or unless clearly provided otherwise in this chapter.

A chapter 28E agreement related to E911 service shall permit the participation of a private safety agency or other persons allowed to participate in a joint E911 service board, but the terms, scope, and conditions of participation are subject to the chapter 28E agreement.

Sec. 144. Section 34A.6, subsections 1 and 2, Code 2007, are amended to read as follows:

1. Before a joint E911 service board may request imposition of the surcharge by the program manager, the board shall submit the following question to voters, as provided in subsection 2, in the proposed E911 service area, and the question shall receive a favorable vote from a simple majority of persons submitting valid ballots on the following question within the proposed E911 service area:

Shall "Shall the following public measure be adopted?"

YES   
NO

Enhanced 911 emergency telephone service shall be funded, in whole or in part, by a monthly surcharge of (an amount determined by the local joint E911 service board of up to one dollar) on each telephone access line collected as part of each telephone subscriber's monthly phone bill if provided within (description of the proposed E911 service area)."

2. The referendum required as a condition of the surcharge imposition in subsection 1 shall be conducted using the following electoral mechanism:

a. At the request of the joint E911 service board a county commissioner of elections shall include the question on the next eligible general election ballot in each electoral precinct to be served, in whole or in part, by the proposed E911 service area, provided the request is timely submitted to permit inclusion.

b. The question may be included in the next election in which all of the voters in the proposed E911 service area will be eligible to vote on the same day.

c. The county commissioner of elections shall report the results to the joint E911 service board.

d. The joint E911 service board shall compile the results if subscribers from more than one county are included within the proposed service area. The joint E911 service board shall announce whether a simple majority of the compiled votes reported by the commissioner approved the referendum question.

Sec. 145. Section 47.6, subsection 1, Code 2007, is amended to read as follows:

1. a. (1) The governing body of any political subdivision which has authorized a special election to which section 39.2 is applicable shall by written notice inform the commissioner who will be responsible for conducting the election of the proposed date of the special election.

(a) If a public measure will appear on the ballot at the special election the governing body shall submit the complete text of the public measure to the commissioner with the notice of the proposed date of the special election.

(b) If the proposed date of the special election coincides with the date of a regularly scheduled election or previously scheduled special election, the notice shall be given no later than five p.m. on the last day on which nomination papers may be filed with the commissioner for the regularly scheduled election or previously scheduled special election, but in no case shall notice be less than thirty-two days before the election. Otherwise, the notice shall be given at least thirty-two days in advance of the date of the proposed special election.

(2) Upon receiving the notice, the commissioner shall promptly give written approval of the proposed date unless it appears that the special election, if held on that date, would conflict with a regular election or with another special election previously scheduled for that date.

b. A public measure shall not be withdrawn from the ballot at any election if the public measure was placed on the ballot by a petition, or if the election is a special election called specifically for the purpose of deciding one or more public measures for a single political subdivision. However, a public measure which was submitted to the county commissioner of elections by the governing body of a political subdivision may be withdrawn by the governing body which submitted the public measure if the public measure was to be placed on the ballot of a regularly

scheduled election. The notice of withdrawal must be made by resolution of the governing body and must be filed with the commissioner no later than the last day upon which a candidate may withdraw from the ballot.

Sec. 146. Section 47.8, subsections 1 and 3, Code 2007, are amended to read as follows:

1. A state voter registration commission is established which shall meet at least quarterly to make and review policy, adopt rules, and establish procedures to be followed by the registrar in discharging the duties of that office, and to promote interagency cooperation and planning.

a. The commission shall consist of the state commissioner of elections or the state commissioner's designee, the state chairpersons of the two political parties whose candidates for president of the United States or governor, as the case may be, received the greatest and next greatest number of votes in the most recent general election, or their respective designees, and a county commissioner of registration appointed by the president of the Iowa state association of county auditors, or an employee of the commissioner.

b. The commission membership shall be balanced by political party affiliation pursuant to section 69.16. Members shall serve without additional salary or reimbursement.

c. The state commissioner of elections, or the state commissioner's designee, shall serve as chairperson of the state voter registration commission.

3. a. The registrar shall provide staff services to the commission and shall make available to it all information relative to the activities of the registrar's office in connection with voter registration policy which may be requested by any commission member. The registrar shall also provide to the commission at no charge statistical reports for planning and analyzing voter registration services in the state.

b. The commission may authorize the registrar to employ such additional staff personnel as it deems necessary to permit the duties of the registrar's office to be adequately and promptly discharged. Such personnel shall be employed pursuant to chapter 8A, subchapter IV.

Sec. 147. Section 48A.27, subsection 4, paragraph c, Code 2007, is amended to read as follows:

c. If the information provided by the vendor indicates that a registered voter has moved to an address outside the county, the commissioner shall make the registration record inactive, and shall mail a notice to the registered voter at both the former and new addresses.

(1) The notice shall be sent by forwardable mail, and shall include a postage paid pre-addressed return card on which the registered voter may state the registered voter's current address.

(2) The notice shall contain a statement in substantially the following form:

PARAGRAPH DIVIDED. "Information received from the United States postal service indicates that you are no longer a resident of, and therefore not eligible to vote in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least ten days before the primary or general election and at least eleven days before any other election at which you wish to vote. If the information is correct and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in an election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county. To ensure you receive this notice, it is being sent to both your most recent registration address and to your new address as reported by the postal service."

Sec. 148. Section 48A.29, subsections 1 and 3, Code 2007, are amended to read as follows:

1. If a confirmation notice and return card sent pursuant to section 48A.28 is returned as undeliverable by the United States postal service, the commissioner shall make the registra-

tion record inactive and shall mail a notice to the registered voter at the registered voter's most recent mailing address, as shown by the registration records.

a. The notice shall be sent by forwardable mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address.

b. The notice shall contain a statement in substantially the following form:

PARAGRAPH DIVIDED. "Information received from the United States postal service indicates that you are no longer a resident of (residence address) in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least ten days before the primary or general election and at least eleven days before any other election at which you wish to vote. If the information is correct, and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in some election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county."

3. When a detachable return card originally attached to a confirmation notice is returned by anyone other than the registered voter indicating that the registered voter is no longer a resident of the registration address, the commissioner shall make the registration record inactive, and shall mail a notice to the registered voter at the registered voter's most recent mailing address, as shown by the registration records.

a. The notice shall be sent by forwardable mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address.

b. The notice shall contain a statement in substantially the following form:

PARAGRAPH DIVIDED. "Information received by this office indicates that you are no longer a resident of (residence address) in (name of county) County, Iowa. If the information is not correct, and you still live at that address, please complete and mail the attached postage paid card at least ten days before the primary or general election and at least eleven days before any other election at which you wish to vote. If the information is correct, and you have moved within the county, you may update your registration by listing your new address on the card and mailing it back. If you have moved outside the county, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in some election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of registered voters in that county."

Sec. 149. Section 49.11, Code 2007, is amended to read as follows:

49.11 NOTICE OF BOUNDARIES OF PRECINCTS — MERGER OR DIVISION.

1. The board of supervisors or the temporary county redistricting commission or city council shall number or name the precincts established by the supervisors or council pursuant to sections 49.3, 49.4, and 49.5. The boundaries of the precincts shall be recorded in the records of the board of supervisors, temporary county redistricting commission, or city council, as the case may be.

2. The board of supervisors or city council shall publish notice of changes in the county or city precinct boundaries in a newspaper of general circulation published in the county or city once each week for three consecutive weeks. The series of publications shall be made after the changes in the precincts have been approved by the state commissioner of elections. The last of the three publications shall be made no later than thirty days before the next general election. A map showing the new boundaries may be used. No publication is necessary if no changes were made.

3. The precincts established pursuant to section 49.7 shall not be changed except in the manner provided by law. However, for any election other than the primary or general election or any special election held under section 69.14, the county commissioner of elections may:

1. a. Consolidate two or more precincts into one.

(1) However, the commissioner shall not do so if there is filed with the commissioner at least twenty days before the election a petition signed by twenty-five or more eligible electors of any precinct requesting that it not be merged with any other precinct. There shall be attached to the petition the affidavit of an eligible elector of the precinct that the signatures on the petition are genuine and that all of the signers are to the best of the affiant's knowledge and belief eligible electors of the precinct.

(2) If a special election is to be held in which only those registered voters residing in a specified portion of any established precinct are entitled to vote, that portion of the precinct may be merged by the commissioner with one or more other established precincts or portions of established precincts for the special election, and the right to petition against merger of a precinct shall not apply.

2. b. Divide any precinct permanently established under this section which contains all or any parts of two or more mutually exclusive political subdivisions, either or both of which is independently electing one or more officers or voting on one or more questions on the same date, into two or more temporary precincts and designate a polling place for each.

3. c. Notwithstanding the provisions of the first unnumbered paragraph of this section subsection 1 the commissioner may consolidate precincts for any election including a primary and general election under any of the following circumstances:

a. (1) One of the precincts involved consists entirely of dormitories that are closed at the time the election is held.

b. (2) The consolidated precincts, if established as a permanent precinct, would meet all requirements of section 49.3, and a combined total of no more than three hundred fifty voters voted in the consolidated precincts at the last preceding similar election.

c. (3) The city council of a special charter city with a population of three thousand five hundred or less which is divided into council wards requests the commissioner to consolidate two or more precincts for any election.

Sec. 150. Section 49.31, subsections 1 and 2, Code 2007, are amended to read as follows:

1. a. All ballots shall be arranged with the names of candidates for each office listed below the office title. For partisan elections the name of the political party or organization which nominated each candidate shall be listed after or below each candidate's name.

b. The commissioner shall determine the order of political parties and nonparty political organizations on the ballot. The sequence shall be the same for each office on the ballot and for each precinct in the county voting in the election.

