

House Study Bill 185 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 including effective date and retroactive applicability
7 provisions.

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

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DIVISION I

STATUTORY CORRECTIONS

Section 1. Section 8.9, subsection 1, Code 2011, is amended to read as follows:

1. The office of grants enterprise management is established in the department of management. The function of the office is to develop and administer a system to track, identify, advocate for, and coordinate nonstate grants as defined in section 8.2, subsections 1 and 3. Staffing for the office of grants enterprise management shall be provided by a facilitator appointed by the director of the department of management. Additional staff may be hired, subject to the availability of funding. ~~Funding for the office is from the appropriation to the department pursuant to section 8A.505, subsection 2.~~

Sec. 2. Section 8A.207, subsection 5, paragraph c, Code 2011, is amended to read as follows:

c. Contracts let by another governmental entity. The department, on its own behalf or on the behalf of another participating agency or governmental entity, may procure information technology under an existing competitively procured contract let by another governmental entity, or may approve such procurement in the same manner by a participating agency or governmental entity. The department, on its own behalf or on the behalf of another participating agency or governmental entity, may also procure information technology by leveraging an existing competitively procured contract, ~~or~~ other than a contract associated with the state board of regents or an institution under the control of the state board of regents.

Sec. 3. Section 15.104, subsection 6, Code 2011, is amended to read as follows:

6. Review grants or contracts awarded by the department, with respect to the department's adherence to the guidelines and procedures ~~and the impact on the three-year strategic plan for economic growth.~~

1 Sec. 4. Section 15.117A, subsection 2, paragraph a,
2 subparagraph (5), Code 2011, is amended to read as follows:

3 (5) The person ~~designated~~ appointed as the chief
4 information officer pursuant to section ~~8A.104, subsection 12~~
5 8A.201A, or, if no person has been so ~~designated~~ appointed, the
6 director of the department of administrative services, or the
7 director's designee.

8 Sec. 5. Section 15.119, subsection 2, paragraph e, Code
9 2011, is amended to read as follows:

10 e. The assistive device tax credit program administered
11 pursuant to ~~section 422.11E and section 422.33~~, subsection 9.

12 Sec. 6. Section 15.333, subsection 1, paragraph b, Code
13 2011, is amended by striking the paragraph.

14 Sec. 7. Section 16.131A, unnumbered paragraph 1, Code 2011,
15 is amended to read as follows:

16 As used in section 16.131, this section, and sections 16.132
17 through ~~16.134~~ 16.135, unless the context otherwise requires:

18 Sec. 8. Section 16.135, subsection 2, paragraph b, Code
19 2011, is amended to read as follows:

20 b. The financial ability of the users to support the
21 existing wastewater treatment system, improvements to the
22 wastewater treatment system, and the long-term maintenance of
23 the wastewater treatment system.

24 Sec. 9. Section 16.192, subsections 4 and 5, Code 2011, are
25 amended to read as follows:

26 4. Award financial assistance, including financial
27 assistance in the form of grants under the Iowa jobs program
28 and Iowa jobs II program pursuant to sections 16.194, 16.194A,
29 and 16.195.

30 5. Enter into and enforce grant agreements as necessary or
31 convenient to implement the Iowa jobs program and Iowa jobs II
32 program.

33 Sec. 10. Section 16.193, subsections 1 and 2, Code 2011, are
34 amended to read as follows:

35 1. The Iowa finance authority, subject to approval by the

1 Iowa jobs board, shall adopt administrative rules pursuant
2 to chapter 17A necessary to administer the Iowa jobs program
3 and Iowa jobs II program. The authority shall provide the
4 board with assistance in implementing administrative functions,
5 providing technical assistance and application assistance to
6 applicants under the programs, negotiating contracts, and
7 providing project follow up. The authority, in cooperation
8 with the board, may conduct negotiations on behalf of the board
9 with applicants regarding terms and conditions applicable to
10 awards under the program.

11 2. During the term of the Iowa jobs program established
12 in section 16.194 and the Iowa jobs II program established in
13 section 16.194A, two hundred thousand dollars of the moneys
14 deposited in the rebuild Iowa infrastructure fund shall be
15 allocated each fiscal year to the Iowa finance authority for
16 purposes of administering the Iowa jobs program and Iowa
17 jobs II program, notwithstanding section 8.57, subsection 6,
18 paragraph "c".

19 Sec. 11. Section 16.193, subsection 3, paragraph a, Code
20 2011, is amended to read as follows:

21 a. During the term of the Iowa jobs program and Iowa jobs
22 II program, the Iowa finance authority shall collect data on
23 all of the projects approved for the program. The department
24 of management and the state agencies associated with the
25 projects shall assist the authority with the data collection
26 and in developing the report required by this subsection.
27 The authority shall report quarterly to the governor and the
28 general assembly concerning the data.

29 Sec. 12. Section 16.195, subsection 1, Code 2011, is amended
30 to read as follows:

31 1. Applications for assistance under the Iowa jobs program
32 and Iowa jobs II program shall be submitted to the Iowa finance
33 authority. The authority shall provide a staff review and
34 evaluation of applications to the Iowa jobs program review
35 committee referred to in subsection 2 and to the Iowa jobs

1 board.

2 Sec. 13. Section 28H.1, unnumbered paragraph 1, Code 2011,
3 is amended to read as follows:

4 For purposes of this chapter, a council of governments
5 includes the following areas established by executive order
6 number 11,~~1969~~ 1968 or a chapter 28E agreement:

7 Sec. 14. Section 29A.43, subsection 1, Code 2011, is amended
8 to read as follows:

9 1. A person shall not discriminate against any officer or
10 enlisted person of the national guard or organized reserves
11 of the armed forces of the United States or any member of the
12 civil air patrol because of that membership. An employer,
13 or agent of an employer, shall not discharge a person from
14 employment because of being an officer or enlisted person of
15 the military forces of the state or member of the civil air
16 patrol, or hinder or prevent the officer or enlisted person or
17 member of the civil air patrol from performing any military
18 service or civil air patrol duty the person is called upon
19 to perform by proper authority. A member of the national
20 guard or organized reserves of the armed forces of the United
21 States ordered to temporary duty or service, as defined in
22 section 29A.1, subsection 3, 11, or 12, or a member of the
23 civil air patrol performing duty pursuant to section 29A.3A,
24 for any purpose is entitled to a leave of absence during
25 the period of the duty or service, from the member's private
26 employment unless the employment is of a temporary nature.
27 Upon completion of the duty or service, the employer shall
28 restore the person to the position held prior to the leave of
29 absence or employ the person in a position of like seniority,
30 status, and pay. However, the person shall give evidence to
31 the employer of satisfactory completion of the duty or service,
32 and that the person is still qualified to perform the duties of
33 the position. The period of absence shall be construed as an
34 absence with leave, and shall in no way affect the employee's
35 rights to vacation, sick leave, bonus, or other employment

1 benefits relating to the employee's particular employment.

2 Sec. 15. Section 50.39, Code 2011, is amended to read as
3 follows:

4 **50.39 Abstract.**

5 ~~It~~ The state board of canvassers shall make an abstract
6 stating the number of ballots cast for each office, the names
7 of all the persons voted for, for what office, the number of
8 votes each received, and whom ~~it~~ the state board of canvassers
9 declares to be elected, and if a public question has been
10 submitted to the voters of the state, the number of ballots
11 cast for and against the question and a declaration of the
12 result as determined by the canvassers; which abstract shall
13 be signed by the canvassers in their official capacity and as
14 state canvassers, and have the seal of the state affixed.

15 Sec. 16. Section 52.2, Code 2011, is amended to read as
16 follows:

17 **52.2 Purchase Optical scan voting system required.**

18 ~~1. Except as otherwise provided in subsection 2, the board~~
19 ~~of supervisors of a county may, by a majority vote, authorize,~~
20 ~~purchase, and order the use of voting machines or an optical~~
21 ~~scan voting system in any one or more voting precincts within~~
22 ~~the county until otherwise ordered by the board of supervisors.~~
23 ~~Voting machines and an optical scan voting system may be used~~
24 ~~concurrently at the same precinct.~~

25 ~~2.~~ Notwithstanding any provision to the contrary, for
26 elections held on or after November 4, 2008, a county shall use
27 an optical scan voting system only. The requirements of the
28 federal Help America Vote Act relating to disabled voters shall
29 be met by a county through the use of electronic ballot marking
30 devices that are compatible with an optical scan voting system.

31 Sec. 17. Section 68A.401, subsection 4, Code 2011, is
32 amended to read as follows:

33 4. Political committees expressly advocating the
34 nomination, election, or defeat of candidates for both
35 federal office and any elected office created by law or the

1 Constitution of the State of Iowa shall file statements and
2 reports with the board in addition to any federal reports
3 required to be filed with the board. However, a political
4 committee that is registered and filing full disclosure
5 reports of all financial activities with the federal election
6 commission may file verified statements as provided in section
7 ~~68A.201~~ 68B.201A.

8 Sec. 18. Section 88.5, subsection 11, Code 2011, is amended
9 to read as follows:

10 11. *Railway sanitation and shelter.* A railway corporation
11 within the state shall provide adequate sanitation and shelter
12 for all railway employees. The commissioner shall adopt rules
13 requiring railway corporations within the state to provide a
14 safe and healthy workplace. The commissioner shall enforce the
15 requirements of this ~~section~~ subsection upon the receipt of a
16 written complaint.

17 Sec. 19. Section 89.3, subsection 5, paragraph a,
18 unnumbered paragraph 1, Code 2011, is amended to read as
19 follows:

20 An object that meets all of the following criteria shall
21 be inspected at least once each year externally while under
22 pressure and at least once every four years internally while
23 not under pressure, unless the commissioner determines an
24 earlier inspection is warranted-:

25 Sec. 20. Section 89.5, subsection 3, unnumbered paragraph
26 1, Code 2011, is amended to read as follows:

27 A rule adopted pursuant to this chapter which adopts
28 standards by reference to another publication shall be exempt
29 from the requirements of section ~~2B-5A~~ 17A.6, subsection 4 2,
30 if the following conditions exist:

31 Sec. 21. Section 89A.3, subsection 5, unnumbered paragraph
32 1, Code 2011, is amended to read as follows:

33 A rule adopted pursuant to this section which adopts
34 standards by reference to another publication shall be exempt
35 from the requirements of section ~~2B-5A~~ 17A.6, subsection 4 2,

1 if the following conditions exist:

2 Sec. 22. Section 90A.11, subsection 3, paragraph e, Code
3 2011, is amended to read as follows:

4 e. Civil penalties recovered pursuant to this ~~section~~
5 subsection shall be remitted by the commissioner to the
6 treasurer of state for deposit in the general fund of the
7 state.

8 Sec. 23. Section 91.4, Code 2011, is amended to read as
9 follows:

10 **91.4 Duties and powers.**

11 1. The duties of said commissioner shall be:

12 ~~1.~~ a. To safely keep all records, papers, documents,
13 correspondence, and other property pertaining to or coming into
14 the commissioner's hands by virtue of the office, and deliver
15 the same to the commissioner's successor, except as otherwise
16 provided.

17 ~~2.~~ b. To collect, assort, and systematize statistical
18 details relating to programs of the division of labor services.

19 ~~3.~~ c. To issue from time to time bulletins containing
20 information of importance to the industries of the state and
21 to the safety of wage earners.

22 ~~4.~~ d. To conduct and to cooperate with other interested
23 persons and organizations in conducting educational programs
24 and projects on employment safety.

25 e. To serve as an ex officio member of the state fire
26 service and emergency response council, or appoint a designee
27 to serve as an ex officio member of such council, to assist
28 the council in the development of rules relating to fire
29 fighting training standards and any other issues relating to
30 occupational safety and health standards for fire fighters.

31 ~~5.~~ 2. The director of the department of workforce
32 development, in consultation with the labor commissioner,
33 shall, at the time provided by law, make an annual report to
34 the governor setting forth in appropriate form the business and
35 expense of the division of labor services for the preceding

1 year, the number of remedial actions taken under chapter
2 89A, the number of disputes or violations processed by the
3 division and the disposition of the disputes or violations, and
4 other matters pertaining to the division which are of public
5 interest, together with recommendations for change or amendment
6 of the laws in this chapter and chapters 88, 88A, 88B, 89, 89A,
7 89B, 90A, 91A, 91C, 91D, 91E, 92, and 94A, and section 85.68,
8 and the recommendations, if any, shall be transmitted by the
9 governor to the first general assembly in session after the
10 report is filed.

11 ~~6.~~ 3. The commissioner, with the assistance of the office
12 of the attorney general if requested by the commissioner, may
13 commence a civil action in any court of competent jurisdiction
14 to enforce the statutes under the commissioner's jurisdiction.

15 ~~7.~~ 4. The division of labor services may sell documents
16 printed by the division at cost according to rules established
17 by the labor commissioner pursuant to chapter 17A. Receipts
18 from the sale shall be deposited to the credit of the division
19 and may be used by the division for administrative expenses.

20 ~~8.~~ 5. Except as provided in chapter 91A, the commissioner
21 may recover interest, court costs, and any attorney fees
22 incurred in recovering any amounts due. The recovery shall
23 only take place after final agency action is taken under
24 chapter 17A, or upon judicial review, after final disposition
25 of the case by the court. Attorney fees recovered in an
26 action brought under the jurisdiction of the commissioner
27 shall be deposited in the general fund of the state. The
28 commissioner is exempt from the payment of any filing fee or
29 other court costs including but not limited to fees paid to
30 county sheriffs.

31 ~~9.~~ 6. The commissioner may establish rules pursuant to
32 chapter 17A to assess and collect interest on fees, penalties,
33 and other amounts due the division. The commissioner may delay
34 or, following written notice, deny the issuance of a license,
35 commission, registration, certificate, or permit authorized

1 under chapter 88A, 89, 89A, 90A, 91C, or 94A if the applicant
2 for the license, commission, registration, certificate, or
3 permit owes a liquidated debt to the commissioner.

4 ~~10. Serve as an ex officio member of the state fire service~~
5 ~~and emergency response council, or appoint a designee to serve~~
6 ~~as an ex officio member of such council, to assist the council~~
7 ~~in the development of rules relating to fire fighting training~~
8 ~~standards and any other issues relating to occupational safety~~
9 ~~and health standards for fire fighters.~~

10 Sec. 24. Section 97B.49A, subsection 3, Code 2011, is
11 amended to read as follows:

12 3. *Calculation of monthly allowance.* For each active or
13 inactive vested member retiring on or after July 1, 1994, with
14 ~~four or more complete years of~~ who is vested by service, a
15 monthly benefit shall be computed which is equal to one-twelfth
16 of an amount equal to the applicable percentage of the final
17 average covered wage multiplied by a fraction of years of
18 service. However, if benefits under this section commence on
19 an early retirement date, the amount of the benefit shall be
20 reduced in accordance with section 97B.50.

21 Sec. 25. Section 97C.3, subsections 1, 2, and 3, Code 2011,
22 are amended to read as follows:

23 1. Benefits will be provided for employees whose services
24 are covered by the agreement ~~(and, and~~ and their dependents and
25 ~~survivors)~~ survivors, on the same basis as though such services
26 constituted employment within the meaning of Tit. II of said
27 Social Security Act.

28 2. The state will pay to the secretary of the treasury,
29 at such time or times as may be prescribed under the Social
30 Security Act, Tit. II, contributions with respect to wages ~~(as~~
31 as defined in section 97C.2 ~~of this chapter)~~, equal to the
32 sum of taxes which would be imposed by sections 1400 and 1410
33 of the federal Insurance Contributions Act, if the services
34 covered by the agreement constituted employment within the
35 meaning of that Act.

1 3. Such agreement shall be effective with respect to
2 services in employment covered by the agreement performed after
3 a date specified therein, but in no event may it be effective
4 with respect to any such services performed prior to the first
5 day of the calendar year in which such agreement is entered
6 into or in which the modification of the agreement making it
7 applicable to such services is entered into, provided that
8 in the case of an agreement or modification made after ~~the~~
9 ~~effective date of this chapter [May May 3, 1953]~~ 1953, and
10 prior to January 1, 1954, such agreement or modification of
11 the agreement shall be made effective with respect to any such
12 services performed on or after January 1, 1951.

13 Sec. 26. Section 99B.5A, subsection 2, unnumbered paragraph
14 1, Code 2011, is amended to read as follows:

15 Bingo may lawfully be conducted at a fair, ~~as defined in~~
16 ~~section 174.1~~, or a community festival if all the following
17 conditions are met:

18 Sec. 27. Section 100C.6, subsection 4, Code 2011, is amended
19 to read as follows:

20 4. Relieve any person engaged in fire protection system
21 installation, maintenance, repair, service, or inspection
22 as ~~defined~~ provided in section 100D.1 from obtaining a fire
23 protection system installer and maintenance worker license as
24 required pursuant to chapter 100D.

25 Sec. 28. Section 101.1, subsection 2, Code 2011, is amended
26 by adding the following new paragraph:

27 NEW PARAGRAPH. e. "*Petroleum*" means petroleum as defined in
28 section 455B.471.

29 Sec. 29. Section 101.2, Code 2011, is amended to read as
30 follows:

31 **101.2 Scope of rules.**

32 Except as otherwise provided in this chapter, the rules
33 shall be in substantial compliance with the standards of the
34 national fire protection association relating to flammable
35 and combustible liquids, and liquefied petroleum gases, and

1 liquefied natural gases.

2 Sec. 30. Section 101.3, Code 2011, is amended to read as
3 follows:

4 **101.3 Separate rules for liquids and gas.**

5 The rules covering combustible and flammable liquids shall
6 be formulated and promulgated separately from those covering
7 liquefied petroleum gas and from those covering liquefied
8 natural gases.

9 Sec. 31. Section 101.21, subsection 4, Code 2011, is amended
10 by striking the subsection.

11 Sec. 32. Section 101.22, subsection 8, paragraph b, Code
12 2011, is amended to read as follows:

13 b. A person who conveys or deposits flammable or combustible
14 liquid shall inspect the aboveground flammable or combustible
15 liquid storage tank to determine the existence or absence of
16 the registration tag. If a registration tag is not affixed to
17 the aboveground flammable or combustible liquid storage tank
18 fill pipe, the person conveying or depositing the flammable or
19 combustible liquid may deposit the flammable or combustible
20 liquid in the unregistered tank. However, the only one deposit
21 is allowed only in the single instance into the unregistered
22 tank, that the person provides making the deposit shall provide
23 the owner or operator of the tank with another notice as
24 required by subsection 5, and that the person provides shall
25 provide the owner or operator with an aboveground flammable or
26 combustible liquid storage tank registration form.

27 Sec. 33. Section 103.25, subsection 1, Code 2011, is amended
28 to read as follows:

29 1. At or before commencement of any installation required
30 to be inspected by the board, the licensee or property owner
31 making such installation shall submit to the state fire
32 marshal's office a request for inspection. The board shall
33 prescribe the methods by which the request may be submitted,
34 which may include electronic submission or through a form
35 prescribed by the board that can be submitted either through

1 the mail or by a fax transmission. The board shall also
2 prescribe methods by which inspection fees can be paid, which
3 may include electronic methods of payment. If the board or the
4 state fire marshal's office becomes aware that a person has
5 failed to file a necessary request for inspection, the board
6 shall send a written notification by certified mail that the
7 request must be filed within fourteen days. Any person filing
8 a late request for inspection shall pay a delinquency fee in
9 an amount to be determined by the board. A person who fails
10 to file a late request within fourteen days from receipt of
11 the notification shall be subject to a civil penalty to be
12 determined by the board by rule.

13 Sec. 34. Section 103.33, subsection 3, Code 2011, is amended
14 to read as follows:

15 3. Upon receipt of notice of appeal from a condemnation
16 or disconnection order because the electrical installation
17 is not in compliance with accepted standards of construction
18 for health safety ~~to health~~ and property safety, except as
19 provided in subsection 2, the order appealed from shall be
20 stayed until final decision of the board and the board shall
21 notify the property owner and the electrical contractor, class
22 A master electrician, class B master electrician, fire alarm
23 installer, special electrician, or if established by the board
24 the residential master electrician, making the installation.
25 The power supplier shall also be notified in those instances in
26 which the order has been served on such supplier.