2. a. The commissioner shall prepare a list of the election precincts of the county, by arranging the various townships and cities in the county in alphabetical order, and the wards or precincts in each city or township in numerical order under the name of such city or township.

b. The commissioner shall then arrange the surnames of each political party's candidates for each office to which two or more persons are to be elected at large alphabetically for the respective offices for the first precinct on the list; thereafter, for each political party and for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The commissioner may also rotate the names of candidates of a political party in the reverse order of that provided in this subsection or alternate the rotation so that the candidates of different parties shall not be paired as they proceed through the rotation. The procedure for arrangement of names on ballots provided in this section shall likewise be substantially followed in elections in political subdivisions of less than a county.

c. On the general election ballot the names of candidates for the nonpartisan offices listed in section 39.21 shall be arranged by drawing lots for position. The commissioner shall hold the drawing on the first business day following the deadline for filing of nomination certificates or petitions with the commissioner for the general election pursuant to section 44.4. If a candidate withdraws, dies, or is removed from the ballot after the ballot position of names has been determined, such candidate's name shall be removed from the ballot, and the order of the remaining names shall not be changed.

Sec. 151. Section 49.37, subsection 1, Code 2007, is amended to read as follows:

1. For general elections, and for other elections in which more than one partisan office will be filled, the first section of the ballot shall be for straight party voting.

a. Each political party or organization which has nominated candidates for more than one office shall be listed. Instructions to the voter for straight party or organization voting shall be in substantially the following form:

PARAGRAPH DIVIDED. "To vote for all candidates from a single party or organization, mark the voting target next to the party or organization name. Not all parties or organizations have nominated candidates for all offices. Marking a straight party or organization vote does not include votes for nonpartisan offices, judges, or questions."

b. Political parties and nonparty political organizations which have nominated candidates for only one office shall be listed below the other political organizations under the following heading:

PARAGRAPH DIVIDED. "Other Political Organizations. The following organizations have nominated candidates for only one office:"

c. Offices shall be arranged in groups. Partisan offices, nonpartisan offices, judges, and public measures shall be separated by a distinct line appearing on the ballot.

Sec. 152. Section 49.77, subsections 1 and 3, Code Supplement 2007, are amended to read as follows:

1. The board members of their respective precincts shall have charge of the ballots and furnish them to the voters.

a. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:

VOTER'S DECLARATION OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the . . . . . precinct, . . . . . ward or township, city of . . . . ., county of . . . . ., Iowa.

I am a registered voter. I have not voted and will not vote in any other precinct in said election.

I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

.....  
Signature of Voter  
.....  
Address  
.....  
Telephone

Approved:  
.....  
Board Member

b. At the discretion of the commissioner, this declaration may be printed on each page of the election register and the voter shall sign the election register next to the voter's printed name. The voter's signature in the election register shall be considered the voter's signed declaration of eligibility affidavit. The state commissioner of elections shall prescribe by rule an alternate method for providing the information in subsection 2 for those counties where the declaration of eligibility is printed in the election register. The state voter registration system shall be designed to allow for the affidavit to be printed on each page of the election register and to allow sufficient space for the voter's signature.

3. a. A precinct election official shall require any person whose name does not appear on the election register as an active voter to show identification. Specific documents which are acceptable forms of identification shall be prescribed by the state commissioner.

b. A precinct election official may require of the voter unknown to the official, identification upon which the voter's signature or mark appears. If identification is established to the satisfaction of the precinct election officials, the person may then be allowed to vote.

Sec. 153. Section 50.48, subsections 1 through 4, Code Supplement 2007, are amended to read as follows:

1. a. The county board of canvassers shall order a recount of the votes cast for a particular office or nomination in one or more specified election precincts in that county if a written request therefor is made not later than ~~five o'clock~~ 5:00 p.m. on the third day following the county board's canvass of the election in question. The request shall be filed with the commissioner of that county, or with the commissioner responsible for conducting the election if section 47.2, subsection 2 is applicable, and shall be signed by either of the following:

a. (1) A candidate for that office or nomination whose name was printed on the ballot of the precinct or precincts where the recount is requested.

b. (2) Any other person who receives votes for that particular office or nomination in the precinct or precincts where the recount is requested and who is legally qualified to seek and to hold the office in question.

b. Immediately upon receipt of a request for a recount, the commissioner shall send a copy of the request to the apparent winner by certified mail. The commissioner shall also attempt to contact the apparent winner by telephone. If the apparent winner cannot be reached within four days, the chairperson of the political party or organization which nominated the apparent winner shall be contacted and shall act on behalf of the apparent winner, if necessary. For candidates for state or federal offices, the chairperson of the state party shall be contacted. For candidates for county offices, the county chairperson of the party shall be contacted.

2. a. The candidate requesting a recount under this section shall post a bond, unless the abstracts prepared pursuant to section 50.24, or section 43.49 in the case of a primary election, indicate that the difference between the total number of votes cast for the apparent winner and the total number of votes cast for the candidate requesting the recount is less than the greater of fifty votes or one percent of the total number of votes cast for the office or nomination in question. If a recount is requested for an office to which more than one person was elected, the vote difference calculations shall be made using the difference between the number of votes received by the person requesting the recount and the number of votes received by the apparent winner who received the fewest votes. Where votes cast for that office or nomination were canvassed in more than one county, the abstracts prepared by the county boards in all of those counties shall be totaled for purposes of this subsection. If a bond is required, it shall be filed with the state commissioner for recounts involving a state office, including a seat in the general assembly, or a seat in the United States Congress, and with the commissioner responsible for conducting the election in all other cases, and shall be in the following amount:

a. (1) For an office filled by the electors of the entire state, one thousand dollars.

b. (2) For United States representative, five hundred dollars.

c. (3) For senator in the general assembly, three hundred dollars.

d. (4) For representative in the general assembly, one hundred fifty dollars.

e. (5) For an office filled by the electors of an entire county having a population of fifty thousand or more, two hundred dollars.

f. (6) For any elective office to which paragraphs "a" to "e" of this subsection subparagraphs (1) through (5) are not applicable, one hundred dollars.

b. After all recount proceedings for a particular office are completed and the official canvass of votes cast for that office is corrected or completed pursuant to subsections 5 and 6, if necessary, any bond posted under this subsection shall be returned to the candidate who requested the recount if the apparent winner before the recount is not the winner as shown by the corrected or completed canvass. In all other cases, the bond shall be deposited in the general fund of the state if filed with the state commissioner or in the election fund of the county with whose commissioner it was filed.

3. a. The recount shall be conducted by a board which shall consist of:

a. (1) A designee of the candidate requesting the recount, who shall be named in the written request when it is filed.

b. (2) A designee of the apparent winning candidate, who shall be named by that candidate at or before the time the board is required to convene.

e. ~~(3)~~ A person chosen jointly by the members designated under paragraphs “a” and “b” of this subsection subparagraphs (1) and (2).

b. The commissioner shall convene the persons designated under ~~paragraphs~~ paragraph “a” and “b” of this subsection, subparagraphs (1) and (2), not later than ~~nine o’clock 9:00 a.m.~~ on the seventh day following the county board’s canvass of the election in question. If those two members cannot agree on the third member by ~~eight o’clock 8:00 a.m.~~ on the ninth day following the canvass, they shall immediately so notify the chief judge of the judicial district in which the canvass is occurring, who shall appoint the third member not later than ~~five o’clock 5:00 p.m.~~ on the eleventh day following the canvass.

4. a. When all members of the recount board have been selected, the board shall undertake and complete the required recount as expeditiously as reasonably possible. The commissioner or the commissioner’s designee shall supervise the handling of ballots or voting machine documents to ensure that the ballots and other documents are protected from alteration or damage. The board shall open only the sealed ballot containers from the precincts specified to be recounted in the request or by the recount board. The board shall recount only the ballots which were voted and counted for the office in question, including any disputed ballots returned as required in section 50.5. If an electronic tabulating system was used to count the ballots, the recount board may request the commissioner to retabulate the ballots using the electronic tabulating system. The same program used for tabulating the votes on election day shall be used at the recount unless the program is believed or known to be flawed. If a voting machine was used, the paper record required in section 52.7, subsection 2, shall be the official record used in the recount. However, if the commissioner believes or knows that the paper records produced from a machine have been compromised due to damage, mischief, malfunction, or other cause, the printed ballot images produced from the internal audit log for that machine shall be the official record used in the recount.

b. Any member of the recount board may at any time during the recount proceedings extend the recount of votes cast for the office or nomination in question to any other precinct or precincts in the same county, or from which the returns were reported to the commissioner responsible for conducting the election, without the necessity of posting additional bond.

c. The ballots or voting machine documents shall be resealed by the recount board before adjournment and shall be preserved as required by section 50.12. At the conclusion of the recount, the recount board shall make and file with the commissioner a written report of its findings, which shall be signed by at least two members of the recount board. The recount board shall complete the recount and file its report not later than the eighteenth day following the county board’s canvass of the election in question.

Sec. 154. Section 50.49, Code 2007, is amended to read as follows:

50.49 RECOUNTS FOR PUBLIC MEASURES.

1. A recount for any public measure shall be ordered by the board of canvassers if a petition requesting a recount is filed with the county commissioner not later than three days after the completion of the canvass of votes for the election at which the question appeared on the ballot. The petition shall be signed by the greater of not less than ten eligible electors or a number of eligible electors equaling one percent of the total number of votes cast upon the public measure. Each petitioner must be a person who was entitled to vote on the public measure in question or would have been so entitled if registered to vote.

2. The recount shall be conducted by a board which shall consist of:

1- a. A designee named in the petition requesting the recount.

2- b. A designee named by the commissioner at or before the time the board is required to convene.

3- c. A person chosen jointly by the members designated under ~~subsections 1 and 2~~ paragraphs “a” and “b”.

3. The commissioner shall convene the persons designated under ~~subsections 1 and subsection 2~~, paragraphs “a” and “b”, not later than ~~nine 9:00 a.m.~~ on the seventh day following the



canvass of the election in question. If those two members cannot agree on the third member by eight 8:00 a.m. on the ninth day following the canvass, they shall immediately notify the chief judge of the judicial district in which the canvass is occurring, who shall appoint the third member not later than five 5:00 p.m. on the eleventh day following the canvass.