27 Sec. 35. Section 123.53, subsection 4, Code 2011, is amended
28 to read as follows:

29 4. The treasurer of state shall, each quarter, prepare
30 an estimate of the gaming revenues and of the moneys to be
31 deposited in the beer and liquor control fund that will become
32 available during the remainder of the appropriate fiscal year
33 for the purposes described in subsection 3. The department
34 of management, the department of inspections and appeals, and
35 the department of commerce shall take appropriate actions to

1 provide that the sum of the amount of gaming revenues available
2 to be deposited into the revenue bonds debt service fund and
3 the revenue bonds federal subsidy holdback fund during a fiscal
4 year and the amount of moneys to be deposited in the beer and
5 liquor control fund available to be deposited into the revenue
6 bonds debt service fund and the revenue bonds federal subsidy
7 holdback fund during such fiscal year will be sufficient to
8 cover any anticipated deficiencies.

9 Sec. 36. Section 135B.19, Code 2011, is amended to read as
10 follows:

11 **135B.19 Title of division.**

12 This ~~law~~ division may be cited as the "*Pathology and*
13 *Radiology Services in Hospitals Law*".

14 Sec. 37. Section 163.30, subsection 5, paragraph a, Code
15 2011, is amended to read as follows:

16 *a.* However, swine may be moved intrastate directly
17 to an approved state, federal, or auction market without
18 identification or certification, if the swine are to be
19 identified and certificated at the state, federal, or auction
20 market.

21 Sec. 38. Section 185C.29, subsection 1, Code 2011, is
22 amended to read as follows:

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

30 Sec. 39. Section 203D.1, Code 2011, is amended by adding the
31 following new unnumbered paragraph:

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

34 Sec. 40. Section 207.1, subsection 2, Code 2011, is amended
35 to read as follows:

1 2. The general assembly finds and declares that because the
2 federal Surface Mining Control and Reclamation Act of 1977,
3 Pub. L. No. 95-87, codified at 30 U.S.C. ch. 25, subch. IV,
4 provides for a permit system to regulate the mining of coal
5 and reclamation of the mining sites and provides that permits
6 may be issued by states which are authorized to implement the
7 provisions of that Act, it is in the interest of the people
8 of Iowa to enact the provisions of this chapter in order to
9 authorize the state to implement the provisions of the federal
10 Surface Mining Control and Reclamation Act of 1977 and federal
11 regulations and guidelines issued pursuant to that Act.

12 Sec. 41. Section 207.3, subsections 2 and 3, Code 2011, are
13 amended to read as follows:

14 2. The division may, after notification to the committee,
15 commence proceedings to suspend, revoke, or refuse to renew a
16 license of a licensee for repeated or willful violation of any
17 of the provisions of this chapter or of the federal Coal Mine
18 Health and Safety Act of 1969, 30 U.S.C. § 801 et seq.

19 3. The hearing shall be held pursuant to chapter 17A not
20 less than fifteen nor more than thirty days after the mailing
21 or service of the notice. If the licensee is found to have
22 willfully or repeatedly violated any of the provisions of this
23 chapter or of the federal Coal Mine Health and Safety Act of
24 1969, 30 U.S.C. § 801 et seq., the committee may affirm or
25 modify the proposed suspension, revocation, or refusal to renew
26 the license.

27 Sec. 42. Section 207.16, subsection 1, Code 2011, is amended
28 to read as follows:

29 1. Each operator upon completion of any reclamation work
30 required by this chapter shall apply to the division in writing
31 for approval of the work. The division shall promulgate rules
32 consistent with Pub. L. No. 95-87, ~~section~~ § 519, codified at
33 30 U.S.C. § 1269, regarding procedures and requirements to
34 release performance bonds or deposits.

35 Sec. 43. Section 207.19, Code 2011, is amended to read as

1 follows:

2 **207.19 Surface effects of underground coal mining operations.**

3 1. The provisions of this chapter shall be applicable
4 to surface operations and surface impacts incident to an
5 underground coal mine with such modifications to the permit
6 application requirements, permit approval or denial procedures,
7 and bond requirements as are necessary to accommodate the
8 distinct difference between surface and underground coal
9 mining. The division shall promulgate such modifications in
10 its rules to allow for such distinct differences and still
11 fulfill the purposes of this chapter and be consistent with
12 the requirements ~~in section 516~~ of Pub. L. No. 95-87, § 516,
13 codified at 30 U.S.C. § 1266, and the permanent regulations
14 issued pursuant to that Act.

15 2. In order to protect the stability of the land, the
16 division shall suspend underground coal mining under urbanized
17 areas, cities, and communities and adjacent to industrial or
18 commercial buildings, major impoundments, or permanent streams
19 if the administrator finds imminent danger to inhabitants of
20 the urbanized areas, cities, and communities.

21 Sec. 44. Section 207.21, subsection 1, Code 2011, is amended
22 to read as follows:

23 1. The division shall participate in the abandoned mine
24 reclamation program under ~~Tit. IV,~~ Pub. L. No. 95-87, Tit. IV,
25 codified at 30 U.S.C. ch. 25, subch. IV. There is established
26 an abandoned mine reclamation fund under the control of the
27 division.

28 Sec. 45. Section 207.21, subsection 4, paragraph a, Code
29 2011, is amended to read as follows:

30 a. The division shall submit to the secretary a state
31 reclamation plan and annual projects to carry out the purposes
32 of this program. The plan shall generally identify the areas
33 to be reclaimed, the purposes for which the reclamation is
34 proposed, the relationship of the lands to be reclaimed and
35 the proposed reclamation to surrounding areas, the specific

1 criteria for ranking and identifying projects to be funded, and
2 the legal authority and programmatic capability to perform such
3 work in conformance with the provisions of ~~Tit. IV of~~ Pub. L.
4 No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV.

5 Sec. 46. Section 207.21, subsection 5, unnumbered paragraph
6 1, Code 2011, is amended to read as follows:

7 The division in participating in the abandoned mine
8 reclamation program under ~~Tit. IV of~~ Pub. L. No. 95-87, Tit.
9 IV, codified at 30 U.S.C. ch. 25, subch. IV, shall have the
10 following additional powers:

11 Sec. 47. Section 207.22, subsection 3, paragraph b, Code
12 2011, is amended to read as follows:

13 b. Acquisition of coal refuse disposal sites and all
14 coal refuse thereon will serve the purposes of Tit. IV of
15 Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25,
16 subch. IV, or that public ownership is desirable to meet
17 emergency situations and prevent recurrences of the adverse
18 effect of past coal mining practices.

19 Sec. 48. Section 216A.6, subsection 2, paragraph d, Code
20 2011, is amended to read as follows:

21 d. Department, or division, or office evaluations of
22 information about a person seeking or receiving advocacy
23 services.

24 Sec. 49. Section 216A.96, unnumbered paragraph 1, Code
25 2011, is amended to read as follows:

26 A community action agency ~~or delegate agency~~ shall:

27 Sec. 50. Section 216A.97, Code 2011, is amended to read as
28 follows:

29 **216A.97 Administration.**

30 A community action agency ~~or a delegate agency~~ may
31 administer the components of a community action program
32 when the program is consistent with plans and purposes and
33 applicable law. The community action programs may be projects
34 which are eligible for assistance from any source. The
35 programs shall be developed to meet local needs and may be

1 designed to meet eligibility standards of a federal or state
2 program.

3 Sec. 51. Section 216A.133A, subsection 5, Code 2011, is
4 amended to read as follows:

5 5. The board shall report to the ~~legislative~~ general
6 assembly's standing committees on government oversight
7 ~~committee~~ all sources of funding by December 1 of each year.

8 Sec. 52. Section 217.6, Code 2011, is amended to read as
9 follows:

10 **217.6 Rules and regulations — organization of department.**

11 1. The director is hereby authorized to recommend to
12 the council for adoption such rules and regulations as are
13 necessary to carry into practice the programs of the various
14 divisions and to establish such divisions and to assign or
15 reassign duties, powers, and responsibilities within the
16 department, all with the approval of the council on human
17 services, within the department as the director deems necessary
18 and appropriate for the proper administration of the duties,
19 functions and programs with which the department is charged.
20 Any action taken, decision made, or administrative rule adopted
21 by any administrator of a division may be reviewed by the
22 director. The director, upon such review, may affirm, modify,
23 or reverse any such action, decision, or rule. ~~The director~~
24 ~~shall organize the department of human services into divisions~~
25 ~~to carry out in efficient manner the intent of this chapter.~~

26 2. The director shall organize the department of human
27 services into divisions to carry out in efficient manner the
28 intent of this chapter. The department of human services
29 may be initially divided into the following divisions of
30 responsibility: the division of child and family services, the
31 division of mental health and disability services, the division
32 of administration, and the division of planning, research and
33 statistics.

34 3. If the department of human services requires or requests
35 a service consumer, service provider, or other person to

1 maintain required documentation in electronic form, the
2 department shall accept such documentation submitted by
3 electronic means and shall not require a physical copy of the
4 documentation unless required by state or federal law.

5 Sec. 53. Section 225C.5, subsection 1, paragraph k, Code
6 2011, is amended to read as follows:

7 k. One member ~~who is~~ shall be a military veteran ~~and~~ who
8 is knowledgeable concerning the behavioral and mental health
9 issues of veterans.

10 Sec. 54. Section 225C.6, subsection 1, paragraph k, Code
11 2011, is amended to read as follows:

12 k. Coordinate activities with the governor's developmental
13 disabilities council and the mental health planning council,
14 created pursuant to federal law. ~~Work~~ The commission shall
15 work with other state agencies on coordinating, collaborating,
16 and communicating concerning activities involving persons with
17 disabilities.

18 Sec. 55. Section 229.22, subsection 2, paragraph a, Code
19 2011, is amended to read as follows:

20 a. In the circumstances described in subsection 1, any
21 peace officer who has reasonable grounds to believe that
22 a person is mentally ill, and because of that illness is
23 likely to physically injure the person's self or others if
24 not immediately detained, may without a warrant take or cause
25 that person to be taken to the nearest available facility or
26 hospital as defined in section 229.11, subsection 1, paragraphs
27 "b" and "c". A person believed mentally ill, and likely to
28 injure the person's self or others if not immediately detained,
29 may be delivered to a facility or hospital by someone other
30 than a peace officer. Upon delivery of the person believed
31 mentally ill to the facility or hospital, the examining
32 physician may order treatment of that person, including
33 chemotherapy, but only to the extent necessary to preserve
34 the person's life or to appropriately control behavior by the
35 person which is likely to result in physical injury to that

1 person or others if allowed to continue. The peace officer
2 who took the person into custody, or other party who brought
3 the person to the facility or hospital, shall describe the
4 circumstances of the matter to the examining physician. If the
5 person is a peace officer, the peace officer may do so either
6 in person or by written report. If the examining physician
7 finds that there is reason to believe that the person is
8 seriously mentally impaired, and because of that impairment is
9 likely to physically injure the person's self or others if not
10 immediately detained, the examining physician shall at once
11 communicate with the nearest available magistrate as defined in
12 section 801.4, subsection 10. The magistrate shall, based upon
13 the circumstances described by the examining physician, give
14 the examining physician oral instructions either directing that
15 the person be released forthwith or authorizing the person's
16 detention in an appropriate facility. A peace officer from the
17 law enforcement agency that took the person into custody, if
18 available, during the communication with the magistrate, may
19 inform the magistrate that an arrest warrant has been issued
20 for or charges are pending against the person and request that
21 any oral or written order issued under this subsection require
22 the facility or hospital to notify the law enforcement agency
23 about the discharge of the person prior to discharge. The
24 magistrate may also give oral instructions and order that the
25 detained person be transported to an appropriate facility.

26 Sec. 56. Section 229.39, subsection 3, paragraph a, Code
27 2011, is amended to read as follows:

28 a. The filing after July 1, 1978, of any report relative
29 to that person's status which would have been required to be
30 filed prior to said date if that person had initially been
31 hospitalized under this chapter as amended by 1975 Iowa Acts
32 ~~of the Sixty-sixth General Assembly, 1975 Session, ch. 139,~~
33 sections 1 to 30.

34 Sec. 57. Section 231.62, subsection 3, unnumbered paragraph
35 1, Code 2011, is amended to read as follows:

1 The department shall adopt rules ~~in consultation with the~~
2 ~~direct care worker task force established pursuant to 2005 Iowa~~
3 ~~Acts, ch. 88, and in coordination with the recommendations made~~
4 ~~by the task force,~~ to implement all of the following training
5 and education provisions:

6 Sec. 58. Section 232.172, subsection 2, Code 2011, is
7 amended to read as follows:

8 2. This subsection applies to the confinement of a
9 delinquent juvenile under the jurisdiction of this state in an
10 institution located within a noncompacting state, as defined
11 in section 232.173, that entered into the interstate compact
12 on juveniles under section 232.171, ~~Code 2009~~. In addition
13 to any institution in which the authorities of this state may
14 otherwise confine or order the confinement of the delinquent
15 juvenile, such authorities may, pursuant to the out-of-state
16 confinement amendment to the interstate compact on juveniles in
17 section 232.171, ~~Code 2009~~, confine or order the confinement of
18 the delinquent juvenile in a compact institution within another
19 party state.

20 Sec. 59. Section 232C.4, Code 2011, is amended to read as
21 follows:

22 **232C.4 Effect of emancipation order.**

23 1. An emancipation order shall have the same effect as a
24 ~~child~~ minor reaching the age of majority with respect to but
25 not limited to the following:

26 a. The ability to sue or be sued in the ~~child's~~ minor's own
27 name.

28 b. The right to enter into a binding contract.

29 c. The right to establish a legal residence.

30 d. The right to incur debts.

31 e. The right to consent to medical, dental, or psychiatric
32 care.

33 2. An emancipation order shall have the same effect as the
34 ~~child~~ minor reaching the age of majority and the parents are
35 exempt from the following:

1 a. Future child support obligations for the emancipated
2 ~~child~~ minor.

3 b. An obligation to provide medical support for the
4 emancipated ~~child~~ minor, unless deemed necessary by the court.

5 c. A right to the income or property of the emancipated
6 ~~child~~ minor.

7 d. A responsibility for the debts of the emancipated ~~child~~
8 minor.

9 3. An emancipated minor shall remain subject to voting
10 restrictions under chapter 48A, gambling restrictions under
11 chapter 99B, 99D, 99F, 99G, or 725, alcohol restrictions under
12 chapter 123, compulsory attendance requirements under chapter
13 299, and cigarette tobacco restrictions under chapter 453A.

14 4. An emancipated ~~child~~ minor shall not be considered an
15 adult for prosecution except as provided in section 232.8.

16 5. Notwithstanding sections 232.147 through 232.151, the
17 emancipation order shall be released by the juvenile court
18 subject to rules prescribed by the supreme court.

19 6. A parent who is absolved of child support obligations
20 pursuant to an emancipation order shall notify the child
21 support recovery unit of the department of human services of
22 the emancipation.

23 Sec. 60. Section 234.7, subsection 2, paragraph a,
24 unnumbered paragraph 1, Code 2011, is amended to read as
25 follows:

26 The department of human services shall submit a waiver
27 request to the United States department of health and human
28 services as necessary to provide coverage under the medical
29 assistance program for ~~not more than three hundred~~ children at
30 ~~any one time~~ who are described by both of the following:

31 Sec. 61. Section 234.35, subsection 3, paragraph c, Code
32 2011, is amended to read as follows:

33 c. For a child who is at imminent risk of becoming homeless
34 or failing to graduate from high school or to obtain a
35 ~~graduate equivalency~~ general education development diploma,

1 if the services are in the child's best interests, funding is
2 available for the services, and an appropriate alternative
3 service is unavailable.

4 Sec. 62. Section 235B.1, subsection 4, paragraph b,
5 subparagraph (1), Code 2011, is amended to read as follows:

6 (1) The advisory council shall consist of ~~fourteen~~ twelve
7 members. ~~Six~~ Eight members shall be appointed by and serve at
8 the pleasure of the governor. Four of the members appointed
9 shall be appointed on the basis of knowledge and skill related
10 to expertise in the area of dependent adult abuse including
11 professionals practicing in the disciplines of medicine, public
12 health, mental health, long-term care, social work, law,
13 and law enforcement. Two of the members appointed shall be
14 members of the general public with an interest in the area of
15 dependent adult abuse and two of the members appointed shall
16 be members of the Iowa caregivers association. In addition,
17 the membership of the council shall include the director or the
18 director's designee of the department of human services, the
19 department on aging, the Iowa department of public health, and
20 the department of inspections and appeals.

21 Sec. 63. Section 249M.3, subsection 5, Code 2011, is amended
22 to read as follows:

23 5. Net patient revenue as reported on each participating
24 hospital's fiscal year 2008 Medicare cost report, or as
25 reported under subsection 4 if applicable, shall be the sole
26 basis for the health care access assessment for the duration
27 of the program.

28 Sec. 64. Section 256B.3, subsection 9, Code 2011, is amended
29 to read as follows:

30 9. To cooperate with existing agencies such as the
31 department of human services, the Iowa department of public
32 health, the state school for the deaf, the Iowa braille and
33 sight saving school, ~~the state tuberculosis sanatorium,~~ the
34 children's hospitals, or other agencies concerned with the
35 welfare and health of children requiring special education

1 in the coordination of their educational activities for such
2 children.

3 Sec. 65. Section 256F.5, subsection 10, Code 2011, is
4 amended to read as follows:

5 10. The organization of the charter school or innovation
6 zone school in terms of ages of students or grades to be taught
7 along with an estimate of the total enrollment of the charter
8 school or innovation zone school.

9 Sec. 66. Section 256H.1, subsection 8, paragraph a, Code
10 2011, is amended to read as follows:

11 a. Each member state shall, through the creation of a
12 state council or use of an existing body or board, provide
13 for the coordination among its agencies of government, local
14 education agencies and military installations concerning
15 the state's participation in, and compliance with, this
16 compact and interstate commission activities. While each
17 member state may determine the membership of its own state
18 council, its membership must include at least: the director
19 of the department of education, a superintendent of a school
20 district with a high concentration of military children, a
21 representative from a military installation, one representative
22 each from the legislative and executive branches of government,
23 and other offices and stakeholder groups the state council
24 deems appropriate. A member state that does not have a school
25 district deemed to contain a high concentration of military
26 children may appoint a superintendent from another school
27 district to represent local education agencies on the state
28 council.

29 Sec. 67. Section 260C.69, subsection 1, Code 2011, is
30 amended to read as follows:

31 1. Each community college which completes a project, as
32 defined under section 260C.56, subsection 4, shall set aside
33 a percentage of available dormitory space for the purposes of
34 meeting the needs of the following ~~students~~:

35 a. Students, with families, who are participating in

1 specialized or intensive programs.

2 *b.* Students who are participating in specialized or
3 intensive programs.

4 *c.* Child care arrangements for students, faculty, or staff.

5 *d.* Students whose residence is located too far from the
6 community college to permit commuting to and from school, as
7 determined by the board of directors of the merged area.

8 *e.* Students whose disabilities require special housing
9 adaptations.

10 Sec. 68. Section 260G.6, subsection 4, Code 2011, is amended
11 to read as follows:

12 4. In order to receive moneys pursuant to this section,
13 a program agreement approved by the community college board
14 of directors shall be in place, program capital cost requests
15 shall be approved by the Iowa economic development board
16 created in section 15.103, ~~program capital cost requests~~
17 ~~shall be approved or denied not later than sixty days~~
18 ~~following receipt of the request by the department of economic~~
19 ~~development,~~ and employer contributions toward program capital
20 costs shall be certified and agreed to in the agreement.
21 Program capital cost requests shall be approved or denied not
22 later than sixty days following receipt of the request by the
23 department of economic development.

24 Sec. 69. Section 262.30, Code 2011, is amended to read as
25 follows:

26 **262.30 Contracts for ~~training teachers~~ practitioner**
27 **preparation.**

28 The board of directors of any school district in the state of
29 Iowa may enter into contract with the state board of regents
30 for furnishing instruction to pupils of such school district,
31 and for ~~training teachers~~ practitioner preparation for the
32 schools of the state in such particular lines of demonstration
33 and instruction as are deemed necessary for the efficiency of
34 the university of northern Iowa, state university of Iowa, and
35 Iowa state university of science and technology as training

1 schools for ~~teachers~~ practitioners.