4. The petitioners requesting the recount shall post a bond as required by section 50.48, subsection 2. The amount of the bond shall be one thousand dollars for a public measure appearing on the ballot statewide or one hundred dollars for any other public measure. If the difference between the affirmative and negative votes cast on the public measure is less than the greater of fifty votes or one percent of the total number of votes cast for and against the question, a bond is not required. If approval by sixty percent of the votes cast is required for adoption of the public measure, no bond is required if the difference between sixty percent of the total votes cast for and against the question and the number of votes cast for the losing side is less than the greater of fifty votes or one percent of the total number of votes cast.

5. The procedure for the recount shall follow the provisions of section 50.48, subsections 4 through 7, as far as possible.

Sec. 155. Section 52.9, subsections 2 and 3, Code Supplement 2007, are amended to read as follows:

2. It shall be the duty of the commissioner or the commissioner's duly authorized agents to examine and test the voting machines to be used at any election, after the machines have been prepared for the election and not less than twelve hours before the opening of the polls on the morning of the election. For any election to fill a partisan office, the county chairperson of each political party referred to in section 49.13 shall be notified in writing of the date, time, and place the machines shall be examined and tested so that they may be present, or have a representative present. For every election, the commissioner shall publish notice of the date, time, and place the examination and testing will be conducted. The commissioner may include such notice in the notice of the election published pursuant to section 49.53.

3. Those present for the examination and testing shall sign a certificate which shall read substantially as follows:

The Undersigned Hereby Certify that, having duly qualified, we were present and witnessed the testing and preparation of the following voting machines; that we believe the same to be in proper condition for use in the election of . . . . . (date); that each registering counter of the machine is set at 000; that the public counter is set at 000; that the seal numbers and the protective counter numbers are as indicated below.

Signed:
.....
Republican (if applicable)
.....
Democrat (if applicable)
.....
Voting machine custodian
Dated .....

Table with 3 columns: Machine Number, Protective Counter Number, Seal Number. Each cell contains a dotted line for input.

3. 4. On those voting machines presently equipped with an after-election latch and on all machines placed in use after January 1, 1961, in this state, the after-election latch shall be fully used by the election officials.

Sec. 156. Section 52.37, subsection 1, Code Supplement 2007, is amended to read as follows:

1. a. If any ballot is found damaged or defective, so that it cannot be counted properly by the automatic tabulating equipment, a true duplicate shall be made by the resolution board team and substituted for the damaged or defective ballot, or, as an alternative, the valid votes on a defective ballot may be manually counted by the special precinct election board, whichever method is best suited to the system being used. All duplicate ballots shall be clearly labeled as such, and shall bear a serial number which shall also be recorded on the damaged or defective ballot.

b. The special precinct election board shall also tabulate any write-in votes which were cast. Write-in votes cast for a candidate whose name appears on the ballot for the same office shall be counted as a vote for the candidate indicated, if the vote is otherwise properly cast.

c. Ballots which are rejected by the tabulating equipment as blank because they have been marked with an unreadable marker shall be duplicated or tabulated as required by this subsection for damaged or defective ballots. The commissioner may instruct the special precinct election board to mark over voters' unreadable marks using a marker compatible with the tabulating equipment. The special precinct election board shall take care to leave part of the original mark made by the voter. If it is impossible to mark over the original marks made by the voter without completely obliterating them, the ballot shall be duplicated.

Sec. 157. Section 53.2, subsection 2, Code Supplement 2007, is amended to read as follows:

2. The state commissioner shall prescribe a form for absentee ballot applications.

a. Absentee ballot applications may include instructions to send the application directly to the county commissioner of elections. However, no absentee ballot application shall be pre-addressed or printed with instructions to send the applications to anyone other than the appropriate commissioner.

b. No absentee ballot application shall be pre-addressed or printed with instructions to send the ballot to anyone other than the voter.

Sec. 158. Section 64.24, Code 2007, is amended to read as follows:

64.24 RECORDING.

1. a. The secretary of state, each county auditor, district court clerk, and each auditor or clerk of a city shall keep a book, to be known as the "Record of Official Bonds", and all official bonds shall be recorded therein in full as follows:

1. (1) In the record kept by the secretary of state, the official bonds of all state officers, elective or appointive, except the bonds of notaries public.

2. (2) In the record kept by the county auditor, the official bonds of all county officers, elective or appointive, and township clerks.

3. (3) In the record kept by the city auditor or clerk, the official bonds of all city officers, elective or appointive.

4. (4) In the record kept by the district court clerk, the official bonds of judicial magistrates.

b. The records shall have an index which, under the title of each office, shall show the name of each principal and the date of the filing of the bond.

2. A bond when recorded shall be returned to the officer charged with the custody thereof.

Sec. 159. Section 68A.402, subsection 2, paragraph b, Code Supplement 2007, is amended to read as follows:

b. SUPPLEMENTARY REPORT — STATEWIDE AND GENERAL ASSEMBLY ELECTIONS.

(1) A candidate's committee of a candidate for statewide office or the general assembly shall file a supplementary report in a year in which a primary, general, or special election for that office is held. The supplementary reports shall be filed if contributions are received after the close of the period covered by the last report filed prior to that primary, general, or special election if any of the following applies:

(1) (a) The committee of a candidate for governor receives ten thousand dollars or more.  
(2) (b) The committee of a candidate for any other statewide office receives five thousand dollars or more.

(3) (c) The committee of a candidate for the general assembly receives one thousand dollars or more.

(2) The amount of any contribution causing a supplementary report under this paragraph "b" shall include the estimated fair market value of any in-kind contribution. The report shall be filed by the Friday immediately preceding the election and be current through the Tuesday immediately preceding the election.

Sec. 160. Section 68A.406, subsection 2, Code Supplement 2007, is amended to read as follows:

2. a. Campaign signs shall not be placed on any of the following:

a. (1) Any property owned by the state or the governing body of a county, city, or other political subdivision of the state, including all property considered the public right-of-way. Upon a determination by the board that a sign has been improperly placed, the sign shall be removed by highway authorities as provided in section 318.5, or by county or city law enforcement authorities in a manner consistent with section 318.5.

b. (2) Property owned by a prohibited contributor under section 68A.503 unless the sign advocates the passage or defeat of a ballot issue or is exempted under subsection 1.

e. (3) On any property without the permission of the property owner.

d. (4) On election day either on the premises of any polling place or within three hundred feet of any outside door of any building affording access to any room where the polls are held, or of any outside door of any building affording access to any hallway, corridor, stairway, or other means of reaching the room where the polls are held.

e. (5) Within three hundred feet of an absentee voting site during the hours when absentee ballots are available in the office of the county commissioner of elections as provided in section 53.10.

f. (6) Within three hundred feet of a satellite absentee voting station during the hours when absentee ballots are available at the satellite absentee voting station as provided in section 53.11.

b. Paragraphs "d", "e", and "f" Paragraph "a", subparagraphs (4), (5), and (6) shall not apply to the posting of signs on private property not a polling place, except that the placement of a sign on a motor vehicle, trailer, or semitrailer, or any attachment to a motor vehicle, trailer, or semitrailer parked on public property within three hundred feet of a polling place, which sign is more than ninety square inches in size, is prohibited.

Sec. 161. Section 69.8, subsection 5, Code 2007, is amended to read as follows:

5. ELECTED TOWNSHIP OFFICES.

a. When a vacancy occurs in the office of township clerk or township trustee, the vacancy shall be filled by appointment by the trustees. All appointments to fill vacancies in township offices shall be until a successor is elected at the next general election and qualifies by taking the oath of office. If the term of office in which the vacancy exists will expire within seventy days after the next general election, the person elected to the office for the succeeding term shall qualify by taking the oath of office within ten days after the election and shall serve for the remainder of the unexpired term, as well as for the next four-year term.

b. However, if the offices of two trustees are vacant the county board of supervisors shall fill the vacancies by appointment. If the offices of three trustees are vacant the board may fill the vacancies by appointment, or the board may adopt a resolution stating that the board will exercise all powers and duties assigned by law to the trustees of the township in which the vacancies exist until the vacancies are filled at the next general election. If a township office vacancy is not filled by the trustees within thirty days after the vacancy occurs, the board of supervisors may appoint a successor to fill the vacancy until the vacancy can be filled at the next general election.

Sec. 162. Section 69.14A, subsections 1 and 2, Code 2007, are amended to read as follows:

1. A vacancy on the board of supervisors shall be filled by one of the following procedures:

a. By appointment by the committee of county officers designated to fill the vacancy in section 69.8.

(1) The appointment shall be for the period until the next pending election as defined in section 69.12, and shall be made within forty days after the vacancy occurs. If the committee of county officers designated to fill the vacancy chooses to proceed under this paragraph, the committee shall publish notice in the manner prescribed by section 331.305 stating that the committee intends to fill the vacancy by appointment but that the electors of the district or county, as the case may be, have the right to file a petition requiring that the vacancy be filled by special election. The committee may publish notice in advance if an elected official submits a resignation to take effect at a future date. The committee may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. A person appointed to an office under this subsection shall have actually resided in the county which the appointee represents sixty days prior to appointment.

(2) However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, a petition is filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306, except that in counties where supervisors are elected under plan "three", the number of signatures calculated according to the formula in section 331.306 shall be divided by the number of supervisor districts in the county.

b. By special election held to fill the office for the remaining balance of the unexpired term.

(1) The committee of county officers designated to fill the vacancy in section 69.8 may, on its own motion, or shall, upon receipt of a petition as provided in paragraph "a", call for a special election to fill the vacancy in lieu of appointment. The committee shall order the special election at the earliest practicable date, but giving at least thirty-two days' notice of the election. A special election called under this section shall be held on a Tuesday and shall not be held on the same day as a school election within the county.

(2) However, if a vacancy on the board of supervisors occurs after the date of the primary election and more than seventy-three days before the general election, a special election to fill the vacancy shall not be called by the committee or by petition. If the term of office in which the vacancy exists will expire more than seventy days after the general election, the office shall be listed on the ballot, as "For Board of Supervisors, To Fill Vacancy". The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office. The person shall serve the balance of the unexpired term.

(3) If the term of office in which the vacancy exists will expire within seventy days after the general election, the person elected to the succeeding term shall also serve the balance of the unexpired term. The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office.

c. For a vacancy declared by the board pursuant to section 331.214, subsection 2, by special election held to fill the office if the remaining balance of the unexpired term is two and one-half years or more. The committee of county officers designated to fill the vacancy in section 69.8 shall order the special election at the earliest practicable date, but giving at least thirty-two days' notice of the election. A special election called under this section shall be held on a Tuesday and shall not be held on the same day as a school election within the county. The office shall be listed on the ballot, as "For Board of Supervisors, To Fill Vacancy". The person elected at the special election shall serve the balance of the unexpired term.

2. A vacancy in any of the offices listed in section 39.17 shall be filled by one of the two following procedures:

a. By appointment by the board of supervisors.

(1) The appointment shall be for the period until the next pending election as defined in section 69.12, and shall be made within forty days after the vacancy occurs. If the board of super-

visors chooses to proceed under this paragraph, the board shall publish notice in the manner prescribed by section 331.305 stating that the board intends to fill the vacancy by appointment but that the electors of the county have the right to file a petition requiring that the vacancy be filled by special election. The board may publish notice in advance if an elected official submits a resignation to take effect at a future date. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. A person appointed to an office under this subsection, except for a county attorney, shall have actually resided in the county which the appointee represents sixty days prior to appointment. A person appointed to the office of county attorney shall be a resident of the county at the time of appointment.

(2) However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, a petition is filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306.

b. By special election held to fill the office for the remaining balance of the unexpired term.

(1) The board of supervisors may, on its own motion, or shall, upon receipt of a petition as provided in paragraph "a", call for a special election to fill the vacancy in lieu of appointment. The supervisors shall order the special election at the earliest practicable date, but giving at least thirty-two days' notice of the election. A special election called under this section shall be held on a Tuesday and shall not be held on the same day as a school election within the county.

(2) If a vacancy in an elective county office occurs after the date of the primary election and more than seventy-three days before the general election, a special election to fill the vacancy shall not be called by the board of supervisors or by petition. If the term of office in which the vacancy exists will expire more than seventy days after the general election, the office shall be listed on the ballot with the name of the office and the additional description, "To Fill Vacancy". The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office. The person shall serve the balance of the unexpired term.

(3) If the term of office in which the vacancy exists will expire within seventy days after the general election, the person elected to the succeeding term shall also serve the balance of the unexpired term. The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office.

Sec. 163. Section 73.2, subsection 1, Code 2007, is amended to read as follows:

1. a. All requests hereafter made for bids and proposals for materials, products, supplies, provisions, and other needed articles to be purchased at public expense, shall be made in general terms and by general specifications and not by brand, trade name, or other individual mark.

b. All such requests and bids shall contain a paragraph in easily legible print, reading as follows:

By By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the state of Iowa."

Sec. 164. Section 73.16, subsection 2, Code Supplement 2007, is amended to read as follows:

2. a. Prior to the commencement of a fiscal year, the director of each agency or department of state government having purchasing authority, in cooperation with the targeted small business marketing and compliance manager of the department of economic development, shall establish for that fiscal year a procurement goal from certified targeted small businesses identified pursuant to section 10A.104, subsection 8.

(1) The procurement goal shall include the procurement of all goods and services, including construction, but not including utility services.

(2) A procurement goal shall be stated in terms of a dollar amount of certified purchases and

shall be established at a level that exceeds the procurement levels from certified targeted small businesses during the previous fiscal year.

b. The director of an agency or department of state government that has established a procurement goal as required under this subsection shall provide a report within fifteen business days following the end of each calendar quarter to the targeted small business marketing and compliance manager of the department of economic development, providing the total dollar amount of certified purchases from certified targeted small businesses during the previous calendar quarter. The required report shall be made in a form approved by the targeted small business marketing and compliance manager. The first quarterly report shall be for the calendar quarter ending September 30, 2007.

c. (1) The director of each department and agency of state government shall cooperate with the director of the department of inspections and appeals, the director of the department of economic development, and the director of the department of management and do all acts necessary to carry out the provisions of this division.

(2) The director of each agency or department of state government having purchasing authority shall issue electronic bid notices for distribution to the targeted small business web page located at the department of economic development if the director releases a solicitation for bids for procurement of equipment, supplies, or services. The notices shall be provided to the targeted small business marketing manager forty-eight hours prior to the issuance of all bid notices. The notices shall contain a description of the subject of the bid, a point of contact for the bid, and any subcontract goals included in the bid.

(3) A community college, area education agency, or school district shall establish a procurement goal from certified targeted small businesses, identified pursuant to section 10A.104, subsection 8, of at least ten percent of the value of anticipated procurements of goods and services including construction, but not including utility services, each fiscal year.

d. Of the total value of anticipated procurements of goods and services under this subsection, an additional goal shall be established to procure at least forty percent from minority-owned businesses, and forty percent from female-owned businesses.

Sec. 165. Section 74A.3, Code 2007, is amended to read as follows:

74A.3 INTEREST RATES FOR PUBLIC OBLIGATIONS.

1. Except as otherwise provided by law, the rates of interest on obligations issued by this state, or by a county, school district, city, special improvement district, or any other governmental body or agency are as follows:

1. a. General obligation bonds, warrants, or other evidences of indebtedness which are payable from general taxation or from the state's sinking fund for public deposits may bear interest at a rate to be set by the issuing governmental body or agency.

2. b. Revenue bonds, warrants, pledge orders or other obligations, the principal and interest of which are to be paid solely from the revenue derived from the operations of the publicly owned enterprise or utility for which the bonds or obligations are issued, may bear interest at a rate to be set by the issuing governmental body or agency.

3. c. Special assessment bonds, certificates, warrants or other obligations, the principal and interest of which are payable from special assessments levied against benefited property may bear interest at a rate to be set by the issuing governmental body or agency.

2. The interest rates authorized by this section to be set by the issuing governmental body or agency shall be set in each instance by the governing body which, in accordance with applicable provisions of law then in effect, authorizes the issuance of the bonds, warrants, pledge orders, certificates, obligations, or other evidences of indebtedness.

Sec. 166. Section 80.8, Code 2007, is amended to read as follows:

80.8 EMPLOYEES AND PEACE OFFICERS — SALARIES AND COMPENSATION.

1. The commissioner shall employ personnel as may be required to properly discharge the duties of the department.

2. The commissioner may delegate to the peace officers of the department such additional

duties in the enforcement of this chapter as the commissioner may deem proper and incidental to the duties now imposed upon them by law.

3. a. The salaries of peace officers and employees of the department and the expenses of the department shall be provided for by a legislative appropriation. The compensation of peace officers of the department shall be fixed according to grades as to rank and length of service by the commissioner with the approval of the department of administrative services, unless covered by a collective bargaining agreement that provides otherwise.

b. The peace officers shall be paid additional compensation in accordance with the following formula: When peace officers have served for a period of five years, their compensation then being paid shall be increased by the sum of twenty-five dollars per month beginning with the month succeeding the foregoing described five-year period; when peace officers have served for a period of ten years, their compensation then being paid shall be increased by the sum of twenty-five dollars per month beginning with the month succeeding the foregoing described ten-year period, such sums being in addition to the increase provided herein to be paid after five years of service; when peace officers have served for a period of fifteen years, their compensation then being paid shall be increased by the sum of twenty-five dollars per month beginning with the month succeeding the foregoing described fifteen-year period, such sums being in addition to the increases previously provided for herein; when peace officers have served for a period of twenty years, their compensation then being paid shall be increased by the sum of twenty-five dollars per month beginning with the month succeeding the foregoing described twenty-year period, such sums being in addition to the increases previously provided for herein.

c. While on active duty, each peace officer shall also receive a flat daily sum as fixed by the commissioner for meals unless the amount of the flat daily sum is covered by a collective bargaining agreement that provides otherwise.

d. A collective bargaining agreement entered into between the state and a state employee organization under chapter 20 made final after July 1, 1977, shall not include any pay adjustment to longevity pay authorized under this section.

e. Peace officers of the department excluded from the provisions of chapter 20 who are injured in the line of duty shall receive paid time off in the same manner as provided to peace officers of the department covered by a collective bargaining agreement entered into between the state and the employee organization representing such covered peace officers under chapter 20.

Sec. 167. Section 80E.2, Code 2007, is amended to read as follows:

80E.2 DRUG POLICY ADVISORY COUNCIL — MEMBERSHIP — DUTIES.

1. An Iowa drug policy advisory council is established which shall consist of the following fifteen members:

- a. The drug policy coordinator, who shall serve as chairperson of the council.
- b. The director of the department of corrections, or the director's designee.
- c. The director of the department of education, or the director's designee.
- d. The director of the Iowa department of public health, or the director's designee.
- e. The commissioner of public safety, or the commissioner's designee.
- f. The director of the department of human services, or the director's designee.
- g. The director of the division of criminal and juvenile justice planning in the department of human rights, or the division director's designee.
- h. A prosecuting attorney.
- i. A licensed substance abuse treatment specialist.
- j. A certified substance abuse prevention specialist.
- k. A substance abuse treatment program director.
- l. A justice of the Iowa supreme court, or judge, as designated by the chief justice of the supreme court.
- m. A member representing the Iowa association of chiefs of police and peace officers.
- n. A member representing the Iowa state police association.
- o. A member representing the Iowa state sheriffs' and deputies' association.

2. The prosecuting attorney, licensed substance abuse treatment specialist, certified substance abuse prevention specialist, substance abuse treatment program director, member representing the Iowa association of chiefs of police and peace officers, member representing the Iowa state police association, and the member representing the Iowa state sheriffs' and deputies' association shall be appointed by the governor, subject to senate confirmation, for four-year terms beginning and ending as provided in section 69.19. A vacancy on the council shall be filled for the unexpired term in the same manner as the original appointment was made.

~~2.~~ 3. The council shall make policy recommendations to the appropriate departments concerning the administration, development, and coordination of programs related to substance abuse education, prevention, treatment, and enforcement.

~~3.~~ 4. The members of the council shall be reimbursed for actual and necessary travel and related expenses incurred in the discharge of official duties. Each member of the council may also be eligible to receive compensation as provided in section 7E.6.

~~4.~~ 5. The council shall meet at least quarterly throughout the year.