2 Sec. 70. Section 263.1, Code 2011, is amended to read as
3 follows:

4 **263.1 Objects — departments.**

5 The university of Iowa shall never be under the control of
6 any religious denomination. Its object shall be to provide
7 the best and most efficient means of imparting to men and
8 women, upon equal terms, a liberal education and thorough
9 knowledge of the different branches of literature and the
10 arts and sciences, with their varied applications. It shall
11 include colleges of liberal arts, law, medicine, and such other
12 colleges and departments, with such courses of instruction and
13 elective studies as the state board of regents may determine
14 from time to time. If a ~~teachers training course~~ practitioner
15 preparation program as defined in section 272.1 is established
16 by the board, it shall include the subject of physical
17 education. Instruction in the liberal arts college shall
18 begin, so far as practicable, at the points where the same is
19 completed in high schools.

20 Sec. 71. Section 263.8, Code 2011, is amended to read as
21 follows:

22 **263.8 Reports — tests.**

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

27 2. In addition to its regular work, the laboratory shall
28 perform without charge all bacteriological, serological, and
29 epidemiological examinations and investigations which ~~may be~~
30 are required by rule by the Iowa department of public health
31 ~~and said department shall establish rules therefor.~~ The
32 laboratory shall also provide, those laboratory, scientific
33 field measurement, and environmental quality services which, by
34 contract, are requested by the other agencies of government.

35 3. The laboratory is authorized to perform such other

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

6 Sec. 72. Section 266.2, Code 2011, is amended to read as
7 follows:

8 **266.2 Courses of study.**

9 There shall be adopted and taught at said university of
10 science and technology practical courses of study, embracing
11 in their leading branches such as relate to agriculture and
12 mechanic arts, mines and mining, and ceramics, and such other
13 branches as are best calculated to educate thoroughly the
14 agricultural and industrial classes in the several pursuits and
15 professions of life, including military tactics. If a ~~teachers~~
16 ~~training course~~ practitioner preparation program as defined in
17 section 272.1 is established, it shall include the subject of
18 physical education.

19 Sec. 73. Section 273.11, subsection 1, Code 2011, is amended
20 to read as follows:

21 1. The state board of education shall develop standards
22 and rules for the accreditation of area education agencies ~~by~~
23 ~~July 1, 1997~~. Standards shall be general in nature, but at a
24 minimum shall identify requirements addressing the services
25 provided by each division, as well as identifying indicators
26 of quality that will permit area education agencies, school
27 districts, the department of education, and the general public
28 to judge accurately the effectiveness of area education agency
29 services.

30 Sec. 74. Section 284.1, unnumbered paragraph 1, Code 2011,
31 is amended to read as follows:

32 A student achievement and teacher quality program is
33 established to promote high student achievement. The program
34 shall consist of the following ~~five~~ four major elements:

35 Sec. 75. Section 284.6, subsection 9, Code 2011, is amended

1 to read as follows:

2 9. Moneys received pursuant to section 257.10, subsection
3 10, or section 257.37A, subsection 2, shall be maintained as
4 a separate listing within ~~its~~ a school district's or area
5 education agency's budget for funds received and expenditures
6 made pursuant to this subsection. A school district shall
7 certify to the department of education how the school
8 district allocated the funds and that moneys received under
9 this subsection were used to supplement, not supplant, the
10 professional development opportunities the school district
11 would otherwise make available.

12 Sec. 76. Section 301.1, subsection 3, paragraph c, Code
13 2011, is amended to read as follows:

14 c. Laptop computers or other portable personal computing
15 devices which are used for nonreligious instructional ~~use~~
16 purposes only.

17 Sec. 77. Section 309.37, subsection 2, Code 2011, is amended
18 to read as follows:

19 2. An accurate plan and profile of the roads surveyed,
20 showing ~~(a) cuts~~ all of the following:

21 a. Cuts and fills, ~~(b) outline.~~

22 b. Outline of grades, ~~(c) all.~~

23 c. All existing permanent bridges, culverts and grades, ~~and~~
24 ~~(d) proper.~~

25 d. Proper bench marks on each bridge and culvert.

26 Sec. 78. Section 312.4, subsection 2, Code 2011, is amended
27 to read as follows:

28 2. The amount of the road use tax fund which the treasurer
29 has credited to ~~(a) the~~ following:

30 a. The primary road fund, ~~(b) the.~~

31 b. The secondary road fund of the counties, ~~(c) the.~~

32 c. The farm-to-market road fund, ~~and (d) the.~~

33 d. The street fund of the cities.

34 Sec. 79. Section 314.28, Code 2011, is amended to read as
35 follows:

1 **314.28 Keep Iowa beautiful fund.**

2 1. A keep Iowa beautiful fund is created in the office
3 of the treasurer of state. The fund is composed of moneys
4 appropriated or available to and obtained or accepted by the
5 treasurer of state for deposit in the fund. ~~The fund shall~~
6 ~~include moneys transferred to the fund as provided in section~~
7 ~~422.12A. The fund shall also include moneys transferred to the~~
8 ~~fund as provided in section 422.12G.~~ All interest earned on
9 moneys in the fund shall be credited to and remain in the fund.
10 Section 8.33 does not apply to moneys in the fund.

11 2. Moneys in the fund that are authorized by the department
12 for expenditure are appropriated, and shall be used, to
13 educate and encourage Iowans to take greater responsibility
14 for improving their community environment and enhancing the
15 beauty of the state through litter prevention, improving waste
16 management and recycling efforts, and beautification projects.

17 3. The department may authorize payment of moneys from the
18 fund upon approval of an application from a private or public
19 organization. The applicant shall submit a plan for litter
20 prevention, improving waste management and recycling efforts,
21 or a beautification project along with its application. The
22 department shall establish standards relating to the type of
23 projects available for assistance.

24 Sec. 80. Section 317.1A, subsection 1, paragraphs a and b,
25 Code 2011, are amended to read as follows:

26 a. Primary noxious weeds, which shall include:

- 27 (1) Quack grass (~~Agropyron~~ Elymus repens).
- 28 (2) Perennial sow thistle (*Sonchus arvensis*).
- 29 (3) Canada thistle (*Cirsium arvense*).
- 30 (4) Bull thistle (*Cirsium lanceolatum*) vulgare).
- 31 (5) European morning glory or field bindweed (*Convolvulus*
32 *arvensis*).
- 33 (6) Horse nettle (*Solanum carolinense*).
- 34 (7) Leafy spurge (*Euphorbia esula*).
- 35 (8) Perennial pepper-grass (~~Lepidium~~ Cardaria draba).

- 1 (9) Russian knapweed (~~Centaurea~~ Acroptilon repens).
- 2 (10) Buckthorn (Rhamnus spp., not to include Frangula
- 3 alnus, syn. Rhamnus frangula).
- 4 (11) All other species of thistles belonging in the genera
- 5 of Cirsium and Carduus.
- 6 *b.* Secondary noxious weeds, which shall include:
- 7 (1) Butterprint (Abutilon theophrasti) annual.
- 8 (2) Cocklebur (~~Xanthium commune~~) strumarium) annual.
- 9 (3) Wild mustard (~~Brassica~~ Sinapis arvensis) annual.
- 10 (4) Wild carrot (Daucus carota) biennial.
- 11 (5) Buckhorn (Plantago lanceolata) perennial.
- 12 (6) Sheep sorrel (Rumex acetosella) perennial.
- 13 (7) Sour dock (Rumex crispus) perennial.
- 14 (8) Smooth dock (Rumex altissimus) perennial.
- 15 (9) Poison hemlock (Conium maculatum).
- 16 (10) Multiflora rose (Rosa multiflora).
- 17 (11) Wild sunflower (wild strain of Helianthus annuus annuus
- 18 L.) annual.
- 19 (12) Puncture vine (Tribulus terrestris) annual.
- 20 (13) Teasel (~~Dipsacus~~) (Dipsacus spp.) biennial.
- 21 (14) Shattercane (Sorghum bicolor) annual.

22 Sec. 81. Section 321.190, subsection 1, paragraph e, Code

23 2011, is amended by striking the paragraph.

24 Sec. 82. Section 321G.29, subsection 1, Code 2011, is

25 amended to read as follows:

26 1. The owner of a snowmobile acquired on or after January

27 1, 1998, other than a snowmobile used exclusively as a farm

28 implement or a snowmobile more than thirty years old registered

29 as provided in section 321G.4, subsection 5 4, shall apply to

30 the county recorder of the county in which the owner resides

31 for a certificate of title for the snowmobile. The owner of

32 a snowmobile used exclusively as a farm implement may obtain

33 a certificate of title. A person who owns a snowmobile that

34 is not required to have a certificate of title may apply

35 for and receive a certificate of title for the snowmobile

1 and, subsequently, the snowmobile shall be subject to the
2 requirements of this chapter as if the snowmobile were required
3 to be titled. All snowmobiles that are titled shall be
4 registered.

5 Sec. 83. Section 327H.20A, subsection 3, Code 2011, is
6 amended to read as follows:

7 3. Notwithstanding any other provision to the contrary,
8 on or after July 1, 2006, moneys received as repayments for
9 loans made pursuant to this chapter or chapter 327I, Code 2009,
10 before, on, or after July 1, 2005, other than repayments of
11 federal moneys subject to section 327H.21, shall be credited to
12 the railroad revolving loan and grant fund. Notwithstanding
13 section 8.33, moneys in the railroad revolving loan and grant
14 fund shall not revert to the fund from which ~~it was~~ the moneys
15 were appropriated but shall remain available indefinitely for
16 expenditure under this section.

17 Sec. 84. Section 330.20, Code 2011, is amended to read as
18 follows:

19 **330.20 Appointment of commission — terms.**

20 When a majority of the voters favors airport control and
21 management by a commission, the governing body shall, within
22 ten days, appoint an airport commission of three or five
23 members, each of whom shall be a resident of the city or county
24 establishing the commission or a resident of a city or county
25 in this state served by the airport. At least two of the
26 members of a three-member commission and at least three of the
27 members of a five-member commission shall be residents of the
28 city or county establishing the commission. The governing
29 body shall by ordinance set the commencement dates of office
30 and the length of the terms of office which shall be no more
31 than six and no less than three years. The terms of the first
32 appointees of a newly created commission shall be staggered
33 by length of term and all subsequent appointments shall be
34 for full terms. Vacancies shall be filled in the same manner
35 as original appointments are made. Members of the airport

1 commission shall serve without compensation. Each commissioner
2 shall execute and furnish a bond in an amount fixed by the
3 governing body and filed with the city clerk of the city, or
4 county auditor of the county, establishing the commission. The
5 commission shall elect from its own members a chairperson and a
6 secretary who shall serve for a term as the commission shall
7 determine.

8 Sec. 85. Section 330A.10, subsection 1, Code 2011, is
9 amended to read as follows:

10 1. Moneys of an authority shall be paid to the treasurer
11 of the authority who shall not commingle said moneys with any
12 other moneys, but shall deposit them in a separate account or
13 accounts. The moneys in said accounts shall be paid out ~~on~~
14 by check of the treasurer on requisition of the chairperson
15 of the authority, or of such other person, or persons, as the
16 authority may authorize to make such requisition.

17 Sec. 86. Section 331.402, subsection 3, paragraph f, Code
18 2011, is amended to read as follows:

19 *f.* A loan agreement to which a county is a party or in
20 which a county has a participatory interest is an obligation
21 of a political subdivision of this state for the purpose of
22 chapters 502 and 636, and is a lawful investment for banks,
23 trust companies, ~~building and loan associations,~~ savings and
24 loan associations, investment companies, insurance companies,
25 insurance associations, executors, guardians, trustees, and any
26 other fiduciaries responsible for the investment of funds.

27 Sec. 87. Section 331.449, Code 2011, is amended to read as
28 follows:

29 **331.449 Prior projects preserved.**

30 Projects and proceedings for the issuance of general
31 obligation bonds commenced before July 1, 1981, may be
32 consummated and completed as required or permitted by any
33 statute amended or repealed by ~~this Act~~ 1981 Iowa Acts, chapter
34 117, as though the repeal or amendment had not occurred, and
35 the rights, duties, and interests following from such projects

1 and proceedings remain valid and enforceable. Projects
2 commenced prior to July 1, 1981, may be financed by the
3 issuance of general obligation bonds under any such amended
4 or repealed law or by the issuance of general obligation
5 bonds under this part. For the purposes of this section,
6 commencement of a project includes but is not limited to
7 action taken by the board or an authorized officer to fix a
8 date for a hearing in connection with any part of the project,
9 and commencement of proceedings for the issuance of general
10 obligation bonds includes but is not limited to action taken
11 by the board to fix a date for either a hearing or a sale in
12 connection with any part of the general obligation bonds, or to
13 order any part thereof to be issued.

14 Sec. 88. Section 331.470, Code 2011, is amended to read as
15 follows:

16 **331.470 Prior projects preserved.**

17 Projects and proceedings for the issuance of revenue bonds,
18 pledge orders, and other temporary obligations, commenced
19 before July 1, 1981 may be completed as required or permitted
20 by any statute amended or repealed by ~~this Act~~ 1981 Iowa
21 Acts, chapter 117, as though the amendment or repeal had not
22 occurred, and the rights, duties, and interests resulting from
23 the projects and proceedings remain valid and enforceable.
24 Projects commenced prior to July 1, 1981, may be financed
25 by the issuance of revenue bonds, pledge orders, and other
26 temporary obligations under any such amended or repealed law or
27 by the issuance of revenue bonds and pledge orders under this
28 part. For purposes of this section, commencement of a project
29 includes but is not limited to action taken by the board or
30 an authorized officer to fix a date for either a hearing or
31 an election in connection with any part of the project, and
32 commencement of proceedings for the issuance of revenue bonds,
33 pledge orders, and other temporary obligations includes, but
34 is not limited to, action taken by the board to fix a date for
35 either a hearing or a sale in connection with any part of such

1 revenue bonds, pledge orders, or other temporary obligations or
2 to order any part thereof to be issued.

3 Sec. 89. Section 357I.2, subsection 3, Code 2011, is amended
4 to read as follows:

5 3. If part or all of the proposed district lies within
6 two miles of the boundaries of a city, the board shall send a
7 copy of the petition to each such city before scheduling the
8 public hearing on the petition. A city that receives a copy of
9 the petition may require that any road or street improvements
10 and associated drainage improvements constructed within the
11 district after establishment of the district be constructed
12 in compliance with requirements for such improvements then in
13 effect within the city. The city shall notify the board of the
14 city's response to the petition within thirty days of receiving
15 the petition. If the city wants requirements for road or
16 street improvements and associated drainage improvements
17 then in effect within the city to apply within the district,
18 the requirements shall be included in the resolution of the
19 board establishing the district and shall be incorporated into
20 the plans and specifications for the improvements prepared
21 by the district engineer or county engineer. The plans and
22 specifications shall be subject to approval by the board and
23 by the city council of each affected city, which approval
24 must occur before commencement of construction. If costs for
25 construction of improvements according to a city's standards
26 exceed the costs for such construction according to county
27 standards, the ~~petitioner~~ petitioners shall pay the difference
28 in the costs.

29 Sec. 90. Section 360.9, subsection 5, Code 2011, is amended
30 to read as follows:

31 5. Subject to the right of reversion to the present owner
32 as ~~above~~ provided in this section, the township trustees may
33 sell, lease, exchange, give, or grant and accept any interest
34 in real property to, with, or from any county, municipal
35 corporation, or school district if the real property is within

1 the jurisdiction of both the grantor and grantee and the
2 advertising and public auction requirements of this section
3 shall not apply to any such transaction between the aforesaid
4 local units of government.

5 Sec. 91. Section 403.11, Code 2011, is amended to read as
6 follows:

7 **403.11 Exemptions from legal process.**

8 1. All property of a municipality, including funds, owned
9 or held by it for the purposes of this chapter shall be exempt
10 from levy and sale by virtue of an execution; ~~and no execution.~~
11 Execution or other judicial process shall not issue against the
12 ~~same; nor shall~~ property and a judgment against a municipality
13 shall not be a charge or lien upon such property: ~~Provided,~~
14 ~~however, that.~~ However, the provisions of this section shall
15 not apply to or limit the right of obligees to pursue any
16 remedies for the enforcement of any pledge or lien given
17 pursuant to this chapter by a municipality on its rents, fees,
18 grants or revenues from urban renewal projects.

19 2. The property of a municipality, acquired or held for the
20 purposes of this chapter, is declared to be public property
21 used for essential public and governmental purposes, and such
22 property shall be exempt from all taxes of the municipality,
23 the county, the state, or any political subdivision
24 thereof: ~~Provided, that.~~ However, such tax exemption shall
25 terminate when the municipality sells, leases or otherwise
26 disposes of such property in an urban renewal area to a
27 purchaser or lessee which is not a public body entitled to tax
28 exemption with respect to such property.

29 Sec. 92. Section 403A.2, subsection 8, Code 2011, is amended
30 to read as follows:

31 8. a. "*Housing project*" or "*project*" means any work or
32 undertaking: ~~(a)~~ to do any of the following:

33 (1) To demolish, clear or remove buildings from any slum
34 areas; ~~or (b) to.~~

35 (2) To provide decent, safe and sanitary urban or rural

1 dwellings, apartments or other living accommodations for
2 families of low income, lower-income families, or very
3 low-income families, ~~or (e) to.~~

4 (3) To accomplish a combination of the foregoing.

5 b. Such work or undertaking may include buildings, land,
6 equipment, facilities and other real or personal property for
7 necessary, convenient or desirable appurtenances, streets,
8 sewers, water service, utilities, parks, site preparation,
9 landscaping, administrative, community, health, recreational,
10 welfare or other purposes.

11 c. The term "housing project" or "project" also may be
12 applied to the planning of the buildings and improvements, the
13 acquisition of property, the demolition of existing structures,
14 the construction, reconstruction, alteration or repair of the
15 improvements and all other work in connection therewith, and
16 the term shall include all other real and personal property and
17 all tangible or intangible assets held or used in connection
18 with the housing project.

19 Sec. 93. Section 404A.4, subsection 2, paragraph d, Code
20 2011, is amended to read as follows:

21 d. For the fiscal year beginning July 1, 2012, and for each
22 fiscal year thereafter, the ~~department~~ office shall reserve not
23 more than forty-five million dollars worth of tax credits for
24 any one taxable year.

25 Sec. 94. Section 411.38, subsection 3, Code 2011, is amended
26 to read as follows:

27 3. As used in this section, unless the context otherwise
28 requires, "*alternative assumptions*" means that the interest
29 rate earned on investments of moneys in the fire and police
30 retirement fund would be seven percent and that the state would
31 not contribute to the fund under ~~sections~~ section 411.8 and
32 section 411.20, Code 2009, after January 1, 1992, and "*proposed*
33 *assumptions*" means that the interest rate earned on investments
34 of moneys in the fire and police retirement fund would be seven
35 and one-half percent and the state will pay contributions as

1 provided pursuant to ~~sections~~ section 411.8 and section 411.20,
2 Code 2009, after January 1, 1992. These assumptions are to be
3 used solely for the purposes of this section, and shall not
4 impact upon decisions of the board of trustees concerning the
5 assumption of the interest rate earned on investments, or the
6 contributions by the state as provided for in ~~sections~~ section
7 411.8 and section 411.20, Code 2009.

8 Sec. 95. Section 419.11, Code 2011, is amended to read as
9 follows:

10 **419.11 Tax equivalent to be paid — assessment procedure —**
11 **appeal.**

12 1. a. Any municipality acquiring, purchasing, constructing,
13 reconstructing, improving, or extending any industrial
14 buildings, buildings used as headquarters facilities or
15 pollution control facilities, as provided in this chapter,
16 shall annually pay out of the revenue from such industrial
17 buildings, buildings used as headquarters facilities or
18 pollution control facilities to the state of Iowa and to the
19 city, school district, and any other political subdivision,
20 authorized to levy taxes, a sum equal to the amount of tax,
21 determined by applying the tax rate of the taxing district to
22 the assessed value of the property, which the state, county,
23 city, school district, or other political subdivision would
24 receive if the property were owned by any private person or
25 corporation, any other statute to the contrary notwithstanding.

26 b. For purposes of arriving at such tax equivalent, the
27 property shall be valued and assessed by the assessor in whose
28 jurisdiction the property is located, in accordance with
29 chapter 441, but the municipality, the lessee on behalf of
30 the municipality, and such other persons as are authorized
31 by chapter 441 shall be entitled to protest any assessment
32 and take appeals in the same manner as any taxpayer. Such
33 valuations shall be included in any summation of valuations in
34 the taxing district for all purposes known to the law. Income
35 from this source shall be considered under the provisions of

1 section 384.16, subsection 1, paragraph "a", subparagraph (2).

2 2. If and to the extent the proceedings under which
3 the bonds authorized to be issued under the provisions
4 of this chapter so provide, the municipality may agree to
5 cooperate with the lessee of a project in connection with
6 any administrative or judicial proceedings for determining
7 the validity or amount of any such payments and may agree to
8 appoint or designate and reserve the right in and for such
9 lessee to take all action which the municipality may lawfully
10 take in respect of such payments and all matters relating
11 thereto, provided, however, that such lessee shall bear and pay
12 all costs and expenses of the municipality thereby incurred
13 at the request of such lessee or by reason of any such action
14 taken by such lessee in behalf of the municipality. Any lessee
15 of a project which has paid, as rentals additional to those
16 required to be paid pursuant to section 419.5, the amounts
17 required by ~~the first sentence of this section~~ subsection 1,
18 paragraph "a", to be paid by the municipality shall not be
19 required to pay any such taxes to the state or to any such
20 county, city, school district or other political subdivision,
21 any other statute to the contrary notwithstanding. To the
22 extent that any lessee or contracting party pays taxes on a
23 project or part thereof, the municipality shall not be required
24 to pay the tax equivalent herein provided, and to such extent
25 the lessee or contracting party shall not be required to pay
26 amounts to the municipality for such purpose.

27 3. This section shall not be applicable to any municipality
28 acquiring, purchasing, constructing, reconstructing, improving,
29 or extending any buildings for the purpose of establishing,
30 maintaining, or assisting any private or state of Iowa college
31 or university, nor to any municipality in connection with any
32 project for the benefit of a voluntary nonprofit hospital,
33 clinic, or health care facility, the property of which is
34 otherwise exempt under the provisions of chapter 427. The
35 payment, collection, and apportionment of the tax equivalent

1 shall be subject to the provisions of chapters 445, 446 and
2 447.

3 Sec. 96. Section 420.207, Code 2011, is amended to read as
4 follows:

5 **420.207 Taxation in general.**

6 Sections 426A.11 through 426A.15, 427.1, 427.8 to 427.11,
7 428.4, 428.20, 428.22, 428.23, 437.1, 437.3, 441.21, 443.1
8 to 443.3, 444.2 to ~~444.5~~ through 444.4, and 447.9 to 447.13,
9 so far as applicable, apply to cities acting under special
10 charters.

11 Sec. 97. Section 420.241, Code 2011, is amended to read as
12 follows:

13 **420.241 Deed — when executed.**

14 Immediately after the expiration of ninety days from the
15 date of service of the notice, as prescribed by sections 447.9
16 ~~to~~ through 447.14 and section 448.1, the treasurer, collector,
17 or person authorized to act as collector of taxes, shall make
18 out a deed for each lot or parcel of land sold and remaining
19 unredeemed and deliver the same to the purchaser upon the
20 return of the certificate of purchase.

21 Sec. 98. Section 422.1, Code 2011, is amended to read as
22 follows:

23 **422.1 Classification of chapter.**

24 The provisions of this chapter are herein classified and
25 designated as follows:

- | | | |
|----|------------------------|---|
| 26 | <u>1.</u> Division I | Introductory provisions. |
| 27 | <u>2.</u> Division II | Personal net income tax. |
| 28 | <u>3.</u> Division III | Business tax on corporations. |
| 29 | <u>4.</u> Division IV | Repealed by 2003 Acts,
30 1st Ex., ch. 2, § 151, 205;
31 see chapter 423. |
| 32 | <u>5.</u> Division V | Taxation of financial
33 institutions. |
| 34 | <u>6.</u> Division VI | Administration. |
| 35 | <u>7.</u> Division VII | Estimated taxes by |

- 1 corporations and
- 2 financial institutions.
- 3 8. Division VIII Allocation of revenues.
- 4 9. Division IX Fuel tax credit.
- 5 10. Division X ~~Livestock production~~
- 6 ~~tax credit~~
- 7 Repealed by 2009 Acts,
- 8 ch. 179, § 152, 153.

9 Sec. 99. Section 422.33, subsection 9, paragraph b, Code
10 2011, is amended to read as follows:

11 *b.* To receive the assistive device tax credit, the eligible
12 small business must submit an application to the department
13 of economic development. If the taxpayer meets the criteria
14 for eligibility, the department of economic development shall
15 issue to the taxpayer a certification of entitlement for the
16 assistive device tax credit. However, the combined amount of
17 tax credits that may be approved for a fiscal year under this
18 subsection ~~and section 422.11E~~ shall not exceed five hundred
19 thousand dollars. Tax credit certificates shall be issued
20 on an earliest filed basis. The certification shall contain
21 the taxpayer's name, address, tax identification number, the
22 amount of the credit, and tax year for which the certificate
23 applies. The taxpayer must file the tax credit certificate
24 with the taxpayer's corporate income tax return in order to
25 claim the tax credit. The departments of economic development
26 and revenue shall each adopt rules to jointly administer this
27 subsection and shall provide by rule for the method to be
28 used to determine for which fiscal year the tax credits are
29 approved.

30 Sec. 100. Section 424.2, subsections 6, 10, and 13, Code
31 2011, are amended to read as follows:

32 6. "*Depositor*" means the person who deposits petroleum into
33 an underground storage tank subject to regulation under chapter
34 455G or an aboveground ~~petroleum~~ flammable or combustibile
35 liquid storage tank as defined in section 101.21, located at

1 a retail motor ~~vehiele~~ fuel outlet if the aboveground storage
2 tank is physically connected directly to pumps which dispense
3 petroleum that is sold at the motor ~~vehiele~~ fuel outlet on a
4 retail basis.

5 10. "*Owner or operator*" means "*owner or operator*" of an
6 underground storage tank as used in chapter 455G or the
7 "*owner*" or "*operator*" of an aboveground petroleum flammable
8 or combustible liquid storage tank as defined in section
9 101.21, located at a retail motor ~~vehiele~~ fuel outlet if the
10 aboveground storage tank is physically connected directly
11 to pumps which dispense petroleum that is sold at the motor
12 ~~vehiele~~ fuel outlet on a retail basis.

13 13. "*Tank*" means an underground storage tank subject to
14 regulation under chapter 455G or an aboveground petroleum
15 flammable or combustible liquid storage tank as defined in
16 section 101.21, located at a retail motor ~~vehiele~~ fuel outlet
17 if the aboveground storage tank is physically connected
18 directly to pumps which dispense petroleum that is sold at the
19 motor ~~vehiele~~ fuel outlet on a retail basis.

20 Sec. 101. Section 441.8, Code 2011, is amended to read as
21 follows:

22 **441.8 Term — continuing education — filling vacancy.**

23 1. The term of office of an assessor appointed under
24 this chapter shall be for six years. Appointments for
25 each succeeding term shall be made in the same manner as
26 the original appointment except that not less than ninety
27 days before the expiration of the term of the assessor the
28 conference board shall hold a meeting to determine whether or
29 not it desires to reappoint the incumbent assessor to a new
30 term. The conference board shall have the power to reappoint
31 the incumbent assessor only if the incumbent assessor has
32 satisfactorily completed the continuing education program
33 provided for in this section. If the decision is made not to
34 reappoint the assessor, the assessor shall be notified, in
35 writing, of such decision not less than ninety days prior to

1 the expiration of the assessor's term of office. Failure of
2 the conference board to provide timely notification of the
3 decision not to reappoint the assessor shall result in the
4 assessor being reappointed.

5 ~~Effective January 1, 1980, the conference board shall have~~
6 ~~the power to reappoint the incumbent assessor only if the~~
7 ~~incumbent assessor has satisfactorily completed the continuing~~
8 ~~education program provided for in this section.~~

9 2. a. The director of revenue shall develop and administer
10 a program of continuing education which shall emphasize
11 assessment and appraisal procedures, and the assessment laws
12 of this state, and which shall include the subject matter
13 specified in section 441.5.

14 b. The director of revenue shall establish, designate,
15 or approve courses, workshops, seminars, or symposiums to
16 be offered as part of the continuing education program, the
17 content of these courses, workshops, seminars, or symposiums
18 and the number of hours of classroom instruction for each.
19 The director of revenue may provide that no more than thirty
20 hours of tested credit may be received for the submission of
21 a narrative appraisal approved by a professional appraisal
22 society designated by the director. At least once each year
23 the director of revenue shall evaluate the continuing education
24 program and make necessary changes in the program.

25 3. Upon the successful completion of courses, workshops,
26 seminars, a narrative appraisal or symposiums contained in the
27 program of continuing education, as demonstrated by attendance
28 at sessions of the courses, workshops, seminars or symposiums
29 and, in the case of a course designated by the director of
30 revenue, attaining a grade of at least seventy percent on an
31 examination administered at the conclusion of the course,
32 or the submission of proof that a narrative appraisal has
33 been approved by a professional appraisal society designated
34 by the director of revenue the assessor or deputy assessor
35 shall receive credit equal to the number of hours of classroom

1 instruction contained in those courses, workshops, seminars, or
2 symposiums or the number of hours of credit specified by the
3 director of revenue for a narrative appraisal. An assessor or
4 deputy assessor shall not be allowed to obtain credit for a
5 course, workshop, seminar, or symposium for which the assessor
6 or deputy assessor has previously received credit during
7 the current term or appointment except for those courses,
8 workshops, seminars, or symposiums designated by the director
9 of revenue. Only one narrative appraisal may be approved for
10 credit during the assessor's or deputy assessor's current term
11 or appointment and credit shall not be allowed for a narrative
12 appraisal approved by a professional appraisal society prior to
13 the beginning of the assessor's or deputy assessor's current
14 term or appointment. The examinations shall be confidential,
15 except that the director of revenue and persons designated by
16 the director may have access to the examinations.

17 4. Upon receiving credit equal to one hundred fifty hours
18 of classroom instruction during the assessor's current term
19 of office of which at least ninety of the one hundred fifty
20 hours are from courses requiring an examination upon conclusion
21 of the course, the director of revenue shall certify to the
22 assessor's conference board that the assessor is eligible to
23 be reappointed to the position. For persons appointed to
24 complete an unexpired term, the number of credits required to
25 be certified as eligible for reappointment shall be prorated
26 according to the amount of time remaining in the present term
27 of the assessor. If the person was an assessor in another
28 jurisdiction, the assessor may carry forward any credit hours
29 received in the previous position in excess of the number that
30 would be necessary to be considered current in that position.
31 Upon written request by the person seeking a waiver of the
32 continuing education requirements, the director may waive the
33 continuing education requirements if the director determines
34 good cause exists for the waiver.

35 5. Within each six-year period following the appointment

1 of a deputy assessor, the deputy assessor shall comply with
2 this section except that upon the successful completion of
3 ninety hours of classroom instruction of which at least sixty
4 of the ninety hours are from courses requiring an examination
5 upon conclusion of the course, the deputy assessor shall be
6 certified by the director of revenue as being eligible to
7 remain in the position. If a deputy assessor fails to comply
8 with this section, the deputy assessor shall be removed from
9 the position until successful completion of the required hours
10 of credit. If a deputy is appointed to the office of assessor,
11 the hours of credit obtained as deputy pursuant to this section
12 shall be credited to that individual as assessor and for the
13 individual to be reappointed at the expiration of the term
14 as assessor, that individual must obtain the credits which
15 are necessary to total the number of hours for reappointment.
16 Upon written request by the person seeking a waiver of the
17 continuing education requirements, the director may waive the
18 continuing education requirements if the director determines
19 good cause exists for the waiver.

20 6. Each conference board shall include in the budget for the
21 operation of the assessor's office funds sufficient to enable
22 the assessor and any deputy assessor to obtain certification
23 as provided in this section. The conference board shall also
24 allow the assessor and any deputy assessor sufficient time
25 off from their regular duties to obtain certification. The
26 director of revenue shall adopt rules pursuant to chapter 17A
27 to implement and administer this section.

28 7. If the incumbent assessor is not reappointed as ~~above~~
29 provided in this section, then not less than sixty days before
30 the expiration of the term of said assessor, a new assessor
31 shall be selected as provided in section 441.6.

32 8. In the event of the removal, resignation, death, or
33 removal from the county of the said assessor, the conference
34 board shall proceed to fill the vacancy by appointing an
35 assessor to serve the unexpired term in the manner provided in

1 section 441.6. Until the vacancy is filled, the chief deputy
2 shall act as assessor, and in the event there be no deputy, in
3 the case of counties the auditor shall act as assessor and in
4 the case of cities having an assessor the city clerk shall act
5 as assessor.

6 Sec. 102. Section 450.10, subsections 1, 2, 3, and 4, Code
7 2011, are amended to read as follows:

8 1. When the property or any interest in property, or
9 income from property, taxable under the provisions of this
10 chapter, passes to the brother or sister, son-in-law, or
11 daughter-in-law, the rate of tax imposed on the individual
12 share so passing shall be as follows:

13 a. Five percent on any amount up to twelve thousand five
14 hundred dollars.

15 b. Six percent on any amount in excess of twelve thousand
16 five hundred dollars and up to twenty-five thousand dollars.

17 c. Seven percent on any amount in excess of twenty-five
18 thousand dollars and up to seventy-five thousand dollars.

19 d. Eight percent on any amount in excess of seventy-five
20 thousand dollars and up to one hundred thousand dollars.

21 e. Nine percent on any amount in excess of one hundred
22 thousand dollars and up to one hundred fifty thousand dollars.

23 f. Ten percent on all sums in excess of one hundred fifty
24 thousand dollars.

25 2. When the property or interest in property or income from
26 property, taxable under this chapter, passes to a person not
27 included in subsections 1 and 6, the rate of tax imposed on the
28 individual share so passing shall be as follows:

29 a. Ten percent on any amount up to fifty thousand dollars.

30 b. Twelve percent on any amount in excess of fifty thousand
31 dollars and up to one hundred thousand dollars.

32 c. Fifteen percent on all sums in excess of one hundred
33 thousand dollars.

34 3. When the property or any interest ~~therein~~ in property or
35 income ~~therefrom~~ from property, taxable under the provisions of

1 this chapter, passes in any manner to societies, institutions
2 or associations incorporated or organized under the laws of
3 any other state, territory, province or country than this
4 state, for charitable, educational or religious purposes, or to
5 cemetery associations, including humane societies not organized
6 under the laws of this state, or to resident trustees for
7 uses without this state, the rate of tax imposed shall be as
8 ~~follows: ten percent on the entire amount so passing.~~

9 ~~Ten percent on the entire amount so passing.~~

10 4. When the property or any interest in property or income
11 from property, taxable under this chapter, passes to any
12 firm, corporation, or society organized for profit, including
13 fraternal and social organizations which do not qualify for
14 exemption under sections 170(c) and 2055 of the Internal
15 Revenue Code, the rate of tax imposed shall be ~~as follows:~~
16 fifteen percent on the entire amount so passing.

17 ~~Fifteen percent on the entire amount so passing.~~

18 Sec. 103. Section 452A.74, Code 2011, is amended to read as
19 follows:

20 **452A.74 Unlawful acts — penalty.**

21 1. It shall be unlawful:

22 ~~1-~~ a. For any person to knowingly fail, neglect, or refuse
23 to make any required return or statement or pay over fuel taxes
24 required under this chapter.

25 ~~2-~~ b. For any person to knowingly make any false,
26 incorrect, or materially incomplete record required to be
27 kept or made under this chapter, to refuse to offer required
28 books and records to the department of revenue or the state
29 department of transportation for inspection on demand or
30 to refuse to permit the department of revenue or the state
31 department of transportation to examine the person's motor fuel
32 or undyed special fuel storage tanks and handling or dispensing
33 equipment.

34 ~~3-~~ c. For any seller to issue or any purchaser to receive
35 and retain any incorrect or false invoice or sales ticket in

1 connection with the sale or purchase of motor fuel or undyed
2 special fuel.

3 ~~4.~~ d. For any claimant to alter any invoice or sales
4 ticket, whether the invoice or sales ticket is to be used
5 to support a claim for refund or income tax credit or
6 not, provided, however, if a claimant's refund permit has
7 been revoked for cause as provided in section 452A.19, the
8 revocation shall serve as a bar to prosecution for violation
9 of this ~~subsection~~ paragraph.

10 ~~5.~~ e. For any person to act as a supplier, restrictive
11 supplier, importer, exporter, blender, or compressed natural
12 gas or liquefied petroleum gas dealer or user without the
13 required license.

14 ~~6.~~ f. For any person to use motor fuel, undyed special
15 fuel, or dyed special fuel in the fuel supply tank of a vehicle
16 with respect to which the person knowingly has not paid or had
17 charged to the person's account with a distributor or dealer,
18 or with respect to which the person does not, within the time
19 required in this chapter, report and pay the applicable fuel
20 tax.

21 ~~7.~~ g. For any licensed compressed natural gas or liquefied
22 petroleum gas dealer or user to dispense compressed natural gas
23 or liquefied petroleum gas into the fuel supply tank of any
24 motor vehicle without collecting the fuel tax.

25 ~~8.~~ 2. Any delivery of compressed natural gas or liquefied
26 petroleum gas to a compressed natural gas or liquefied
27 petroleum gas dealer or user for the purpose of evading the
28 state tax on compressed natural gas or liquefied petroleum
29 gas, into facilities other than those licensed above knowing
30 that the fuel will be used for highway use shall constitute
31 a violation of this section. Any compressed natural gas or
32 liquefied petroleum gas dealer or user for purposes of evading
33 the state tax on compressed natural gas or liquefied petroleum
34 gas, who allows a distributor to place compressed natural gas
35 or liquefied petroleum gas for highway use in facilities other

1 than those licensed above, shall also be deemed in violation of
2 this section.

3 3. A person found guilty of an offense specified in this
4 section is guilty of a fraudulent practice. Prosecution for an
5 offense specified in this section shall be commenced within six
6 years following ~~its~~ the date of commission of the offense.

7 Sec. 104. Section 455D.11C, subsection 1, Code 2011, is
8 amended to read as follows:

9 1. A waste tire management fund is created within the state
10 treasury. ~~For the fiscal year beginning July 1, 2002, through~~
11 ~~the fiscal year beginning July 1, 2006, moneys received from~~
12 ~~each five dollar surcharge on the issuance of a certificate of~~
13 ~~title shall be deposited as provided in section 321.52A, Code~~
14 ~~2007.~~ Notwithstanding section 8.33, any unexpended balance in
15 the fund at the end of each fiscal year shall be retained in the
16 fund. Notwithstanding section 12C.7, any interest or earnings
17 on investments from moneys in the fund shall be credited to the
18 fund. Moneys from the fund that are expended by the department
19 in closing or bringing into compliance a waste tire collection
20 site pursuant to section 455D.11A and later recouped by the
21 department shall be credited to the fund.

22 Sec. 105. Section 455G.31, subsection 1, Code 2011, is
23 amended to read as follows:

24 1. a. As used in this section, unless the context otherwise
25 requires:

26 ~~a.~~ (1) "*Dispenser*" includes a motor fuel pump, including
27 but not limited to a motor fuel blender pump.

28 ~~b.~~ (2) "*E-85 gasoline*", "*ethanol blended gasoline*", and
29 "*retail dealer*" mean the same as defined in section 214A.1.

30 ~~c.~~ (3) "*Gasoline storage and dispensing infrastructure*"
31 means any storage tank located below ground or above ground
32 and any associated equipment including but not limited to a
33 pipe, hose, connection, fitting seal, or motor fuel pump, which
34 is used to store, measure, and dispense gasoline by a retail
35 dealer.