~~5.~~ 6. A majority of the members of the council constitutes a quorum, and a majority of the total membership of the council is necessary to act in any matter within the jurisdiction of the council.

Sec. 168. Section 84A.1, subsections 2 and 3, Code 2007, are amended to read as follows:

2. The chief executive officer of the department of workforce development is the director who shall be appointed by the governor, subject to confirmation by the senate under the confirmation procedures of section 2.32.

a. The director of the department of workforce development shall serve at the pleasure of the governor.

b. The governor shall set the salary of the director within the applicable salary range established by the general assembly.

c. The director shall be selected solely on the ability to administer the duties and functions granted to the director and the department and shall devote full time to the duties of the director.

d. If the office of director becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.

3. a. The director of the department of workforce development shall, subject to the requirements of section 84A.1B, prepare, administer, and control the budget of the department and its divisions and shall approve the employment of all personnel of the department and its divisions.

b. The director of the department of workforce development shall direct the administrative and compliance functions and control the docket of the division of workers' compensation.

~~3.~~ 4. The department of workforce development shall include the division of labor services, the division of workers' compensation, and other divisions as appropriate.

Sec. 169. Section 85.31, subsection 1, Code 2007, is amended to read as follows:

1. a. When death results from the injury, the employer shall pay the dependents who were wholly dependent on the earnings of the employee for support at the time of the injury, during their lifetime, compensation upon the basis of eighty percent per week of the employee's average weekly spendable earnings, commencing from the date of death as follows:

a. (1) To the surviving spouse for life or until remarriage, provided that upon remarriage two years' benefits shall be paid to the surviving spouse in a lump sum, if there are no children entitled to benefits.

b. (2) To any child of the deceased until the child shall reach the age of eighteen, provided that a child beyond eighteen years of age shall receive benefits to the age of twenty-five if actually dependent, and the fact that a child is under twenty-five years of age and is enrolled as a full-time student in any accredited educational institution shall be a prima facie showing of actual dependency.

e. (3) To any child who was physically or mentally incapacitated from earning at the time of the injury causing death for the duration of the incapacity from earning.



d. (4) To all other dependents as defined in section 85.44 for the duration of the incapacity from earning.

b. The weekly benefit amount shall not exceed a weekly benefit amount, rounded to the nearest dollar, equal to two hundred percent of the statewide average weekly wage paid employees as determined by the department of workforce development under section 96.19, subsection 36, and in effect at the time of the injury. The minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage. Such compensation shall be in addition to the benefits provided by sections 85.27 and 85.28.

Sec. 170. Section 85.34, subsection 3, Code 2007, is amended to read as follows:

3. PERMANENT TOTAL DISABILITY.

a. Compensation for an injury causing permanent total disability shall be upon the basis of eighty percent per week of the employee's average spendable weekly earnings, but not more than a weekly benefit amount, rounded to the nearest dollar, equal to two hundred percent of the statewide average weekly wage paid employees as determined by the department of workforce development under section 96.19, subsection 36, and in effect at the time of the injury. The minimum weekly benefit amount is equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage. The weekly compensation is payable during the period of the employee's disability.

b. Such compensation shall be in addition to the benefits provided in sections 85.27 and 85.28. No compensation shall be payable under this subsection for any injury for which compensation is payable under subsection 2 of this section. In the event compensation has been paid to any person under any provision of this chapter, chapter 85A or chapter 85B for the same injury producing a total permanent disability, any such amounts so paid shall be deducted from the total amount of compensation payable for such permanent total disability.

Sec. 171. Section 85.45, Code 2007, is amended to read as follows:

85.45 COMMUTATION.

1. Future payments of compensation may be commuted to a present worth lump sum payment on the following conditions:

1. a. When the period during which compensation is payable can be definitely determined.

2. b. When it shall be shown to the satisfaction of the workers' compensation commissioner that such commutation will be for the best interest of the person or persons entitled to the compensation, or that periodical payments as compared with a lump sum payment will entail undue expense, hardship, or inconvenience upon the employer liable therefor.

3. c. When the recipient of commuted benefits is a minor employee, the workers' compensation commissioner may order that such benefits be paid to a trustee as provided in section 85.49.

4. d. When a person seeking a commutation is a surviving spouse, an employee with a permanent and total disability, or a dependent who is entitled to benefits as provided in section 85.31, subsection 1, paragraphs "c" and "d" paragraph "a", subparagraphs (3) and (4), the future payments which may be commuted shall not exceed the number of weeks which shall be indicated by probability tables designated by the workers' compensation commissioner for death and remarriage, subject to the provisions of chapter 17A.

2. Future payments of compensation shall not be commuted to a present worth lump sum payment when the employee is an inmate as set forth in section 85.59.

Sec. 172. Section 86.8, Code 2007, is amended to read as follows:

86.8 DUTIES.

1. The commissioner shall:

1. a. Adopt and enforce rules necessary to implement this chapter and chapters 85, 85A, 85B, and 87.

- ~~2.~~ b. Prepare and distribute the necessary blanks relating to computation, adjustment, and settlement of compensation.
- ~~3.~~ c. Prepare and publish statistical reports and analyses regarding the cost, occurrence, and sources of employment injuries.
- ~~4.~~ d. Administer oaths and examine books and records of parties subject to the workers' compensation laws.
- ~~5.~~ e. Provide a seal for the authentication of orders and records and for other purposes as required.
- 2. Subject to the approval of the director of the department of workforce development, the commissioner may enter into contracts with any state agency, with or without reimbursement, for the purpose of obtaining the services, facilities, and personnel of the agency and with the consent of any state agency or political subdivision of the state, accept and use the services, facilities, and personnel of the agency or political subdivision, and employ experts and consultants or organizations in order to expeditiously, efficiently, and economically effectuate the purposes of this chapter. The agreements under this ~~paragraph~~ subsection are subject to approval by the executive council if approval is required by law.

Sec. 173. Section 88.6, subsection 8, Code 2007, is amended to read as follows:

8. CONFIDENTIALITY. Notwithstanding chapter 22, records prepared or obtained by the commissioner relating to an enforcement action conducted pursuant to this chapter shall be kept confidential until the enforcement action is complete.

a. For purposes of this subsection, an enforcement action is complete when any of the following occurs:

- ~~a.~~ (1) An inspection file is closed without the issuance of a citation.
- ~~b.~~ (2) A citation or noncompliance notice resulting from an inspection becomes a final order of the employment appeal board and all applicable courts pursuant to sections 88.8 and 88.9, and abatement is verified.
- ~~c.~~ (3) A determination and any subsequent action is final in an occupational safety and health discrimination case.
- b. A citation or noncompliance notice shall remain a confidential record until received by the appropriate employer.
- c. This subsection shall not affect the discovery rights of any party to a contested case.

Sec. 174. Section 88.9, subsections 1 and 3, Code 2007, are amended to read as follows:

1. AGGRIEVED PERSONS.

a. Judicial review of any order of the appeal board issued under section 88.8, subsection 3, may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, petitions for judicial review may be filed in the district court of the county in which the violation is alleged to have occurred or where the employer has its principal office and may be filed within sixty days following the issuance of such order. The appeal board's copy of the testimony shall be available to all parties for examination at all reasonable times, without cost, and for the purpose of judicial review of the appeal board's orders.

b. The commissioner may obtain judicial review or enforcement of any final order or decision of the appeal board by filing a petition in the district court of the county in which the alleged violation occurred or in which the employer has its principal office. The judicial review provisions of chapter 17A shall govern such proceedings to the extent applicable.

c. Notwithstanding section 10A.601, subsection 7, and chapter 17A, the commissioner has the exclusive right to represent the appeal board in any judicial review of an appeal board decision under this chapter in which the commissioner does not appeal the appeal board decision, except as provided by section 88.17.

3. DISCRIMINATION AND DISCHARGE.

a. (1) A person shall not discharge or in any manner discriminate against an employee be-

cause the employee has filed a complaint or instituted or caused to be instituted a proceeding under or related to this chapter or has testified or is about to testify in any such proceeding or because of the exercise by the employee on behalf of the employee or others of a right afforded by this chapter.

(2) A person shall not discharge or in any manner discriminate against an employee because the employee, who with no reasonable alternative, refuses in good faith to expose the employee's self to a dangerous condition of a nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a real danger of death or serious injury; provided the employee, where possible, has first sought through resort to regular statutory enforcement channels, unless there has been insufficient time due to the urgency of the situation, or the employee has sought and been unable to obtain from the person, a correction of the dangerous condition.

b. (1) An employee who believes that the employee has been discharged or otherwise discriminated against by a person in violation of this subsection may, within thirty days after the violation occurs, file a complaint with the commissioner alleging discrimination.

(2) Upon receipt of the complaint, the commissioner shall conduct an investigation as the commissioner deems appropriate. If, upon investigation, the commissioner determines that the provisions of this subsection have been violated, the commissioner shall bring an action in the appropriate district court against the person. In any such action, the district court has jurisdiction to restrain violations of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to the employee's former position with back pay.

(3) Within ninety days of the receipt of a complaint filed under this subsection, the commissioner shall notify the complainant of the commissioner's determination under this subsection.

Sec. 175. Section 96.3, subsection 7, Code 2007, is amended to read as follows:

7. RECOVERY OF OVERPAYMENT OF BENEFITS.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Sec. 176. Section 96.4, subsections 4 and 6, Code 2007, are amended to read as follows:

4. a. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work totaling at least three and five-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this subsection in the calendar quarter of the base period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the individual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

b. If the individual has drawn benefits in any benefit year, the individual must during or subsequent to that year, work in and be paid wages for insured work totaling at least two hundred fifty dollars, as a condition to receive benefits in the next benefit year.

6. a. An otherwise eligible individual shall not be denied benefits for any week because the individual is in training with the approval of the director, nor shall the individual be denied benefits with respect to any week in which the individual is in training with the approval of the director by reason of the application of the provision in subsection 3 of this section relating to availability for work, and an active search for work or the provision of section 96.5, subsection 3, relating to failure to apply for or a refusal to accept suitable work. However, an employer's account shall not be charged with benefits so paid.

b. (1) An otherwise eligible individual shall not be denied benefits for a week because the individual is in training approved under 19 U.S.C. § 2296(a), as amended by section 2506 of the federal Omnibus Budget Reconciliation Act of 1981, because the individual leaves work which is not suitable employment to enter the approved training, or because of the application of subsection 3 of this section or section 96.5, subsection 3, or a federal unemployment insurance law administered by the department relating to availability for work, active search for work, or refusal to accept work.