1 ~~d. Ethanol blended gasoline shall be designated in the same~~
2 ~~manner as provided in section 214A.2.~~

3 ~~e. (4) "Motor fuel pump" means the same as defined in~~
4 ~~section 214.1.~~

5 b. Ethanol blended gasoline shall be designated in the same
6 manner as provided in section 214A.2.

7 Sec. 106. Section 455J.6, subsection 4, Code 2011, is
8 amended to read as follows:

9 4. A majority of voting members shall not include any member
10 who has a conflict of interest. A statement by a member that
11 the member has a conflict of interest is conclusive for this
12 purpose. A vacancy in the membership does not ~~impair~~ prevent
13 the council from performing the duties of the council.

14 Sec. 107. Section 461A.57, Code 2011, is amended to read as
15 follows:

16 **461A.57 Penalties.**

17 Any Unless otherwise provided, any person violating any of
18 the provisions of sections 461A.35 to 461A.56 is guilty of a
19 simple misdemeanor.

20 Sec. 108. Section 461A.76, Code 2011, is amended to read as
21 follows:

22 **461A.76 Contracts with local authorities.**

23 1. Anything Notwithstanding anything in chapter 468,
24 subchapter I, parts 1 through 5, to the contrary, county boards
25 of supervisors and trustees having control of any levee or
26 drainage district established thereunder, including joint
27 levee or drainage districts, may enter into contracts and
28 agreements with municipalities or corporations authorized to
29 establish water recreational areas under the provisions of this
30 division. Such contracts or agreements shall be in writing
31 and may be made prior to or after the establishment of a water
32 recreational area. If made prior to the establishment of a
33 water recreational area they may be made conditional upon the
34 final establishment of such area and if conditional upon such
35 final establishment may be entered into prior to the hearing

1 provided for in section 461A.63.

2 2. Such contracts or agreements may embrace any of the
3 following subjects:

4 ~~1.~~ a. For the impoundment of drainage waters to create
5 artificial lakes or ponds.

6 ~~2.~~ b. For compensation to drainage districts for drainage
7 improvements destroyed or rendered useless by the establishment
8 of water recreational areas and the structures, waters or works
9 thereof.

10 ~~3.~~ c. For the diversion of waters from established drainage
11 ditches or tile drains to other channels.

12 ~~4.~~ d. For sanitary measures and precautions.

13 ~~5.~~ e. For the control of water levels in lakes, ponds or
14 impoundments of water to avoid damage to or malfunction of
15 drainage facilities.

16 ~~6.~~ f. For the construction of additional drainage
17 facilities promoting the interests of either or both of the
18 contracting parties.

19 ~~7.~~ g. For the granting of easements or licenses by one
20 party to the other.

21 ~~8.~~ h. For the payment of money by one contracting party to
22 the other in consideration of acts or performance of the other
23 party required by such contract or agreement.

24 3. When any expenditure of levee or drainage district
25 funds is proposed by the authority contained in this section
26 and where the estimated expenditure will exceed fifty percent
27 of the original total cost of the district and subsequent
28 improvements therein as defined by section 468.126, the same
29 procedure respecting notice and hearing shall be followed as is
30 provided in said section 468.126, for repair proposals where
31 the estimated cost of the repair exceeds fifty percent of the
32 original total cost of the district and subsequent improvements
33 therein.

34 Sec. 109. Section 465B.2, Code 2011, is amended to read as
35 follows:

1 **465B.2 Statewide trails development program.**

2 1. The state department of transportation shall undertake
3 the following ~~programs~~ actions to establish a program to meet
4 the objective stated in section 465B.1:

5 ~~1.~~ a. Prepare a long-range plan for the acquisition,
6 development, promotion, and management of recreation trails
7 throughout the state. The plan shall identify needs and
8 opportunities for recreation trails of different kinds having
9 national, statewide, regional, and multicounty importance.
10 Recommendations in the plan shall include but not be limited
11 to:

12 ~~a.~~ (1) Specific acquisition needs and opportunities for
13 different types of trails.

14 ~~b.~~ (2) Development needs including trail surfacing,
15 restrooms, shelters, parking, and other needed facilities.

16 ~~c.~~ (3) Promotional programs which will encourage Iowans and
17 state visitors to increase use of trails.

18 ~~d.~~ (4) Management activities including maintenance,
19 enforcement of rules, and replacement needs.

20 ~~e.~~ (5) Funding levels needed to accomplish the statewide
21 trails objectives.

22 ~~f.~~ (6) Ways in which trails can be more fully incorporated
23 with parks, cultural sites, and natural resource sites.

24 ~~2.~~ b. The Include, within the plan shall recommend,
25 recommendations for standards for establishing functional
26 classifications for all types of recreation trails as well as
27 a system for determining jurisdictional control over trails.
28 Levels of jurisdiction may be vested in the state, counties,
29 cities, and private organizations.

30 ~~3.~~ 2. a. The state department of transportation may enter
31 into contracts for the preparation of the trails plan. The
32 department shall involve the department of natural resources,
33 the Iowa department of economic development, and the department
34 of cultural affairs in the preparation of the plan. The
35 recommendations and comments of organizations representing

1 different types of trail users and others with interests in
2 this program shall also be incorporated in the preparation
3 of the trails plan and shall be submitted with the plan to
4 the general assembly. The plan shall be submitted to the
5 general assembly no later than January 15, 1988. Existing
6 trail projects involving acquisition or development may receive
7 funding prior to the completion of the trails plan.

8 b. The department shall give priority to funding the
9 acquisition and development of trail portions which will
10 complete segments of existing trails. The department shall
11 give preference to the acquisition of trail routes which use
12 existing or abandoned railroad right-of-ways, river valleys,
13 and natural greenbelts. Multiple recreational use of routes
14 for trails, other forms of transportation, utilities, and other
15 uses compatible with trails shall be given priority.

16 c. The department may acquire property by negotiated
17 purchase and hold title to property for development of trails.
18 The department may enter into agreements with other state
19 agencies, political subdivisions of the state, and private
20 organizations for the planning, acquisition, development,
21 promotion, management, operations, and maintenance of
22 recreation trails.

23 3. The department may adopt rules under chapter 17A to carry
24 out a trails program.

25 Sec. 110. Section 481A.19, subsection 1, paragraph a, Code
26 2011, is amended to read as follows:

27 a. Any person licensed by the authority of Illinois,
28 Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota to
29 take fish, game, mussels, or fur-bearing animals from or in
30 the waters forming the boundary between such state and Iowa,
31 may take such fish, game, mussels, or fur-bearing animals
32 from that portion of said waters lying within the territorial
33 jurisdiction of this state, without having procured a license
34 ~~for it~~ from the director of this state, in the same manner that
35 persons holding Iowa licenses may do, if the laws of Illinois,

1 Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota,
2 respectively, extend a similar privilege to persons so licensed
3 under the laws of Iowa.

4 Sec. 111. Section 481C.2A, subsection 6, Code 2011, is
5 amended to read as follows:

6 6. The department shall make educational materials that
7 explain the deer depredation management program available to
8 the general public, and available specifically to farmers
9 and farm and commodity organizations, in both electronic and
10 brochure formats ~~by June 30, 2008.~~

11 Sec. 112. Section 482.9, subsection 4, Code 2011, is amended
12 to read as follows:

13 4. For a person to lift or to fish licensed commercial gear
14 of another person, except when under the direct supervision of
15 the licensee as provided in section 482.7.

16 Sec. 113. Section 482.10, subsection 2, Code 2011, is
17 amended to read as follows:

18 2. All intrastate and interstate shipments of commercial
19 fish, turtles, turtle eggs, or roe or roe species, must be
20 accompanied by a receipt which shows the name and address of
21 the seller, date of sale, and the species, numbers, and pounds
22 of the fish, roe species, roe, turtles, or turtle eggs being
23 sold.

24 Sec. 114. Section 483A.1A, subsection 10, paragraph c, Code
25 2011, is amended to read as follows:

26 c. Is a student who qualifies as a resident pursuant to
27 paragraph "b" only for the purpose of purchasing any resident
28 license specified in section 483A.1 ~~or 484A.2.~~

29 Sec. 115. Section 483A.12, Code 2011, is amended to read as
30 follows:

31 **483A.12 Fees.**

32 1. The license agent shall be responsible for all fees for
33 the issuance of hunting, fishing, and fur harvester licenses,
34 and combination packages of licenses sold by the license
35 agent. All unused license blanks shall be surrendered to the

1 department upon the department's demand.

2 2. A license agent shall retain a writing fee of fifty
3 cents from the sale of each license or combination package of
4 licenses except that the writing fee for a free deer or wild
5 turkey hunting license as authorized under section 483A.24,
6 subsection 2, shall be one dollar. If a county recorder is a
7 license agent, the writing fees retained by the county recorder
8 shall be deposited in the general fund of the county.

9 Sec. 116. Section 483A.31, subsection 3, Code 2011, is
10 amended to read as follows:

11 3. When another state confers upon fishing, hunting, or
12 trapping licensees of this state reciprocal rights, privileges,
13 and immunities, a fishing, hunting, or trapping license issued
14 by that state entitles the licensee to all rights, privileges,
15 and immunities in the public waters or public lands of this
16 state enjoyed by the holders of equivalent licenses issued
17 by this state, subject to duties, responsibilities, and
18 liabilities imposed on ~~its own~~ licensees of this state by the
19 laws of this state.

20 Sec. 117. Section 499.2, Code 2011, is amended to read as
21 follows:

22 **499.2 Definitions.**

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

25 1. "*Agricultural associations*" are those formed to produce,
26 grade, blend, preserve, process, store, warehouse, market,
27 sell, or handle an agricultural product, or a by-product of an
28 agricultural product; to produce ethanol; to purchase, produce,
29 sell, or supply machinery, petroleum products, equipment,
30 fertilizer, supplies, business services, or educational service
31 to or for those engaged as bona fide producers of agricultural
32 products; to finance any such activities; or to engage in any
33 cooperative activity connected with or for any number of these
34 purposes.

35 2. "*Agricultural products*" include horticultural,

1 viticultural, forestry, dairy, livestock, poultry, bee and any
2 other farm products.

3 3. "*Association*" means a corporation formed under this
4 chapter.

5 4. A "*cooperative association*" is one which deals with or
6 functions for its members at least to the extent required by
7 section 499.3; and which distributes its net earnings among its
8 members in proportion to their dealings with it, except for
9 limited dividends or other items permitted in this chapter; and
10 in which each voting member has one vote and no more.

11 5. "*Local deferred patronage dividends*" of an association
12 means that portion of each member's deferred patronage
13 dividends described in section 499.30 which the board of
14 directors of the association has determined arise from
15 earnings of the association other than earnings which have been
16 allocated to the association but which have not been paid in
17 cash to the association by other cooperative organizations
18 of which the association is a member. However, if the board
19 of directors fails to make a determination with respect to a
20 deceased member's deferred patronage dividends prior to the
21 member's death, then "local deferred patronage dividends" means
22 that portion of the member's deferred patronage dividends
23 which is proportional to the deferred patronage dividends
24 described in section 499.30 less the amount of undistributed
25 net earnings which have been allocated to the association by
26 other cooperative organizations of which the association is a
27 member, compared to all deferred patronage dividends of the
28 association.

29 6. "*Local deferred patronage preferred stock*" of an
30 association means preferred stock, if any, of an association
31 which has been issued in exchange for local deferred patronage
32 dividends. If preferred stock has been issued in exchange
33 for deferred patronage dividends prior to the time the board
34 of directors of the association has determined the portion of
35 each member's deferred patronage dividend which represents

1 local deferred patronage dividends, then the board of directors
2 may reasonably determine what portion of the preferred stock
3 was issued in exchange for local deferred patronage dividends
4 and the portion which was issued for other deferred patronage
5 dividends.

6 7. "*Member*" refers not only to members of nonstock
7 associations but also to common stockholders of stock
8 associations, unless the context of a particular provision
9 otherwise indicates.

10 Sec. 118. Section 499A.1, subsection 1, Code 2011, is
11 amended to read as follows:

12 1. Any two or more persons of full age, a majority of whom
13 are citizens of the state, may organize themselves for the
14 following or similar purposes: Ownership of residential,
15 business property on a cooperative basis. A ~~corporation~~
16 cooperative is a person within the meaning of this chapter.
17 The organizers shall adopt, and sign and acknowledge the
18 articles of incorporation, stating the name by which the
19 cooperative shall be known, the location of its principal
20 place of business, its business or objects, the number of
21 directors to conduct the cooperative's business or objects,
22 the names of the directors for the first year, the time of the
23 cooperative's annual meeting, the time of the annual meeting
24 of its directors, and the manner in which the articles may be
25 amended. The articles of incorporation shall be filed with
26 the secretary of state who shall, if the secretary approves
27 the articles, endorse the secretary of state's approval on the
28 articles, record the articles, and forward the articles to
29 the county recorder of the county where the principal place
30 of business is to be located, and there the articles shall be
31 recorded, and upon recording be returned to the cooperative.
32 The articles shall not be filed by the secretary of state until
33 a filing fee of five dollars together with a recording fee of
34 fifty cents per page is paid, and upon the payment of the fees
35 and the approval of the articles by the secretary of state,

1 the secretary shall issue to the cooperative a certificate
2 of incorporation as a cooperative not for pecuniary profit.
3 The county recorder shall collect recording fees pursuant to
4 section 331.604 for articles forwarded for recording under this
5 section.

6 Sec. 119. Section 508.33, Code 2011, is amended to read as
7 follows:

8 **508.33 Subsidiary companies acquired.**

9 Any life insurance company incorporated in this state
10 may organize, or acquire by purchase, in whole or in part
11 subsidiary insurance and investment companies in which it
12 owns not less than fifty-one percent of the common stock,
13 and notwithstanding any other provisions of this subtitle
14 inconsistent herewith may ~~(1) invest~~ do all of the following:

- 15 1. Invest funds from surplus for such purpose, ~~(2) make.~~
16 2. Make loans to such subsidiaries, ~~and (3) permit.~~
17 3. Permit all or part of its officers and directors to serve
18 as officers or directors of such subsidiary companies.

19 Sec. 120. Section 514G.105, subsection 1, paragraph c, Code
20 2011, is amended to read as follows:

21 *c.* Provide coverage for skilled nursing care only, or
22 provide significantly more coverage for skilled nursing care in
23 a facility than coverage for lower levels of care.

24 Sec. 121. Section 514G.110, subsection 6, paragraph c, Code
25 2011, is amended to read as follows:

26 *c.* An insured may object to the independent review entity
27 selected by the insurer or to the licensed health care
28 professional designated by the independent review entity to
29 conduct the review by filing a notice of objection along with
30 reasons for the objection, with the commissioner within ten
31 days of receipt of a notice sent by the independent review
32 entity pursuant to paragraph "b". The commissioner shall
33 consider the insured's objection and shall notify the insured,
34 the insurer, and the independent review entity of ~~its~~ the
35 commissioner's decision to sustain or deny the objection within

1 two business days of receipt of the objection.

2 Sec. 122. Section 514I.5, subsection 1, unnumbered
3 paragraph 1, Code 2011, is amended to read as follows:

4 A hawk-i board for the hawk-i program is established. The
5 board shall meet not less than six and not more than twelve
6 times annually, for the purposes of establishing policy
7 for, directing the department on, and adopting rules for the
8 program. The board shall consist of seven voting members
9 and four ex officio, nonvoting members, including all of the
10 following:

11 Sec. 123. Section 524.310, subsection 5, paragraph b, Code
12 2011, is amended to read as follows:

13 b. A corporate or company name reserved, registered, or
14 protected as provided in section 490.402, 490.403, 490A.402,
15 504.402, or 504.403.

16 Sec. 124. Section 524.1406, subsection 3, paragraph a, Code
17 2011, is amended to read as follows:

18 a. Notwithstanding any contrary provision in chapter
19 490, division XIII, in determining the fair value of the
20 shareholder's shares of a bank organized under this chapter
21 or a bank holding company as defined in section 524.1801 in a
22 transaction or event in which the shareholder is entitled to
23 appraisal rights, due consideration shall be given to valuation
24 factors recognized for federal and state estate tax purposes,
25 including discounts for minority interests and discounts
26 for lack of marketability. However, any payment made to
27 shareholders under section 490.1324 shall be in an amount not
28 less than the stockholders' equity in the bank disclosed in its
29 last statement of condition filed under section 524.220 or the
30 total equity capital of the bank holding company disclosed in
31 the most recent report filed by the bank holding company with
32 the board of governors of the federal reserve system, divided
33 by the number of shares outstanding.

34 Sec. 125. Section 533.111, subsection 4, paragraph b, Code
35 2011, is amended to read as follows:

1 *b.* Funds appropriated to the credit union division shall
2 be subject at all times to the warrant of the director of
3 ~~revenue~~ the department of administrative services, drawn upon
4 written requisition of the superintendent or a designated
5 representative, for the payment of all salaries and other
6 expenses necessary to carry out the duties of the credit union
7 division.

8 Sec. 126. Section 533.204, subsection 5, Code 2011, is
9 amended to read as follows:

10 5. *a.* A state credit union wishing to maintain a board
11 of directors of less than nine members may apply to the
12 superintendent for permission to reduce the required number of
13 directors. An application to reduce the required number of
14 directors under this subsection must demonstrate both of the
15 following:

16 ~~*a.*~~ (1) The application is necessitated by a hardship or
17 other special circumstance.

18 ~~*b.*~~ (2) A lesser number of directors is in the best interest
19 of the state credit union and its members.

20 *b.* In no event ~~may~~ shall the superintendent allow a state
21 credit union to maintain fewer than seven directors on a state
22 credit union board.

23 Sec. 127. Section 533.205, subsection 2, paragraph d, Code
24 2011, is amended to read as follows:

25 *d.* The board may appoint an executive committee to act on
26 ~~its~~ the board's behalf.

27 Sec. 128. Section 533.207, subsection 4, Code 2011, is
28 amended to read as follows:

29 4. The credit committee shall meet as often as may be
30 necessary after due notice to each committee member.

31 Sec. 129. Section 533.315, subsection 9, paragraph a, Code
32 2011, is amended to read as follows:

33 *a.* The provisions of the Iowa consumer credit code, chapter
34 537, shall apply to consumer loans made by a state credit
35 union, and a provision of that ~~code~~ chapter shall supersede

1 any conflicting provision of this chapter with respect to a
2 consumer loan.

3 Sec. 130. Section 533.404, subsection 2, Code 2011, is
4 amended to read as follows:

5 2. All amounts due members who are unknown, or who are under
6 a disability and no person is legally competent to receive
7 the amounts, or who cannot be found after the exercise of
8 reasonable diligence, shall be transmitted to the treasurer
9 of state who shall hold the amounts in the manner prescribed
10 by chapter 556. All amounts due creditors as described in
11 section 490.1440 shall be transmitted to the treasurer of state
12 in accordance with that section ~~and~~, shall be retained by the
13 treasurer of state, and are subject to claim as provided for in
14 that section.

15 Sec. 131. Section 533.505, subsection 4, Code 2011, is
16 amended to read as follows:

17 4. The refusal of any person to obey an order of the
18 district court issued pursuant to subsection ~~±~~ 3, without
19 reasonable cause, shall be considered a contempt of court.

20 Sec. 132. Section 534.202, subsection 1, Code 2011, is
21 amended to read as follows:

22 1. *Power to purchase and to lend upon loans.* The power to
23 make loans shall include ~~(a) the~~ all of the following:

24 a. The power to purchase loans of any type that the
25 association may make, ~~(b) the.~~

26 b. The power to make loans upon the security of loans of any
27 type that the association may make, ~~and (c) the.~~

28 c. The power to sell any loans of the type the association
29 is authorized to make.

30 Sec. 133. Section 535B.1, subsection 8, Code 2011, is
31 amended to read as follows:

32 8. "*Natural person*" means an individual who is not
33 an association, joint venture, or joint stock company,
34 partnership, limited partnership, business corporation,
35 nonprofit corporation, other business entity, or any other

1 group of individuals or business entities, however organized.

2 Sec. 134. Section 546.10, subsection 10, Code 2011, is
3 amended to read as follows:

4 10. Notwithstanding section 17A.6, subsection 4 2, the
5 licensing boards included within the bureau pursuant to
6 subsection 1 may adopt standards by reference to another
7 publication without providing a copy of the publication to the
8 administrative rules coordinator if the publication containing
9 the standards is readily accessible on the internet at no cost
10 and the internet site at which the publication may be found is
11 included in the administrative rules that adopt the standard.

12 Sec. 135. Section 582.1, Code 2011, is amended by adding the
13 following new unnumbered paragraph:

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

16 Sec. 136. Section 600.11, subsection 2, Code 2011, is
17 amended to read as follows:

18 2. a. At least twenty days before the adoption hearing, a
19 copy of the petition and its attachments and a notice of the
20 adoption hearing shall be given by the adoption petitioner to:

21 ~~a.~~ (1) A guardian, guardian ad litem if appointed for
22 the adoption proceedings, and custodian of, and a person in a
23 parent-child relationship with the person to be adopted. This
24 ~~paragraph~~ subparagraph does not require notice to be given to a
25 person whose parental rights have been terminated with regard
26 to the person to be adopted.

27 ~~b.~~ (2) The person to be adopted who is an adult.

28 ~~c.~~ (3) Any person who is designated to make an
29 investigation and report under section 600.8.

30 ~~d.~~ (4) Any other person who is required to consent under
31 section 600.7.

32 ~~e.~~ (5) A person who has been granted visitation rights with
33 the child to be adopted pursuant to section 600C.1.

34 ~~Nothing in this subsection shall require the petitioner to~~
35 ~~give notice to self or to petitioner's spouse. A duplicate~~

1 ~~copy of the petition and its attachments shall be mailed to the~~
2 ~~department by the clerk of court at the time the petition is~~
3 ~~filed.~~

4 ~~£,~~ (6) A person who is ordered to pay support or a
5 postsecondary education subsidy pursuant to section 598.21F, or
6 chapter 234, 252A, 252C, 252F, 598, 600B, or any other chapter
7 of the Code, for a person eighteen years of age or older who is
8 being adopted by a stepparent, and the support order or order
9 requires payment of support or postsecondary education subsidy
10 for any period of time after the child reaches eighteen years
11 of age.

12 b. Nothing in this subsection shall require the petitioner
13 to give notice to self or to petitioner's spouse. A duplicate
14 copy of the petition and its attachments shall be mailed to the
15 department by the clerk of court at the time the petition is
16 filed.

17 Sec. 137. Section 600C.1, subsection 5, Code 2011, is
18 amended to read as follows:

19 5. For the purposes of this ~~subsection~~ section, "*substantial*
20 *relationship*" includes but is not limited to any of the
21 following:

22 a. The child has lived with the grandparent or
23 great-grandparent for at least six months.

24 b. The grandparent or great-grandparent has voluntarily and
25 in good faith supported the child financially in whole or in
26 part for a period of not less than six months.

27 c. The grandparent or great-grandparent has had frequent
28 visitation including occasional overnight visitation with the
29 child for a period of not less than one year.

30 Sec. 138. Section 602.8105, subsection 2, paragraph e, Code
31 2011, is amended to read as follows:

32 e. For filing a praecipe to issue execution under chapter
33 626, twenty-five dollars. The fee shall be recoverable by
34 the creditor from the debtor against whom the execution is
35 issued. A fee payable by a political subdivision of the state

1 under this paragraph shall be collected by the clerk of the
2 district court as provided in section 602.8109. However,
3 the fee shall be waived and shall not be collected from a
4 political subdivision of the state if a county attorney or
5 county attorney's designee is collecting a delinquent judgment
6 pursuant to section 602.8107, subsection 4.

7 Sec. 139. Section 602.8109, subsection 6, Code 2011, is
8 amended to read as follows:

9 6. If the amount owed by the city under subsection 5,
10 paragraph "a", for a calendar month is greater than the amount
11 due to the city under subsection 5, paragraph "b", for that
12 month, the city shall remit the difference to the clerk of the
13 district court no later than the last day of the month in which
14 the statement under subsection 5 is received.

15 Sec. 140. Section 626D.5, subsection 4, Code 2011, is
16 amended to read as follows:

17 4. The court may ~~recognize and enforce or~~ decline to
18 recognize and enforce a tribal judgment on equitable grounds
19 for any of the following reasons:

20 a. The tribal judgment was obtained by extrinsic fraud.

21 b. The tribal judgment conflicts with another filed judgment
22 that is entitled to recognition in this state.

23 c. The tribal judgment is inconsistent with the parties'
24 contractual choice of forum provided the contractual choice of
25 forum issue was timely raised in the tribal court.

26 d. The tribal court does not recognize and enforce judgments
27 of the courts of this state under standards similar to those
28 provided in this chapter.

29 e. The cause of action or defense upon which the tribal
30 judgment is based is repugnant to the fundamental public policy
31 of the United States or this state.

32 Sec. 141. Section 633.3, subsection 4, Code 2011, is amended
33 to read as follows:

34 4. *Charges* — includes costs of administration, funeral
35 expenses, cost of monument, and federal and state estate taxes.

1 Sec. 142. Section 633.231, subsection 2, Code 2011, is
2 amended to read as follows:

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

4 NOTICE OF OPENING ADMINISTRATION
5 OF ESTATE, OF APPOINTMENT OF
6 ADMINISTRATOR, AND NOTICE
7 TO CREDITOR

8 In the District Court of Iowa
9 In and for County.

10 In the Estate of, Deceased
11 Probate No.

12 To the Department of Human Services Who May Be Interested
13 in the Estate of, Deceased, who died on or about
14 (date):

15 You are hereby notified that on the ... day
16 of ... (month), ... (year), an intestate estate was opened
17 in the above-named court and that was appointed
18 administrator of the estate.

19 You are further notified that the birthdate of the deceased
20 is and the deceased's social security number
21 is...-...-.... The name of the spouse
22 is The birthdate of the spouse is and the spouse's
23 social security number is ...-...-....., and that the spouse
24 of the deceased is alive as of the date of this notice, or
25 deceased as of (date).

26 You are further notified that the deceased was/was not a
27 disabled or a blind child of the medical assistance recipient
28 by the name of, who had a birthdate of and a social
29 security number of ...-...-....., and the medical assistance
30 debt of that medical assistance recipient was waived pursuant
31 to section 249A.5, subsection 2, paragraph "a", subparagraph
32 (1), and is now collectible from this estate pursuant to
33 section 249A.5, subsection 2, paragraph "b".

34 Notice is hereby given that if the department of human
35 services has a claim against the estate for the deceased person

1 or persons named in this notice, the claim shall be filed with
2 the clerk of the above-named district court, as provided by
3 law, duly authenticated, for allowance within six months from
4 the date of sending this notice and, unless otherwise allowed
5 or paid, the claim is thereafter forever barred. If the
6 department does not have a claim, the department shall return
7 the notice to the ~~executor~~ administrator with notification
8 stating the department does not have a claim within six months
9 from the date of sending this notice.

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

11

12 Administrator of estate

13

14 Address

15

16 Attorney for administrator

17

18 Address

19 Sec. 143. Section 633.717, subsection 8, Code 2011, is
20 amended to read as follows:

21 8. The denial by a court of this state of a petition to
22 accept a guardianship or conservatorship transferred from
23 another state does not affect the ability of the guardian or
24 conservator to seek appointment as guardian or conservator in
25 this state under section 633.551, ~~or~~ 633.552, or 633.566, if
26 the court has jurisdiction to make an appointment other than by
27 reason of the provisional order of transfer.

28 Sec. 144. Section 633A.3112, subsection 1, Code 2011, is
29 amended to read as follows:

30 1. "*Charges*" includes costs of administration, funeral
31 expenses, costs of monuments, and federal and state estate
32 taxes.

33 Sec. 145. Section 636.45, subsection 2, Code 2011, is
34 amended to read as follows:

35 2. It shall be lawful for insurance companies, ~~building~~

1 savings and loan associations, trustees, guardians, executors,
2 administrators, and other fiduciaries, the state and its
3 political subdivisions, and institutions and agencies thereof,
4 and all other persons, associations, and corporations, subject
5 to the laws of this state, to originate real estate loans
6 which are guaranteed or insured by the secretary of the United
7 States department of veterans affairs under the provisions of
8 38 U.S.C. § 3701 et seq., and originate loans secured by real
9 property or leasehold, as the federal housing administrator
10 insures or makes a commitment to insure pursuant to Tit. II of
11 the National Housing Act (1934), and may obtain such insurance
12 and may invest their funds, and the moneys in their custody or
13 possession, eligible for investment, in bonds and notes secured
14 by mortgage or trust deed insured by the federal housing
15 administrator, and in the debentures issued by the federal
16 housing administrator pursuant to Tit. II of the National
17 Housing Act (1934), and in securities issued by national
18 mortgage associations or similar credit institutions now or
19 hereafter organized under Tit. III of the National Housing
20 Act (1934), and in real estate loans which are guaranteed or
21 insured by the secretary of the United States department of
22 veterans affairs under the provisions of 38 U.S.C. § 3701 et
23 seq.

24 Sec. 146. Section 654.6, Code 2011, is amended to read as
25 follows:

26 **654.6 Deficiency — general execution.**

27 If the mortgaged property does not sell for an amount which
28 is sufficient to satisfy the execution, a general execution
29 may be issued against the mortgagor, unless the parties have
30 stipulated otherwise.

31 Sec. 147. Section 692A.113, subsection 1, paragraph h, Code
32 2011, is amended to read as follows:

33 *h.* Loiter on or within three hundred feet of the premises of
34 any place intended primarily for the use of minors including
35 but not limited to a playground available to the public, a

1 children's play area available to the public, a recreational or
2 sport-related activity area when in use by a minor, a swimming
3 or wading pool available to the public when in use by a minor,
4 or a beach available to the public when in use by a minor.

5 Sec. 148. Section 707.6A, subsection 4, Code 2011, is
6 amended to read as follows:

7 4. A person commits a class "D" felony when the person
8 unintentionally causes a serious injury, as defined in section
9 ~~321J.1~~ 702.18, by any of the means described in subsection 1
10 or 2.

11 Sec. 149. Section 714.8, subsection 14, paragraph a, Code
12 2011, is amended to read as follows:

13 a. Makes payment pursuant to an agreement with a dealer
14 or market agency for livestock held by the dealer or market
15 agency by use of a financial instrument which is a check, share
16 draft, draft, or written order on any financial institution, as
17 defined in section ~~203C.1~~ 203.1, if after seven days from the
18 date that possession of the livestock is transferred pursuant
19 to the purchase, the financial institution refuses payment on
20 the instrument because of insufficient funds in the maker's
21 account.

22 Sec. 150. Section 717F.1, subsection 10, paragraph c, Code
23 2011, is amended to read as follows:

24 c. A research facility which ~~is certified~~ has been issued a
25 certificate of registration by the department of agriculture
26 and land stewardship as provided in ~~section 162.10~~ sections
27 162.2A and 162.4A.

28 Sec. 151. Section 728.8, Code 2011, is amended to read as
29 follows:

30 **728.8 Suspension of licenses or permits.**

31 Any person who knowingly permits a violation of section
32 728.2, 728.3, or 728.5, subsection ~~6~~ 1, paragraph "f", to occur
33 on premises under the person's control shall have all permits
34 and licenses issued to the person under state or local law as a
35 prerequisite for doing business on such premises revoked for

1 a period of six months. The county attorney shall notify all
2 agencies responsible for issuing licenses and permits of any
3 conviction under section 728.2, 728.3, or 728.5, subsection 6
4 1, paragraph "f".

5 Sec. 152. Section 731.8, Code 2011, is amended to read as
6 follows:

7 **731.8 Exception.**

8 The provisions of this chapter shall not apply to employers
9 or employees covered by the federal ~~Railroad~~ Railway Labor Act,
10 45 U.S.C. § 151 et seq.

11 Sec. 153. Section 805.8A, subsection 4, unnumbered
12 paragraph 1, Code 2011, is amended to read as follows:

13 For driver's license violations under the following
14 sections, the scheduled ~~violation~~ fine is as follows:

15 Sec. 154. Section 805.8A, subsection 6, unnumbered
16 paragraph 1, Code 2011, is amended to read as follows:

17 For operating violations under the following sections, the
18 scheduled ~~violation~~ fine is as follows:

19 Sec. 155. Section 805.8A, subsection 7, unnumbered
20 paragraph 1, Code 2011, is amended to read as follows:

21 For failure to yield or obey violations under the following
22 sections, the scheduled ~~violation~~ fine is as follows:

23 Sec. 156. Section 805.8A, subsection 8, unnumbered
24 paragraph 1, Code 2011, is amended to read as follows:

25 For traffic sign or signal violations under the following
26 sections, the scheduled ~~violation~~ fine is as follows:

27 Sec. 157. Section 805.8A, subsection 14, paragraph c,
28 subparagraph (2), Code 2011, is amended to read as follows:

29 (2) For a violation under section 321.446, the scheduled
30 ~~violation~~ fine is one hundred dollars.

31 Sec. 158. Section 907.3, subsection 3, unnumbered paragraph
32 1, Code 2011, is amended to read as follows:

33 By record entry at the time of or after sentencing, the court
34 may suspend the sentence and place the defendant on probation
35 upon such terms and conditions as it may require including

1 commitment to an alternate jail facility or a community
2 correctional residential treatment facility to be followed by
3 a ~~term~~ period of probation as specified in section 907.7, or
4 commitment of the defendant to the judicial district department
5 of correctional services for supervision or services under
6 section 901B.1 at the level of sanctions which the district
7 department determines to be appropriate and the payment of fees
8 imposed under section 905.14. A person so committed who has
9 probation revoked shall be given credit for such time served.
10 However, the court shall not suspend any of the following
11 sentences:

12 Sec. 159. Section 908.11, subsection 4, Code 2011, is
13 amended to read as follows:

14 4. If the violation is established, the court may continue
15 the probation or youthful offender status with or without
16 an alteration of the conditions of probation or a youthful
17 offender status. If the defendant is an adult or a youthful
18 offender the court may hold the defendant in contempt of court
19 and sentence the defendant to a jail term while continuing the
20 probation or youthful offender status, order the defendant
21 to be placed in a violator facility established pursuant to
22 section 904.207 while continuing the probation or youthful
23 offender status, extend the ~~term~~ period of probation for up to
24 one year as authorized in section 907.7 while continuing the
25 probation or youthful offender status, or revoke the probation
26 or youthful offender status and require the defendant to serve
27 the sentence imposed or any lesser sentence, and, if imposition
28 of sentence was deferred, may impose any sentence which might
29 originally have been imposed.

30 Sec. 160. Section 915.86, subsection 14, Code 2011, is
31 amended to read as follows:

32 14. Reasonable expenses incurred by a victim, the victim's
33 parent or caretaker, or the survivor of a homicide victim as
34 described in subsection 10 to replace locks, windows, and other
35 residential security items at the victim's residence or at

1 the residential scene of a crime, not to exceed five hundred
2 dollars per residence.

3 Sec. 161. 2010 Iowa Acts, chapter 1031, section 255, is
4 amended by striking the section and inserting in lieu thereof
5 the following:

6 SEC. 255. 2008 Iowa Acts, chapter 1080, section 1,
7 subsection 6, is amended to read as follows:

8 6. This section is repealed on ~~July 1~~ March 10, 2010.

9 Sec. 162. Section 203C.37, subsection 1, paragraph a, as
10 amended by 2010 Iowa Acts, chapter 1082, section 4, is amended
11 to read as follows:

12 a. Upon the filing of an application pursuant to section
13 203C.7 and compliance with the terms and conditions of this
14 chapter including rules of the department, the department
15 shall issue the applicant a warehouse operator's license.
16 The license expires at the end of the third calendar month
17 following the close of the warehouse operator's fiscal year.
18 A warehouse operator's license may be renewed annually by the
19 filing of a renewal application on a form prescribed by the
20 department pursuant to section ~~203C.37~~ 203C.7. An application
21 for renewal must be received by the department on or before
22 the end of the third calendar month following the close of the
23 warehouse operator's fiscal year.

24 Sec. 163. 2010 Iowa Acts, chapter 1193, section 141, is
25 amended to read as follows:

26 SEC. 141. EFFECTIVE DATE. The provision of this division
27 of this Act amending section ~~421.3~~ 421C.3, if enacted by 2010
28 Iowa Acts, Senate File 2383, takes effect on the effective date
29 of section 421C.3.

30 Sec. 164. 2010 Iowa Acts, chapter 1193, section 203, is
31 amended to read as follows:

32 SEC. 203. 2010 Iowa Acts, Senate File 2356, section ~~2~~ 1,
33 amending section 249J.7, if enacted, is repealed.

34 Sec. 165. REPEAL. Section 80D.15, Code 2011, is repealed.

35 Sec. 166. REPEAL. Section 103A.27, Code 2011, is repealed.

1 Sec. 167. REPEAL. Section 455B.473A, Code 2011, is
2 repealed.

3 DIVISION II
4 RESTRUCTURING

5 Sec. 168. Section 421B.2, subsections 1 and 6, Code 2011,
6 are amended to read as follows:

7 1. "*Basic cost of cigarettes*" shall mean whichever of one of
8 the two following amounts is lower:—(a) the, less, in either
9 case, all trade discounts and customary discounts for cash,
10 plus one-half of the full face value of any stamps which may be
11 required by any cigarette tax act of this state:

12 a. The true invoice cost of cigarettes to the wholesaler or
13 retailer, as the case may be, ~~or (b) the.~~

14 b. The lowest replacement cost of cigarettes to the
15 wholesaler or retailer in the quantity last purchased, ~~less, in~~
16 ~~either case, all trade discounts and customary discounts for~~
17 ~~cash, plus one-half of the full face value of any stamps which~~
18 ~~may be required by any cigarette tax act of this state.~~

19 6. "*Retailer*" means any person who is engaged in this state
20 in the business of selling, or offering to sell, cigarettes
21 at retail. For purposes of this chapter, a person who does
22 not meet the definition of retailer or wholesaler but who is
23 engaged in the business of selling cigarettes in this state to
24 a retailer or final consumer shall be considered a retailer and
25 subject to the minimum pricing requirements of this chapter.

26 ~~For purposes of this chapter, a person who does not meet the~~
27 ~~definition of retailer or wholesaler but who is engaged in the~~
28 ~~business of selling cigarettes in this state to a retailer or~~
29 ~~final consumer shall be considered a retailer and subject to~~
30 ~~the minimum pricing requirements of this chapter.~~

31 Sec. 169. Section 425.11, Code 2011, is amended to read as
32 follows:

33 **425.11 Definitions.**

34 1. For the purpose of this chapter and wherever used in this
35 chapter:

1 ~~1. a.~~ ~~The words "assessed~~ "Assessed valuation" shall mean
2 means the taxable valuation of the homestead as fixed by the
3 assessor, or by the board of review, under the provisions of
4 section 441.21, without deducting therefrom the exemptions
5 authorized in section 426A.11.

6 ~~2. b.~~ Unless the context otherwise requires, ~~"book"~~ "Book",
7 "list", "record", or "schedule" kept by a county auditor,
8 assessor, treasurer, recorder, sheriff, or other county
9 officer, unless the context otherwise requires, means the
10 county system as defined in section 445.1.

11 ~~c.~~ "Dwelling house" shall embrace any building occupied
12 wholly or in part by the claimant as a home.

13 ~~3. d.~~ The word ~~"homestead"~~ "Homestead" shall have the
14 following meaning:

15 ~~a.~~ (1) The homestead includes the dwelling house which the
16 owner, in good faith, is occupying as a home on July 1 of the
17 year for which the credit is claimed and occupies as a home
18 for at least six months during the calendar year in which the
19 fiscal year begins, except as otherwise provided.

20 (a) When any person is inducted into active service under
21 the Selective Training and Service Act of the United States
22 or whose voluntary entry into active service results in a
23 credit on the quota of persons required for service under the
24 Selective Training and Service Act, or who, being a member of
25 any component part of the military, naval, or air forces or
26 nurse corps of this state or nation, is called or ordered into
27 active service, such person shall be considered as occupying
28 or living on the homestead during such service and, where
29 equitable or legal title of the homestead is in the spouse of
30 the person who is a member of or is inducted into the armed
31 services of the United States, the spouse shall be considered
32 as occupying or living on the homestead during such service.