(2) For purposes of this paragraph, "suitable employment" means work of a substantially equal or higher skill level than an individual's past adversely affected employment, as defined in 19 U.S.C. § 2319(l), if weekly wages for the work are not less than eighty percent of the individual's average weekly wage.

Sec. 177. Section 96.6, subsection 3, Code 2007, is amended to read as follows:

### 3. APPEALS.

a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. A telephone or in-person hearing shall not be scheduled before the seventh calendar day after the parties receive notice of the hearing. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

Sec. 178. Section 96.9, subsection 2, Code Supplement 2007, is amended to read as follows:  
2. ACCOUNTS AND DEPOSITS.

a. The state treasurer shall be ex officio treasurer and custodian of the fund and shall administer such fund in accordance with the directions of the department. The director of the department of administrative services shall issue warrants upon the fund pursuant to the order of the department and such warrants shall be paid from the fund by the treasurer.

b. The treasurer shall maintain within the fund three separate accounts:

a. (1) A clearing account.

b. (2) An unemployment trust fund account.

c. (3) A benefit account.

c. All moneys payable to the unemployment compensation fund and all interest and penal-

ties on delinquent contributions and reports shall, upon receipt thereof by the department, be forwarded to the treasurer who shall immediately deposit them in the clearing account, but the interest and penalties on delinquent contributions and reports shall not be deemed to be a part of the fund. Refunds of contributions payable pursuant to section 96.14 shall be paid by the treasurer from the clearing account upon warrants issued by the director of the department of administrative services under the direction of the department. After clearance thereof, all other moneys in the clearing account, except interest and penalties on delinquent contributions and reports, shall be immediately deposited with the secretary of the treasury of the United States to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the Social Security Act as amended, any provisions of law in this state relating to the deposit, administration, release or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding. Interest and penalties on delinquent contributions and reports collected from employers shall be transferred from the clearing account to the special employment security contingency fund. The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund for the payment of benefits. Except as herein otherwise provided, moneys in the clearing and benefit account may be deposited by the treasurer, under the direction of the department, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. The treasurer shall give a separate bond conditioned upon the faithful performance of the treasurer's duties as custodian of the fund in an amount fixed by the governor and in form and manner prescribed by law. Premiums for said bond shall be paid from the administration fund.

d. Interest paid upon the moneys deposited with the secretary of the treasury of the United States shall be credited to the unemployment compensation fund.

Sec. 179. Section 96.11, subsections 3 and 10, Code Supplement 2007, are amended to read as follows:

3. PUBLICATIONS.

a. The director shall cause to be printed for distribution to the public the text of this chapter, the department's general rules, its annual reports to the governor, and any other material the director deems relevant and suitable and shall furnish the same to any person upon application therefor.

b. The department shall prepare and distribute to the public as labor force data, only that data adjusted according to the current population survey and other nonlabor force statistics which the department determines are of interest to the public.

10. STATE-FEDERAL COOPERATION.

a. In the administration of this chapter, the department shall cooperate with the United States department of labor to the fullest extent consistent with the provisions of this chapter, and shall take such action, through the adoption of appropriate rules, regulations, administrative methods and standards, as may be necessary to secure to this state and its citizens all advantages available under the provisions of the Social Security Act that relate to unemployment compensation, the federal Unemployment Tax Act, the Wagner-Peyser Act, and the Federal-State Extended Unemployment Compensation Act of 1970.

b. In the administration of the provisions of section 96.29 which are enacted to conform with the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, the department shall take such action as may be necessary to insure that the provisions are so interpreted and applied as to meet the requirements of such federal Act as interpreted by the United States department of labor, and to secure to this state the full reimbursement of the federal share of extended benefits paid under this chapter that are reimbursable under the federal Act.

c. The department shall make such reports, in such form and containing such information as the United States department of labor may from time to time require, and shall comply with such provisions as the United States department of labor may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with the regula-

tions prescribed by the United States department of labor governing the expenditures of such sums as may be allotted and paid to this state under Title III of the Social Security Act for the purpose of assisting in administration of this chapter.

d. The department may make its records relating to the administration of this chapter available to the railroad retirement board, and may furnish the railroad retirement board such copies thereof as the railroad retirement board deems necessary for its purposes. The department may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law. The railroad retirement board or any other agency requiring such services and reports from the department shall pay the department such compensation therefor as the department determines to be fair and reasonable.

Sec. 180. Section 96.14, subsection 3, Code Supplement 2007, is amended to read as follows:

3. LIEN OF CONTRIBUTIONS — COLLECTION.

a. Whenever any employer liable to pay contributions refuses or neglects to pay the same, the amount, including any interest, together with the costs that may accrue in addition thereto, shall be a lien in favor of the state upon all property and rights to property, whether real or personal, belonging to said employer. An assessment of the unpaid contributions, interest and penalty shall be applied as provided in section 96.7, subsection 3, paragraphs “a” and “b”, and the lien shall attach as of the date the assessment is mailed or personally served upon the employer and shall continue for ten years, or until the liability for the amount is satisfied, unless sooner released or otherwise discharged. The lien may, within ten years from the date the lien attaches, be extended for up to an additional ten years by filing a notice during the ninth year with the appropriate county official of any county. However, the department may release any lien, when after diligent investigation and effort it determines that the amount due is not collectible.

b. In order to preserve the aforesaid lien against subsequent mortgagees, purchasers or judgment creditors, for value and without notice of the lien, on any property situated in a county, the department shall file with the recorder of the county, in which said property is located, a notice of said lien.

c. The county recorder of each county shall prepare and keep in the recorder’s office an index to show the following data, under the names of employers, arranged alphabetically:

- a. (1) The name of the employer.
- b. (2) The name “State of Iowa” as claimant.
- c. (3) Time notice of lien was received.
- d. (4) Date of notice.
- e. (5) Amount of lien then due.
- f. (6) When satisfied.

d. The recorder shall endorse on each notice of lien the day, hour, and minute when received and shall index the notice in the index and shall record the lien in the manner provided for recording real estate mortgages, and the lien shall be effective from the time of the indexing of the lien.

e. The department shall pay a recording fee as provided in section 331.604, for the recording of the lien, or for its satisfaction.

f. Upon the payment of contributions as to which the department has filed notice with a county recorder, the department shall forthwith file with said recorder a satisfaction of said contributions and the recorder shall enter said satisfaction on the notice on file in the recorder’s office and indicate said fact on the index aforesaid.

g. The department shall, substantially as provided in this chapter and chapter 626, proceed to collect all contributions as soon as practicable after they become delinquent, except that no property of the employer is exempt from payment of the contributions.

h. If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due may be collected by civil action in the name of the department and the employer adjudged in default shall pay the costs of such action. Civil actions brought un-

der this section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this chapter and cases arising under the workers' compensation law of this state.

i. It is expressly provided that the foregoing remedies of the state shall be cumulative and that no action taken by the department shall be construed to be an election on the part of the state or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy provided by law.

j. The courts of this state shall recognize and enforce liabilities for unemployment contributions, penalties, interest, and benefit overpayments imposed by other states which extend a like comity to this state. The department may sue in the courts of any other jurisdiction which extends such comity to collect unemployment contributions, penalties, interest, and benefit overpayments due this state. The officials of other states which, by statute or otherwise, extend a like comity to this state may sue in the district court to collect for such contributions, penalties, interest, and benefit overpayments. In any such case the director, as agent for and on behalf of any other state, may institute and conduct such suit for such other state. Venue of such proceedings shall be the same as for actions to collect delinquent contributions, penalties, interest, and benefit overpayments due under this chapter. A certificate by the secretary of any such state attesting the authority of such official to collect the contributions, penalties, interest, and benefit overpayments, is conclusive evidence of such authority. The requesting state shall pay the court costs.

k. If a political subdivision or a political subdivision instrumentality becomes delinquent in the payment of contributions, any payments owed as a government employer, penalty, interest and costs for more than two calendar quarters, the amount of such delinquency shall be deducted from any further moneys due the employer by the state. Such deduction shall be made by the director of the department of administrative services upon certification of the amount due. A copy of the certification will be mailed to the employer.

l. If an amount due from a governmental entity of this state remains due and unpaid for a period of one hundred twenty days after the due date, the director shall take action as necessary to collect the amount and shall levy against any funds due the governmental entity from the state treasurer, director of the department of administrative services, or any other official or agency of this state, or against an account established by the entity in any bank. The official, agency, or bank shall deduct the amount certified by the director from any accounts or deposits or any funds due the delinquent governmental entity without regard to any prior claim and shall promptly forward the amount to the director for the fund. However, the director shall notify the delinquent entity of the director's intent to file a levy by certified mail at least ten days prior to filing the levy on any funds due the entity from any state official or agency.

Sec. 181. Section 96.16, subsection 5, Code 2007, is amended to read as follows:

5. EXPERIENCE AND TAX RATE AVOIDANCE.

a. If a person knowingly violates or attempts to violate section 96.7, subsection 2, paragraph "b", subparagraph (2) or (3), with respect to a transfer of unemployment experience, or if a person knowingly advises another person in a way that results in a violation of such subparagraph, the person shall be subject to the penalties established in this subsection. If the person is an employer, the employer shall be assigned a penalty rate of contribution of two percent of taxable wages in addition to the regular contribution rate assigned for the year during which such violation or attempted violation occurred and for the two rate years immediately following. If the person is not an employer, the person shall be subject to a civil penalty of not more than five thousand dollars for each violation which shall be deposited in the unemployment trust fund, and shall be used for payment of unemployment benefits. In addition to any other penalty imposed in this subsection, violations described in this subsection shall also constitute an aggravated misdemeanor.

b. For purposes of this subsection, "~~knowingly~~":

(1) "Knowingly" means having actual knowledge of or acting with deliberate ignorance of

or reckless disregard for the requirement or prohibition involved. For purposes of this subsection, "violates

(2) "Violates or attempts to violate" includes, but is not limited to, the intent to evade, misrepresentation, and willful nondisclosure.