33 (b) When any person is confined in a nursing home,
34 extended-care facility, or hospital, such person shall be
35 considered as occupying or living on a homestead where such

1 person is the owner of such homestead and such person maintains
2 such homestead and does not lease, rent, or otherwise receive
3 profits from other persons for the use thereof.

4 ~~b.~~ (2) It may contain one or more contiguous lots or tracts
5 of land with the buildings or other appurtenances thereon
6 habitually, and in good faith, used as a part of the homestead.

7 ~~c.~~ (3) It must not embrace more than one dwelling house,
8 but where a homestead has more than one dwelling house situated
9 thereon, the credit provided for in this chapter shall apply to
10 the home and buildings used by the owner, but shall not apply
11 to any other dwelling house and buildings appurtenant.

12 ~~d.~~ The words "~~dwelling house~~" shall embrace any building
13 occupied wholly or in part by the claimant as a home.

14 4. ~~e.~~ The word "~~owner~~" shall mean "Owner" means the
15 person who holds the fee simple title to the homestead, and
16 in addition shall mean the person occupying as a surviving
17 spouse or the person occupying under a contract of purchase
18 which contract has been recorded in the office of the county
19 recorder of the county in which the property is located; or the
20 person occupying the homestead under devise or by operation
21 of the inheritance laws where the whole interest passes or
22 where the divided interest is shared only by persons related or
23 formerly related to each other by blood, marriage or adoption;
24 or the person occupying the homestead is a shareholder of a
25 family farm corporation that owns the property; or the person
26 occupying the homestead under a deed which conveys a divided
27 interest where the divided interest is shared only by persons
28 related or formerly related to each other by blood, marriage
29 or adoption; or where the person occupying the homestead holds
30 a life estate with the reversion interest held by a nonprofit
31 corporation organized under chapter 504, provided that the
32 holder of the life estate is liable for and pays property tax
33 on the homestead; or where the person occupying the homestead
34 holds an interest in a horizontal property regime under chapter
35 499B, regardless of whether the underlying land committed to

1 the horizontal property regime is in fee or as a leasehold
2 interest, provided that the holder of the interest in the
3 horizontal property regime is liable for and pays property tax
4 on the homestead; or where the person occupying the homestead
5 is a member of a community land trust as defined in 42 U.S.C.
6 § 12773, regardless of whether the underlying land is in fee
7 or as a leasehold interest, provided that the member of the
8 community land trust is occupying the homestead and is liable
9 for and pays property tax on the homestead. For the purpose of
10 this chapter the word "owner" shall be construed to mean a bona
11 fide owner and not one for the purpose only of availing the
12 person of the benefits of this chapter. In order to qualify
13 for the homestead tax credit, evidence of ownership shall be
14 on file in the office of the clerk of the district court or
15 recorded in the office of the county recorder at the time the
16 owner files with the assessor a verified statement of the
17 homestead claimed by the owner as provided in section 425.2.

18 2. Where not in conflict with the terms of the definitions
19 above set out in subsection 1, the provisions of chapter 561
20 shall control.

21 Sec. 170. Section 427B.3, Code 2011, is amended to read as
22 follows:

23 **427B.3 Period of partial exemption.**

24 1. "Actual value added", as used in this chapter, means the
25 actual value added as of the first year for which the exemption
26 is received, except that actual value added by improvements to
27 machinery and equipment means the actual value as determined
28 by the assessor as of January 1 of each year for which the
29 exemption is received.

30 2. The actual value added to industrial real estate for the
31 reasons specified in section 427B.1 is eligible to receive a
32 partial exemption from taxation for a period of five years.
33 However, if property ceases to be classified as industrial real
34 estate or ceases to be used as a warehouse or distribution
35 center, the partial exemption for the value added shall not be

1 allowed for subsequent assessment years. ~~"Actual value added"~~
2 ~~as used in this chapter means the actual value added as of the~~
3 ~~first year for which the exemption is received, except that~~
4 ~~actual value added by improvements to machinery and equipment~~
5 ~~means the actual value as determined by the assessor as of~~
6 ~~January 1 of each year for which the exemption is received.~~

7 3. a. The amount of actual value added which is eligible to
8 be exempt from taxation shall be as follows:

- 9 ~~1.~~ (1) For the first year, seventy-five percent.
10 ~~2.~~ (2) For the second year, sixty percent.
11 ~~3.~~ (3) For the third year, forty-five percent.
12 ~~4.~~ (4) For the fourth year, thirty percent.
13 ~~5.~~ (5) For the fifth year, fifteen percent.

14 b. This schedule shall be followed unless an alternative
15 schedule is adopted by the city council of a city or the board
16 of supervisors of a county in accordance with section 427B.1.

17 4. However, the granting of the exemption under this section
18 for new construction constituting complete replacement of an
19 existing building or structure shall not result in the assessed
20 value of the industrial real estate being reduced below the
21 assessed value of the industrial real estate before the start
22 of the new construction added.

23 DIVISION III

24 INTERNAL REFERENCE CORRECTIONS

25 Sec. 171. Section 47.10, Code 2011, is amended to read as
26 follows:

27 **47.10 Optical scan voting system fund.**

28 An optical scan voting system fund is established in the
29 office of the treasurer of state under the control of the
30 secretary of state. Moneys in the fund are appropriated to the
31 office of the secretary of state for purchase and distribution
32 of optical scan voting system equipment to counties to assist
33 county compliance with section 52.2, ~~subsection 2.~~ The
34 secretary of state, in consultation with the department of
35 administrative services, shall establish a procedure for

1 purchasing and distributing the equipment.

2 Sec. 172. Section 80D.5, Code 2011, is amended to read as
3 follows:

4 **80D.5 No exemptions.**

5 There shall be no exemptions from the personal and training
6 standards provided for in this chapter except as provided in
7 ~~sections~~ section 80D.7 and ~~80D.15~~.

8 DIVISION IV

9 EFFECTIVE AND APPLICABILITY

10 PROVISIONS

11 Sec. 173. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
12 APPLICABILITY. The following provision or provisions of this
13 Act, being deemed of immediate importance, take effect upon
14 enactment and apply on the dates specified:

15 1. The section of this Act amending 2010 Iowa Acts, chapter
16 1031, section 255, applies retroactively to March 10, 2010.

17 2. The section of this Act amending 2010 Iowa Acts, chapter
18 1082, section 4, applies retroactively to July 1, 2010.

19 3. The section of this Act amending 2010 Iowa Acts, chapter
20 1193, section 141, applies retroactively to January 1, 2011.

21 4. The section of this Act amending 2010 Iowa Acts, chapter
22 1193, section 203, applies retroactively to July 1, 2010.

23 EXPLANATION

24 This bill contains statutory corrections that adjust
25 language to reflect current practices, insert earlier
26 omissions, delete redundancies and inaccuracies, delete
27 temporary language, resolve inconsistencies and conflicts,
28 update ongoing provisions, or remove ambiguities. The Code
29 sections amended include the following:

30 DIVISION I. Code section 8.9: Strikes language within
31 this provision establishing the office of grants enterprise
32 management that cites to a provision within Code section 8A.505
33 that formerly provided a standing appropriation for the office,
34 but which was stricken by 2009 Iowa Acts, ch. 181, §38.

35 Code section 8A.207: Deletes the word "or" to correct the

1 exception language pertaining to the contract procedures for
2 procurement of information technology that was added by 2010
3 Iowa Acts, ch. 1189, §36.

4 Code section 15.104: Strikes a reference to a three-year
5 strategic plan for economic growth that was eliminated in 2008
6 by 2008 Iowa Acts, ch. 1122, §5.

7 Code section 15.117A: Updates, within language designating
8 the membership of the Iowa innovation council, a reference to
9 the provision under which the chief information officer is
10 appointed. Code section 8A.104, subsection 12, was stricken
11 by 2010 Iowa Acts, ch. 1031, §1, and Code section 8A.201A was
12 enacted in 2010 Iowa Acts, ch. 1031, §8.

13 Code sections 15.119 and 422.33: Eliminate references to
14 Code section 422.11E, that previously provided for an assistive
15 device tax credit for individuals and was repealed by 2009 Iowa
16 Acts, ch. 179, §151.

17 Code section 15.333: Strikes paragraph "b" of subsection 1,
18 which relates to the receiving of refunds of unused tax credits
19 by businesses which produce value-added agricultural products
20 or which use biotechnology-related processes to conform to
21 changes made by 2010 Iowa Acts, ch. 1138, §27.

22 Code section 16.131A: Expands a citation string that
23 governs the applicability of the subchapter definitions
24 contained in this Code section to include a reference to Code
25 section 16.135, which was added to the subchapter in 2009 by
26 2009 Iowa Acts, ch. 72, §2.

27 Code section 16.135: Clarifies, by adding the words
28 "wastewater treatment", that the system referred to in this
29 provision relating to a wastewater viability assessment is a
30 wastewater treatment system and not a "water system" as defined
31 in Code section 16.131A.

32 Code sections 16.192, 16.193, and 16.195: Add references
33 to the Iowa jobs II program in language pertaining to the
34 administration of Iowa jobs programs to conform to changes made
35 by 2010 Iowa Acts, ch. 1184.

1 Code section 28H.1: Corrects the date pertaining to the
2 signing of the executive order number 11 that established the
3 regions to be used for the coordination of state services.
4 Executive order number 11 was signed by Governor Harold Hughes
5 on February 19, 1968.

6 Code section 29A.43: Adds the words "or service" to conform
7 to other instances within this provision that describe the
8 reasons for absences from employment that cannot be used to
9 discriminate against employees who are also enlisted members
10 of the national guard, armed forces reserves, and civil air
11 patrol.

12 Code section 50.39: Replaces, in two instances, the word
13 "it" with the words "the state board of canvassers" to clarify
14 what entity is responsible for making the abstract of the
15 ballots and declaring the winner of an election.

16 Code section 52.2: Strikes, in Code section 52.2, an
17 obsolete provision that used to allow a county board of
18 supervisors to purchase and use voting machines in addition
19 to optical scan voting systems. Effective November 4, 2008,
20 optical scan voting systems are the only voting system that
21 is permissible in this state. An internal reference in Code
22 section 47.10 to the language which remains in Code section
23 52.2 is corrected in division III of the bill to reflect the
24 changes to Code section 52.2.

25 Code section 68A.401: Corrects the reference to the
26 provision which allows political committees that are registered
27 and filing full disclosure reports of all financial activities
28 with the federal election commission to file verified
29 statements.

30 Code section 80D.15: Repeals at the end of this division of
31 the bill this obsolete provision exempting certain auxiliary
32 civil defense police from provisions relating to reserve peace
33 officers. Auxiliary civil defense police officers no longer
34 exist in this state. Code chapter 29C now governs situations
35 in which civil defense police officers used to be utilized on

1 the local level. An internal reference to this Code section is
2 stricken from Code section 80D.5 in division III of the bill.

3 Code section 88.5: Corrects an internal reference relating
4 to the filing of complaints regarding railway sanitation and
5 shelter. The balance of the provisions in this Code section
6 have their own enforcement mechanisms and relate to different
7 health and safety issues.

8 Code section 89.3: Makes a technical correction and
9 clarifies the applicability of the criteria to be used to
10 determine the inspection schedule for certain boilers.

11 Code sections 89.5, 89A.3, and 546.10: Correct internal
12 references to purchase and publication requirements from which
13 certain state agencies are exempt to reflect 2010 changes made
14 in 2010 Iowa Acts, ch. 1031, to Code section 17A.6.

15 Code section 90A.11: Corrects a reference by changing the
16 word "section" to "subsection" to reflect the addition of new
17 civil penalties to this Code section by 2010 Iowa Acts, ch.
18 1122, §10.

19 Code section 91.4: Reorganizes this provision to separate
20 out the actual duties of the labor commissioner from other
21 mandatory and permissive requirements that may apply to or
22 affect the commissioner's duties.

23 Code section 97B.49A: Conforms language pertaining to
24 calculation of an Iowa public employees' retirement system
25 member's monthly allowance to changes made to the vesting by
26 service requirements in 2010 Iowa Acts, ch. 1167.

27 Code section 97C.3: Makes two technical changes and then
28 deletes language to substitute the actual effective date of
29 Code chapter 97C for language referring to that date in this
30 portion of the federal social security enabling Act.

31 Code section 99B.5A: Strikes a reference to Code section
32 174.1 in connection to a use of the term "fair" in this
33 provision permitting the conducting of bingo at a fair. The
34 term "fair" is defined for Code chapter 99B in Code section
35 99B.1, subsection 14, and describes a fair as an event, whereas

1 Code section 174.1 refers to an organization incorporated to
2 conduct those events.

3 Code section 100C.6: Substitutes the word "provided" for
4 "defined" in language describing the applicability of the
5 Code chapter regulating fire extinguishing and alarm systems
6 contractors and installers. Only some of the terms listed
7 are actually defined in Code section 100D.1, with the balance
8 of the term being described or included within other terms
9 instead.

10 Code sections 101.1 and 101.21: Move the definition of the
11 term "petroleum" from division II of this Code chapter relating
12 to combustible and flammable liquids and liquefied gases to
13 division I to conform to changes made by 2010 Iowa Acts,
14 ch. 1014, that removed the term from the text of the other
15 provisions within division II of Code chapter 101. The term is
16 still used in division I of the Code chapter.

17 Code sections 101.2, 101.3, and 424.2: Add language
18 relating to combustible liquids and liquefied natural gases to
19 reflect changes made in Code chapter 101 by 2010 Iowa Acts, ch.
20 1014.

21 Code section 101.22: Clarifies the meaning of an incomplete
22 sentence, consisting of several sentence fragments, that
23 describes the limitations on the circumstances under which a
24 person may convey or deposit a flammable or combustible liquid
25 in an unregistered aboveground storage tank.

26 Code section 103.25: Clarifies when a person, who fails
27 to file a late request for inspection of an electrical
28 installation after receiving notice, may become subject to a
29 civil penalty by specifying when the 14-day period begins to
30 run.

31 Code section 103.33: Conforms the use of the expression
32 "standards of construction for health safety and property
33 safety" to other uses of the same expression in this Code
34 chapter relating to the regulation of electricians and
35 electrical contractors.

1 Code section 103A.27: Repeals at the end of this division
2 of the bill the provision establishing the commission on
3 energy efficiency standards and practices. The commission has
4 fulfilled all of its duties and submitted the required final
5 report to the general assembly on January 1, 2011.

6 Code section 123.53: Adds a reference to the revenue bonds
7 federal subsidy holdback fund in language relating to the
8 deposit of moneys into certain funds used to pay principal
9 and interest on bonds to conform to changes made in this Code
10 section by 2010 Iowa Acts, ch. 1184, §92.

11 Code section 135B.19: Changes the word "law" to "division"
12 to reflect that the provisions that may be cited as the
13 "pathology and radiology services in hospitals law" are
14 codified in a single division of Code chapter 135B.

15 Code section 163.30: Adds the words "state, federal or"
16 before the word "auction" to correct an inadvertent omission
17 made when this provision relating to the movement of swine to
18 slaughter or livestock market was amended by 2010 Iowa Acts,
19 ch. 1069, §21.

20 Code section 185C.29: Changes the words "this chapter" to
21 "the board" to conform to the language of Code section 185C.11
22 and to the wording of a similar provision, Code section 185.26.

23 Code sections 203D.1, 499.2, and 582.1: Add, in these three
24 definitional Code sections, the standard lead-in paragraph
25 used throughout the Code that describes the applicability
26 of these definitions within the Code chapters pertaining to
27 grain depositors and sellers indemnification, cooperative
28 associations, and hospital liens.

29 Code sections 207.1, 207.3, 207.16, 207.19, 207.21, and
30 207.22: Add in citations to the United States Code after
31 various public references in these provisions relating to the
32 regulation of mining to reflect the places in the federal Code
33 that the public laws were codified.

34 Code section 216A.6: Adds the words "or office" to
35 provisions that protect the confidentiality of evaluations

1 of information about a person receiving advocacy services
2 to conform to changes made to the subunit structure within
3 the department of human rights by 2010 Iowa Acts, ch. 1031.
4 The department previously consisted of the department and
5 divisions. 2010 Iowa Acts, ch. 1031, changed many of the
6 divisions into "offices", so that advocacy services previously
7 provided only by a division may now be provided by an "office".

8 Code sections 216A.96 and 216A.97: Strike references to
9 a "delegate agency" in these two provisions regulating the
10 administration of community action programs in communities to
11 conform changes made to Code section 216A.94 by 2010 Iowa Acts,
12 ch. 1031, which struck language providing for contracting by
13 a public agency with a delegate agency to assist a governing
14 board of a recognized community action agency.

15 Code section 216A.133A: Replaces an obsolete reference to
16 the former legislative government oversight committee with a
17 reference to the general assembly's standing committees on
18 government oversight in this provision requiring the criminal
19 and juvenile justice planning advisory council to submit
20 a report detailing all sources of funding annually. The
21 legislative government oversight committee was eliminated by
22 2009 Iowa Acts, ch. 86.

23 Code section 217.6: Numbers the paragraphs, updates the
24 headnote, and moves a sentence relating to the organization of
25 the department of human services with other language relating
26 to initial internal divisions within that department.

27 Code section 225C.5: Replaces the words "who is" with the
28 words "shall be" to conform this provision to the style and
29 syntax within other provisions describing the membership of the
30 mental health and disability services commission.

31 Code section 225C.6: Adds language to complete an
32 incomplete sentence in this provision describing a duty of the
33 mental health and disability services commission.

34 Code section 229.22: Adds the words "facility or" before
35 the word "hospital" to conform to other changes made by 2010

1 Iowa Acts, ch. 1103, to this provision relating to the initial
2 transportation or delivery of a person believed to be seriously
3 mentally impaired to a placement for evaluation.

4 Code section 229.39: Updates the citation to an Iowa Act
5 to conform to current Iowa Act citation form in this provision
6 relating to the status of persons hospitalized for treatment of
7 mental illness under a former civil commitment law.

8 Code section 231.62: Strikes from this provision requiring
9 the department on aging to consult with the direct care worker
10 task force when adopting rules to implement training and
11 education provisions on Alzheimer's disease. The direct care
12 worker task force was abolished by 2008 Iowa Acts, ch. 1156,
13 §54.

14 Code section 232.172: Strikes two references to the 2009
15 Code version of Code section 232.171, which were added by 2010
16 Acts, ch. 1192, to this provision referencing the interstate
17 compacts on juveniles. The addition of a reference to a prior
18 Code is used to indicate the repeal of a provision, but Code
19 section 232.171 was not repealed in 2010 and exists in the 2011
20 Code.

21 Code section 232C.4: Changes the word "child" to the
22 word "minor" to conform to other references to nonadults in
23 all of the other provisions in this Code chapter relating to
24 emancipation of minors.

25 Code section 234.7: Strikes a cap of "not more than three
26 hundred" children "at any one time" to conform to changes made
27 by 2010 Iowa Acts, ch. 1141, §10 to Code section 249J.13, which
28 references the criteria in this Code section.

29 Code section 234.35: Strikes, in this provision relating
30 to when foster care services payments may still be made for
31 18-year-old children, the words "graduate equivalency" and
32 adds the words "general education development" to correct this
33 reference to the type of diploma obtainable by a person who has
34 not graduated from high school but can demonstrate equivalent
35 educational attainments.

1 Code section 235B.1: Corrects the total number of members
2 and the number of gubernatorial appointees that serve on the
3 dependent adult protective advisory council. The numbers
4 reflected in these corrections conform to other language which
5 specifies the qualifications that the members must possess.

6 Code section 249M.3: Adds the words "or as reported under
7 subsection 4, if applicable" to language describing the reports
8 of net patient revenue that can be used for health care access
9 assessment under the hospital health care access assessment
10 program. Hospitals that report under subsection 4 were not
11 in existence prior to fiscal year 2008 and could not have
12 submitted the other type of report referenced.

13 Code section 256B.3: Deletes, in this provision requiring
14 cooperation by the division of special education of the
15 department of education with other agencies concerning the
16 welfare and health of children requiring special education,
17 a reference to the state tuberculosis sanatorium. The state
18 tuberculosis sanatorium was located in Oakdale, Iowa, until
19 sometime in the 1960s, when it was closed and transferred to
20 University of Iowa ownership.

21 Code section 256F.5: Adds the word "charter" before the
22 word "school" in this provision relating to the organization of
23 charter or innovation zone schools to conform to language later
24 in the same sentence and elsewhere in Code chapter 256F.

25 Code section 256H.1: Adds an indefinite article "a" in
26 two places to clarify language describing the composition of
27 the state council that provides for the coordination of the
28 activities of state government to participate in the interstate
29 compact on education of military children.

30 Code section 260C.69: Strikes the word "students" from
31 language requiring a community college to set aside dormitory
32 space for certain purposes because the purposes listed include
33 child care arrangements for faculty and staff, in addition to
34 child care arrangements for students.

35 Code section 260G.6: Moves language relating to the

1 timeframe for approval or denial of program capital cost
2 requests by the department of economic development out of
3 language stating the requirements for receiving funding for a
4 capital project under the accelerated career education program.

5 Code sections 262.30, 263.1, and 266.2: Change references
6 to the training of teachers to refer to practitioner
7 preparation in these provisions describing the programs
8 provided through the state universities under the control of
9 the state board of regents, to conform to the definitions
10 used in Code chapter 272 describing the educational programs
11 designed to prepare a person to instruct students in the
12 elementary and secondary schools in Iowa.

13 Code section 263.8: Updates language in and numbers the
14 paragraphs in this Code section relating to charges for tests
15 performed by the state hygenic laboratory.

16 Code section 273.11: Deletes an obsolete deadline for
17 adoption of standards and rules by the state board of education
18 for the accreditation of area education agencies.

19 Code section 284.1: Replaces the word "five" with "four"
20 to reflect that there are only four elements listed for the
21 student achievement and teacher quality program. The fifth
22 element was stricken by 2007 Iowa Acts, ch. 108, §12.

23 Code section 284.6: Replaces the word "its" with the words
24 "a school district's or area education agency's" in this
25 provision requiring that funds received by those two entities
26 under Code sections 257.10 and 257.37A for professional
27 development be maintained as separate listings within their
28 respective budgets.

29 Code section 301.1: Changes the word "use" to "purposes"
30 to correct the syntax of the sentence relating to when moneys
31 for the adoption and purchase of personal computing devices
32 that are provided to public schools may be, to the extent that
33 funding is available, also made available to private schools.

34 Code section 309.37: Restructures this provision describing
35 a portion of the contents of the county engineer's survey of

1 secondary roads under the annual secondary road construction
2 program, to conform the Code section to standard Code
3 hierarchy.

4 Code section 312.4: Restructures this subsection describing
5 part of the contents of the monthly report by the treasurer of
6 state regarding the crediting of funds from the road use tax
7 fund to other road funds to conform to standard Code hierarchy.

8 Code section 314.28: Strikes obsolete references to
9 transfers of funds from Code sections 422.12A and 422.12G
10 to the keep Iowa beautiful fund. Both Code sections were
11 repealed, in 2005 and 2007 respectively, pursuant to the terms
12 of Code section 422.12E.

13 Code section 317.1A: Updates the Latin names ascribed to
14 plants classified as noxious weeds pursuant to Code chapter
15 317.

16 Code section 321.190: Strikes paragraph "e" of subsection
17 1, which states that fees from nonoperator's identification
18 cards are to be credited to the road use tax fund to conform
19 this provision to changes made in 2008 Iowa Acts, ch. 1113,
20 known as the TIME-21 legislation. In that legislation,
21 Code section 321.145 was amended to direct that those same
22 nonoperator's fees be deposited in the statutory allocations
23 fund.

24 Code section 321G.29: Corrects an incorrect reference
25 in subsection 1 of this Code section to subsection 5 of
26 Code section 321G.4. There are only four subsections in
27 Code section 321G.4, and subsection 4 is the subsection that
28 provides an exemption for certain snowmobiles from annual
29 registration and fee requirements if the snowmobile has been
30 registered and a one-time fee has been paid.

31 Code section 327H.20A: Strikes the words "it was" and
32 substitutes the words "the moneys were" to clarify what was
33 appropriated from the railroad revolving loan and grant fund
34 and to correct the grammar of the sentence.

35 Code section 330.20: Clarifies, by adding the words "in

1 the same manner", language describing how vacancies in the
2 membership of an airport commission are to be filled.

3 Code section 330A.10: Changes the word "on" to "by" to
4 update language relating to how payments of moneys of an
5 aviation authority are to be paid out of accounts by the
6 treasurer of the authority.

7 Code sections 331.402 and 636.45: Removes or updates
8 references to building and loan associations in these two Code
9 sections so that only "savings and loan associations", which is
10 the term currently used to describe those entities, remains.

11 Code sections 331.449 and 331.470: Strikes the words "this
12 Act" and replaces them with the citation to the 1981 Iowa
13 Act that is referred to in these two savings provisions that
14 relate to the issuance of certain bonds or other obligations
15 by counties.

16 Code section 357I.2: Replaces the word "petitioner" with
17 "petitioners" in language relating to petitions for proposed
18 benefited secondary road services districts, because, under
19 subsection 1, petitions must be signed by at least 25 percent
20 of the resident owners of the proposed district.

21 Code section 360.9: Replaces the word "above" with the words
22 "in this section" to clarify an internal reference relating to
23 the right of reversion of an owner of property that has been
24 taken under eminent domain procedures by a township for public
25 use.

26 Code section 403.11: Updates language relating to exemption
27 of municipal property from legal process to conform to current
28 Code style and to improve readability.

29 Code section 403A.2: Restructures and rewrites the language
30 of this definition of housing project to conform to current
31 Code hierarchy, to eliminate unanchored unnumbered paragraphs,
32 and to improve readability.

33 Code section 404A.4: Replaces the word "department" with
34 the word "office" in this language relating to reservation of
35 historic preservation and cultural and entertainment district

1 tax credits. The tax credits are reserved by the state
2 historic preservation office of the department of cultural
3 affairs.

4 Code section 411.38: Adds the words "Code 2009" in three
5 instances after a citation to Code section 411.20. Code
6 section 411.20 was repealed by 2010 Iowa Acts, ch. 1167, §53.

7 Code section 419.11: Numbers paragraphs and changes an
8 internal reference to reflect the new numbering in this Code
9 section relating to payment by municipalities of moneys as the
10 tax equivalent for industrial property used as headquarters
11 facilities or pollution control facilities.

12 Code section 420.207: Corrects a string citation by
13 eliminating a reference to Code section 444.5 in this provision
14 pertaining to taxation by special charter cities. Code section
15 444.5 was repealed by 1983 Iowa Acts, ch. 101, §129.

16 Code section 420.241: Corrects a string citation that
17 currently extends from one Code chapter into another and
18 prevents proper hypertext linkage. The correction breaks the
19 citation string at the end of the first Code chapter and then
20 adds the remaining Code section from the second Code chapter.

21 Code section 422.1: Updates the provision in the Code
22 chapter governing income taxation that sets out the various
23 Code chapter divisions to reflect the repeal of the livestock
24 production tax credit by 2009 Iowa Acts, ch. 179.

25 Code section 441.8: Restructures, numbers, and letters
26 unnumbered paragraphs, deletes an obsolete effective date, and
27 corrects an internal reference in this provision relating to
28 the term of office of county assessors and continuing education
29 requirements for county assessors.

30 Code section 450.10: Updates language, letters unnumbered
31 paragraphs, and combines sentence fragments within paragraphs
32 in this provision relating to inheritance tax rates.

33 Code section 452A.74: Renumbers this penalty provision in
34 the motor and special fuel taxes Code chapter to eliminate
35 unanchored unnumbered paragraphs and replaces the word "its" in

1 language referring to the commission of an offense under the
2 Code chapter with more specific language referring to the date
3 of commission of the offense.

4 Code section 455B.473A: Repeals at the end of this division
5 of the bill an obsolete amnesty program for certain petroleum
6 underground storage tanks which were not registered prior to
7 July 1, 1988, but were registered by October 1, 1989.

8 Code section 455D.11C: Strikes obsolete language relating
9 to deposit of waste tire surcharges on the issuance of
10 certificates of title in this provision establishing the waste
11 tire management fund.

12 Code section 455G.31: Redesignates and moves language
13 in a set of definitions relating to E-85 gasoline storage
14 and dispensing infrastructure. The language moved is not a
15 definition or part of a definition.

16 Code section 455J.6: Clarifies language relating to the
17 effect of a vacancy in the membership of the solid waste
18 alternative program advisory council on the council's ability
19 to perform council duties.

20 Code section 461A.57: Adds the language "unless otherwise
21 provided", to this provision that states that persons violating
22 the provisions of Code sections 461A.35 to 461A.56 are guilty
23 of a simple misdemeanor to accommodate the fact that the
24 penalties associated with several of the provisions are
25 scheduled fines under Code section 805.8A.

26 Code section 461A.76: Numbers this provision relating to
27 contracts for the establishment of water recreational areas,
28 deletes the word "said" before an internal reference, and
29 adds a missing "notwithstanding" at the beginning of the Code
30 section.

31 Code section 465B.2: Restructures, partially rewrites,
32 and redesignates this provision establishing the state trails
33 development program to make the language of this Code section
34 more consistent with the objectives and requirements stated.

35 Code section 481A.19: Strikes the words "for it" which

1 appear to refer back to plural forms of the taking of different
2 animals to improve the grammar of this provision relating to
3 reciprocal state licenses for hunting and fishing.

4 Code section 481C.2A: Strikes an obsolete deadline in this
5 provision requiring the department of natural resources to
6 make available educational materials that explain the deer
7 depredation management program.

8 Code section 482.9: Conforms the language of a provision
9 prohibiting the use of licensed commercial fishing gear by
10 persons other than the licensee with Code section 482.7,
11 which permits certain persons to do so when under the direct
12 supervision of the licensee.

13 Code section 482.10: Adds the words "turtle eggs" at the
14 beginning of subsection 2 of this Code section regulating
15 the intrastate and interstate shipment of fish, turtles,
16 turtle eggs, roe, or roe species to make the language of the
17 subsection internally consistent.

18 Code section 483A.1A: Strikes a citation to Code section
19 484A.2 from this definition of the term "resident" for purposes
20 of delineating eligibility for resident fishing and hunting
21 licenses because Code section 484A.2 relates only to whether
22 a person who is 16 years of age or older must pay a migratory
23 game bird fee.

24 Code section 483A.12: Adds the word "and" to a series that
25 describes the fees that a license agent is responsible for and
26 adds the word "hunting" in language describing the free deer or
27 wild turkey hunting license writing fee.

28 Code section 483A.31: Strikes the words "its own" and adds
29 the words "of this state" to correct the grammar in language
30 describing the nature of rights, privileges, and immunities
31 conferred under reciprocal licensing arrangements between
32 states.

33 Code section 499A.1: Strikes the word "corporation" and
34 inserts the word "cooperative" in this provision relating
35 to housing cooperatives to conform with the balance of the

1 language in subchapter 1 of Code chapter 499A.

2 Code section 508.33: Rewrites for clarity and restructures
3 this provision relating to acquisition of subsidiary companies
4 by life insurance companies, to conform to current Code
5 structures and hierarchy.

6 Code section 514G.105: Adds the word "nursing" between the
7 words "skilled" and "care" to conform to other language in this
8 provision relating health insurance coverage for that type of
9 care that is provided in a facility.

10 Code section 514G.110: Replaces the word "its" with the
11 words "the commissioner's" in language describing the insurance
12 commissioner's input into the independent review of health care
13 benefit trigger determinations process.

14 Code section 514I.5: Adds reference to the four ex officio,
15 nonvoting members of the hawk-i board in language describing
16 the membership of that board.

17 Code section 524.310: Adds in references to reservation
18 of names under the limited liability company chapter in this
19 provision requiring state banks that use a fictitious name to
20 transact business to comply with requirements that the name be
21 distinguishable from the names used by other similar business
22 entities. Code chapter 524 currently does permit state banks
23 to organize as a limited liability company.

24 Code sections 524.1406, 633.3, and 633A.3112: Adds
25 references to state estate taxes in these provisions to conform
26 to changes made by 2010 Iowa Acts, ch. 1138.

27 Code section 533.111: Changes a reference to the director
28 of revenue to the director of the department of administrative
29 services in language relating to the manner in which funds
30 appropriated to the credit union division may be spent to
31 conform to changes made by 2003 Iowa Acts, ch. 145.

32 Code section 533.204: Restructures subsection 5, relating
33 to state credit unions wishing to maintain a board of directors
34 with fewer than nine members, to eliminate unanchored
35 unnumbered paragraphs and to change the word "may" to "shall"

1 in language that prohibits the superintendent of credit unions
2 from permitting a state credit union to maintain a board with
3 fewer than seven members.

4 Code section 533.205: Replaces the word "its" with the words
5 "the board's" in language permitting a state credit union board
6 to appoint an executive committee to act on the board's behalf.

7 Code section 533.207: Adds the word "committee" in front of
8 the word "member" to clarify the notice procedures that must be
9 followed before the credit committee of a state credit union
10 may meet.

11 Code section 533.315: Adds a reference to Code chapter 537,
12 that applies to consumer loans made by state credit unions and
13 replaces the word "code" with the word "chapter" to clarify
14 that Code chapter 537 is being referred to, not the entire Iowa
15 Code.

16 Code section 533.404: Strikes the word "and" and adds the
17 word "are" to correct the grammar of a series that describes
18 what happens to funds for which no owner or no competent owner
19 can be found if a state credit union holding those funds
20 dissolves.

21 Code section 533.505: Corrects an internal reference to
22 language in this provision relating to state credit unions
23 which are in receivership. Subsection 1 of this Code section
24 provides for the issuance of a subpoena to compel witnesses to
25 appear and subsection 3 provides for the issuance of a court
26 order to compel compliance with the subpoena.

27 Code section 534.202: Rewrites and restructures
28 this provision relating to the power of savings and loan
29 associations to purchase and make loans, to conform to current
30 Code structures and hierarchy.

31 Code section 535B.1: Strikes a comma in the subsection
32 8 definition of natural person in the mortgage bankers
33 and brokers Code chapter to conform the language to nearly
34 identical language contained in subsection 7.

35 Code section 600.11: Moves language to correct a

1 codification error which occurred in 2002 when paragraph "f"
2 was added to subsection 2 of this section by 2002 Iowa Acts,
3 ch. 1018, §20, and redesignates the provision to eliminate
4 unanchored unnumbered paragraphs.

5 Code section 600C.1: Changes the word "subsection" to
6 "section" to reflect the use of the term defined in subsection
7 5 in other portions of this Code section 600C.1.

8 Code section 602.8105: Adds the words "from the debtor"
9 in language describing from whom a creditor may recover a fee
10 for the filing of praecipe to issue execution to collect on a
11 delinquent judgment.

12 Code section 602.8109: Adds the word "day" in language in
13 subsection 6 that describes the timeframe within which a city
14 must remit amounts owing for court costs and other fees. The
15 addition of the word is consistent with the description of
16 similar timeframes in other subsections in this Code section.

17 Code section 626D.5: Strikes the words "recognize and
18 enforce or" from language that precedes a listing of what
19 appear to be reasons not to enforce a tribal judgment. The
20 reasons listed include obtaining the tribal judgment by
21 extrinsic fraud, conflict with another judgment entitled to
22 recognition, inconsistency with the parties' choice of forum,
23 lack of reciprocal recognition of judgments, and causes of
24 action being repugnant to fundamental public policy of the
25 United States or this state.

26 Code section 633.231: Changes the word "executor" to the
27 word "administrator" in language added by 2010 Iowa Acts, ch.
28 1137, §4 to the notice language in this provision relating to
29 medical assistance claims in intestate estates to conform to
30 the term used throughout this Code section to describe the
31 individual charged with administration of an estate.

32 Code section 633.717: Adds a citation to the Code provision,
33 Code section 633.566, under which a person may seek appointment
34 as a conservator in this state, to this provision which relates
35 to an out-of-state guardian or conservator petitioning to

1 become a guardian or conservator in this state in the event
2 that a court denies a petition to transfer a guardianship or
3 conservatorship from another state.

4 Code section 654.6: Adds the words "an amount which" in
5 language which describes the circumstances after the sale of
6 mortgaged property under which a general execution may be
7 issued against a mortgagor.

8 Code section 692A.113: Adds the word "a" before words
9 describing one of the areas in use by a minor that a registered
10 sex offender is prohibited from loitering on or being within
11 300 feet of.

12 Code section 707.6A: Changes a reference to a definition
13 of serious injury from a reference to Code section 321J.1
14 to a reference to Code section 702.8 in this Code section
15 establishing the offense of homicide by vehicle. Code section
16 321J.1 defines serious injury as serious injury as defined in
17 Code section 702.8.

18 Code section 714.8: Changes a reference to a definition of
19 financial institution from a reference to Code section 203C.1
20 to a reference to Code section 203.1 in this Code section
21 establishing the offense of fraudulent practices. Code section
22 203C.1 defines financial institution as a financial institution
23 as defined in Code section 203.1.

24 Code section 717F.1: Changes language in the definition
25 of the term "research facility" in the dangerous wild animals
26 Code chapter to reflect changes in certification procedures for
27 certain facilities made by 2010 Iowa Acts, ch. 1030.

28 Code section 728.8: Corrects an internal reference to a
29 subsection in Code section 728.5 in this provision relating to
30 public indecent exposure in certain establishments to reflect
31 the renumbering of Code section 728.5 by 2010 Iowa Acts, ch.
32 1078.

33 Code section 731.8: Adds a citation to the location of the
34 codified version of the federal Railway Labor Act in the United
35 States Code in a provision that exempts employers or employees

1 covered by that federal Act from state labor union membership
2 regulation.

3 Code section 805.8A: Changes the word "violation" to "fine"
4 in several places in this provision that sets scheduled fines
5 for various motor vehicle and transportation violations to make
6 the language of this provision internally consistent.

7 Code sections 907.3 and 908.11: Changes the word "term" to
8 the word "period" in language that describes initial commitment
9 and subsequent changes to the length of probation to conform
10 these provisions relating to commitment to and violations of
11 probation to changes made to Code section 907.7 by 2010 Iowa
12 Acts, ch. 1175, §1.

13 Code section 915.86: Adds the word "homicide" before the
14 word "victim" in this provision describing expenses that are
15 compensable for survivors of the victim to conform the language
16 of this subsection 14 to subsection 10, which is referenced in
17 this subsection.

18 2010 Iowa Acts, ch. 1031: Corrects an effective date
19 provision relating to the repeal of the sustainable natural
20 resource funding advisory committee.

21 2010 Iowa Acts, ch. 1082: Corrects an internal reference
22 within an amendment to Code section 203C.37 to reflect the
23 correct citation to the provision pertaining to the filing of
24 an application for a warehouse operator's license.

25 2010 Iowa Acts, ch. 1193, §141: Corrects an internal
26 reference to conform to the other instance of the citation to
27 the correct Code section enacted by 2010 Iowa Acts, S.F. 2383
28 (ch. 1146).

29 2010 Iowa Acts, ch. 1193, §203: Corrects a reference to the
30 section of 2010 Iowa Acts, S.F. 2356 (ch. 1134), in which Code
31 section 249J.7 was enacted.

32 DIVISION II. Code sections in Volume IV of the Iowa Code
33 are numbered, renumbered, and redesignated within this division
34 of this bill to assist in the elimination of "unanchored"
35 unnumbered paragraphs within numbered and lettered sections of

1 the Code. These renumberings include some restructuring of
2 provisions within these Code sections and the correction of
3 internal references within these provisions. In some cases,
4 similar provisions are consolidated and in others they are
5 broken into numbered or lettered lists to allow the reader to
6 better identify Code section components. In the process of
7 renumbering, some style changes are made to reflect current
8 Code format, style, and syntax.

9 DIVISION III. This division contains internal reference
10 corrections that pertain to provisions within other divisions
11 of this bill.

12 DIVISION IV. This division contains effective and
13 retroactive applicability dates that apply to various changes
14 made in Division I of this bill.