Sec. 182. Section 96.19, subsection 18, paragraph a, subparagraphs (3) and (7), Code 2007, are amended to read as follows:

(3) (a) Any individual other than an individual who is an employee under subparagraphs (1) or (2) who performs services for remuneration for any person as an agent driver or commission driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry cleaning services for the individual's principal; as a traveling or city salesperson, other than as an agent driver or commission driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, the individual's principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

(b) Provided, that for purposes of paragraph "a", this subparagraph (3), the term "employment" shall include services performed after December 31, 1971, only if:

(a) (i) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(b) (ii) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(c) (iii) The services are not in the nature of single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(7) (a) A person in agricultural labor when such labor is performed for an employing unit which during any calendar quarter in the calendar year or the preceding calendar year paid remuneration in cash of twenty thousand dollars or more to individuals employed in agricultural labor excluding labor performed before January 1, 1980, by an alien referred to in this subparagraph; or on each of some twenty days during the calendar year or the preceding calendar year, each day being in a different calendar week, employed in agricultural labor for some portion of the day ten or more individuals, excluding labor performed before January 1, 1980, by an alien referred to in this subparagraph; and such labor is not agricultural labor performed before January 1, 1980, by an individual who is an alien admitted to the United States to perform agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act, 8 U.S.C. § 1184(c), 1101(a)(15)(H) (1976). For purposes of this subparagraph subdivision, "employed" shall not include services performed by agricultural workers who are aliens admitted to the United States to perform labor pursuant to section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act and who are not covered under the Federal Unemployment Tax Act.

(b) For purposes of this subparagraph, any individual who is a member of a crew furnished by a crew leader to perform agricultural labor for any other employing unit shall be treated as an employee of such crew leader if such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader; and if such individual is not otherwise in employment as defined in this subsection.

(c) For purposes of this subparagraph (7), in the case of any individual who is furnished by a crew leader to perform agricultural labor for any other employing unit and who is not treated as an employee of such crew leader as described above, such other employing unit and not the crew leader shall be treated as the employer of such individual; and such other employing unit shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader either on the crew leader's behalf or on behalf of such other employing unit for the agricultural labor performed for such other employing unit.



(d) For purposes of this subsection ~~subparagraph (7)~~, the term “crew leader” means an employing unit which furnishes individuals to perform agricultural labor for any other employing unit; pays, either on the crew leader’s behalf or on behalf of such other employing unit, the individuals so furnished by the crew leader for the agricultural labor performed by them; and has not entered into a written agreement with such other employing unit under which such individual is designated as an employee of such other employing unit.

Sec. 183. Section 96.19, subsection 38, paragraph b, Code 2007, is amended to read as follows:

b. An individual shall be deemed partially unemployed in any week in which, ~~while either of the following apply:~~

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

(2) ~~An individual shall be deemed partially unemployed in any week in which the~~ The individual, having been separated from the individual’s regular job, earns at odd jobs less than the individual’s weekly benefit amount plus fifteen dollars.

Sec. 184. Section 97A.8, subsection 3, Code 2007, is amended to read as follows:

3. EXPENSE FUND.

a. The expense fund shall be the fund to which shall be credited all money provided by the state of Iowa to pay the administration expenses of the system and from which shall be paid all the expenses necessary in connection with the administration and operation of the system. Biennially the board of trustees shall estimate the amount of money necessary to be paid into the expense fund during the ensuing biennium to provide for the expense of operation of the system. Investment management expenses shall be charged to the investment income of the system and there is appropriated from the system an amount required for the investment management expenses. The board of trustees shall report the investment management expenses for the fiscal year as a percent of the market value of the system.

b. For purposes of this subsection, investment management expenses are limited to the following:

a. (1) Fees for investment advisors, consultants, and investment management and benefit consultant firms hired by the board of trustees in administering this chapter.

b. (2) Fees and costs for safekeeping fund assets.

c. (3) Costs for performance and compliance monitoring, and accounting for fund investments.

d. (4) Any other costs necessary to prudently invest or protect the assets of the fund.

Sec. 185. Section 97B.1A, subsection 8, paragraph a, subparagraph (2), Code 2007, is amended to read as follows:

(2) Members of the general assembly of Iowa and temporary employees of the general assembly of Iowa.

(a) A member of the general assembly covered under this chapter may terminate membership under this chapter by informing the system in writing of the member’s intent to terminate membership.

(b) Temporary employees of the general assembly covered under this chapter may terminate membership by sending written notification to the system of their separation from service.

Sec. 186. Section 97B.70, subsection 1, paragraph b, Code 2007, is amended to read as follows:

b. The interest dividend shall be determined within sixty days after the end of each calendar year as follows:

(1) The dividend rate for a calendar year shall be the excess of the average rate of interest earned for the year over the statutory two percent rate plus twenty-five hundredths of one percent.

(2) The average rate of interest earned and the interest dividend rate in percent shall be calculated to the nearest one hundredth, that is, to two decimal places.

(3) Interest and interest dividends calculated pursuant to this subsection shall be compounded annually.

Sec. 187. Section 99B.1, subsection 13, Code Supplement 2007, is amended to read as follows:

13. a. "Eligible applicant" means an applicant who meets all of the following requirements:

a. (1) The applicant's financial standing and good reputation are within the standards established by the department by rule under chapter 17A so as to satisfy the director of the department that the applicant will comply with this chapter and the rules applicable to operations under it.

b. (2) The applicant is a citizen of the United States and a resident of this state, or a corporation licensed to do business in this state, or a business that has an established place of business in this state or that is doing business in this state.

c. (3) The applicant has not been convicted of a felony. However, if the applicant's conviction occurred more than five years before the date of the application for a license, and if the applicant's rights of citizenship have been restored by the governor, the director of the department may determine that the applicant is an eligible applicant.

b. If the applicant is an organization, then the requirements of ~~paragraphs~~ paragraph "a", "b", and "c" subparagraphs (1) through (3) apply to ~~its~~ the officers, directors, partners and controlling shareholders of the organization.

Sec. 188. Section 99B.7, subsection 3, paragraphs b and c, Code 2007, are amended to read as follows:

b. (1) A person or the agent of a person submitting application to conduct games pursuant to this section as a qualified organization shall certify that the receipts of all games, less reasonable expenses, charges, fees, taxes, and deductions allowed by this chapter, either will be distributed as prizes to participants or will be dedicated and distributed to educational, civic, public, charitable, patriotic or religious uses in this state and that the amount dedicated and distributed will equal at least seventy-five percent of the net receipts.

(2) (a) "Educational, civic, public, charitable, patriotic, or religious uses" means uses benefiting a society for the prevention of cruelty to animals or animal rescue league, or uses benefiting an indefinite number of persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint, or by erecting or maintaining public buildings or works, or otherwise lessening the burden of government, or uses benefiting any bona fide nationally chartered fraternal or military veterans' corporation or organization which operates in Iowa a clubroom, post, dining room, or dance hall, but does not include the erection, acquisition, improvement, maintenance, or repair of real, personal or mixed property unless it is used for one or more of the uses stated.

(b) "Public uses" specifically includes dedication of net receipts to political parties as defined in section 43.2.

(c) "Charitable uses" includes uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm when the loss is uncompensated by insurance, and uses benefiting a definite number of persons suffering from a seriously disabling disease or injury, causing severe loss of income or incurring extraordinary medical expense when the loss is uncompensated by insurance.

(3) Proceeds given to another charitable organization to satisfy the seventy-five percent dedication requirement shall not be used by the donee to pay any expenses in connection with the conducting of bingo by the donor organization, or for any cause, deed, or activity that would not constitute a valid dedication under this section.

c. (1) A qualified organization shall distribute amounts awarded as prizes on the day they are won. A qualified organization shall dedicate and distribute the balance of the net receipts received within a quarter and remaining after deduction of reasonable expenses, charges, fees, taxes, and deductions allowed by this chapter, before the quarterly report required for

that quarter under section 99B.2, subsection 4, is due. The amount dedicated and distributed must equal at least seventy-five percent of the net receipts. A person desiring to hold the net receipts for a period longer than permitted under this paragraph shall apply to the department for special permission and upon good cause shown the department may grant the request.

(2) If permission is granted to hold the net receipts, the person shall, as a part of the quarterly report required by section 99B.2, report the amount of money currently being held and all expenditures of the funds. This report shall be filed even if the person no longer holds a gambling license.

Sec. 189. Section 99D.25, subsection 10, Code Supplement 2007, is amended to read as follows:

10. Veterinarians must submit daily to the commission veterinarian on a prescribed form a report of all medications and other substances which the veterinarian prescribed, administered, or dispensed for horses registered at a current race meeting. A logbook detailing other professional services performed while on the grounds of a racetrack shall be kept by veterinarians and shall be made immediately available to the commission veterinarian or the stewards upon request.

11. A person who violates this section is guilty of a class "D" felony.

Sec. 190. Section 100.1, unnumbered paragraphs 1 and 2, Code Supplement 2007, are amended to read as follows:

The chief officer of the division of state fire marshal in the department of public safety shall be known as the state fire marshal. The fire marshal's duties shall be as follows:

~~The fire marshal's duties shall be as follows:~~

Sec. 191. Section 101.22, subsection 7, Code 2007, is amended to read as follows:

7. It is unlawful to deposit petroleum in an aboveground petroleum storage tank which has not been registered pursuant to subsections 1 through 4.

8. The state fire marshal shall furnish the owner or operator of an aboveground petroleum storage tank with a registration tag for each aboveground petroleum storage tank registered with the state fire marshal. The owner or operator shall affix the tag to the fill pipe of each registered aboveground petroleum storage tank. A person who conveys or deposits petroleum shall inspect the aboveground petroleum storage tank to determine the existence or absence of the registration tag. If a registration tag is not affixed to the aboveground petroleum storage tank fill pipe, the person conveying or depositing the petroleum may deposit the petroleum in the unregistered tank. However, the deposit is allowed only in the single instance, that the person provides the owner or operator with another notice as required by subsection 5, and that the person provides the owner or operator with an aboveground petroleum storage tank registration form. It is the owner or operator's duty to comply with registration requirements. A late registration penalty of twenty-five dollars is imposed in addition to the registration fee for a tank registered after the required date.

### DIVISION III

#### CONFORMING AMENDMENTS TO VOLUME I RENUMBERING

Sec. 192. Section 10B.7, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

Lessees of agricultural land under section 9H.4, subsection 2 1, paragraph "e" "b", ~~subparagraph (3)~~, 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. 193. Section 11.36, subsection 1, Code Supplement 2007, is amended to read as follows:

1. The auditor of state may, at the request of a department, review, during normal business hours upon reasonable notice of at least twenty-four hours, the audit working papers prepared by a certified public accountant covering the receipt and expenditure of state or federal funds provided by the department to any other entity to determine if the receipt and expenditure of those funds by the entity is consistent with the laws, rules, regulations, and contractual agreements governing those funds. Upon completion of the review, the auditor of state shall report whether, in the auditor of state's judgment, the auditor of state believes the certified public accountant's working papers adequately demonstrate that the laws, rules, regulations, and contractual agreements governing the funds have been substantially complied with. If the auditor of state does not believe the certified public accountant's working papers adequately demonstrate that the laws, rules, regulations, and contractual agreements have been substantially complied with or believes a complete or partial reaudit is necessary based on the provisions of section 11.6, subsection 4, paragraph "a" or "b", subparagraph (1) or (2), the auditor of state shall notify the certified public accountant and the department of the actions the auditor of state believes are necessary to determine whether the entity is in substantial compliance with those laws, rules, regulations, and contractual agreements. The auditor of state may assist departments with actions to determine whether the entity is in substantial compliance. Departments requesting the review shall reimburse the auditor of state for the cost of the review and any subsequent assistance provided by the auditor of state.

Sec. 194. Section 49.13, subsection 1, Code Supplement 2007, is amended to read as follows:

1. The membership of each precinct election board shall be appointed by the commissioner, not less than fifteen days before each election held in the precinct, from the election board panel drawn up as provided in section 49.15. Precinct election officials shall be registered voters of the county, or other political subdivision within which precincts have been merged across county lines pursuant to section 49.11, subsection 1 3, paragraph "a", in which they are appointed. Preference shall be given to appointment of residents of a precinct to serve as precinct election officials for that precinct, but the commissioner may appoint other residents of the county where necessary.

Sec. 195. Section 49.16, subsection 2, Code 2007, is amended to read as follows:

2. When all or portions of two or more precincts are merged for any election as permitted by section 49.11, subsection 1 3, paragraph "a", the commissioner may appoint the election board for the merged precinct from the election board panels of any of the precincts so merged. When any permanent precinct is divided as permitted by section 49.11, subsection 2 3, paragraph "b", the commissioner shall so far as possible appoint the election board for each of the temporary precincts so created from the election board panel of the permanent precinct.

Sec. 196. Section 87.11, subsection 4, Code Supplement 2007, is amended to read as follows:

4. Notwithstanding contrary provisions of section 85.45, any future payment of medical expenses, weekly compensation benefits, or other payments by the commissioner of insurance from the security given under this section, pursuant to this chapter or chapter 85, 85A, 85B, or 86, shall be deemed an undue expense, hardship, or inconvenience upon the employer for purposes of a full commutation pursuant to section 85.45, subsection 2 1, paragraph "b".

Sec. 197. Section 96.4, subsection 3, Code 2007, is amended to read as follows:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", ~~unnumbered paragraph 1~~ subparagraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the

disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Sec. 198. Section 279.48, subsection 1, paragraph b, Code 2007, is amended to read as follows:

b. The note may bear interest at a rate to be determined by the board of directors in the manner provided in section 74A.3, subsection 1, paragraph "a". Chapter 75 is not applicable.

Sec. 199. Section 331.756, subsection 12, Code Supplement 2007, is amended to read as follows:

12. Submit reports as to the condition and operation of the county attorney's office when required by the attorney general as provided in section 13.2, subsection 8 1, paragraph "h".

Sec. 200. Section 515B.5, subsection 2, paragraph h, Code 2007, is amended to read as follows:

h. Request that all future payments of workers' compensation weekly benefits, medical expenses, or other payments under chapter 85, 85A, 85B, 86, or 87 be commuted to a present lump sum and upon the payment of which, either to the claimant or to a licensed insurer for purchase of an annuity or other periodic payment plan for the benefit of the claimant, the employer and the association shall be discharged from all further liability for the workers' compensation claim. Notwithstanding the provisions of section 85.45, any future payment of medical expenses, weekly compensation benefits, or other payment by the association under this chapter pursuant to chapter 85, 85A, 85B, 86, or 87, is deemed an undue expense, hardship, or inconvenience upon the employer for purposes of a full commutation pursuant to section 85.45, subsection 2 1, paragraph "b", and the workers' compensation commissioner shall fix the lump sum of the probable future medical expenses and weekly compensation benefits capitalized at their present value upon the basis of interest at the rate provided in section 535.3 for court judgments and decrees.

#### DIVISION IV

##### Sec. 201. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to renumber the following Code sections in accordance with established Code section hierarchy and correct internal references as necessary:

a. Sections 8.22, 15D.1, 28A.1, 28K.1, 29C.21, 29C.22, 152E.1, 221.1, 232.158, 232.171, 256.70, 261D.2, 272A.1, 272B.1, 307C.1, 321C.1, 321D.1, 457B.1, 473A.1, 505A.1, 692B.2, 818.1, 821.1, 907B.2, and 913.2, Code 2007.

b. Sections 152E.3 and 327K.1, Code Supplement 2007.

2. The Code editor is directed to number or renumber provisions within the following Code sections to eliminate unnumbered paragraphs and correct internal references as necessary:

a. Sections 2.45, 2C.12, 6A.4, 6A.22, 6B.2, 6B.3, 6B.54, 6B.56, 7C.4A, 7D.1, 7D.6, 8A.502, 8A.504, 9C.8, 9E.6A, 9H.5, 10A.106, 12B.10C, 12C.6, 12D.1, 12D.8, 15.272, 15.329, 15.343, 15E.61, 15E.111, 15E.195, 15E.207, 16.105, 17A.6, 17A.9, 17A.17, 20.1, 20.22, 21.4, 25B.2, 28.4, 28A.10, 28B.1, 28E.23, 29B.15, 29B.28, 29B.31, 29B.40, 29B.47, 29B.50, 29B.51, 29B.53, 29B.55, 29B.63, 29B.65, 29B.91, 34A.2, 34A.8, 35C.1, 37.18, 39.2, 43.24, 43.49, 43.56, 43.67, 44.4, 47.2, 48A.19, 48A.28, 49.4, 49.47, 50.29, 50.30, 53.1, 53.3, 53.45, 68B.31, 70A.1, 70A.15, 70A.25, 80.37, 85.3, 85.35, 85A.11, 85B.8, 87.4, 89.2, 89A.8, 89B.17, 91B.1, 91C.3, 91C.7, 91E.2, 92.2, 92.6, 96.3, 96.7, 96.7A, 96.13, 96.19, 96.23, 96.29, 96.40, 97.51, 97A.6, 97A.6B, 97A.8, 97A.10, 97B.1A, 97B.8A, 97B.34A, 97B.42A, 97B.48A, 97B.49G, 97B.52, 97B.53B, 99B.2, 99B.7, 99D.13, 99F.4A, 100.39, 103A.7, 103A.9, and 103A.20, Code 2007.

b. Sections 8A.311, 8A.321, 8A.376, 8A.415, 11.2, 12C.23, 15.335, 15A.9, 15E.194, 15E.305, 22.7, 39.22, 45.1, 49.8, 52.25, 68A.402, 72.5, 80B.13, 80D.3, 96.5, 99D.5, and 103A.19, Code Supplement 2007.

DIVISION V  
EFFECTIVE DATES — APPLICABILITY

Sec. 202. EFFECTIVE DATES — APPLICABILITY.

1. The section of this Act, amending 2007 Iowa Acts, chapter 182, section 3, being deemed of immediate importance, takes effect upon enactment and applies retroactively to May 24, 2007.

2. The sections of this Act, amending 2007 Iowa Acts, chapter 197, sections 33, 34, 35, 36, 38, 41, 42, and 43, being deemed of immediate importance, take effect upon enactment and apply effective January 1, 2009.

3. The section of this Act, amending section 104C.2, subsection 8, as enacted by 2007 Iowa Acts, chapter 198, section 2, takes effect July 1, 2008.

4. The sections of this Act, amending 2007 Iowa Acts, chapter 198, sections 10, 11, and 18, take effect July 1, 2008.

Approved April 2, 2008

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**CHAPTER 1033**

REAL PROPERTY TRANSFERS —  
PRIVATE SEWAGE DISPOSAL SYSTEMS INSPECTIONS

S.F. 261

**AN ACT** requiring certain private sewage disposal system-related inspections to be conducted when certain property is sold or transferred and including an effective date provision.

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

Section 1. Section 455B.172, Code 2007, is amended by adding the following new subsection:

**NEW SUBSECTION.** 11. a. A building where a person resides, congregates, or is employed that is served by a private sewage disposal system shall have the sewage disposal system serving the building inspected prior to any transfer of ownership of the building. The requirements of this subsection shall be applied to all types of ownership transfer including at the time a seller financed real estate contract is signed. The county recorder shall not record a deed or any other property transfer or conveyance document until either a certified inspector's report is provided which documents the condition of the private sewage disposal system and whether any modifications are required to conform to standards adopted by the department or, in the event that weather or other temporary physical conditions prevent the certified inspection from being conducted, the buyer has executed and submitted a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. Any type of on-site treatment unit or private sewage disposal system must be inspected according to rules developed by the department. For the purposes of this subsection, "transfer" means the transfer or conveyance by sale, exchange, real estate contract, or any other method by which real estate and improvements are purchased, if the property includes at least one but not more than four dwelling units. However, "transfer" does not include any of the following: