CHAPTER 40

EMERGENCY ASSISTANCE IMMUNITY — DISASTERS

S.F. 280

AN ACT relating to disaster emergency assistance immunity.

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

Section 1. Section 613.17, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A person, who in good faith renders emergency care or assistance without compensation, shall not be liable for any civil damages for acts or omissions occurring at the place of an emergency or accident or while the person is in transit to or from the emergency or accident or while the person is at or being moved to or from an emergency shelter unless such acts or omissions constitute recklessness or willful and wanton misconduct. An emergency includes but is not limited to a disaster as defined in section 29C.2 or the period of time immediately following a disaster for which the governor has issued a proclamation of a disaster emergency pursuant to section 29C.6.

Approved April 3, 2009

CHAPTER 41

NONSUBSTANTIVE CODE CORRECTIONS

S.F. 446

AN ACT relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

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

DIVISION I
MISCELLANEOUS CHANGES

Section 1. Section 1.1, Code 2009, is amended to read as follows:

1.1 STATE BOUNDARIES.

The boundaries of the state are as defined in the preamble of the Constitution of the State of Iowa.

Sec. 2. Section 2.32A, subsection 1, Code 2009, is amended to read as follows:

1. A member of the general assembly who is charged with making an appointment to a statutory board, commission, council, or committee shall make the appointment prior to the fourth Monday in January of the first regular session of each general assembly and in accordance with section 69.16B. If multiple appointing members are charged with making appointments of public members to the same board, commission, council, or committee, including as provided in section 333A.2, the appointing members shall consult with one another in making the appointments. If the senate appointing member for a legislative appointment is the president, majority leader, or the minority leader, the appointing ~~authority~~ member shall consult with the

other two leaders in making the appointment. If the house of representatives appointing member is the speaker, majority leader, or minority leader, the appointing member shall consult with the other two leaders in making the appointment.

Sec. 3. Section 7C.13, subsection 2, Code 2009, is amended to read as follows:

2. ANNUAL REPORT AND AUDIT. The qualified student loan bond issuer shall submit an annual report to the governor, general assembly, and the auditor of state by January 15 setting forth its operations and activities conducted and newly implemented in the previous fiscal year related to use of the allocation of the state ceiling in accordance with this chapter and the outlook for the future. The report shall describe how the operations and activities serve students and parents. The annual audit of the qualified student loan bond issuer shall be filed with the office of auditor of state.

Sec. 4. Section 7E.5, subsection 1, paragraph s, Code 2009, is amended to read as follows:

s. The department of human rights, created in section 216A.1, which has primary responsibility for services relating to Latino persons, women, persons with disabilities, community action agencies, criminal and juvenile justice planning, ~~the status of African-Americans~~ African Americans, deaf and hard-of-hearing persons, ~~status of Iowans~~ persons of Asian and Pacific Islander heritage, and ~~Native-Americans~~ Native Americans.

Sec. 5. Section 8.6, subsection 9, unnumbered paragraph 1, Code 2009, is amended to read as follows:

BUDGET REPORT. ~~The director shall~~ To prepare and file in the department of management, on or before the first day of December of each year, a state budget report, which shall show in detail the following:

Sec. 6. Section 8.11, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. "Minority persons" includes individuals who are women, persons with a disability, ~~Blacks~~ African Americans, Latinos, Asians or Pacific Islanders, American Indians, and Alaskan Native Americans.

Sec. 7. Section 9D.3, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. File with the secretary proof of professional liability and errors and omissions insurance in an amount of at least one million dollars annually.

Sec. 8. Section 9G.7, Code 2009, is amended to read as follows:

9G.7 CORRECTIONS.

The secretary of state is authorized and required to correct all clerical errors of the secretary's office in name of grantee and description of tract of land conveyed by the state, found upon the records of such office~~; the~~. The secretary shall attach an official certificate to each conveyance so corrected, giving the reasons therefor; record the same with the record of the original conveyance, and make the necessary corrections in the tract and plat books of the secretary's office. Such corrections, when made in accordance with ~~the foregoing provisions~~ this section, shall have the force and effect of a deed originally correct, subject to prior rights accrued without notice.

Sec. 9. Section 9H.4, subsection 1, paragraph b, subparagraph (3), subparagraph division (a), unnumbered paragraph 1 and subparagraph subdivisions (i) and (iv), Code 2009, are amended to read as follows:

The agricultural land is used by a corporation or limited liability company, including any trade or business which is under common control, as provided in 26 U.S.C. § 414 for the primary purpose of testing, developing, or producing animals for sale or resale to farmers as breeding stock. However, after July 1, 1989, to qualify under this subparagraph ~~subdivision~~ division, the following conditions must be satisfied:

(i) The corporation or limited liability company must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. The corporation

or limited liability company shall not renew a lease. The corporation or limited liability company shall not enter into a lease under this subparagraph subdivision ~~part~~, if the corporation or limited liability company has ever entered into another lease under this subparagraph (3), whether or not the lease is in effect. However, this subparagraph does not apply to a domestic corporation organized under chapter 504, Code 1989, or current chapter 504.

(iv) The corporation or limited liability company must deliver a copy of the lease to the secretary of state. The secretary of state shall notify the lessee of receipt of the copy of the lease. However, this subparagraph ~~subdivision~~ division does not apply to a domestic corporation organized under chapter 504, Code 1989, or current chapter 504.

Sec. 10. Section 12A.7, subsections 1, 2, and 7, Code 2009, are amended to read as follows:

1. ~~Pledging~~ Pledges or ~~assigning~~ assignments of the revenue of a project with respect to which the bonds are to be issued or the revenue of other property or facilities.

2. ~~Setting~~ The setting aside of reserves or sinking funds, and their regulation, investment, and disposition.

7. ~~Defining~~ Definitions of the acts or omissions to act which constitute a default in the duties of the issuer to holders of bonds, specifying any rights and remedies of the holders in the event of a default, and restricting the individual right of action by holders.

Sec. 11. Section 15.102, subsection 7, paragraph b, subparagraph (3), Code 2009, is amended to read as follows:

(3) "Minority person" means an individual who is ~~a Black~~ an African American, Latino, Asian or Pacific Islander, American Indian, or Alaskan native American.

Sec. 12. Section 15.247, subsection 8, paragraph b, subparagraph (2), Code 2009, is amended to read as follows:

(2) ~~Black~~ African American.

Sec. 13. Section 15.316, Code 2009, is amended to read as follows:

15.316 PURPOSE.

The purpose of this ~~program~~ part is to assist communities and rural areas of the state with their economic development efforts and to increase employment opportunities for Iowans by increasing the level of economic activity and development within the state.

Sec. 14. Section 15.317, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The department shall establish a community economic betterment program to effectuate the purposes of this part by providing financial assistance for small business gap financing, new business opportunities, and new product and entrepreneurial development. These purposes may be accomplished by providing the following types of assistance:

Sec. 15. Section 15.339, subsection 2, Code 2009, is amended to read as follows:

2. The department shall establish ~~a~~ an entrepreneurial ventures assistance program to provide financial and technical assistance to early-stage industry companies and entrepreneurs. The purpose of the program is to encourage the development of entrepreneurial venture planning and managerial skills in conjunction with the delivery of a financial assistance program for business start-ups and expansions. An applicant eligible for the program includes an individual who is participating in or has successfully completed a recognized entrepreneurial venture development curriculum, or a business whose principal participants have successfully completed a recognized entrepreneurial venture development curriculum.

Sec. 16. Section 15E.63, subsection 2, Code 2009, is amended to read as follows:

2. The board shall consist of five voting members and four nonvoting advisory members who are members of the general assembly. Members shall be selected based upon demonstrated expertise and competence in the supervision of investment managers, in the fiduciary management of investment funds, or in the management and administration of tax credit allo-

cation programs. Members shall not have an interest in any person to whom a tax credit is allocated and issued by the board.

a. The five voting members shall be appointed by the governor and confirmed by the senate pursuant to section 2.32. ~~The five voting members shall be appointed to five-year staggered terms that shall be structured to allow the term of one member to expire each year.~~ One nonvoting member shall be appointed by the majority leader of the senate after consultation with the president of the senate and one nonvoting member shall be appointed by the minority leader of the senate. One nonvoting member shall be appointed by the speaker of the house of representatives after consultation with the majority leader of the house of representatives and one nonvoting member shall be appointed by the minority leader of the house of representatives.

b. The five voting members shall be appointed to five-year staggered terms that shall be structured to allow the term of one member to expire each year. The nonvoting members shall serve terms as provided in section 69.16B. Vacancies shall be filled in the same manner as the appointment of the original members.

c. Members shall be compensated by the board for direct expenses and mileage but members shall not receive a director's fee, per diem, or salary for service on the board. ~~Members shall be selected based upon demonstrated expertise and competence in the supervision of investment managers, in the fiduciary management of investment funds, or in the management and administration of tax credit allocation programs. Members shall not have an interest in any person to whom a tax credit is allocated and issued by the board.~~

Sec. 17. Section 15G.201A, Code 2009, is amended to read as follows:

15G.201A CLASSIFICATION OF RENEWABLE FUEL.

For purposes of this ~~division~~ subchapter, ethanol blended fuel and biodiesel fuel shall be classified in the same manner as provided in section 214A.2.

Sec. 18. Section 15G.205, subsection 3, Code 2009, is amended to read as follows:

3. Moneys in the renewable fuel infrastructure fund are appropriated to the department exclusively to support and market the renewable fuel infrastructure programs as provided in sections 15G.203 and 15G.204, and as allocated in financial incentives by the renewable fuel infrastructure board created in section 15G.202. Up to fifty thousand dollars shall be allocated each fiscal year to the department to support the administration of the programs. The department may use up to one and one-half percent of the program funds to market the ~~program~~ programs. Otherwise the moneys shall not be transferred, used, obligated, appropriated, or otherwise encumbered except to allocate as financial incentives under the programs.

Sec. 19. Section 16.5, subsection 1, paragraph f, Code 2009, is amended to read as follows:

f. By rule, ~~the authority shall~~ adopt procedures relating to competitive bidding, including the identification of those circumstances under which competitive bidding by the authority, either formally or informally, shall be required. In any bidding process, the authority may administer its own bidding and procurement or may utilize the services of the department of administrative services or any other agency. Except when such rules apply, the authority and all contracts made by it in carrying out its public and essential governmental functions with respect to any of its programs shall be exempt from the provisions and requirements of all laws or rules of the state which require competitive bids in connection with the letting of such contracts.

Sec. 20. Section 16.100A, subsection 6, paragraph b, Code 2009, is amended to read as follows:

b. The council shall elect a chairperson and vice chairperson from the membership of the council. The chairperson and vice chairperson shall each serve two-year terms. The positions of chairperson and vice chairperson shall not ~~both~~ be held by members who are both either general public members or agency directors. The position of chairperson shall rotate between agency director members and general public members.

Sec. 21. Section 23A.2, subsection 10, paragraph e, Code 2009, is amended to read as follows:

e. The operation of a county enterprise, as defined in section 331.461, subsection 1~~,~~ or ~~331.461, subsection~~ 2.

Sec. 22. Section 29A.33, Code 2009, is amended to read as follows:

29A.33 PER CAPITA ALLOWANCE TO UNIT.

Each unit of the national guard showing attendance and actual drill of those present for such drills as are prescribed in compliance with the National Defense Act or its amendments and such regulations as prescribed by the secretary of defense, shall receive an annual allowance for military purposes, in the sum of five dollars per capita, to be paid in semiannual installments on the basis of two dollars and fifty cents per capita. For the purpose of computing each semiannual installment the per capita strength shall be the average enlisted strength of the unit, for that semiannual period~~,~~; however, if the average attendance of any unit during any semiannual period falls below fifty percent of the average enlisted strength of such unit in that period, the allowance shall not be paid for that period. The semiannual periods shall begin January 1 and July 1. The allowance shall be paid from the funds appropriated for the support and maintenance of the national guard, and the adjutant general shall prescribe regulations requiring an itemized statement of the allowance and governing its expenditure. The allowance shall be used for morale purposes and for the welfare of the troops. The allowance shall not be used to purchase an alcoholic beverage or beer.

Sec. 23. Section 29B.17, Code 2009, is amended to read as follows:

29B.17 JURISDICTION OF GENERAL COURTS-MARTIAL.

Subject to section 29B.16, general courts-martial have jurisdiction to try persons subject to this code for any offense made punishable by this code and may, under such limitations as the adjutant general may prescribe, adjudge any one or a combination of the following punishments:

1. A fine of not more than five thousand dollars~~;~~.
2. Forfeiture of not more than twenty days' pay and allowances~~;~~.
3. A reprimand~~;~~.
4. Dismissal or dishonorable discharge~~;~~.
5. Reduction of a noncommissioned officer to the ranks~~; or~~.
~~6. Any combination of these punishments.~~

Sec. 24. Section 48A.27, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. If a registered voter submits a change of name, telephone number, or address under this subsection, the commissioner shall not change the political party or nonparty political organization affiliation in the registered voter's prior registration ~~other than that~~ unless otherwise indicated by the registered voter.

Sec. 25. Section 49.13, subsection 5, paragraph a, subparagraph (3), Code 2009, is amended to read as follows:

(3) Receive credit in at least four subjects, each of one period or hour, or the equivalent thereof, at all times. The eligible subjects are language arts, social studies, mathematics, science, health, physical education, fine arts, foreign language, and vocational education. Coursework taken as a postsecondary enrollment option for which a school district or accredited nonpublic school grants academic credit toward high school graduation shall be used in determining eligibility. A student shall not be denied eligibility if the student's school program deviates from the traditional two-semester school year. Each student wishing to participate under this subsection shall be passing all coursework for which credit is given and shall be making adequate progress toward graduation requirements at the end of each grading period. At the end of a grading period that is the final grading period in a school year, a student who

receives a failing grade in any course for which credit is awarded is ineligible to participate under this subsection. A student who is eligible at the close of a semester is academically eligible to participate under this subsection until the beginning of the subsequent semester. A student with a disability who has an individualized education program shall not be denied eligibility to participate under this subsection on the basis of scholarship if the student is making adequate progress, as determined by school officials, towards the goals and objectives ~~on~~ of the student's individualized education program.

Sec. 26. Section 50.29, Code 2009, is amended to read as follows:

50.29 CERTIFICATE OF ELECTION.

1. When any person is thus declared elected, there shall be delivered to that person a certificate of election, under the official seal of the county, in substance as follows:

STATE OF IOWA)
. . . . . County.)

At an election held in said county on the . . . . . day of . . . . . ., ~~A.D.~~ (month) . . . . . (year), ... (candidate's name) was elected to the office of . . . . . for the term of . . . . . years from the . . . . . day of . . . . . ., ~~A.D.~~ (month) . . . . . ~~(or if~~ (year) [if elected to fill a vacancy, for the residue of the term ending on the . . . . . day of . . . . . ., ~~A.D.~~ (month) . . . . ~~.)~~ (year)], and until a successor is elected and qualified.

. . . . . .,
President of Board of Canvassers.
Witness, ...,
County Commissioner of Elections
(clerk).

2. ~~Such~~ The certificate of election is presumptive evidence of the person's election and qualification.

Sec. 27. Section 68A.405, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. Except as set out in ~~section~~ subsection 2, published material designed to expressly advocate the nomination, election, or defeat of a candidate for public office or the passage or defeat of a ballot issue shall include on the published material an attribution statement disclosing who is responsible for the published material.

Sec. 28. Section 68A.503, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. Except as provided in subsection 3, it is unlawful for a member, employee, or representative of a committee, ~~or its employee or representative, except~~ other than a ballot issue committee, or for a candidate or a representative of a candidate for office ~~or the representative of the candidate,~~ to solicit, request, or knowingly receive from an insurance company, savings and loan association, bank, credit union, or corporation organized pursuant to the laws of this state, the United States, or any other state, territory, or foreign country, whether for profit or not, or ~~its~~ from an officer, agent, or representative, any money, property, or thing of value belonging to the insurance company, savings and loan association, bank, credit union, or corporation for ~~campaign~~ either of the following purposes:

(1) Campaign expenses~~, or to~~.

(2) To expressly advocate that the vote of an elector be used to nominate, elect, or defeat a candidate for public office.

Sec. 29. Section 84A.1A, subsection 1, Code 2009, is amended to read as follows:

1. An Iowa workforce development board is created, consisting of nine voting members appointed by the governor and eight ex officio, nonvoting members.

a. The governor shall appoint the nine voting members of the workforce development board for a term of four years beginning and ending as provided by section 69.19, subject to confirmation by the senate, and the governor's appointments shall include persons knowledgeable in

the area of workforce development. Of the nine voting members, one member shall represent a nonprofit organization involved in workforce development services, four members shall represent employers, and four members shall represent nonsupervisory employees. Of the members appointed by the governor to represent nonsupervisory employees, two members shall be from statewide labor organizations, one member shall be an employee representative of a labor management council, and one member shall be a person with experience in worker training programs. The governor shall consider recommendations from statewide labor organizations for the members representing nonsupervisory employees. Not more than five of the voting members shall be from the same political party.

b. The ex officio, nonvoting members are four legislative members; one president, or the president's designee, of the university of northern Iowa, the university of Iowa, or Iowa state university of science and technology, designated by the state board of regents on a rotating basis; one representative from the largest statewide public employees' organization representing state employees; one president, or the president's designee, of an independent Iowa college, appointed by the Iowa association of independent colleges and universities; and one superintendent, or the superintendent's designee, of a community college, appointed by the Iowa association of community college presidents. The legislative members are two state senators, one appointed by the president of the senate after consultation with the majority leader of the senate, and one appointed by the minority leader of the senate from their respective parties; and two state representatives, one appointed by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, and one appointed by the minority leader of the house of representatives from their respective parties. The legislative members shall serve for terms as provided in section 69.16B. ~~Not more than five of the voting members shall be from the same political party. Of the nine voting members, one member shall represent a nonprofit organization involved in workforce development services, four members shall represent employers, and four members shall represent nonsupervisory employees. Of the members appointed by the governor to represent nonsupervisory employees, two members shall be from statewide labor organizations, one member shall be an employee representative of a labor management council, and one member shall be a person with experience in worker training programs. The governor shall consider recommendations from statewide labor organizations for the members representing nonsupervisory employees. The governor shall appoint the nine voting members of the workforce development board for a term of four years beginning and ending as provided by section 69.19, subject to confirmation by the senate, and the governor's appointments shall include persons knowledgeable in the area of workforce development.~~

Sec. 30. Section 96.9, subsection 1, paragraph e, Code 2009, is amended to read as follows:

e. All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the Social Security Act ~~[~~42, codified at 42 U.S.C. § 501 – 503, 1103 – 1105, ~~1321 – 1324]~~ 1321 – 1324. All moneys in the unemployment compensation fund shall be mingled and undivided.

Sec. 31. Section 100C.1, subsection 2, Code 2009, is amended to read as follows:

2. "Alarm system contractor" means a person engaging in or representing ~~oneself as~~ that the person is engaging in the business of layout, installation, repair, alteration, addition, maintenance, or maintenance inspection of alarm systems in this state.

Sec. 32. Section 103A.1, Code 2009, is amended to read as follows:

103A.1 ESTABLISHMENT.

This ~~chapter~~ division shall be known as the "State Building Code Act".

Sec. 33. Section 103A.8A, Code 2009, is amended to read as follows:

103A.8A ENERGY CONSERVATION REQUIREMENTS.

The state building code commissioner shall adopt as a part of the state building code a requirement that new single-family or two-family residential construction shall comply with en-

ergy conservation requirements. The requirements adopted by the commissioner shall be based upon a nationally recognized standard or code for energy conservation. The requirements shall only apply to single-family or two-family residential construction commenced after the adoption of the requirements. Notwithstanding any other provision of this chapter to the contrary, the energy conservation requirements adopted by the commissioner and approved by the council shall apply to new single-family or two-family residential construction commenced on or after July 1, 2008, and shall supersede and replace any minimum requirements for energy conservation adopted or enacted by ~~the~~ a governmental subdivision prior to that date applicable to such construction. The state building code commissioner may provide training to builders, contractors, and other interested persons on the adopted energy conservation requirements.

Sec. 34. Section 124.203, Code 2009, is amended to read as follows:

124.203 SUBSTANCES LISTED IN SCHEDULE I — CRITERIA.

1. The board shall recommend to the general assembly that ~~it~~ the general assembly place a substance in schedule I ~~any~~ if the substance is not already included therein ~~if~~ and the board finds that the substance:

~~1.~~ a. Has high potential for abuse; and

~~2.~~ b. Has no accepted medical use in treatment in the United States; or lacks accepted safety for use in treatment under medical supervision.

2. If the board finds that any substance included in schedule I does not meet these criteria, ~~it~~ the board shall recommend that the general assembly place the substance in a different schedule or remove ~~it~~ the substance from the list of controlled substances, as appropriate.

Sec. 35. Section 124.205, Code 2009, is amended to read as follows:

124.205 SUBSTANCES LISTED IN SCHEDULE II — CRITERIA.

1. The board shall recommend to the general assembly that ~~it~~ the general assembly place a substance in schedule II ~~any~~ if the substance is not already included therein ~~if~~ and the board finds that:

~~1.~~ a. The substance has high potential for abuse;

~~2.~~ b. The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

~~3.~~ c. Abuse of the substance may lead to severe psychic or physical dependence.

2. If the board finds that any substance included in schedule II does not meet these criteria, ~~it~~ the board shall recommend that the general assembly place the substance in a different schedule or remove ~~it~~ the substance from the list of controlled substances, as appropriate.

Sec. 36. Section 124.207, Code 2009, is amended to read as follows:

124.207 SUBSTANCES LISTED IN SCHEDULE III — CRITERIA.

1. The board shall recommend to the general assembly that ~~it~~ the general assembly place a substance in schedule III ~~any~~ if the substance is not already included therein ~~if~~ and the board finds that:

~~1.~~ a. The substance has a potential for abuse which is less than that of the substances listed in schedules I and II;

~~2.~~ b. The substance has currently accepted medical use in treatment in the United States; and

~~3.~~ c. Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

2. If the board finds that any substance included in schedule III does not meet these criteria, ~~it~~ the board shall recommend that the general assembly place the substance in a different schedule or remove ~~it~~ the substance from the list of controlled substances, as appropriate.

Sec. 37. Section 124.209, Code 2009, is amended to read as follows:

124.209 SUBSTANCES LISTED IN SCHEDULE IV — CRITERIA.

1. The board shall recommend to the general assembly that ~~it~~ the general assembly place

a substance in schedule IV ~~any~~ if the substance is not already included therein ~~if~~ and the board finds that:

~~1.~~ a. The substance has a low potential for abuse ~~relative to~~ when compared with the substances listed in schedule III;

~~2.~~ b. The substance has currently accepted medical use in treatment in the United States; and

~~3.~~ c. Abuse of the substance may lead to limited physical dependence or psychological dependence ~~relative to~~ when compared with the substances listed in schedule III.

2. If the board finds that any substance included in schedule IV does not meet these criteria, ~~it~~ the board shall recommend that the general assembly place the substance in a different schedule or remove ~~it~~ the substance from the list of controlled substances, as appropriate.

Sec. 38. Section 124.211, Code 2009, is amended to read as follows:

124.211 SCHEDULE V — CRITERIA.

1. The board shall recommend to the general assembly that ~~it~~ the general assembly place a substance in schedule V ~~any~~ if any substance is not already included therein ~~if~~ and the board finds that:

~~1.~~ a. The substance has a low potential for abuse ~~relative to~~ when compared with the substances listed in schedule IV;

~~2.~~ b. The substance has currently accepted medical use in treatment in the United States; and

~~3.~~ c. The substance has limited physical dependence or psychological dependence liability ~~relative to~~ when compared with the controlled substances listed in schedule IV.

2. If the board finds that any substance included in schedule V does not meet these criteria, ~~it~~ the board shall recommend that the general assembly place the substance in a different schedule or remove ~~it~~ the substance from the list of controlled substances, as appropriate.

Sec. 39. Section 135.17, subsection 3, Code 2009, is amended to read as follows:

3. By June 30 annually, each local board shall furnish the department with evidence that each ~~person~~ student enrolled in any public or nonpublic school within the local board's jurisdiction has met the dental screening requirement in this section.

Sec. 40. Section 135.62, subsection 2, Code 2009, is amended to read as follows:

2. There is established a state health facilities council consisting of five persons appointed by the governor. The council shall be within the department for administrative and budgetary purposes.

a. QUALIFICATIONS. The members of the council shall be chosen so that the council as a whole is broadly representative of various geographical areas of the state, and no more than three of its members are affiliated with the same political party. Each council member shall be a person who has demonstrated by prior activities an informed concern for the planning and delivery of health services. ~~No~~ A member of the council~~, nor~~ and any spouse of a member~~,~~ shall not, during the time that member is serving on the council, do either of the following:

(1) Be a health care provider nor be otherwise directly or indirectly engaged in the delivery of health care services nor have a material financial interest in the providing or delivery of health services~~; nor~~.

(2) Serve as a member of any board or other policymaking or advisory body of an institutional health facility, a health maintenance organization, or any health or hospital insurer.

b. APPOINTMENTS. Terms of council members shall be six years, beginning and ending as provided in section 69.19. A member shall be appointed in each odd-numbered year to succeed each member whose term expires in that year. Vacancies shall be filled by the governor for the balance of the unexpired term. Each appointment to the council is subject to confirmation by the senate. A council member is ineligible for appointment to a second consecutive term, unless first appointed to an unexpired term of three years or less.

c. CHAIRPERSON. The governor shall designate one of the council members as chairper-

son. That designation may be changed not later than July 1 of any odd-numbered year, effective on the date of the organizational meeting held in that year under paragraph ~~"c" of this subsection~~ "d".

~~c.~~ d. MEETINGS. The council shall hold an organizational meeting in July of each odd-numbered year, or as soon thereafter as the new appointee or appointees are confirmed and have qualified. Other meetings shall be held as necessary to enable the council to expeditiously discharge its duties. Meeting dates shall be set upon adjournment or by call of the chairperson upon five days' notice to the other members.

e. COMPENSATION. Each member of the council shall receive a per diem as specified in section 7E.6 and reimbursement for actual expenses while engaged in official duties.

~~d.~~ f. DUTIES. The council shall do all of the following:

(1) Make the final decision, as required by section 135.69, with respect to each application for a certificate of need accepted by the department.

(2) Determine and adopt such policies as are authorized by law and are deemed necessary to the efficient discharge of its duties under this division.

(3) Have authority to direct staff personnel of the department assigned to conduct formal or summary reviews of applications for certificates of need.

(4) Advise and counsel with the director concerning the provisions of this division, and the policies and procedures adopted by the department pursuant to this division.

(5) Review and approve, prior to promulgation, all rules adopted by the department under this division.

Sec. 41. Section 135.107, Code 2009, is amended to read as follows:

135.107 CENTER FOR RURAL HEALTH AND PRIMARY CARE ESTABLISHED — DUTIES.

1. The center for rural health and primary care is established within the department. ~~There is established an advisory committee to the center for rural health and primary care consisting of one representative, approved by the respective agency, of each of the following agencies: the department of agriculture and land stewardship, the Iowa department of public health, the department of inspections and appeals, the national institute for rural health policy, the rural health resource center, the institute of agricultural medicine and occupational health, and the Iowa state association of counties. The governor shall appoint two representatives of consumer groups active in rural health issues and a representative of each of two farm organizations active within the state, a representative of an agricultural business in the state, a practicing rural family physician, a practicing rural physician assistant, a practicing rural advanced registered nurse practitioner, and a rural health practitioner who is not a physician, physician assistant, or advanced registered nurse practitioner, as members of the advisory committee. The advisory committee shall also include as members two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.~~

~~The advisory committee shall regularly meet with the administrative head of the center as well as the director of the center for agricultural health and safety established under section 262.78. The head of the center and the director of the center for agricultural health and safety shall consult with the advisory committee and provide the committee with relevant information regarding their agencies.~~

~~A simple majority of the membership of the advisory committee shall constitute a quorum. Action may be taken by the affirmative vote of a majority of the advisory committee membership.~~

2. The center for rural health and primary care shall do all of the following:

a. Provide technical planning assistance to rural communities and counties exploring innovative means of delivering rural health services through community health services assessment, planning, and implementation, including but not limited to hospital conversions, cooperative agreements among hospitals, physician and health practitioner support, re-

cruitment and retention of primary health care providers, public health services, emergency medical services, medical assistance facilities, rural health care clinics, and alternative means which may be included in the long-term community health services assessment and developmental plan. The center for rural health and primary care shall encourage collaborative efforts of the local boards of health, hospital governing boards, and other public and private entities located in rural communities to adopt a long-term community health services assessment and developmental plan pursuant to rules adopted by the department and perform the duties required of the Iowa department of public health in section 135B.33.

b. Provide technical assistance to assist rural communities in improving Medicare reimbursements through the establishment of rural health clinics, defined pursuant to 42 U.S.C. § 1395(x), and distinct part skilled nursing facility beds.

c. Coordinate services to provide research for the following items:

(1) Examination of the prevalence of rural occupational health injuries in the state.

(2) Assessment of training and continuing education available through local hospitals and others relating to diagnosis and treatment of diseases associated with rural occupational health hazards.

(3) Determination of continuing education support necessary for rural health practitioners to diagnose and treat illnesses caused by exposure to rural occupational health hazards.

(4) Determination of the types of actions that can help prevent agricultural accidents.

(5) Surveillance and reporting of disabilities suffered by persons engaged in agriculture resulting from diseases or injuries, including identifying the amount and severity of agricultural-related injuries and diseases in the state, identifying causal factors associated with agricultural-related injuries and diseases, and indicating the effectiveness of intervention programs designed to reduce injuries and diseases.

d. Cooperate with the center for agricultural health and safety established under section 262.78, the center for health effects of environmental contamination established under section 263.17, and the department of agriculture and land stewardship. The agencies shall coordinate programs to the extent practicable.

e. Administer grants for farm safety education efforts directed to rural families for the purpose of preventing farm-related injuries to children.

3. The center for rural health and primary care shall establish a primary care provider recruitment and retention endeavor, to be known as PRIMECARRE. The endeavor shall include a community grant program, a primary care provider loan repayment program, and a primary care provider community scholarship program. The endeavor shall be developed and implemented in a manner to promote and accommodate local creativity in efforts to recruit and retain health care professionals to provide services in the locality. The focus of the endeavor shall be to promote and assist local efforts in developing health care provider recruitment and retention programs. ~~Eligibility under any of the programs established under the primary care provider recruitment and retention endeavor shall be based upon a community health services assessment completed under subsection 2, paragraph "a". A community or region, as applicable, shall submit a letter of intent to conduct a community health services assessment and to apply for assistance under this subsection. The letter shall be in a form and contain information as determined by the center. A letter of intent shall be submitted to the center by January 1 preceding the fiscal year for which an application for assistance is to be made. Assistance under this subsection shall not be granted until such time as the community or region making application has completed the community health services assessment and adopted a long-term community health services assessment and developmental plan. In addition to any other requirements, a developmental plan shall include a clear commitment to informing high school students of the health care opportunities which may be available to such students.~~

~~The center for rural health and primary care shall seek additional assistance and resources from other state departments and agencies, federal agencies and grant programs, private organizations, and any other person, as appropriate. The center is authorized and directed to accept on behalf of the state any grant or contribution, federal or otherwise, made to assist in meeting the cost of carrying out the purpose of this subsection. All federal grants to and the~~

~~federal receipts of the center are appropriated for the purpose set forth in such federal grants or receipts. Funds appropriated by the general assembly to the center for implementation of this subsection shall first be used for securing any available federal funds requiring a state match, with remaining funds being used for the community grant program.~~

~~The center for rural health and primary care may, to further the purposes of this subsection, provide financial assistance in the form of grants to support the effort of a community which is clearly part of the community's long-term community health services assessment and developmental plan. Efforts for which such grants may be awarded include, but are not limited to, the procurement of clinical equipment, clinical facilities, and telecommunications facilities, and the support of locum tenens arrangements and primary care provider mentor programs.~~

a. COMMUNITY GRANT PROGRAM.

(1) The center for rural health and primary care shall adopt rules establishing an application process to be used by the center to establish a grant assistance program as provided in this paragraph, and establishing the criteria to be used in evaluating the applications. Selection criteria shall include a method for prioritizing grant applications based on illustrated efforts to meet the health care provider needs of the locality and surrounding area. Such assistance may be in the form of a forgivable loan, grant, or other nonfinancial assistance as deemed appropriate by the center. An application submitted shall contain a commitment of at least a dollar-for-dollar match of the grant assistance. Application may be made for assistance by a single community or group of communities.

(2) Grants awarded under the program shall be subject to the following limitations:

~~(1)~~ (a) Ten thousand dollars for a single community or region with a population of ten thousand or less. An award shall not be made under this program to a community with a population of more than ten thousand.

~~(2)~~ (b) An amount not to exceed one dollar per capita for a region in which the population exceeds ten thousand. For purposes of determining the amount of a grant for a region, the population of the region shall not include the population of any community with a population of more than ten thousand located in the region.

b. PRIMARY CARE PROVIDER LOAN REPAYMENT PROGRAM.

(1) A primary care provider loan repayment program is established to increase the number of health professionals practicing primary care in federally designated health professional shortage areas of the state. Under the program, loan repayment may be made to a recipient for educational expenses incurred while completing an accredited health education program directly related to obtaining credentials necessary to practice the recipient's health profession.

(2) The center for rural health and primary care shall adopt rules relating to the establishment and administration of the primary care provider loan repayment program. Rules adopted pursuant to this paragraph shall provide, at a minimum, for all of the following:

(a) Determination of eligibility requirements and qualifications of an applicant to receive loan repayment under the program, including but not limited to years of obligated service, clinical practice requirements, and residency requirements. One year of obligated service shall be provided by the applicant in exchange for each year of loan repayment, unless federal requirements otherwise require. Loan repayment under the program shall not be approved for a health provider whose license or certification is restricted by a medical regulatory authority of any jurisdiction of the United States, other nations, or territories.

(b) Identification of federally designated health professional shortage areas of the state and prioritization of such areas according to need.

(c) Determination of the amount and duration of the loan repayment an applicant may receive, giving consideration to the availability of funds under the program, and the applicant's outstanding educational loans and professional credentials.

(d) Determination of the conditions of loan repayment applicable to an applicant.

(e) Enforcement of the state's rights under a loan repayment program contract, including the commencement of any court action.

(f) Cancellation of a loan repayment program contract for reasonable cause.

(g) Participation in federal programs supporting repayment of loans of health care providers and acceptance of gifts, grants, and other aid or amounts from any person, association, foundation, trust, corporation, governmental agency, or other entity for the purposes of the program.

(h) Upon availability of state funds, determine eligibility criteria and qualifications for participating communities and applicants not located in federally designated shortage areas.

(i) Other rules as necessary.

(3) The center for rural health and primary care may enter into an agreement under chapter 28E with the college student aid commission for the administration of this program.

c. PRIMARY CARE PROVIDER COMMUNITY SCHOLARSHIP PROGRAM.

(1) A primary care provider community scholarship program is established to recruit and to provide scholarships to train primary health care practitioners in federally designated health professional shortage areas of the state. Under the program, scholarships may be awarded to a recipient for educational expenses incurred while completing an accredited health education program directly related to obtaining the credentials necessary to practice the recipient's health profession.

(2) The department shall adopt rules relating to the establishment and administration of the primary care provider community scholarship program. Rules adopted pursuant to this paragraph shall provide, at a minimum, for all of the following:

(a) Determination of eligibility requirements and qualifications of an applicant to receive scholarships under the program, including but not limited to years of obligated service, clinical practice requirements, and residency requirements. One year of obligated service shall be provided by the applicant in exchange for each year of scholarship receipt, unless federal requirements otherwise require.

(b) Identification of federally designated health professional shortage areas of the state and prioritization of such areas according to need.

(c) Determination of the amount of the scholarship an applicant may receive.

(d) Determination of the conditions of scholarship to be awarded to an applicant.

(e) Enforcement of the state's rights under a scholarship contract, including the commencement of any court action.

(f) Cancellation of a scholarship contract for reasonable cause.

(g) Participation in federal programs supporting scholarships for health care providers and acceptance of gifts, grants, and other aid or amounts from any person, association, foundation, trust, corporation, governmental agency, or other entity for the purposes of the program.

(h) Upon availability of state funds, determination of eligibility criteria and qualifications for participating communities and applicants not located in federally designated shortage areas.

(i) Other rules as necessary.

(3) The center for rural health and primary care may enter into an agreement under chapter 28E with the college student aid commission for the administration of this program.

4. a. Eligibility under any of the programs established under the primary care provider recruitment and retention endeavor shall be based upon a community health services assessment completed under subsection 2, paragraph "a". A community or region, as applicable, shall submit a letter of intent to conduct a community health services assessment and to apply for assistance under this subsection. The letter shall be in a form and contain information as determined by the center. A letter of intent shall be submitted to the center by January 1 preceding the fiscal year for which an application for assistance is to be made.

b. Assistance under this subsection shall not be granted until such time as the community or region making application has completed the community health services assessment and adopted a long-term community health services assessment and developmental plan. In addition to any other requirements, a developmental plan shall include a clear commitment to informing high school students of the health care opportunities which may be available to such students.

c. The center for rural health and primary care shall seek additional assistance and resources from other state departments and agencies, federal agencies and grant programs, private organizations, and any other person, as appropriate. The center is authorized and directed to accept on behalf of the state any grant or contribution, federal or otherwise, made to assist in meeting the cost of carrying out the purpose of this subsection. All federal grants to and the federal receipts of the center are appropriated for the purpose set forth in such federal grants or receipts. Funds appropriated by the general assembly to the center for implementation of this subsection shall first be used for securing any available federal funds requiring a state match, with remaining funds being used for the community grant program.

d. The center for rural health and primary care may, to further the purposes of this subsection, provide financial assistance in the form of grants to support the effort of a community which is clearly part of the community's long-term community health services assessment and developmental plan. Efforts for which such grants may be awarded include but are not limited to the procurement of clinical equipment, clinical facilities, and telecommunications facilities, and the support of locum tenens arrangements and primary care provider mentor programs.

5. a. There is established an advisory committee to the center for rural health and primary care consisting of one representative, approved by the respective agency, of each of the following agencies: the department of agriculture and land stewardship, the Iowa department of public health, the department of inspections and appeals, the national institute for rural health policy, the rural health resource center, the institute of agricultural medicine and occupational health, and the Iowa state association of counties. The governor shall appoint two representatives of consumer groups active in rural health issues and a representative of each of two farm organizations active within the state, a representative of an agricultural business in the state, a practicing rural family physician, a practicing rural physician assistant, a practicing rural advanced registered nurse practitioner, and a rural health practitioner who is not a physician, physician assistant, or advanced registered nurse practitioner, as members of the advisory committee. The advisory committee shall also include as members two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

b. The advisory committee shall regularly meet with the administrative head of the center as well as the director of the center for agricultural health and safety established under section 262.78. The head of the center and the director of the center for agricultural health and safety shall consult with the advisory committee and provide the committee with relevant information regarding their agencies.

c. A simple majority of the membership of the advisory committee shall constitute a quorum. Action may be taken by the affirmative vote of a majority of the advisory committee membership.

Sec. 42. Section 135.141, subsection 2, paragraph j, Code 2009, is amended to read as follows:

j. Adopt rules pursuant to chapter 17A for the administration of this division of this chapter including rules adopted in cooperation with the Iowa pharmacy association and the Iowa hospital association for the development of a surveillance system to monitor supplies of drugs, antidotes, and vaccines to assist in detecting a potential public health disaster. Prior to adoption, the rules shall be approved by the state board of health and the administrator of the homeland security and emergency management division of the department of public defense.

~~Prior to adoption, the rules shall be approved by the state board of health and the administrator of the homeland security and emergency management division of the department of public defense.~~

Sec. 43. Section 135.157, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 44. Section 135.159, subsection 3, paragraph i, Code 2009, is amended to read as follows:

i. For children, coordinate with and integrate guidelines, data, and information from existing newborn and child health programs and entities, including but not limited to the healthy opportunities for parents to experience success – healthy families Iowa program, the community empowerment program, the center for congenital and inherited disorders screening and health care programs, standards of care for pediatric health guidelines, the office of multicultural health established in section 135.12, the oral health bureau established in section 135.15, and other similar programs and services.

Sec. 45. Section 135B.7, Code 2009, is amended to read as follows:

135B.7 RULES AND ENFORCEMENT.

1. a. The department, with the advice and approval of the hospital licensing board and approval of the state board of health, shall adopt rules setting out the standards for the different types of hospitals to be licensed under this chapter. The department shall enforce the rules.

b. Rules or standards shall not be adopted or enforced which would have the effect of denying a license to a hospital or other institution required to be licensed, solely by reason of the school or system of practice employed or permitted to be employed by physicians in the hospital, if the school or system of practice is recognized by the laws of this state.

2. a. The rules shall state that a hospital shall not deny clinical privileges to physicians and surgeons, podiatric physicians, osteopathic physicians and surgeons, dentists, certified health service providers in psychology, physician assistants, or advanced registered nurse practitioners licensed under chapter 148, 148C, 149, 152, or 153, or section 154B.7, solely by reason of the license held by the practitioner or solely by reason of the school or institution in which the practitioner received medical schooling or postgraduate training if the medical schooling or postgraduate training was accredited by an organization recognized by the council on postsecondary accreditation or an accrediting group recognized by the United States department of education.

b. A hospital may establish procedures for interaction between a patient and a practitioner. The rules shall not prohibit a hospital from limiting, restricting, or revoking clinical privileges of a practitioner for violation of hospital rules, regulations, or procedures established under this paragraph, when applied in good faith and in a nondiscriminatory manner.

c. This ~~paragraph~~ subsection shall not require a hospital to expand the hospital's current scope of service delivery solely to offer the services of a class of providers not currently providing services at the hospital. This section shall not be construed to require a hospital to establish rules which are inconsistent with the scope of practice established for licensure of practitioners to whom this ~~paragraph~~ subsection applies.

d. This section shall not be construed to authorize the denial of clinical privileges to a practitioner or class of practitioners solely because a hospital has as employees of the hospital identically licensed practitioners providing the same or similar services.

3. The rules shall require that a hospital establish and implement written criteria for the granting of clinical privileges. The written criteria shall include but are not limited to consideration of all of the following:

a. The ability of an applicant for privileges to provide patient care services independently and appropriately in the hospital~~; the~~.

b. The license held by the applicant to practice~~;~~.

c. The training, experience, and competence of the applicant~~; and the~~.

d. The relationship between the applicant's request for the granting of privileges and the hospital's current scope of patient care services, as well as the hospital's determination of the necessity to grant privileges to a practitioner authorized to provide comprehensive, appropriate, and cost-effective services.

4. The department shall also adopt rules requiring hospitals to establish and implement protocols for responding to the needs of patients who are victims of domestic abuse, as defined in section 236.2.

Sec. 46. Section 135B.28, Code 2009, is amended to read as follows:

135B.28 HOSPITAL BILL.

1. The hospital bill shall properly include the charges for pathology and radiology services as long as the name of the doctor is stated and it fairly appears that the charge is for medical services.

2. The ~~said~~ hospital bill shall also contain a statement substantially in the following form:

"The pathology and radiology charges are for medical services rendered by or under the direction of the doctor listed above and are collected by the hospital on behalf of the doctor, from which charges an agreed sum will be retained by the hospital in accordance with an existing agreement to which retention you consented at the time of your admission to the hospital."

3. Upon the effective date of regulations which may be adopted by the United States department of health and human services prohibiting combined billing by hospitals and hospital-based physicians under Title XVIII of the federal Social Security Act, the charges for all pathology and radiology services in a hospital, may upon the mutual agreement of the hospital, physician and third-party payer, be billed separately, the hospital component of the charges being included in the hospital bill and the doctor component being billed by the doctor.

Sec. 47. Section 135C.16, subsection 2, Code 2009, is amended to read as follows:

2. a. The department shall prescribe by rule that any licensee or applicant for license desiring to make specific types of physical or functional alterations or additions to its facility or to construct new facilities shall, before commencing the alteration or additions or new construction, submit plans and specifications to the department for preliminary inspection and approval or recommendations with respect to compliance with the department's rules and standards.

b. When the plans and specifications have been properly approved by the department or other appropriate state agency, for a period of at least five years from completion of the construction or alteration, the facility or the portion of the facility constructed or altered in accord with the plans and specifications shall not ~~for a period of at least five years from completion of the construction or alteration~~ be considered deficient or ineligible for licensing by reason of failure to meet any rule or standard established subsequent to approval of the plans and specifications.

c. When construction or alteration of a facility or portion of a facility has been completed in accord with plans and specifications submitted as required by this subsection and properly approved by the department or other appropriate state agency, and it is discovered that the facility or portion of a facility is not in compliance with a requirement of this chapter or of the rules or standards adopted pursuant to it and in effect at the time the plans and specifications were submitted, and the deficiency was apparent from the plans and specifications submitted but was not noted or objected to by the department or other appropriate state agency, the department or agency responsible for the oversight shall either waive the requirement or reimburse the licensee or applicant for any costs which are necessary to bring the new or reconstructed facility or portion of a facility into compliance with the requirement and which the licensee or applicant would not have incurred if the facility or portion of the facility had been constructed in compliance with the requirements of this chapter or of the rules or standards adopted pursuant to it and in effect at the time the plans and specifications were submitted.

d. If within two years from the completion of the construction or alteration of the facility or portion thereof, a department or agency of the state orders that the new or reconstructed facility or portion thereof be brought into compliance with the requirements of this chapter or the rules or standards adopted pursuant to it and in effect at the time the plans and specifications were submitted, the state shall have a claim for damages to the extent of any reimbursement paid to the licensee or applicant against any person who designed the facility or portion thereof for negligence in the preparation of the plans and specifications therefor, subject to all defenses based upon the negligence of the state in reviewing and approving those plans and specifications, but not thereafter.

e. The provisions of this subsection shall not apply where the deficiency presents a clear and present danger to the safety of the residents of the facility.

Sec. 48. Section 136B.2, Code 2009, is amended to read as follows:

136B.2 RADON TESTING INFORMATION — DISCLOSURE.

1. a. A person certified or credentialed pursuant to section 136B.1 shall, within thirty days of the provision of any radon testing services or abatement measures or at the request of the department prior to testing or abatement, disclose to the department the address or location of the building, the name of the owner of the building where the services or measures were or will be provided, and the results of any tests or abatement measures performed.

b. A person shall not disclose to any other person, except to the department, the address or owner of a nonpublic building that the person tested for the presence of radon gas and radon progeny, unless the owner of the building waives, in writing, this right of confidentiality. Any test results disclosed shall be results of a test performed within the five years prior to the date of the disclosure.

2. a. Notwithstanding the requirements of this section, disclosure to any person of the results of a test performed on a nonpublic building for the presence of radon gas and radon progeny is not required if the results do not exceed the currently established United States environmental protection agency action guidelines.

b. A person who tests a nonpublic building which the person owns is not required to disclose to any person the results of a test for the presence of radon gas or progeny if the test is performed by the person who owns the nonpublic building.

~~2. A person certified or credentialed pursuant to section 136B.1 shall, within thirty days of the provision of any radon testing services or abatement measures or at the request of the department prior to testing or abatement, disclose to the department the address or location of the building, the name of the owner of the building where the services or measures were or will be provided, and the results of any tests or abatement measures performed.~~

Sec. 49. Section 139A.21, subsection 7, Code 2009, is amended to read as follows:

7. The department shall adopt rules specifying the requirements for the operation of an emergency information system operated by a registrant pursuant to section 206.12, subsection ~~2~~ 3, paragraph "c", which shall not exceed requirements adopted by a poison control center as defined in section 206.2. The rules shall specify the qualifications of individuals staffing an emergency information system and shall specify the maximum amount of time that a registrant may take to provide the information to a poison control center or an attending physician treating a patient exposed to the registrant's product.

Sec. 50. Section 147.8, Code 2009, is amended to read as follows:

147.8 RECORD OF LICENSES.

A board shall keep the following information available for public inspection for each person licensed by the board: ~~name, address~~

1. Name.

2. Address of record~~, the~~.

3. The number of the license~~, and the~~.

4. The date of issuance of the license.

Sec. 51. Section 147.11, subsection 1, Code 2009, is amended to read as follows:

1. A licensee who allows the license to become inactive or lapsed by failing to renew the license, as provided in section 147.10, may ~~be reactivated~~ reactivate the license upon payment of a reactivation fee and compliance with other terms established by board rule.

Sec. 52. Section 147.13, subsection 18, Code 2009, is amended to read as follows:

18. For respiratory care ~~therapy~~, the board of respiratory care.

Sec. 53. Section 147.87, Code 2009, is amended to read as follows:

147.87 ENFORCEMENT.

A board shall enforce the provisions of this chapter and ~~its~~ the board's enabling statute and for that purpose may request the department of inspections and appeals to make necessary

investigations. Every licensee and member of a board shall furnish the board or the department of inspections and appeals such evidence as the member or licensee may have relative to any alleged violation which is being investigated.

Sec. 54. Section 147.89, Code 2009, is amended to read as follows:

147.89 REPORT OF VIOLATORS.

Every licensee and member of a board shall report to ~~its respective~~ the board the name of any person, without the required license if the licensee or member of the board has reason to believe the person is practicing the profession without a license.

Sec. 55. Section 148.3, subsection 1, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A diploma issued by a medical college or college of osteopathic medicine and surgery approved by the board, or ~~present~~ other evidence of equivalent medical education approved by the board. The board may accept, in lieu of a diploma from a medical college approved by the board, all of the following:

Sec. 56. Section 153.36, subsection 1, Code 2009, is amended to read as follows:

1. Sections 147.44 ~~to 147.71, except section 147.57~~, 147.48, 147.49, 147.53, and 147.55, and sections 147.87 ~~to~~ through 147.92 shall not apply to the practice of dentistry.

Sec. 57. Section 159.5, subsections 12 and 13, Code 2009, are amended to read as follows:

12. a. Establish a swine tuberculosis eradication program including~~,~~ but not limited to all of the following:

~~a.~~ (1) The inspection of swine herds in this state when the department finds that an animal from a swine herd has, or is believed to have, tuberculosis~~;~~.

~~b.~~ (2) Ear tagging or otherwise physically marking all swine reacting positively to tests for tuberculosis~~;~~.

~~c.~~ (3) Condemning any swine which has tuberculosis~~;~~.

~~d.~~ (4) Depopulating any swine herd where tuberculosis is found to be generally present~~;~~ ~~and~~.

~~e.~~ (5) Compensate the owners of condemned swine as provided under section 165.18, following the general procedures for filing claims and paying indemnities as provided in chapter 165.

b. If the department finds that the source of the tuberculosis in a swine herd is from another species of animal, except bovine, located on or near the premises on which the affected swine herd is located, the department may destroy those animals and indemnify the owners of the condemned animals as provided in chapter 163.

13. Establish and maintain a division of soil conservation. The division administrator shall be appointed by the secretary from a list of names of persons recommended by the soil conservation committee, pursuant to section 161A.4, subsection ~~2~~ 6, paragraph "c", and shall serve at the pleasure of the secretary.

Sec. 58. Section 159.20, subsection 2, Code 2009, is amended to read as follows:

2. As used in this subchapter~~, "agricultural~~:

a. "Agricultural commodity" means any unprocessed agricultural product, including animals, agricultural crops, and forestry products grown, raised, produced, or fed in Iowa for sale in commercial channels. ~~"Commercial~~

b. "Commercial channels" means the processes ~~of~~ for sale of an agricultural commodity or unprocessed product from the agricultural commodity to any person, public or private, who resells the agricultural commodity for breeding, processing, slaughter, or distribution.

Sec. 59. Section 161A.4, Code 2009, is amended to read as follows:

161A.4 SOIL CONSERVATION DIVISION — COMMITTEE.

1. The soil conservation division is established within the department to perform the functions conferred upon it in this chapter and chapters 161C, 161E, 161F, 207, and 208. The divi-

sion shall be administered in accordance with the policies of the state soil conservation committee, which shall advise the division and which shall approve administrative rules proposed by the division for the administration of this chapter and chapters 161C, 161E, 161F, 207, and 208 before the rules are adopted pursuant to section 17A.5. If a difference exists between the committee and secretary regarding the content of a proposed rule, the secretary shall notify the chairperson of the committee of the difference within thirty days from the committee's action on the rule. The secretary and the committee shall meet to resolve the difference within thirty days after the secretary provides the committee with notice of the difference.

~~The state soil conservation committee consists of a chairperson and eight other voting members. The following shall serve as ex officio nonvoting members of the committee: the director of the Iowa cooperative extension service in agriculture and home economics, or the director's designee; and the director of the department of natural resources or the director's designee. Nine voting members shall be appointed by the governor subject to confirmation by the senate. Six of the appointive members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of six geographic regions in the state, including northwest, southwest, north central, south central, northeast, and southeast Iowa, and no more than one of whom shall be a resident of any one county. The boundaries of the geographic regions shall be established by rule. The seventh, eighth, and ninth appointive members shall be chosen by the governor from the state at large with one appointed to be a representative of cities, one appointed to be a representative of the mining industry, and one appointee who is a farmer actively engaged in tree farming. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the other members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons have no vote and shall serve in an advisory capacity only. The committee may perform acts, hold public hearings, and propose and approve rules pursuant to chapter 17A as necessary for the execution of its functions.~~

~~2. The committee shall recommend three persons to the secretary of agriculture who shall appoint from the persons recommended an administrative director to head the division who shall serve at the pleasure of the secretary. After reviewing the names submitted, the secretary may request the soil conservation committee to submit additional names for consideration. The committee shall recommend to the secretary each year a budget for the division. The secretary, at the earliest opportunity and prior to formulating a budget, shall meet with representatives of the committee to discuss the committee's recommendation. The committee or division may call upon the attorney general of the state for necessary legal services. The committee may delegate to its chairperson, to one or more of its members, or to one or more agents or employees, powers and duties as it deems proper. Upon request of the committee, for the purpose of carrying out any of the functions assigned the committee or the department by law, the supervising officer of any state agency, or of any state institution of learning shall, insofar as possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail the request to the staff or personnel of the agency or institution of learning, and make the special reports, surveys, or studies as the committee requests.~~

~~3. The committee shall designate its chairperson, and may change the designation. The members appointed by the governor shall serve for a period of six years. Members shall be appointed in each odd-numbered year to succeed members whose terms expire as provided by section 69.19. Appointments may be made at other times and for other periods as necessary to fill vacancies on the committee. Members shall not be appointed to serve more than two complete six-year terms. Members designated to represent the director of the department of natural resources and the director of the Iowa cooperative extension service in agriculture and home economics shall serve at the pleasure of the officer making the designation. A majority of the voting members of the committee constitutes a quorum, and the concurrence of a majority of the voting members of the committee in any matter within their duties is required for its determination. Members are entitled to actual expenses necessarily incurred in the discharge of their duties as members of the committee. The expenses paid to the committee members shall be paid from funds appropriated to the department. Each member of the committee may~~

~~also be eligible to receive compensation as provided in section 7E.6. The committee shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds or property, shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions and orders issued or adopted, and shall provide for an annual audit of the accounts of receipts and disbursements.~~

~~4.~~ 2. In addition to other duties and powers conferred upon the division of soil conservation, the division has the following duties and powers:

a. To offer assistance as appropriate to the commissioners of soil and water conservation districts in carrying out any of their powers and programs.

b. To take notice of each district's long-range resource conservation plan established under section 161A.7, in order to keep the commissioners of each of the several districts informed of the activities and experience of all other districts, and to facilitate an interchange of advice and experience between such districts and cooperation between them.

c. To coordinate the programs of the soil and water conservation districts so far as this may be done by advice and consultation.

d. To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of such districts.

e. To disseminate information throughout the state concerning the activities and program of the soil and water conservation districts.

f. To render financial aid and assistance to soil and water conservation districts for the purpose of carrying out the policy stated in this chapter.

g. To assist each soil and water conservation district in developing a district soil and water resource conservation plan as provided under section 161A.7. The plan shall be developed according to rules adopted by the division to preserve and protect the public interest in the soil and water resources of this state for future generations and for this purpose to encourage, promote, facilitate, and where such public interest requires, to mandate the conservation and proper control of and use of the soil and water resources of this state, by measures including~~,~~ but not limited to~~,~~ the control of floods, the control of erosion by water or by wind, the preservation of the quality of water for its optimum use for agricultural, irrigation, recreational, industrial, and domestic purposes, all of which shall be presumed to be conducive to the public health, convenience, and welfare, both present and future.

h. To file the district soil and water resource conservation plans as part of a state soil and water resource conservation plan. The state plan shall contain on a statewide basis the information required for a district plan under this section.

i. To establish a position of state drainage coordinator for drainage districts and drainage and levee districts which will keep the management of those districts informed of the activities and experience of all other such districts and facilitate an interchange of advice, experience and cooperation among the districts, coordinate by advice and consultation the programs of the districts, secure the cooperation and assistance of the United States and its agencies and of the agencies of this state and other states in the work of the districts, disseminate information throughout the state concerning the activities and programs of the districts and provide other appropriate assistance to the districts.

~~5.~~ 3. The division, in consultation with the commissioners of the soil and water conservation districts, shall conduct a biennial review to survey the availability of private soil and water conservation control contractors in each district. A report containing the results of the review shall be prepared and posted on the department's internet site.

4. A state soil conservation committee is established within the department.

a. The nine voting members of the committee shall be appointed by the governor subject to confirmation by the senate pursuant to section 2.32, and shall include the following:

(1) Six of the members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of six geographic regions in the state, including northwest, southwest, north central, south central, northeast, and southeast Iowa, and no more than one of whom shall be a resident of any one county. The boundaries of the geographic regions shall be established by rule.

(2) The seventh, eighth, and ninth appointive members shall be chosen by the governor from the state at large, with one appointed to be a representative of cities, one appointed to be a representative of the mining industry, and one appointee who is a farmer actively engaged in tree farming.

b. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the other members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons have no vote and shall serve in an advisory capacity only.

c. The following shall serve as ex officio nonvoting members of the committee:

(1) The director of the Iowa cooperative extension service in agriculture and home economics, or the director's designee.

(2) The director of the department of natural resources or the director's designee.

5. a. The committee shall designate its chairperson, and may change the designation. The members appointed by the governor shall serve for a period of six years. Members shall be appointed in each odd-numbered year to succeed members whose terms expire as provided by section 69.19. Appointments may be made at other times and for other periods as necessary to fill vacancies on the committee. Members shall not be appointed to serve more than two complete six-year terms. Members designated to represent the director of the department of natural resources and the director of the Iowa cooperative extension service in agriculture and home economics shall serve at the pleasure of the officer making the designation.

b. A majority of the voting members of the committee constitutes a quorum, and the concurrence of a majority of the voting members of the committee in any matter within their duties is required for its determination.

c. Members are entitled to actual expenses necessarily incurred in the discharge of their duties as members of the committee. The expenses paid to the committee members shall be paid from funds appropriated to the department. Each member of the committee may also be eligible to receive compensation as provided in section 7E.6. The committee shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds or property, shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions and orders issued or adopted, and shall provide for an annual audit of the accounts of receipts and disbursements.

6. a. The committee may perform acts, hold public hearings, and propose and approve rules pursuant to chapter 17A as necessary for the execution of its functions.

b. The committee shall recommend to the secretary each year a budget for the division. The secretary, at the earliest opportunity and prior to formulating a budget, shall meet with representatives of the committee to discuss the committee's recommendation.

c. The committee shall recommend three persons to the secretary of agriculture who shall appoint from the persons recommended an administrative director to head the division and serve at the pleasure of the secretary. After reviewing the names submitted, the secretary may request that the soil conservation committee submit additional names for consideration.

7. The committee or division may call upon the attorney general of the state for necessary legal services. The committee may delegate to its chairperson, to one or more of its members, or to one or more agents or employees, powers and duties as it deems proper. Upon request of the committee, for the purpose of carrying out any of the functions assigned the committee or the department by law, the supervising officer of any state agency, or of any state institution of learning shall, insofar as possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail the request to the staff or personnel of the agency or institution of learning, and make the special reports, surveys, or studies as the committee requests.

Sec. 60. Section 161A.7, Code 2009, is amended to read as follows:

161A.7 POWERS OF DISTRICTS AND COMMISSIONERS.

1. A soil and water conservation district organized under this chapter has the following powers, in addition to others granted in other sections of this chapter:

~~1.~~ a. To conduct surveys, investigations, and research relating to the character of soil erosion and erosion, floodwater, and sediment damages, and the preventive and control measures needed, to publish the results of such surveys, investigations or research, and to disseminate information concerning such preventive and control measures; provided, however, that in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the Iowa agricultural experiment station located at Ames, Iowa, and pursuant to a cooperative agreement entered into between the Iowa agricultural experiment station and such district.

~~2.~~ b. To conduct demonstrational projects within the district on lands owned or controlled by this state or any of its agencies, with the consent and cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner or occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods, and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil blowing and soil washing may be prevented and controlled; provided, however, that in order to avoid duplication of agricultural extension activities, no district shall initiate any demonstrational projects, except in cooperation with the Iowa agricultural extension service whose offices are located at Ames, Iowa, and pursuant to a cooperative agreement entered into between the Iowa agricultural extension service and such district.

~~3.~~ c. To carry out preventive and control measures within the district, including~~,~~ but not limited to~~,~~ crop rotations, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in section 161A.2, on lands owned or controlled by this state or any of its agencies, with the consent and cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district, upon obtaining the consent of the owner or occupier of such lands or the necessary rights or interests in such lands. Any approval or permits from the council required under other provisions of law shall be obtained by the district prior to initiation of any construction activity.

~~4.~~ d. To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any owner or occupier of lands within the district, in the carrying on of erosion-control and watershed protection and flood prevention operations within the district, subject to such conditions as the commissioners may deem necessary to advance the purposes of this chapter.

~~5.~~ e. To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this chapter.

~~6.~~ f. To make available on such terms as it shall prescribe, to landowners or occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, lime, and such other material or equipment as will assist such landowners or occupiers to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion and for the prevention of erosion, floodwater, and sediment damages.

~~7.~~ g. To construct, improve, and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter. Any approval or permits from the council required under other provisions of law shall be obtained by the district prior to initiation of any construction activity.

~~8.~~ h. To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion and for the prevention of erosion, floodwater, and sediment damages within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use

of land; and to publish such plans and information and bring them to the attention of owners and occupiers of lands within the district.

~~9.~~ i. To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules not inconsistent with this chapter, to carry into effect its purposes and powers.

~~10.~~ j. To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations.

~~11. As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the commissioners may require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may require landowners or occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.~~

~~12. No provisions with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the legislature shall specifically so state.~~

~~13. After the formation of any district under the provisions of this chapter, all participation hereunder shall be purely voluntary, except as specifically stated herein.~~

~~14.~~ k. Subject to the approval of the state soil conservation committee, to change the name of the soil and water conservation district.

~~15.~~ l. To provide for the restoration of permanent soil and water conservation practices which are damaged or destroyed because of a disaster emergency as provided in section 161A.75.

~~16. The commissioners shall, as a condition for the receipt of any state cost-sharing funds for permanent soil conservation practices, require the owner of the land on which the practices are to be established to covenant and file, in the office of the soil and water conservation district of the county in which the land is located, an agreement identifying the particular lands upon which the practices for which state cost-sharing funds are to be received will be established, and providing that the project will not be removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on guidelines drawn up by the state soil conservation committee, for a period of twenty years after the date of receiving payment. The commissioners shall assist the division in the enforcement of this subsection. The agreement does not create a lien on the land, but is a charge personally against the owner of the land at the time of removal, alteration, or modification if an administrative order is made under section 161A.61, subsection 3.~~

~~17.~~ m. To encourage local school districts to provide instruction in the importance of and in some of the basic methods of soil conservation, as a part of course work relating to conservation of natural resources and environmental awareness required in rules adopted by the state board of education pursuant to section 256.11, subsections 3 and 4, and to offer technical assistance to schools in developing such instructional programs.

~~18.~~ n. To develop a soil and water resource conservation plan for the district.

~~a.~~ (1) The district plan shall contain a comprehensive long-range assessment of soil and surface water resources in the district consistent with rules approved by the committee under section 161A.4. In developing the plan the district may receive technical support from the United States department of agriculture natural resources conservation service and the county board of supervisors in the county where the district is located. The division and the Iowa cooperative extension service in agriculture and home economics may provide technical support to the district. The support may include~~,~~ but is not limited to~~,~~ the following: ~~assessing~~

(a) Assessing the condition of soil and surface water in the district, including an evaluation

of the type, amount, and quality of soil and water, the threat of soil erosion and erosion, floodwater, and sediment damages, and necessary preventative and control measures~~; developing.~~

(b) Developing methods to maintain or improve soil and water condition~~; and cooperating.~~

(c) Cooperating with other state and federal agencies to carry out this support.

~~b.~~ (2) The title page of the district plan and a notification stating where the plan may be reviewed shall be recorded with the recorder in the county in which the district is located, and updated as necessary, after the committee approves and the administrator of the division signs the district plan. The commissioners shall provide notice of the recording and may provide a copy of the approved district plan to the county board of supervisors in the county where the district is located. The district plan shall be filed with the division as part of the state soil and water resource conservation plan provided in section 161A.4.

~~19.~~ o. To enter into agreements pursuant to chapter 161C with the owner or occupier of land within the district or cooperating districts, or any other private entity or public agency, in carrying out water protection practices, including district and multidistrict projects to protect this state's groundwater and surface water from point and nonpoint sources of contamination, including but not limited to agricultural drainage wells, sinkholes, sedimentation, and chemical pollutants.

2. As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the commissioners may require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may require landowners or occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

3. The commissioners shall, as a condition for the receipt of any state cost-sharing funds for permanent soil conservation practices, require the owner of the land on which the practices are to be established to covenant and file, in the office of the soil and water conservation district of the county in which the land is located, an agreement identifying the particular lands upon which the practices for which state cost-sharing funds are to be received will be established, and providing that the project will not be removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on guidelines drawn up by the state soil conservation committee, for a period of twenty years after the date of receiving payment. The commissioners shall assist the division in the enforcement of this subsection. The agreement does not create a lien on the land, but is a charge personally against the owner of the land at the time of removal, alteration, or modification if an administrative order is made under section 161A.61, subsection 3.

4. No provisions with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the general assembly shall specifically so state.

5. After the formation of any district under the provisions of this chapter, all participation hereunder shall be purely voluntary, except as specifically stated herein.

Sec. 61. Section 161A.61, subsection 3, Code 2009, is amended to read as follows:

3. The commissioners may also cause an inspection of land within the district on which they have reasonable grounds to believe that a permanent soil and water conservation practice established with public cost-sharing funds is not being properly maintained or is being altered in violation of section 161A.7, subsection ~~16~~ 3. If the commissioners find that the practices are not being maintained or have been altered in violation of section 161A.7, subsection ~~16~~ 3, the commissioners shall issue an administrative order to the landowner who made the unauthorized removal, alteration or modification to maintain, repair, or reconstruct the permanent soil and water conservation practices. The requirement for maintenance and repair is for the length of life as defined in section 161A.7, subsection ~~16~~ 3. Public cost-sharing funds are not available for the work under this order. If the landowner fails to comply with the administrative order, the commissioners may petition the district court for an order compelling compli-

ance with the order. Upon receiving satisfactory proof, the court shall issue an order directing compliance with the administrative order and may modify the administrative order. The provisions of section 161A.50 relating to notice, appeals and contempt of court shall apply to proceedings under this subsection.

Sec. 62. Section 161C.4, Code 2009, is amended to read as follows:

161C.4 WATER PROTECTION FUND.

1. A water protection fund is created within the division. The fund is composed of money appropriated by the general assembly for that purpose, and moneys available to and obtained or accepted by the state soil conservation committee from the United States or private sources for placement in the fund. The fund shall be a revolving fund from which moneys may be used for loans, grants, administrative costs, and cost-sharing.

2. The fund shall be divided into two accounts, the water quality protection projects account and the water protection practices account. The first account shall be used to carry out water quality protection projects to protect the state's surface and groundwater from point and nonpoint sources of contamination. The second account shall be used to establish water protection practices with individual landowners including but not limited to woodland establishment and protection, establishment of native grasses and forbs, sinkhole management, agricultural drainage well management, streambank stabilization, grass waterway establishment, stream buffer strip establishment, and erosion control structure construction. Twenty-five percent of funds appropriated to the water protection practices account shall be used for woodland establishment and protection, and establishment of native grasses and forbs. Soil and water conservation district commissioners shall give priority to applications for practices that implement their soil and water resource conservation plan. ~~The fund shall be a revolving fund from which moneys may be used for loans, grants, administrative costs, and cost-sharing.~~

3. In administering the fund the division may:

~~1.~~ a. Contract, sue and be sued, and adopt rules necessary to carry out the provisions of this section, but the division or committee shall not in any manner directly or indirectly pledge the credit of this state.

~~2.~~ b. Authorize payment from the water protection fund and from fees for costs, commissions, and other reasonable expenses.

Sec. 63. Section 169.8, Code 2009, is amended to read as follows:

169.8 QUALIFICATIONS.

1. a. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board on a form approved by the board. The application shall show that the applicant is a graduate of an accredited or approved college of veterinary medicine or the holder of an ECFVG certificate. The application shall also show such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board.

b. If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for license without examination under section 169.10, the board may grant a license to the applicant.

c. If an applicant is found not qualified to take the examination or for a license without examination, the secretary of the board shall immediately notify the applicant in writing of such finding and the grounds therefor. An applicant found unqualified may request a hearing on the question of the applicant's qualification under the procedure set forth in section 169.14. Any applicant who is found not qualified shall be allowed the return of the application fee.

d. Based upon an applicant's education, experience, and training, the board may grant a limited license to an applicant to perform a restricted range of activities within the practice of veterinary medicine, as specified by the board.

~~Every individual licensed under this chapter shall keep the license displayed in the place at which an office is maintained.~~

2. a. The name, location, number of years of practice of the person to whom a license is issued, the number of the certificate, and the date of registration thereof shall be entered in a book kept in the office of the department of agriculture and land stewardship, to be known as the "registry book", and the same shall be open to public inspection.

b. When any person licensed to practice under this chapter changes residence, the board shall be notified within thirty days and such change shall be noted in the registry book.

3. Every individual licensed under this chapter shall keep the license displayed in the place at which an office is maintained.

Sec. 64. Section 169.13, Code 2009, is amended to read as follows:

169.13 DISCIPLINE OF LICENSEES.

1. The board of veterinary medicine, after due notice and hearing, may revoke or suspend a license to practice veterinary medicine if it determines that a veterinarian licensed to practice veterinary medicine is guilty of any of the following acts or offenses:

~~1.~~ a. Knowingly making misleading, deceptive, untrue, or fraudulent representation in the practice of the profession.

~~2.~~ b. Being convicted of a felony in the courts of this state or another state, territory, or country. Conviction as used in this paragraph includes a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding in which a finding or verdict of guilt is made or returned, but the adjudication or guilt is either withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state is conclusive evidence.

~~3.~~ c. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of veterinary medicine.

~~4.~~ d. Having the person's license to practice veterinary medicine revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

~~5.~~ e. Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice veterinary medicine.

~~6.~~ f. Being adjudged mentally incompetent by a court of competent jurisdiction. The adjudication shall automatically suspend a license for the duration of the license unless the board orders otherwise.

~~7.~~ g. Being guilty of a willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of veterinary medicine as defined in rules adopted by the board, in which proceeding actual injury to an animal need not be established; or the committing by a veterinarian of an act contrary to honesty, justice, or good morals, whether the act is committed in the course of the practice or otherwise, and whether committed within or without this state.

~~8.~~ h. Inability to practice veterinary medicine with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition. ~~The board, upon probable cause, may compel a veterinarian to submit to a mental or physical examination by designated physicians. Failure of a veterinarian to submit to an examination constitutes an admission to the allegations made against that veterinarian and the finding of fact and decision of the board may be entered without the taking of testimony or presentation of evidence. At reasonable intervals, a veterinarian shall be afforded an opportunity to demonstrate that the veterinarian can resume the competent practice of veterinary medicine with reasonable skill and safety to animals.~~

~~A person licensed to practice veterinary medicine who makes application for the renewal of the person's license as required by section 169.12 gives consent to submit to a mental or physical examination as provided by this paragraph when directed in writing by the board. All objections shall be waived as to the admissibility of the examining physician's testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a veterinarian in another~~

~~proceeding and are confidential except for other actions filed against a veterinarian to revoke or suspend that person's license.~~

~~9.~~ i. Willful or repeated violation of lawful rules adopted by the board or violation of a lawful order of the board, previously entered by the board in a disciplinary hearing.

2. a. The board, upon probable cause, may compel a veterinarian to submit to a mental or physical examination by designated physicians. Failure of a veterinarian to submit to an examination constitutes an admission to the allegations made against that veterinarian and the finding of fact and decision of the board may be entered without the taking of testimony or presentation of evidence. At reasonable intervals, a veterinarian shall be afforded an opportunity to demonstrate that the veterinarian can resume the competent practice of veterinary medicine with reasonable skill and safety to animals.

b. A person licensed to practice veterinary medicine who makes application for the renewal of the person's license as required by section 169.12 gives consent to submit to a mental or physical examination as provided by this paragraph when directed in writing by the board. All objections shall be waived as to the admissibility of the examining physician's testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a veterinarian in another proceeding and are confidential except for other actions filed against a veterinarian to revoke or suspend that person's license.

Sec. 65. Section 172A.4, Code 2009, is amended to read as follows:

172A.4 PROOF OF FINANCIAL RESPONSIBILITY REQUIRED.

1. ~~No~~ A license shall not be issued by the secretary to a dealer or broker until the applicant has furnished proof of financial responsibility as provided in this section. The proof may be in the following forms:

~~1.~~ a. (1) A bond of a surety company authorized to do business in the state of Iowa in the form prescribed by and to the satisfaction of the secretary, conditioned for the payment of a judgment against the applicant furnishing the bond because of nonpayment of obligations in connection with the purchase of animals.

~~a.~~ (a) The amount of bond for an established dealer or broker who does not maintain a business location in this state shall be not less than the nearest multiple of five thousand dollars above twice the average daily value of purchases of livestock originating in this state, handled by such applicant during the preceding twelve months or such parts thereof as the applicant was purchasing livestock. The bond of a person who does not maintain a business location in this state shall be conditioned for the payment only of those claims which arise from purchases of livestock originating in this state.

~~b.~~ (b) The amount of bond for an established dealer or broker who maintains one or more business locations in this state shall be not less than the nearest multiple of five thousand dollars above twice the average daily value of purchases of livestock originating in this state handled by the applicant during the preceding twelve months or such parts thereof as the applicant was purchasing livestock. The bond of a person who maintains one or more business locations in this state shall be conditioned for the payment only of those claims which arise from purchases of livestock originating in this state.

~~c.~~ (c) If a new dealer or broker not previously covered by this chapter applies for a license, the amount of bond shall be based on twice the estimated average daily value of purchases of livestock originating in this state.

~~d.~~ (d) For the purpose of computing average daily value, two hundred sixty is deemed the number of business days in a year.

~~e.~~ (e) Whenever a dealer or broker's weekly purchases exceed one hundred fifty percent of the dealer's or broker's average weekly volume, the department shall require additional bond in an amount determined by the department.

~~f.~~ (2) The licensee and surety of the bond shall be held and firmly bound unto the secretary as trustee for all persons who may be damaged because of nonpayment of obligations in connection with the purchase of animals originating in this state. Any person damaged because

of such nonpayment may maintain suit in the person's own behalf to recover on the bond, even though not named as a party to the bond.

~~g.~~ (3) For purposes of ~~subsection 1~~ this paragraph "a", "purchases of livestock originating in this state" shall not include purchases by dealers or brokers from their subsidiaries.

~~2.~~ b. A bond equivalent may be filed in lieu of a bond. The bond equivalent shall be in the form of a trust agreement and the fund of the trust shall be in the form of fully negotiable obligations of the United States or certificates of deposit insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(1) The trust agreement shall be in the form prescribed by the secretary and executed to the satisfaction of the secretary. The trustee of the trust agreement shall be an institution located in this state in which the funds are invested or deposited.

(2) The trust agreement shall provide as beneficiary, the secretary for the benefit of those persons damaged because of nonpayment of obligations in connection with the purchase of animals originating in this state. The fund in trust shall be an amount calculated in the exact manner as provided in ~~subsection 1~~ paragraph "a". The fund in trust shall not be subject to attachment for any other claim, or to levy of execution upon a judgment based on any other claim.

~~3. Any person damaged by nonpayment of obligations or by any misrepresentation or fraud on the part of a broker or dealer may maintain an action against the broker or dealer, and the sureties on the bonds or the trustee of a trust fund. The aggregate liability of the sureties or the trust for all such damage shall not exceed the amount of the bond or trust. In the event that the aggregate claims exceed the total amount of the bond or trust, the amount payable on account of any claim shall be in the same proportion to the amount of the bond or trust as the individual claim bears to the aggregate claims.~~

~~Unless the person damaged files claim with the dealer or broker, and with the sureties or trustee, and with the department within ninety days after the date of the transaction on which the claim is based, the claimant shall be barred from maintaining an action on the bond or trust and from receiving any proceeds from the bond or trust.~~

~~4. Whenever the secretary determines that the business volume of the applicant or licensee is such as to render the bond or trust inadequate, the amount of the bond or trust shall be, upon notice, adjusted.~~

~~5. All bonds and trust agreements shall contain a provision requiring that at least thirty days' prior notice in writing be given to the secretary by the party terminating the bond or trust agreement as a condition precedent to termination.~~

~~Whenever a bond or a trust agreement is to be terminated by a cancellation by the surety or trustee, the secretary shall cause to be published notices of the proposed cancellation not less than ten days prior to the date the cancellation is effective. The notices shall be published as follows:~~

~~a. In the Iowa administrative code.~~

~~b. In a newspaper of general circulation in the county in which the licensee maintains a business location, or if the licensee maintains no business location in this state, then in the county where the licensee transacts a substantial part of the licensee's business.~~

~~c. By general news release to all news media. Failure by the secretary to cause the publication of notice as required by this paragraph shall not be deemed to prevent or delay the cancellation.~~

~~The termination of a bond or a trust agreement shall not release the parties from any liability arising out of the facts or transactions occurring prior to the termination date.~~

~~Trust funds shall not be withdrawn from trust by a licensee until the expiration of ninety days after the date of termination of the trust, and then only if no claims secured by the agreement have been filed with the secretary. If any claims have been filed with the secretary, the withdrawal of funds by the licensee shall not be permitted until the claims have been satisfied or released and evidence of the satisfaction or release filed with the secretary.~~

~~6.~~ c. A person who is not a resident of this state and who either maintains no business location in this state or maintains one or more business locations in this state, and a person who is a resident of this state and who maintains more than one business location in this state, may

submit a consolidated proof of financial responsibility. The consolidated proof of financial responsibility shall consist of a bond or a trust agreement meeting all of the requirements of this section, except that the calculation of the amount of the bond or the amount of the trust fund shall be based on the average daily value of all purchases of livestock originating in this state. A person who submits consolidated proof of financial responsibility shall maintain separate records for each business location, and shall maintain such other records respecting purchases of livestock as the secretary by rule shall prescribe.

2. a. Any person damaged by nonpayment of obligations or by any misrepresentation or fraud on the part of a broker or dealer may maintain an action against the broker or dealer, and the sureties on the bonds or the trustee of a trust fund. The aggregate liability of the sureties or the trust for all such damage shall not exceed the amount of the bond or trust. In the event that the aggregate claims exceed the total amount of the bond or trust, the amount payable on account of any claim shall be in the same proportion to the amount of the bond or trust as the individual claim bears to the aggregate claims.

b. Unless the person damaged files claim with the dealer or broker, and with the sureties or trustee, and with the department within ninety days after the date of the transaction on which the claim is based, the claimant shall be barred from maintaining an action on the bond or trust and from receiving any proceeds from the bond or trust.

3. Whenever the secretary determines that the business volume of the applicant or licensee is such as to render the bond or trust inadequate, the amount of the bond or trust shall be, upon notice, adjusted.

4. All bonds and trust agreements shall contain a provision requiring that at least thirty days' prior notice in writing be given to the secretary by the party terminating the bond or trust agreement as a condition precedent to termination.

5. a. Whenever a bond or a trust agreement is to be terminated by a cancellation by the surety or trustee, the secretary shall cause to be published notices of the proposed cancellation not less than ten days prior to the date the cancellation is effective. The notices shall be published as follows:

(1) In the Iowa administrative code.

(2) In a newspaper of general circulation in the county in which the licensee maintains a business location, or if the licensee maintains no business location in this state, then in the county where the licensee transacts a substantial part of the licensee's business.

(3) By general news release to all news media. Failure by the secretary to cause the publication of notice as required by this subparagraph shall not be deemed to prevent or delay the cancellation.

b. The termination of a bond or a trust agreement shall not release the parties from any liability arising out of the facts or transactions occurring prior to the termination date.

c. Trust funds shall not be withdrawn from trust by a licensee until the expiration of ninety days after the date of termination of the trust, and then only if no claims secured by the agreement have been filed with the secretary. If any claims have been filed with the secretary, the withdrawal of funds by the licensee shall not be permitted until the claims have been satisfied or released and evidence of the satisfaction or release filed with the secretary.

Sec. 66. Section 175.28, Code 2009, is amended to read as follows:

175.28 TRUST ASSETS.

The authority shall make application to and receive from the secretary of agriculture of the United States, or any other proper federal official, pursuant and subject to the provisions of Pub. L. No. ~~499~~ 81-499, 64 Stat. 152 (1950), ~~(formerly~~ formerly codified at 40 U.S.C. § 440 et seq. ~~(1976))~~ (1976), all of the trust assets held by the United States in trust for the Iowa rural rehabilitation corporation now dissolved.

Sec. 67. Section 175.29, Code 2009, is amended to read as follows:

175.29 AGREEMENTS.

The authority may enter into agreements with the secretary of agriculture of the United

States pursuant to Pub. L. No. ~~499 s.~~ 81-499 § 2(f) (1950) upon terms and conditions and for periods of time as mutually agreeable, authorizing the authority to accept, administer, expend and use in the state of Iowa all or any part of the trust assets or other funds in the state of Iowa which have been appropriated for use in carrying out the purposes of the Bankhead-Jones Farm Tenant Act and to do any and all things necessary to effectuate and carry out the purposes of said agreements.

Sec. 68. Section 175.30, Code 2009, is amended to read as follows:

175.30 USE OF ASSETS — INSURED OR GUARANTEED LOANS TO BEGINNING OR DISPLACED FARMERS.

1. As used in this section:

a. "Beginning farmer" includes an individual or partnership with a low or moderate net worth that became engaged in farming on or after January 1, 1982.

b. "Displaced farmer" means a person who discontinued farming on or after January 1, 1982, due to foreclosure or voluntary liquidation for financial reasons, and who was actively engaged in farming for at least one year prior to discontinuing farming.

2. The trust assets received under the application made pursuant to section 175.28 other than cash shall be taken on proper transfer or assignment from the department of human services to the authority and administered as provided in this chapter. These funds may be used for any of the purposes of this chapter, including but not limited to costs of administration and insuring or guaranteeing payment of all or a portion of loans made pursuant to this chapter.

3. a. Beginning August 11, 1983, the authority shall establish an insurance or guarantee loan program with those funds received pursuant to section 175.28 to the extent those funds were not committed under a program authorized by this chapter on August 11, 1983. This program shall provide for the insuring or guaranteeing of seventy-five percent of the amount of an agricultural loan, not in excess of twenty-five thousand dollars, made to a beginning or displaced farmer to provide operating moneys for farming purposes in this state.

b. The authority shall insure or guarantee only one such loan for each beginning or displaced farmer. The authority shall insure or guarantee a loan for only one year but with the option to extend the insurance or guarantee once for an additional year. The authority shall not insure or guarantee a loan where the ratio of the beginning or displaced farmer's liabilities, excluding the amount of the loan, to assets is greater than three to one.

c. Provision shall be made in the insuring or guaranteeing of a loan that only those funds set aside for this program as provided in this ~~paragraph~~ subsection shall be used for the payment of all or a portion of the loan insured or guaranteed. Provision shall also be made that the authority shall pay under its insurance or guarantee seventy-five percent of the actual amount of the default.

d. A mortgage lender which seeks to have a loan of the lender insured or guaranteed under this program shall apply to the authority for the insurance or guarantee pursuant to rules established by the authority for this purpose. This program shall not obligate the state, authority, or other agency except to the extent provided in this ~~paragraph~~ subsection.

e. The authority shall define by rule what constitutes a loan made to provide operating moneys which definition shall not include a loan made for acquisition of agricultural land or agricultural improvements, or the refinancing of an existing loan even if made for operating purposes. ~~As used in this section, "displaced farmer" means a person who discontinued farming on or after January 1, 1982 due to foreclosure or voluntary liquidation for financial reasons, and who was actively engaged in farming for at least one year prior to discontinuing farming. For the purposes of this section, "beginning farmer" includes an individual or partnership with a low or moderate net worth that became engaged in farming on or after January 1, 1982.~~

Sec. 69. Section 176A.3, Code 2009, is amended to read as follows:

176A.3 DEFINITION OF TERMS.

Whenever used or referred to in this chapter, unless a different meaning clearly appears from the context ~~(1) "county:~~

1. "County agricultural extension council" hereinafter referred to as "extension council" means the agency created and constituted as provided in section 176A.5.

2. "County agricultural extension district" hereinafter referred to as "extension district" means a governmental subdivision of this state, and a public body corporate organized in accordance with the provisions of this chapter for the purposes, with the powers, and subject to the restrictions ~~hereinafter~~ set forth~~; (2) "county agricultural extension council" hereinafter referred to as "extension council" means the agency created and constituted as provided in section 176A.5; (3)~~ in this chapter.

3. "Director of extension" means the "director of Iowa state university of science and technology extension service", and shall hereinafter be referred to as "director of extension".

4. "Extension service" means the "cooperative extension service in agriculture and home economics of Iowa state university", and shall hereinafter be referred to as "extension service".

5. "Iowa state university" means the "Iowa state university of science and technology", and shall hereinafter be referred to as "Iowa state university"~~; (4) "extension service" means the "co-operative extension service in agriculture and home economics of Iowa state university", and shall hereinafter be referred to as "extension service"; (5) "director of extension" means the "director of Iowa state university of science and technology extension service", and shall hereinafter be referred to as "director of extension"~~.

Sec. 70. Section 176A.8, subsection 3, Code 2009, is amended to read as follows:

3. a. To and shall, at least ninety days prior to the date fixed for the election of council members, appoint a nominating committee consisting of four persons who are not council members and designate the chairperson. The membership of the nominating committee shall be gender balanced. The nominating committee shall consider the geographic distribution of potential nominees in nominating one or more resident registered voters of the extension district as candidates for election to each office to be filled at the election. To qualify for the election ballot, each nominee shall file a nominating petition signed by at least twenty-five eligible electors of the district with the county commissioner of elections at least sixty-nine days before the date of election.

b. ~~The council~~ To and shall also provide for the nomination by petition of candidates for election to membership on the extension council. A nominating petition shall be signed by at least twenty-five eligible electors of the extension district and shall be filed with the county commissioner of elections at least sixty-nine days before the date of the election.

Sec. 71. Section 177.2, subsection 4, Code 2009, is amended to read as follows:

4. Conduct, in cooperation with Iowa state university college of agriculture and life sciences, testing and ~~disseminating~~ disseminate information regarding the adaptation and performance of crop cultivars.

Sec. 72. Section 177.3, subsection 2, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The following persons representing the college of agriculture and life sciences at Iowa state university:

Sec. 73. Section 177A.6, Code 2009, is amended to read as follows:

177A.6 RULES.

1. The state entomologist shall, from time to time, ~~make~~ adopt rules for carrying out the provisions and requirements of this chapter, including rules under which the inspectors and other employees shall:

~~1.~~ a. Inspect places, plants and plant products, and things and substances used or connected therewith,

~~2.~~ b. Investigate, control, eradicate and prevent the dissemination of insect pests and diseases, and

~~3.~~ c. Supervise or cause the treatment, cutting and destruction of plants and plant products infested or infected therewith.

2. The state entomologist, the entomologist's inspectors, employees, or other authorized agents shall have authority to enforce these rules which shall be published in the same manner as are the other rules of the department.

3. ~~No~~ A nursery stock dealer shall not sell, offer for sale, or distribute nursery products by any method, or under any circumstances or condition, which ~~have~~ has the capacity and tendency or effect of deceiving purchasers or prospective customers as to quantity, size, grade, kind, species, age, maturity, viability, condition, vigor, hardiness, number of times transplanted, growth ability, growth characteristics, rate of growth or time required before flowering or fruiting, price, origin or place where grown, or in any other material respect.

4. When under the provisions of this section it becomes necessary for the state entomologist to verify sizes and grades of nursery stock, or either of them, the entomologist shall use as a guide the "American Standard for Nursery Stock" as revised and approved by the American standards association, inc.

Sec. 74. Section 186.1, Code 2009, is amended to read as follows:

186.1 MEETINGS AND ORGANIZATION OF SOCIETY.

The Iowa state ~~horticultural~~ horticulture society shall hold meetings each year, at times as it may fix, for the transaction of business. The officers and board of directors of the society shall be chosen as provided for in the constitution of the society, for the period and in the manner prescribed therein, but the secretary of agriculture or the secretary's designee shall be a member of the board of directors and of the executive committee. Any vacancy in the offices filled by the society may be filled by the executive committee for the unexpired portion of the term.

Sec. 75. Section 186.5, Code 2009, is amended to read as follows:

186.5 APPROPRIATIONS.

All money appropriated by the state for the use of the Iowa state ~~horticultural~~ horticulture society shall be paid on the warrant of the director of the department of administrative services, upon the order of the president and secretary of said society, in such sums and at such times as may be for the interests of said society. All expenditures from state funds for the use of the Iowa state ~~horticultural~~ horticulture society are to be approved by the secretary of agriculture.

Sec. 76. Section 190A.3, subsection 1, Code 2009, is amended to read as follows:

1. The farm-to-school program ~~seeks~~ shall seek to link elementary and secondary public and nonpublic schools in this state with Iowa farms to provide schools with fresh and minimally processed food for inclusion in school meals and snacks, encourage children to develop healthy eating habits, and provide Iowa farmers access to consumer markets.

Sec. 77. Section 190C.5, subsection 1, Code 2009, is amended to read as follows:

1. ~~a.~~ The department acting as a state certifying agent shall establish a schedule of fees by rule. ~~The fees shall be charged to persons who are certified under this chapter, including production operations and handling operations, in a manner that is consistent with the national organic program.~~

a. The department shall establish the rate of fees based on an estimate of the amount of revenues from the fees required by the department to administer and enforce this chapter.

b. The department shall annually review the estimate and may change the rate of fees. The fees must be adjusted in order to comply with this subsection.

c. The fees shall be charged to persons who are certified under this chapter, including production operations and handling operations, in a manner that is consistent with the national organic program.

Sec. 78. Section 198.4, Code 2009, is amended to read as follows:

198.4 LICENSES.

1. This section shall apply to any person:

a. Who manufactures a commercial feed within the state.

b. Who distributes a commercial feed in or into the state.

c. Whose name appears on the label of a commercial feed as guarantor.

2. ~~The~~ A person shall obtain a license, for each facility which distributes in or into the state, authorizing the person to manufacture or distribute commercial feed before the person engages in such activity. Any person who makes only retail sales of commercial feed which bears labeling or other approved indication that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the tonnage inspection fee due under section 198.9 is not required to obtain a license.

3. A broker shall not distribute a commercial feed in this state without first obtaining a license from the secretary issued on forms provided by the secretary. The forms must identify the broker's name and place of business.

~~2.~~ 4. A person obtaining a license under this section shall pay to the secretary a license fee of ten dollars. Fees relating to the issuance of licenses shall be paid by July 1 of each year.

Sec. 79. Section 202B.201, subsection 1, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) (a) (i) Directly or indirectly own, control, or operate a swine operation in this state.

~~(b)~~ (ii) Finance a swine operation in this state or finance a person who directly or indirectly contracts for the care and feeding of swine in this state.

~~For purposes of subparagraph subdivision (a) and this subparagraph subdivision, all of the following apply:~~

~~(i) "Finance" means an action by a processor to directly or indirectly loan money or to guarantee or otherwise act as a surety.~~

~~(ii) "Finance" or "control" does not include executing a contract for the purchase of swine by a processor, including but not limited to a contract that contains an unsecured ledger balance or other price risk sharing arrangement. "Finance" also does not include providing an unsecured open account or an unsecured loan, if the unsecured open account or unsecured loan is used for the purchase of feed for the swine and the outstanding amount due by the debtor does not exceed five hundred thousand dollars. However, the outstanding amount due to support a single swine operation shall not exceed two hundred fifty thousand dollars.~~

~~(c)~~ (iii) Obtain a benefit of production associated with feeding or otherwise maintaining swine, by directly or indirectly assuming a morbidity or mortality production risk, if the swine are fed or otherwise maintained as part of a swine operation in this state or by a person who contracts for the care and feeding of swine in this state.

~~(d)~~ (iv) Directly or indirectly receive the net revenue derived from a swine operation in this state or from a person who contracts for the care and feeding of swine in this state.

(b) For purposes of subparagraph division (a), subparagraph subdivisions (i) and (ii), both of the following apply:

(i) "Finance" means an action by a processor to directly or indirectly loan money or to guarantee or otherwise act as a surety.

(ii) "Finance" or "control" does not include executing a contract for the purchase of swine by a processor, including but not limited to a contract that contains an unsecured ledger balance or other price risk sharing arrangement. "Finance" also does not include providing an unsecured open account or an unsecured loan, if the unsecured open account or unsecured loan is used for the purchase of feed for the swine and the outstanding amount due by the debtor does not exceed five hundred thousand dollars. However, the outstanding amount due to support a single swine operation shall not exceed two hundred fifty thousand dollars.

Sec. 80. Section 203.15, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. (1) A grain dealer must meet at least either of the following conditions:

~~(1)~~ (a) The grain dealer's last financial statement required to be submitted to the department pursuant to section 203.3 is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state.

~~(2)~~ (b) The grain dealer files a bond with the department in the amount of one hundred thousand dollars payable to the department.

(2) (a) The bond filed with the department under this paragraph shall be used to indemnify sellers for losses resulting from a breach of a credit-sale contract as provided by rules adopted by the department. The rules shall include, but are not limited to, procedures and criteria for providing notice, filing claims, valuing losses, and paying claims. The bond provided in this paragraph shall be in addition to any other bond required in this chapter.

(b) ~~A~~ The bond ~~filed with the department under this paragraph~~ shall not be canceled by the issuer on less than ninety days notice by certified mail to the department and the principal. However, if an adequate replacement bond is filed with the department, the department may authorize the cancellation of the original bond before the end of the ninety-day period.

(c) If an adequate replacement bond is not received by the department within sixty days of the issuance of the notice of cancellation, the department shall automatically suspend the grain dealer's license. The department shall cause an inspection of the licensed grain dealer immediately at the end of the sixty-day period. If a replacement bond is not filed within another thirty days following the suspension, the grain dealer license shall be automatically revoked.

(3) When a license is revoked, the department shall provide notice of the revocation by ordinary mail to the last known address of each holder of an outstanding credit-sale contract and all known sellers.

Sec. 81. Section 203D.1, subsection 4, Code 2009, is amended to read as follows:

4. "First point of sale" means the initial transfer of title to grain from a person who has produced the grain or caused the grain to be produced ~~the grain~~ to the first purchaser of the grain for consideration, conditional or otherwise, in any manner or by any means.

Sec. 82. Section 203D.6, subsection 1, Code 2009, is amended to read as follows:

1. PERSONS WHO MAY FILE CLAIMS — TIME OF FILING.

a. A depositor or seller may file a claim with the department for indemnification of a loss from the grain depositors and sellers indemnity fund. A claim shall be filed in the manner prescribed by the board.

b. (1) A claim shall not be filed prior to the incurrence date, which is the earlier of the following:

~~a.~~ (a) The revocation, termination, or cancellation of the license of the grain dealer or warehouse operator.

~~b.~~ (b) The filing of a petition in bankruptcy by a licensed grain dealer or licensed warehouse operator.

(2) To be timely, a claim shall be filed within one hundred twenty days of the incurrence date.[1]

Sec. 83. Section 206.5, subsections 2, 3, and 7, Code 2009, are amended to read as follows:

~~2. The secretary shall adopt, by rule, requirements for the examination, reexamination, and certification of applicants.~~

~~3.~~ 2. a. A commercial applicator shall choose between a one-year certification for which the applicator shall pay a thirty dollar fee or a three-year certification for which the applicator shall pay a seventy-five dollar fee. A public applicator shall choose between a one-year certification for which the applicator shall pay a ten dollar fee or a three-year certification for which the applicator shall pay a fifteen dollar fee. A private applicator shall pay a fifteen dollar fee for a three-year certification.

b. To be initially certified as a commercial, public, or private applicator, a person must complete an educational program which shall consist of an examination required to be passed by the person. After initial certification the commercial, public, or private applicator must renew the certification by completing the educational program which shall consist of either an exami-

[1] See chapter 179, §51 herein

nation or continuing instructional courses. The commercial, public, or private applicator must pass the examination each third year following initial certification or may elect to attend two hours of continuing instructional courses each year.

~~The department shall adopt rules providing for the program requirements which shall at least include the safe handling, application, and storage of pesticides, the correct calibration of equipment used for the application of pesticides, and the effects of pesticides upon the groundwater. The department shall adopt by rule criteria for allowing a person required to be certified to complete either a written or oral examination. The department shall administer the instructional courses, by either teaching the courses or selecting persons to teach the courses, according to criteria as provided by rules adopted by the department. The department shall, to the extent possible, select persons to teach the courses in each county. The department is not required to compensate persons selected to teach the courses. In selecting persons, the department shall rely upon organizations interested in the application of pesticides, including associations representing pesticide applicators and associations representing agricultural producers. The Iowa cooperative extension service in agriculture and home economics of Iowa state university of science and technology shall cooperate with the department in administering the instructional courses. The Iowa cooperative extension service may teach courses, train persons selected to teach courses, or distribute informational materials to persons teaching the courses.~~

~~c.~~ 3. A commercial, public, or private applicator is not required to be certified to apply pesticides for a period of twenty-one days from the date of initial employment if the commercial, public, or private applicator is under the direct supervision of a certified applicator. For the purposes of this section, "under the direct supervision of" means that the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is physically present, by being in sight or hearing distance of the supervised person.

7. a. The secretary shall adopt, by rule, requirements for the examination, reexamination, and certification of applicants.

b. The department shall adopt rules providing for the program requirements which shall at least include the safe handling, application, and storage of pesticides, the correct calibration of equipment used for the application of pesticides, and the effects of pesticides upon the groundwater.

(1) The department shall adopt by rule criteria for allowing a person required to be certified to complete either a written or oral examination.

(2) The department shall administer the instructional courses, by either teaching the courses or selecting persons to teach the courses, according to criteria as provided by rules adopted by the department. The department shall, to the extent possible, select persons to teach the courses in each county. The department is not required to compensate persons selected to teach the courses. In selecting persons, the department shall rely upon organizations interested in the application of pesticides, including associations representing pesticide applicators and associations representing agricultural producers.

(3) The Iowa cooperative extension service in agriculture and home economics of Iowa state university of science and technology shall cooperate with the department in administering the instructional courses. The Iowa cooperative extension service may teach courses, train persons selected to teach courses, or distribute informational materials to persons teaching the courses.

c. The secretary may adopt rules to provide for license and certification adjustments, including fees, which may be necessary to provide for an equitable transition for licenses and certifications issued prior to January 1, 1989. The rules shall also include a provision for renewal of certification and for a thirty-day renewal grace period.

d. The secretary shall also adopt rules which allow for an exemption from certification for a person who uses certain services and is not solely a pesticide applicator, but who uses the services as an incidental part of the person's duties.

Sec. 84. Section 206.8, subsections 2 through 4, Code 2009, are amended to read as follows:

2. A pesticide dealer shall pay by June 30 of each year to the department an annual license fee based on the gross retail sales of all pesticides sold for use in this state by the dealer in the previous year. The license fee shall be set as follows:

a. (1) A pesticide dealer with less than one hundred thousand dollars in gross retail pesticide sales shall have the option to pay a license fee based on one-tenth of one percent of the gross retail pesticide sales in the previous year or to pay a license fee according to the following:

~~(1)~~ (a) Twenty-five dollars, if the annual gross retail pesticide sales are less than twenty-five thousand dollars.

~~(2)~~ (b) Fifty dollars, if the annual gross retail pesticide sales are twenty-five thousand dollars or more but less than fifty thousand dollars.

~~(3)~~ (c) Seventy-five dollars, if the annual gross retail pesticide sales are fifty thousand dollars or more but less than seventy-five thousand dollars.

~~(4)~~ (d) One hundred dollars, if the annual gross retail pesticide sales are seventy-five thousand dollars or more but less than one hundred thousand dollars.

(2) The secretary shall provide for a three-month grace period for licensure and shall impose a late fee of ten dollars upon the licensure of a dealer applying for licensure during the month of October, a late fee of fifteen dollars upon the licensure of a dealer applying for licensure during the month of November, a late fee of twenty-five dollars upon the licensure of a dealer applying for licensure during the month of December, and a late fee of twenty-five dollars upon the licensure of a dealer applying for licensure for each month after the month of December.

b. (1) A pesticide dealer with one hundred thousand dollars or more in gross retail pesticide sales shall pay a license fee based on one-tenth of one percent of the gross retail pesticide sales in the previous year.

(2) The secretary shall provide for a three-month grace period for licensure and shall impose a late fee of two percent of the license fee upon the licensure of a dealer applying for licensure during the month of October, a late fee of four percent of the license fee upon the licensure of a dealer applying for licensure during the month of November, a late fee of five percent of the license fee upon the licensure of a dealer applying for licensure during the month of December, and a late fee of five percent upon the licensure of a dealer applying for licensure for each month after the month of December.

3. Up to twenty-five dollars of each annual license fee shall be retained by the department for administration of the program, and the remaining moneys collected shall be deposited in the agriculture management account of the groundwater protection fund.

~~3. This section shall not apply to either of the following:~~

~~a. A pesticide applicator who applies pesticides which are owned and furnished to the pesticide applicator by another person, if the pesticide applicator does not charge for the sale of the pesticides.~~

~~b. A federal, state, county, or municipal governmental entity which provides pesticides only for its own programs.~~

4. Application for a license required for manufacturers and distributors who are not engaged in the retail sale of pesticides shall be accompanied by a twenty-five dollar fee for each business location within the state required to be licensed, and shall be on a form prescribed by the secretary.

5. This section does not apply to either of the following:

a. A pesticide applicator who applies pesticides which are owned and furnished to the pesticide applicator by another person, if the pesticide applicator does not charge for the sale of the pesticides.

b. A federal, state, county, or municipal governmental entity which provides pesticides only for its own programs.

Sec. 85. Section 206.12, subsections 2 through 7, Code 2009, are amended to read as follows:

2. The registrant shall file with the department a statement containing:

a. The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant.

b. The name of the pesticide.

c. An ingredient statement in which the accepted common name and percentage by weight of each active ingredient is listed as well as the percentage of inert ingredients in the pesticides. A separate inert ingredient statement containing the common name of each inert ingredient listed in rank order according to weight of each inert ingredient in the pesticide shall also be submitted to the secretary. Except as required by subsection 4 5, the registrant is not required to state the percentage composition or specific weight of any inert ingredient within a pesticide. The information required by this paragraph shall be submitted in a manner and according to procedures specified by the secretary.

~~Upon written request by the director of the department of natural resources, the secretary shall provide a copy of the ingredient statement and inert ingredient statement to the department. Upon written request by the director of the center for health effects of environmental contamination, the secretary shall provide a copy of the ingredient statement and inert ingredient statement to the center.~~

~~From on and after July 1, 1990, to December 31, 1991, the identity of an inert ingredient in a specific pesticide shall be treated as a confidential trade secret which is not subject to release under chapter 22.~~

~~On and after January 1, 1992, the identity of an inert ingredient in a specific pesticide shall be treated as a confidential trade secret if the following two conditions are met: the registrant states, at the time of registration, that the inert ingredient is a confidential trade secret; and the registrant certifies one of the following:~~

~~(1) The registrant has provided to any database system used by a poison control center operating in this state the information required by an attending physician to treat a patient for exposure or adverse reaction to the registrant's product, including the identification of all ingredients which are toxic to humans.~~

~~(2) The registrant operates an emergency information system as provided in section 139A.21 that is available to poison control centers twenty-four hours a day every day of the year. The emergency information system must provide information to medical professionals required for the sole purpose of treating a specific patient for exposure or adverse reaction to the registrant's product, including the identification of all ingredients which are toxic to humans, and toxicological and medical management information.~~

~~Poison control centers may share the information provided by the registrant with an attending physician for the purpose of treating a specific patient exposed to the registrant's product. The secretary, the director of the department of natural resources, and the director of the center for health effects of environmental contamination shall treat the presence of any inert ingredient in a particular pesticide that meets the two conditions as a confidential trade secret which is not subject to release under chapter 22. This section does not prohibit research or monitoring of any aspect of any inert ingredient. This section does not prohibit the public disclosure of research, monitoring, published or summary data relative to any inert ingredient so long as such disclosure does not link an inert ingredient to a particular brand of pesticide registered in this state.~~

~~This section shall not be construed to prohibit the release of information independently obtained from a source other than registrations filed under this chapter which links an inert ingredient to a pesticide registered in this state.~~

d. A complete copy of the labeling accompanying the pesticide and a statement of all claims made and to be made for it including directions for use.

e. A full description of the tests made and results thereof upon which the claims are based, if requested by the secretary. In the case of renewal or reregistration, a statement may be re-

quired only with respect to information which is different from that furnished when the pesticide was registered or last reregistered.

3. a. Upon written request by the director of the department of natural resources, the secretary shall provide a copy of the ingredient statement and inert ingredient statement to the department. Upon written request by the director of the center for health effects of environmental contamination, the secretary shall provide a copy of the ingredient statement and inert ingredient statement to the center.

b. From on and after July 1, 1990, to December 31, 1991, the identity of an inert ingredient in a specific pesticide shall be treated as a confidential trade secret which is not subject to release under chapter 22.

c. On and after January 1, 1992, the identity of an inert ingredient in a specific pesticide shall be treated as a confidential trade secret if the following two conditions are met: the registrant states, at the time of registration, that the inert ingredient is a confidential trade secret; and the registrant certifies one of the following:

(1) The registrant has provided to any database system used by a poison control center operating in this state the information required by an attending physician to treat a patient for exposure or adverse reaction to the registrant's product, including the identification of all ingredients which are toxic to humans.

(2) The registrant operates an emergency information system as provided in section 139A.21 that is available to poison control centers twenty-four hours a day every day of the year. The emergency information system must provide information to medical professionals required for the sole purpose of treating a specific patient for exposure or adverse reaction to the registrant's product, including the identification of all ingredients which are toxic to humans, and toxicological and medical management information.

d. Poison control centers may share the information provided by the registrant with an attending physician for the purpose of treating a specific patient exposed to the registrant's product. The secretary, the director of the department of natural resources, and the director of the center for health effects of environmental contamination shall treat the presence of any inert ingredient in a particular pesticide that meets the two conditions as a confidential trade secret which is not subject to release under chapter 22. This section does not prohibit research or monitoring of any aspect of any inert ingredient.

e. This section does not prohibit the public disclosure of research, monitoring, published or summary data relative to any inert ingredient so long as such disclosure does not link an inert ingredient to a particular brand of pesticide registered in this state.

f. This section shall not be construed to prohibit the release of information independently obtained from a source other than registrations filed under this chapter which links an inert ingredient to a pesticide registered in this state.

~~3.~~ 4. The registrant, before selling or offering for sale any pesticide for use in this state, shall register each brand and grade of such pesticide with the secretary upon forms furnished by the secretary, and the secretary shall set the registration fee annually at one-fifth of one percent of gross sales within this state with a minimum fee of two hundred fifty dollars and a maximum fee of three thousand dollars for each and every brand and grade to be offered for sale in this state except as otherwise provided. The annual registration fee for products with gross annual sales in this state of less than one million five hundred thousand dollars shall be the greater of two hundred fifty dollars or one-fifth of one percent of the gross annual sales as established by affidavit of the registrant. The secretary shall adopt by rule exemptions to the minimum fee. Fifty dollars of each fee collected shall be deposited in the general fund of the state, shall be subject to the requirements of section 8.60, and shall be used only for the purpose of enforcing the provisions of this chapter and the remainder of each fee collected shall be placed in the agriculture management account of the groundwater protection fund.

~~4.~~ 5. The secretary, whenever the secretary deems it necessary in the administration of this chapter, may require the submission of the complete formula of any pesticide. If it appears to the secretary that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of this chapter, the secretary shall register the article.

~~5.~~ 6. If it does not appear to the secretary that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this chapter, the secretary shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fail to comply with this chapter so as to afford the registrant an opportunity to make the necessary corrections.

~~6.~~ 7. Notwithstanding any other provisions of this chapter, registration is not required in the case of a pesticide shipped from one plant within this state to another plant within this state operated by the same person.

~~7.~~ 8. a. Each licensee under section 206.8 shall file an annual report at the time of application for licensure with the secretary of agriculture in a form specified by the secretary of agriculture and which includes the following information:

(1) The gross retail sales of all pesticides sold at retail for use in this state by a licensee with one hundred thousand dollars or more in gross retail sales of the pesticides sold for use in this state.

(2) The individual label name and dollar amount of each pesticide sold at retail for which gross retail sales of the individual pesticide are three thousand dollars or more.

b. A person who is subject to the household hazardous materials permit requirements, and whose gross annual retail sales of pesticides are less than ten thousand dollars for each business location owned or operated by the person, shall report annually, the individual label name of an individual pesticide for which annual gross retail sales are three thousand dollars or more. The information shall be submitted on a form provided to household hazardous materials permittees by the department of natural resources, and the department of natural resources shall remit the forms to the department of agriculture and land stewardship.

c. Notwithstanding the reporting requirements of this section, the secretary of agriculture may, upon recommendation of the advisory committee created pursuant to section 206.23, and if the committee declares a pesticide to be a pesticide of special concern, require the reporting of annual gross retail sales of a pesticide.

d. A person who sells feed which contains a pesticide as an integral part of the feed mixture, shall not be subject to the reporting requirements of this section. However, a person who manufactures feed which contains a pesticide as an integral part of the feed mixture shall be subject to the licensing requirements of section 206.8.

e. The information collected and included in the report required under this section shall remain confidential. Public reporting concerning the information collected shall be performed in a manner which does not identify a specific brand name in the report.

Sec. 86. Section 216.8, Code 2009, is amended to read as follows:

216.8 UNFAIR OR DISCRIMINATORY PRACTICES — HOUSING.

1. It shall be an unfair or discriminatory practice for any person, owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will:

~~1.~~ a. To refuse to sell, rent, lease, assign, sublease, refuse to negotiate, or to otherwise make unavailable, or deny any real property or housing accommodation or part, portion, or interest therein, to any person because of the race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status of such person.

~~2.~~ b. To discriminate against any person because of the person's race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status, in the terms, conditions, or privileges of the sale, rental, lease assignment, or sublease of any real property or housing accommodation or any part, portion, or interest in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.

~~For purposes of this section, "person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock~~

~~companies, trusts, unincorporated organizations, trustees, trustees in cases under Title eleven of the United States Code, receivers, and fiduciaries.~~

~~3.~~ c. To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion, or interest therein, by persons of any particular race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status is unwelcome, objectionable, not acceptable, or not solicited.

~~4.~~ d. To discriminate against the lessee or purchaser of any real property or housing accommodation or part, portion, or interest of the real property or housing accommodation, or against any prospective lessee or purchaser of the property or accommodation, because of the race, color, creed, religion, sex, sexual orientation, gender identity, disability, age, or national origin of persons who may from time to time be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives, or in any similar capacity.

2. For purposes of this section, "person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title eleven of the United States Code, receivers, and fiduciaries.

Sec. 87. Section 216E.7, Code 2009, is amended to read as follows:

216E.7 EXEMPTIONS.

This chapter does not apply to a hearing aid sold, leased, or transferred to a consumer by an audiologist licensed under chapter ~~147~~ 154F, or a hearing aid dispenser licensed under chapter 154A, if the audiologist or dispenser provides either an express warranty for the hearing aid or provides for service and replacement of the hearing aid.

Sec. 88. Section 225C.19, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. The services system shall be available twenty-four hours per day, seven days per week to any individual who is in or is determined by ~~self or~~ others to be in a crisis situation, regardless of whether the individual has been diagnosed with a mental illness or a co-occurring mental illness and substance abuse disorder~~, and~~. The system shall address all ages, income levels, and health coverage statuses.

Sec. 89. Section 225C.35, unnumbered paragraph 1, Code 2009, is amended to read as follows:

For purposes of this ~~division~~ subchapter, unless the context otherwise requires:

Sec. 90. Section 225C.36, Code 2009, is amended to read as follows:

225C.36 FAMILY SUPPORT SUBSIDY PROGRAM.

A family support subsidy program is created as specified in this ~~division~~ subchapter. The purpose of the family support subsidy program is to keep families together by defraying some of the special costs of caring for a family member at home. The department shall adopt rules to implement the purposes of this section and sections 225C.37 through 225C.42 which assure that families retain the greatest possible flexibility in determining appropriate use of the subsidy.

Sec. 91. Section 225C.51, unnumbered paragraph 1, Code 2009, is amended to read as follows:

For the purposes of this ~~division~~ subchapter:

Sec. 92. Section 225C.51, subsection 2, Code 2009, is amended to read as follows:

2. "Children's system" or "mental health services system for children and youth" means the mental health services system for children and youth implemented pursuant to this ~~division~~ subchapter.

Sec. 93. Section 231.42, Code 2009, is amended to read as follows:

231.42 LONG-TERM CARE RESIDENT'S ADVOCATE — DUTIES.

1. The Iowa commission of elder affairs, in accordance with section 712 of the federal Act, as codified at 42 U.S.C. § 3058g, shall establish the office of long-term care resident's advocate within the department.

2. a. The long-term care resident's advocate shall:

~~1.~~ (1) Investigate and resolve complaints about administrative actions that may adversely affect the health, safety, welfare, or rights of residents in long-term care facilities, excluding facilities licensed primarily to serve persons with mental retardation or mental illness.

~~2.~~ (2) Monitor the development and implementation of federal, state, and local laws, regulations, and policies that relate to long-term care facilities in Iowa.

~~3.~~ (3) Provide information to other agencies and to the public about the problems of residents in long-term care facilities, excluding facilities licensed primarily to serve persons with mental retardation or mental illness.

~~4.~~ (4) Train volunteers and assist in the development of citizens' organizations to participate in the long-term care resident's advocate program.

~~5.~~ (5) Carry out other activities consistent with the state long-term care ombudsman program provisions of the federal Act.

~~6.~~ (6) Administer the resident advocate committee program.

~~7.~~ (7) Report annually to the general assembly on the activities of the resident's advocate office.

b. The long-term care resident's advocate shall have access to long-term care facilities, private access to residents, access to residents' personal and medical records, and access to other records maintained by the facilities or governmental agencies pertaining only to the person on whose behalf a complaint is being investigated.

Sec. 94. Section 232.44, subsection 1, Code 2009, is amended to read as follows:

1. a. A hearing shall be held within forty-eight hours, excluding Saturdays, Sundays, and legal holidays, of the time of the child's admission to a shelter care facility, and within twenty-four hours, excluding Saturdays, Sundays, and legal holidays, of the time of a child's admission to a detention facility. If the hearing is not held within the time specified in this paragraph, the child shall be released from shelter care or detention.

b. Prior to the hearing a petition shall be filed, except where the child is already under the supervision of a juvenile court under a prior judgment.

c. If the child is placed in a detention facility in a county other than the county in which the child resides or in which the delinquent act allegedly occurred but which is within the same judicial district, the hearing may take place in the county in which the detention facility is located.

d. The child shall appear in person at the hearing required by this subsection.

Sec. 95. Section 235B.2, subsection 5, paragraph a, subparagraph (3), Code 2009, is amended to read as follows:

(3) Sexual exploitation of a dependent adult by a caretaker.

~~"Sexual exploitation" means any consensual or nonconsensual sexual conduct with a dependent adult for the purpose of arousing or satisfying the sexual desires of the caretaker or dependent adult, which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act, as defined in section 702.17. Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.~~[2]

Sec. 96. Section 235B.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. "Sexual exploitation" means any consensual or nonconsensual

[2] See chapter 179, §52 herein repealing this amendment due to enactment of chapter 107, §1 herein

sexual conduct with a dependent adult for the purpose of arousing or satisfying the sexual desires of the caretaker or dependent adult, which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act, as defined in section 702.17. "Sexual exploitation" does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.[3]

Sec. 97. Section 235E.4, Code 2009, is amended to read as follows:

235E.4 CHAPTER 235B APPLICATION.

Sections 235B.4 through 235B.20, when not inconsistent with this chapter, shall apply to this chapter.

Sec. 98. Section 237.18, unnumbered paragraph 2, Code 2009, is amended to read as follows:

9. ~~The state board shall make~~ Make recommendations to the general assembly, the department, to child-placing agencies, the governor, the supreme court, the chief judge of each judicial district, and to the judicial branch. The recommendations shall include, but are not limited to, identification of systemic problems in the foster care and the juvenile justice systems, specific proposals for improvements that assist the systems in being more cost-effective and better able to protect the best interests of children, and necessary changes relating to the data collected and the annual report made under subsection 2, paragraph "b".

Sec. 99. Section 237A.5, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. Unless a record check has already been conducted in accordance with paragraph "b", the department shall conduct a criminal and child abuse record check in this state for a person who is subject to a record check and may conduct such a check in other states. In addition, the department may conduct a dependent adult abuse, sex offender registry, or other public or civil offense record check in this state or in other states for a person who is subject to a record check. If a record check performed pursuant to this paragraph identifies an individual as a person subject to an evaluation, an evaluation shall be performed to determine whether prohibition of the person's involvement with child care is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department. Prior to performing an evaluation, the department shall notify the affected person, licensee, registrant, or child care home applying for or receiving public funding for providing child care, that an evaluation will be conducted to determine whether prohibition of the person's involvement with child care is warranted.

~~Prior to performing an evaluation, the department shall notify the affected person, licensee, registrant, or child care home applying for or receiving public funding for providing child care, that an evaluation will be conducted to determine whether prohibition of the person's involvement with child care is warranted.~~

Sec. 100. Section 257.6, subsection 6, paragraph b, Code 2009, is amended to read as follows:

b. Continues enrollment in the district to take courses either provided by the district~~,~~ or offered by community colleges under the provisions of section 257.11, or to take courses under the provisions of section 261E.6.

Sec. 101. Section 260C.11, subsection 1, Code 2009, is amended to read as follows:

1. The governing board of a merged area is a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors shall be cho-

[3] See chapter 179, §52 herein repealing this amendment due to enactment of chapter 107, §1 herein

sen at the regular school elections for members whose terms expire. The term of a member of the board of directors is four years and commences at the ~~organization~~ organizational meeting. Vacancies on the board shall be filled at the next regular meeting of the board by appointment by the remaining members of the board. A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until a member is elected pursuant to section 69.12 to fill the vacancy for the balance of the unexpired term. A vacancy is defined in section 277.29. A member shall not serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

Sec. 102. Section 260C.29, subsection 6, Code 2009, is amended to read as follows:

6. For purposes of this section, "minority person" means a person who is ~~Black~~ African American, Hispanic, Asian, or a Pacific Islander, American Indian, or an Alaskan Native American.

Sec. 103. Section 261.102, subsection 5, Code 2009, is amended to read as follows:

5. "Minority person" means an individual who is ~~black~~ African American, Hispanic, Asian, or a Pacific islander, American Indian, or an Alaskan Native American.

Sec. 104. Section 261D.3, subsection 3, Code 2009, is amended to read as follows:

3. Nonlegislative members shall serve two-year terms except as otherwise provided under the terms of the compact. Legislative members shall serve two-year terms as provided in section 69.16B. Nonlegislative members shall serve without compensation, but shall receive their actual and necessary expenses and travel. Legislative members shall receive actual and necessary expenses pursuant to sections 2.10 and 2.12. Vacancies on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointments. If a legislative member ceases to be a member of the general assembly, the legislative member shall no longer serve as a member of the commission.

Sec. 105. Section 261E.7, subsection 2, Code 2009, is amended to read as follows:

2. A student participating in the postsecondary enrollment options ~~act~~ program is not eligible to enroll on a full-time basis in an eligible postsecondary institution. A student enrolled on such a full-time basis shall not receive any payments under this section.

Sec. 106. Section 261F.1, subsection 5, paragraph n, Code 2009, is amended to read as follows:

n. Other services as identified and approved by the attorney general through a public announcement, such as a notice on the attorney general's ~~website~~ internet site.

Sec. 107. Section 272D.1, subsection 1, Code 2009, is amended to read as follows:

1. "Certificate of noncompliance" means a document provided by the unit certifying that the named person has outstanding liability placed with the unit and has not entered into an approved payment plan to pay the liability.

Sec. 108. Section 273.8, subsection 4, Code 2009, is amended to read as follows:

4. ORGANIZATION.

a. The board of directors of each area education agency shall meet and organize at the first regular meeting in October following the regular school election at a suitable place designated by the president. Directors whose terms commence at the ~~organization~~ organizational meeting shall qualify by taking the oath of office required by section 277.28 at or before the ~~organization~~ organizational meeting.

b. The provisions of section 260C.12 relating to organization, officers, appointment of secretary and treasurer, and meetings of the merged area board apply to the area education agency board.

Sec. 109. Section 285.1, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. Children attending prekindergarten programs offered or sponsored by the district or nonpublic school and approved by the department of education or department of human services or children participating in preschool in an approved local program under chapter 256C may be provided transportation services. However, transportation services provided to nonpublic school children are not eligible for reimbursement under this chapter.

Sec. 110. Section 297.11, Code 2009, is amended to read as follows:

297.11 USE FORBIDDEN.

If the voters of such district at a regular election forbid ~~such~~ the use of any ~~such~~ schoolhouse or grounds, the board shall not permit ~~such~~ that use until the action of ~~such~~ the voters is rescinded by the voters at an election held on a date specified in section 39.2, subsection 4, paragraph "c".

Sec. 111. Section 314.14, subsection 1, paragraph c, unnumbered paragraph 1, Code 2009, is amended to read as follows:

"Socially and economically disadvantaged individuals" means those individuals who are citizens of the United States or who are lawfully admitted permanent residents and who are ~~Black~~ African Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans, or any other minority or individuals found to be disadvantaged by the United States small business administration. However, the department may also determine, on a case-by-case basis, that an individual who is not a member of one of the enumerated groups is socially and economically disadvantaged. A rebuttable presumption exists that individuals in the following groups are socially and economically disadvantaged:

Sec. 112. Section 314.14, subsection 1, paragraph c, subparagraph (1), Code 2009, is amended to read as follows:

(1) ~~"Black~~ "African Americans" which includes persons having origins in any of the black racial groups of Africa.

Sec. 113. Section 321.24, subsection 11, Code 2009, is amended to read as follows:

11. If the county treasurer or department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, or a junking certificate has been issued for the vehicle but a certificate of title will not be reissued under section 321.52, subsection 3, and the vehicle qualifies as an antique vehicle under section 321.115, subsection 1, the county treasurer or department may register the vehicle but shall, as a condition of issuing a certificate of title and registration receipt, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to conduct a surety business in this state. The owner of a vehicle subject to the bond requirements of this subsection shall apply for a certificate of title and registration for the vehicle at the county treasurer's office within thirty days of issuance of written authorization from the department. The bond shall be in an amount equal to one and one-half times the current value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title ~~of~~ for the vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or earlier if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. The

department may authorize issuance of a certificate of title as provided in this subsection for a vehicle with an unreleased security interest upon presentation of satisfactory evidence that the security interest has been extinguished or that the holder of the security interest cannot be located to release the security interest as provided in section 321.50.

Sec. 114. Section 321.52, subsection 3, Code 2009, is amended to read as follows:

3. a. When a vehicle for which a certificate of title is issued is junked or dismantled by the owner, the owner shall detach the registration plates and surrender the plates to the county treasurer, unless the plates are properly assigned to another vehicle. The owner shall also surrender the certificate of title to the county treasurer.

b. Upon ~~surrendering~~ the surrender of the certificate of title and application for junking certificate, the county treasurer shall issue to the person, without fee, a junking certificate, which shall authorize the holder to possess, transport, or transfer ownership of the junked vehicle by endorsement of the junking certificate. The county treasurer shall hold the surrendered certificate of title, registration receipt, application for junking certificate, and, if applicable, the registration plates for a period of fourteen days following the issuance of a junking certificate under this subsection.

c. Within the fourteen-day period the person who was issued the junking certificate and to whom the vehicle was titled or assigned may surrender to the county treasurer the junking certificate, and upon the person's payment of appropriate fees and taxes and payment of any credit for annual registration fees received by the person for the vehicle under section 321.46, subsection 3, the county treasurer shall issue to the person a certificate of title for the vehicle. After the expiration of the fourteen-day period, a county treasurer shall not issue a certificate of title for a junked vehicle for which a junking certificate is issued. The county treasurer shall cancel the record of the vehicle and forward the certificate of title to the department.

d. However, upon application ~~the department upon~~ and a showing of good cause, the department may issue a certificate of title to a person after the fourteen-day period for a junked vehicle for which a junking certificate has been issued. For purposes of this subsection, "good cause" means that the junking certificate was obtained by mistake or inadvertence. If a person's application to the department is denied, the person may make application for a certificate of title under the bonding procedure as provided in section 321.24, if the vehicle qualifies as an antique vehicle under section 321.115, subsection 1, or the person may seek judicial review as provided under sections 17A.19 and 17A.20.

Sec. 115. Section 321.236, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Local authorities shall have no power to enact, enforce, or maintain any ordinance, rule or regulation in any way in conflict with, contrary to or inconsistent with the provisions of this chapter, and no such ordinance, rule or regulation of said local authorities heretofore or hereafter enacted shall have any force or effect~~, however~~. However, the provisions of this chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from doing any of the following:

Sec. 116. Section 321.292, Code 2009, is amended to read as follows:

321.292 CIVIL ACTION UNAFFECTED.

The ~~foregoing~~ provisions of section 321.285 shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident.

Sec. 117. Section 321.356, Code 2009, is amended to read as follows:

321.356 OFFICERS AUTHORIZED TO REMOVE.

Whenever any peace officer finds a vehicle standing upon a highway in violation of any of the ~~foregoing~~ provisions of sections 321.354 and 321.355 such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

Sec. 118. Section 321L.2, subsections 1 and 5, Code 2009, are amended to read as follows:

1. ~~a.~~ A resident of the state with a disability desiring a persons with disabilities parking permit shall apply to the department upon an application form furnished by the department providing the applicant's full legal name, address, date of birth, and social security number or Iowa driver's license number or Iowa nonoperator's identification card number, and shall also provide a statement from a physician licensed under chapter 148 or 149, a physician assistant licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, or a chiropractor licensed under chapter 151, or a physician, physician assistant, nurse practitioner, or chiropractor licensed to practice in a contiguous state, written on the physician's, physician assistant's, nurse practitioner's, or chiropractor's stationery, stating the nature of the applicant's disability and such additional information as required by rules adopted by the department under section 321L.8. If the person is applying for a temporary persons with disabilities parking permit, the physician's, physician assistant's, nurse practitioner's, or chiropractor's statement shall state the period of time during which the person is expected to be disabled and the period of time for which the permit should be issued, not to exceed six months.

a. A person with a disability may apply for one of the following persons with disabilities parking permits:

(1) Persons with disabilities registration plates. An applicant may order persons with disabilities registration plates pursuant to section 321.34. An applicant may order a persons with disabilities registration plate for a trailer used to transport a wheelchair pursuant to section 321.34 in addition to persons with disabilities registration plates ordered by the applicant for a motor vehicle used to tow such a trailer pursuant to section 321.34.

(2) Persons with disabilities parking sticker. An applicant who owns a motor vehicle for which the applicant has been issued registration plates under section 321.34 or registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a persons with disabilities parking sticker to be affixed to the plates. The persons with disabilities parking stickers shall bear the international symbol of accessibility.

(3) Removable windshield placard. A person with a disability may apply for a temporary removable windshield placard which shall be valid for a period of up to six months or a nonexpiring removable windshield placard, as determined by the physician's, physician assistant's, nurse practitioner's, or chiropractor's statement under this subsection. A temporary removable windshield placard shall be renewed within thirty days of the date of expiration. Persons seeking temporary removable windshield placards shall be required to furnish evidence upon initial application that they have a temporary disability and, in addition, furnish evidence at subsequent intervals that they remain temporarily disabled. Temporary removable windshield placards shall be of a distinctively different color from nonexpiring removable windshield placards. A nonexpiring removable windshield placard shall state on the face of the placard that it is a nonexpiring placard. The department shall issue one additional removable windshield placard upon the request of a person with a disability.

b. The department may issue expiring removable windshield placards to the following:

(1) An organization which has a program for transporting persons with disabilities or elderly persons.

(2) A person in the business of transporting persons with disabilities or elderly persons.

c. One expiring removable windshield placard may be issued for each vehicle used by the organization or person for transporting persons with disabilities or elderly persons. A placard issued under this paragraph shall be renewed every four years from the date of issuance and shall be surrendered to the department if the organization or person is no longer providing the service for which the placard was issued. Notwithstanding section 321L.4, a person transporting persons with disabilities or elderly persons in a motor vehicle for which a placard has been issued under this paragraph may display the placard in the motor vehicle and may use a persons with disabilities parking space while the motor vehicle is displaying the placard. A placard issued under this paragraph shall be of a distinctively different color from a placard issued under paragraph "a".

~~c.~~ d. A new removable windshield placard can be issued if the previously issued placard is reported lost, stolen, or damaged. The placard reported as being lost or stolen shall be invalidated by the department. A placard which is damaged shall be returned to the department and exchanged for a new placard in accordance with rules adopted by the department.

5. A seriously disabled veteran who has been provided with an automobile or other vehicle by the United States government under the provisions of 38 U.S.C. § 1901 et seq. (1970) is not required to apply for a persons with disabilities parking permit under this section unless the veteran has been issued special registration plates or personalized plates for the vehicle. The regular registration plates issued for the disabled veteran's vehicle without fee pursuant to section 321.105 entitle the disabled veteran to all of the rights and privileges associated with persons with disabilities parking permits under this chapter.

Sec. 119. Section 321L.5, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. A new nonresidential facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide persons with disabilities parking spaces as stipulated below:

Total Parking Spaces in Lot			Required Minimum Number of Persons with Disabilities Parking Spaces	
10	to	25	1	
26	to	50	2	
51	to	75	3	
76	to	100	4	
101	to	150	5	
151	to	200	6	
201	to	300	7	
301	to	400	8	
401	to	500	9	
501	to	1000	*	2 Percent of Total
1001	and	over	**	20 Spaces Plus 1 for Each 100 Over 1000

~~* 2 Percent of Total~~

~~** 20 Spaces Plus 1 for Each 100 Over 1000~~

Sec. 120. Section 331.382, subsection 8, Code 2009, is amended to read as follows:

8. a. The board is subject to chapter 161F, chapters 357 through 358, or chapter 468, subchapters I through III, subchapter IV, parts 1 and 2, or subchapter V, as applicable, in acting relative to a special district authorized under any of those chapters.

b. However, the board may assume and exercise the powers and duties of a governing body under chapter 357, 357A, 357B, 358 or chapter 468, subchapter III, if a governing body established under one of those chapters has insufficient membership to perform its powers and duties, and the board, upon petition of the number of property owners within a proposed district and filing of a bond as provided in section 357A.2, may establish a service district within the unincorporated area of the county and exercise within the district the powers and duties granted in ~~chapter~~ chapters 357, 357A, 357B, 357C, 357I, 358, 359, chapter 384, division IV, or chapter 468, subchapter III.

Sec. 121. Section 358.9, Code 2009, is amended to read as follows:

358.9 SELECTION OF TRUSTEES — TERM OF OFFICE.

1. a. At the election provided for in section 358.7, the names of candidates for trustee of the district shall be written by the voters on blank ballots without formal nomination, and the

board of supervisors which had jurisdiction of the proceedings for establishment of the sanitary district, together with the board of supervisors of any other county in which any part of the district is located, shall appoint three trustees from among the five persons receiving the greatest number of votes as trustees of the district. One of the trustees shall be designated to serve a term expiring on the first day of January which is not a Sunday or legal holiday following the next general election, one to serve a term expiring on the first day of January which is not a Sunday or legal holiday two years later, and one to serve a term expiring on the first day of January which is not a Sunday or legal holiday four years later. Thereafter, each term shall be for a term of years established by the board of supervisors, not less than three years or more than six years. Successors to trustees shall be elected by special election or at a special meeting of the board of trustees called for that purpose. For each special election called after the initial election, a candidate for office of trustee shall be nominated by a personal affidavit of the candidate or by petition of at least ten eligible electors of the district and the candidate's personal affidavit, which shall be filed with the county commissioner of elections at least twenty-five days before the date of the election. The form of the candidate's affidavit shall be substantially the same as provided in section 45.3.

~~Vacancies in the office of trustee of a sanitary district shall be filled by the remaining members of the board for the period until a successor is chosen in the manner prescribed by this section or by section 69.12, whichever is applicable.~~

b. In lieu of a special election, successors to trustees shall be elected at a special meeting of the board of trustees called for that purpose. Upon its own motion, the board of trustees may, or upon petition of landowners owning more than fifty percent of the total land in the district, shall, call a special meeting of the residents of the district to elect successors to trustees of the board. Notice of the meeting shall be given at least ten days before the date of the meeting by publication of the notice in a newspaper of general circulation in the district. The notice shall state the date, times, and location of the meeting and that the meeting is called for the purpose of electing one or more trustees to the board.

2. If the petition to establish a sanitary district requests a board of trustees of five members, the board of supervisors shall select five trustees from among the seven persons receiving the highest number of votes at the initial election. Two trustees shall be designated to serve a term expiring on the first day of January which is not a Sunday or legal holiday following the next general election, two trustees to serve a term expiring on the first day of January which is not a Sunday or legal holiday two years later, and one to serve a term expiring on the first day of January which is not a Sunday or holiday four years later. Thereafter, each term shall be for a term of years established by the board of supervisors, not less than three years or more than six years. Successors to a five-member board selected under this ~~paragraph~~ subsection shall be chosen by election and after the initial election, a candidate for office of trustee shall be nominated by a personal affidavit of the candidate or by petition of at least ten eligible electors of the district and the candidate's personal affidavit, which shall be filed with the commissioner of county elections at least sixty-nine days before the date of the general election. The form of the candidate's affidavit shall be substantially as provided in section 45.3.

3. Upon request of a three-member board of trustees or petition of the number of eligible electors of the district equal to at least five percent of the residents of the district filed at least ninety days before the next general election, the board of supervisors shall provide for the election of a five-member board of trustees with staggered terms of office of not more than six years. The five-member board of trustees shall become effective on the first day of January which is not a Sunday or legal holiday after that general election. The board of trustees or a petition of the number of eligible electors of the district equal to at least five percent of the residents of the district may also request the board of supervisors to implement a plan to reduce the number of trustees from five to three. The board of supervisors shall allow incumbent trustees to serve their unexpired terms of office.

4. Vacancies in the office of trustee of a sanitary district shall be filled by the remaining members of the board for the period until a successor is chosen in the manner prescribed by this section or by section 69.12, whichever is applicable.

Sec. 122. Section 411.8, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. (1) On the basis of the actuarial methods and assumptions, rate of interest, and of the mortality, interest and other tables adopted by the system, the actuary engaged by the system to make each valuation required by this chapter pursuant to the requirements of section 411.5, shall immediately after making such valuation, determine the "normal contribution rate". Except as otherwise provided in this lettered paragraph, the normal contribution rate shall be the rate percent of the earnable compensation of all members equal to the rate required by the system to discharge its liabilities, stated as a percentage of the earnable compensation of all members, and reduced by the employee contribution rate provided in paragraph "f" of this subsection and the contribution rate representing the state appropriation made as provided in section 411.20. However, the normal ~~rate of~~ contribution rate shall not be less than seventeen percent.

(2) The normal ~~rate of~~ contribution rate shall be determined by the actuary after each valuation.

Sec. 123. Section 421B.6, Code 2009, is amended to read as follows:

421B.6 SALES EXCEPTIONS.

The provisions of this chapter shall not apply to a sale at wholesale or a sale at retail made ~~(1) in~~ as follows:

1. In an isolated transaction~~; (2) where~~.

2. Where cigarettes are offered for sale, or sold in a bona fide clearance sale for the purpose of discontinuing trade in such cigarettes and said offer to sell, or sale shall state the reason therefor and the quantity of such cigarettes offered for sale, or to be sold~~; (3) where~~.

3. Where cigarettes are offered for sale~~,~~ or are sold as imperfect or damaged, and ~~said~~ the offer to sell, or sale shall state the reason therefor and the quantity of such cigarettes offered for sale~~,~~ or to be sold.

Sec. 124. Section 422.11V, Code 2009, is amended to read as follows:

422.11V REDEVELOPMENT TAX CREDIT.

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a redevelopment tax credit allowed under chapter 15, subchapter II, part 9.

Sec. 125. Section 422.33, subsection 26, Code 2009, is amended to read as follows:

26. The taxes imposed under this division shall be reduced by a redevelopment tax credit allowed under chapter 15, subchapter II, part 9.

Sec. 126. Section 422.60, subsection 14, Code 2009, is amended to read as follows:

14. The taxes imposed under this division shall be reduced by a redevelopment tax credit allowed under chapter 15, subchapter II, part 9.

Sec. 127. Section 424.16, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. The board shall notify each person who has previously filed an environmental protection charge return, and any other person known to the board who will owe the charge at any address obtainable for that person, at least thirty days in advance of the start of any calendar quarter during which ~~the following will occur:~~

~~An~~ an administrative change in the cost factor, pursuant to section 424.3, subsection 5, becomes effective.

Sec. 128. Section 427B.20, Code 2009, is amended to read as follows:

427B.20 LOCAL OPTION REMEDIAL ACTION PROPERTY TAX CREDIT — PUBLIC HEARING.

1. As used in this division:

a. "Actual portion of the costs paid by the owner or operator of an underground storage tank in connection with a remedial action for which the Iowa comprehensive petroleum under-

ground storage tank fund shares in the cost of corrective action" means the amount determined by the fund's board, or the board's designee, as the administrator of the Iowa comprehensive petroleum underground storage tank fund, and for which the owner or operator was not reimbursed from any other source.

b. "Small business" means a business with gross receipts of less than five hundred thousand dollars per year.

~~1.~~ 2. In order to further the public interests of protecting the drinking water supply, preserving business and industry within a community, preserving convenient access to gas stations within a community, or other public purposes, a city council or county board of supervisors may provide by ordinance for partial or total property tax credits to owners of small businesses that own or operate an underground storage tank to reduce the amount of property taxes paid over the permitted period in amounts not to exceed the actual portion of costs paid by the business owner in connection with a remedial action for which the Iowa comprehensive petroleum underground storage tank fund shares in the cost of corrective action, and for which the small business owner was not reimbursed from any other source. A county board of supervisors may grant credits only for property located outside of the corporate limits of a city, and a city council may grant credits only for property located within the corporate limits of the city. The credit shall be taken on the property where the underground storage tank is situated. The credit granted by the council or board shall not exceed the amount of taxes generated by the property for the respective city or county. The credit shall apply to property taxes payable in the fiscal year following the calendar year in which a cost of remedial action was paid by the small business owner.

~~As used in this division, "actual portion of the costs paid by the owner or operator of an underground storage tank in connection with a remedial action for which the Iowa comprehensive petroleum underground storage tank fund shares in the cost of corrective action" means the amount determined by the fund's board, or the board's designee, as the administrator of the Iowa comprehensive petroleum underground storage tank fund, and for which the owner or operator was not reimbursed from any other source.~~

~~As used in this division, "small business" means a business with gross receipts of less than five hundred thousand dollars per year.~~

~~2.~~ 3. The ordinance may be enacted not less than thirty days after a public hearing is held in accordance with section 335.6 in the case of a county, or section 362.3 in the case of a city. The ordinance shall designate the length of time the partial or total credit shall be available, and shall include a credit schedule and description of the terms and conditions of the credit.

~~3.~~ 4. A property tax credit provided under this section shall be paid for out of any available funds budgeted for that purpose by the city council or county board of supervisors. A city council may certify a tax for the general fund levy and a county board of supervisors may certify a tax for the rural county service fund levy for property tax credits authorized by this section.

~~4.~~ 5. The maximum permitted period of a tax credit granted under this section is ten years.

Sec. 129. Section 432.12L, Code 2009, is amended to read as follows:

432.12L REDEVELOPMENT TAX CREDIT.

The taxes imposed under this chapter shall be reduced by a redevelopment tax credit allowed under chapter 15, subchapter II, part 9.

Sec. 130. Section 441.47, Code 2009, is amended to read as follows:

441.47 ADJUSTED VALUATIONS.

The director of revenue on or about August 15, 1977, and every two years thereafter shall order the equalization of the levels of assessment of each class of property in the several assessing jurisdictions by adding to or deducting from the valuation of each class of property such percentage in each case as may be necessary to bring the same to its taxable value as fixed in this chapter and chapters 427 to 443. The director shall adjust to actual value the valuation of any class of property as set out in the abstract of assessment when the valuation is at least five percent above or below actual value as determined by the director. For purposes of such

value adjustments and before such equalization the director shall adopt, in the manner prescribed by chapter 17A, such rules as may be necessary to determine the level of assessment for each class of property in each county. The rules shall cover: ~~(1)~~

1. The proposed use of the assessment-sales ratio study set out in section 421.17, subsection 6~~; (2) the~~.

2. The proposed use of any statewide income capitalization studies~~; (3) the~~.

3. The proposed use of other methods that would assist the director in arriving at the accurate level of assessment of each class of property in each assessing jurisdiction.

Sec. 131. Section 455B.151, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The compliance advisory panel created in section 455B.150 shall review and report on the effectiveness of the small business stationary source technical and environmental compliance assistance program as provided in section 455B.133A. The compliance advisory panel shall do all of the following:

Sec. 132. Section 455B.171, subsection 27, Code 2009, is amended to read as follows:

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

Sec. 133. Section 455B.176, subsections 1 through 9, Code 2009, are amended to read as follows:

1. The protection of the public health~~;~~.

2. The size, depth, surface area covered, volume, direction and rate of flow, stream gradient, and temperature of the affected water of the state~~;~~.

3. The character and uses of the land area bordering the affected water of the state~~;~~.

4. The uses which have been made, are being made, or may be made of the affected water of the state for public, private, or domestic water supplies, irrigation; livestock watering; propagation of wildlife, fish, and other aquatic life; bathing, swimming, boating, or other recreational activity; transportation; and disposal of sewage and wastes~~;~~.

5. The extent of contamination resulting from natural causes including the mineral and chemical characteristics~~;~~.

6. The extent to which floatable or settleable solids may be permitted~~;~~.

7. The extent to which suspended solids, colloids, or a combination of solids with other suspended substances may be permitted~~;~~.

8. The extent to which bacteria and other biological organisms may be permitted~~;~~.

9. The amount of dissolved oxygen that is to be present and the extent of the oxygen demanding substances which may be permitted~~;~~.

Sec. 134. Section 455D.19, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. "Intentional introduction" means an act of deliberately utilizing a regulated metal in the formulation of a package or packaging component where its continued presence is desired in the final package or packaging component to provide a specific characteristic, appearance, or quality. Intentional introduction does not include the use of a regulated metal as a processing agent or intermediate to impart certain chemical or physical changes during manufacturing, if the incidental presence of a residue of the metal in the final package or packaging component is neither desired nor deliberate, and if the final package or packaging component is in compliance with subsection 4, paragraph "c". Intentional introduction also does not include the use of recycled materials as feedstock for the manufacture of new packaging materials, if the recycled materials contain amounts of a regulated metal and if the new package or packaging component is in compliance with subsection 4, paragraph "c".

~~"Regulated metal" means any metal regulated under this section.~~

Sec. 135. Section 455D.19, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. ga. "Regulated metal" means any metal regulated under this section.

Sec. 136. Section 455E.11, subsection 2, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

An agriculture management account. Moneys collected from the groundwater protection fee levied pursuant to section 200.8, subsection 4, the portion of the fees collected pursuant to sections 206.8, subsection 2, and 206.12, subsection ~~3~~ 4, and other moneys designated for the purpose of agriculture management shall be deposited in the agriculture management account. The agriculture management account shall be used for the following purposes:

Sec. 137. Section 459.312, subsection 10, paragraph a, subparagraph (2), subparagraph division (c), Code 2009, is amended to read as follows:

(c) Regardless of the development of the state comprehensive nutrient management strategy as provided in subparagraph ~~subdivision~~ division (b), the department shall adopt rules required to establish a phosphorus index. The department shall cooperate with the United States department of agriculture natural resource conservation service technical committee for Iowa to refine and calibrate the phosphorus index in adopting the rules. Rules adopted by the department pursuant to this subparagraph (2) shall become effective on July 1, 2003.

Sec. 138. Section 459.312, subsection 10, paragraph a, unnumbered paragraph 2, Code 2009, is amended to read as follows:

Subparagraph ~~subdivisions~~ divisions (b) through (e) and this paragraph are repealed on the date that any person who has submitted an original manure management plan prior to April 1, 2002, is required to submit a manure management plan update which includes a phosphorus index as provided in subparagraph ~~subdivision~~ division (e), subparagraph subdivision ~~part~~ (i). The department shall publish a notice in the Iowa administrative bulletin published immediately prior to that date, and the director of the department shall deliver a copy of the notice to the Iowa Code editor.

Sec. 139. Section 466B.3, subsection 4, paragraph f, Code 2009, is amended to read as follows:

f. The dean of the college of agriculture and life sciences at Iowa state university or the dean's designee.

Sec. 140. Section 468.119, Code 2009, is amended to read as follows:

468.119 ANNEXATION OF ADDITIONAL LANDS.

1. After the establishment of a levee or drainage district, if the board becomes convinced that additional lands contiguous to the district, and without regard to county boundaries, are benefited by the improvement or that the same are then receiving benefit or will be benefited by a repair or improvement to said district as contemplated in section 468.126, it may adopt, with or without a petition from owners of the proposed annexed lands, a resolution of necessity for the annexation of such additional land and appoint an engineer with the qualifications provided in this subchapter, parts 1 through 5, to examine such additional lands, to make a survey and plat thereof showing their relation, elevation, and condition of drainage with reference to such established district, and to make and file with the auditor a report as in this subchapter, parts 1 through 5, provided for the original establishment of such district, said report to specify the character of the benefits received.

2. In the event the additional lands are a part of an existing drainage district, as an alternative procedure to that established by ~~the foregoing provisions of this section~~ subsection 1, the lands may be annexed in either of the following methods:

~~1.~~ a. (1) A petition, proposing that the lands be included in a contiguous drainage district and signed by at least twenty percent of the landowners of those lands to be annexed, shall be filed with the governing board of each affected district.

(2) The board of the district in which the lands are presently included may, at its next regular meeting or at a special meeting called for that purpose, adopt a resolution approving and consenting to the annexation~~; or.~~

~~2.~~ b. Whenever the owners of all of the land proposed to be annexed file a petition with the governing boards of the affected districts, the consent of the board in which the lands are then located shall not be required to consent to the annexation, and the board of the annexing district may proceed as provided in this section.

3. If either method of annexation provided for in ~~subsections 1 and~~ subsection 2 ~~of this section~~ is completed, the board of the district to which the lands are to be annexed may adopt a resolution of necessity for the annexation of the additional lands, as provided in this section.

4. The right of remonstrance, as provided under section 468.28, does not apply to the owners of lands being involuntarily annexed to an established district.

Sec. 141. Section 469.6, subsection 1, unnumbered paragraph 2,[4] is amended by striking the unnumbered paragraph.

Sec. 142. Section 469.6, subsection 3, Code 2009, is amended to read as follows:

3. The members of the board shall be reimbursed for actual and necessary travel and related expenses incurred in the discharge of official duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.6. A legislative member is eligible for per diem and expenses as provided in section 2.10.

Sec. 143. Section 483A.25, Code 2009, is amended to read as follows:

483A.25 PHEASANT AND QUAIL RESTORATION PROGRAM — APPROPRIATIONS.

The revenue received from the resident hunting license fee increase in 2002 Acts, chapter 1141, for each fiscal year of the fiscal period beginning July 1, 2002, and ending June 30, 2007, is appropriated to the department. Of the amount appropriated to the department pursuant to this section, at least sixty percent shall be used to fund a pheasant and quail restoration program. The department shall submit a report annually on the pheasant and quail restoration program to the chairpersons of the house ~~committee~~ and senate committees on natural resources ~~and the senate committee on natural resources and environment~~ not later than January 1, 2004, and not later than January 1 of each subsequent year.

Sec. 144. Section 489.302, subsection 5, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Subject to subsection 3, a grant of authority not pertaining to a transfer of real property and contained in an effective statement of authority is conclusive in favor of a person that gives value in reliance on the grant, except to the extent that when the person gives value, ~~and~~ any of the following applies:

Sec. 145. Section 489.302, subsection 6, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Subject to subsection 3, an effective statement of authority that grants authority to transfer real property held in the name of the limited liability company and that is recorded by certified copy in the office for recording transfers of the real property is conclusive in favor of a person that gives value in reliance on the grant without knowledge to the contrary, except to the extent that when the person gives value, ~~and~~ any of the following applies:

Sec. 146. Section 489.401, subsection 4, paragraph d, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If, within ninety consecutive days after the company ceases to have any members, ~~and~~ all of the following occur:

Sec. 147. Section 490.1112, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. The domestic corporation must notify each shareholder of the domestic corporation,

[4] According to enrolled Act; the phrase "paragraph 2, Code 2009," probably intended

whether or not entitled to vote, of the meeting of shareholders at which the plan is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the plan of conversion and must contain or be accompanied by a copy or summary of the plan of conversion. The notice shall include or be accompanied by a copy of the ~~organic~~ organizational documents as they will be in effect immediately after the conversion.

Sec. 148. Section 508.36, subsection 4, paragraph b, subparagraph (1), subparagraph division (c), Code 2009, is amended to read as follows:

(c) A modification of the tables identified in subparagraph ~~subdivisions~~ divisions (a) and (b) approved by the commissioner.

Sec. 149. Section 508.36, subsection 4, paragraph c, subparagraph (1), subparagraph division (c), Code 2009, is amended to read as follows:

(c) A modification of the tables identified in subparagraph ~~subdivisions~~ divisions (a) and (b) approved by the commissioner.

Sec. 150. Section 508.36, subsection 4, paragraph e, subparagraph (1), subparagraph division (c), Code 2009, is amended to read as follows:

(c) A modification of the tables identified in subparagraph ~~subdivisions~~ divisions (a) and (b) approved by the commissioner.

Sec. 151. Section 508.36, subsection 5, paragraph b, subparagraph (1), subparagraph divisions (c), (d), and (e), Code 2009, are amended to read as follows:

(c) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue-year basis, except as stated in subparagraph ~~subdivision~~ division (b), the formula for life insurance stated in subparagraph ~~subdivision~~ division (a) applies to annuities and guaranteed interest contracts with guarantee durations in excess of ten years, and the formula for single premium immediate annuities stated in subparagraph ~~subdivision~~ division (b) applies to annuities and guaranteed interest contracts with guarantee durations of ten years or less.

(d) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the formula for single premium immediate annuities stated in subparagraph ~~subdivision~~ division (b) applies.

(e) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change-in-fund basis, the formula for single premium immediate annuities stated in subparagraph ~~subdivision~~ division (b) applies.

Sec. 152. Section 508.36, subsection 5, paragraph b, subparagraph (2), Code 2009, is amended to read as follows:

(2) However, if the calendar year statutory valuation interest rate for any life insurance policies issued in any calendar year determined under subparagraph (1), subparagraph ~~subdivision~~ division (a) without reference to this sentence differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than one-half of one percent, the calendar year statutory valuation interest rate for the life insurance policies is equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of applying the immediately preceding sentence, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for 1980, using the reference interest rate defined in 1979, and shall be determined for each subsequent calendar year regardless of the operative date of section 508.37, subsection 5, paragraph "c".

Sec. 153. Section 508.36, subsection 5, paragraph c, subparagraph (1), subparagraph division (c), unnumbered paragraph 1, Code 2009, is amended to read as follows:

Weighting factors for other annuities and for guaranteed interest contracts, except as stated in subparagraph ~~subdivision~~ division (b), shall be as specified in subparagraph ~~subdivision~~

~~parts~~ subdivisions (i), (ii), and (iii) of this subparagraph ~~subdivision~~ division, according to the rules and definitions in subparagraph ~~subdivision parts~~ subdivisions (iv), (v), and (vi) of this subparagraph ~~subdivision~~ division:

Sec. 154. Section 508.36, subsection 5, paragraph c, subparagraph (1), subparagraph division (c), subparagraph subdivision (ii), unnumbered paragraph 1, Code 2009, is amended to read as follows:

For annuities and guaranteed interest contracts valued on a change-in-fund basis, the factors shown in subparagraph subdivision ~~part~~ (i) of this subparagraph ~~subdivision~~ division increased by:

Sec. 155. Section 508.36, subsection 5, paragraph c, subparagraph (1), subparagraph division (c), subparagraph subdivision (iii), unnumbered paragraph 1, Code 2009, is amended to read as follows:

For annuities and guaranteed interest contracts valued on an issue-year basis, other than those with no cash settlement options, which do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change-in-fund basis which do not guarantee interest rates on considerations received more than twelve months beyond the valuation date, the factors shown in subparagraph subdivision ~~part~~ (i) of this subparagraph ~~subdivision~~ division or derived in subparagraph subdivision ~~part~~ (ii) of this subparagraph ~~subdivision~~ division increased by:

Sec. 156. Section 508.36, subsection 5, paragraph c, subparagraph (1), subparagraph division (c), subparagraph subdivision (v), unnumbered paragraph 1, Code 2009, is amended to read as follows:

"Plan type", as used in subparagraph ~~subdivision parts~~ subdivisions (i), (ii), and (iii) of this subparagraph ~~subdivision~~ division, is defined as follows:

Sec. 157. Section 508C.8, subsection 8, paragraph a, subparagraph (2), subparagraph division (b), subparagraph subdivision (ii), Code 2009, is amended to read as follows:

(ii) However, the association shall not in any event be obligated to cover more than an aggregate of three hundred fifty thousand dollars in benefits with respect to any one life under subparagraph ~~subdivision~~ division (a) and this subparagraph ~~subdivision~~ division (b), or more than five million dollars in benefits to one owner of multiple nongroup policies of life insurance regardless of whether the policy owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, and regardless of the number of policies and contracts held by the owner.

Sec. 158. Section 508C.8, subsection 8, paragraph a, subparagraph (2), subparagraph division (c), Code 2009, is amended to read as follows:

(c) With respect to a plan sponsor whose plan owns, directly or in trust, one or more unallocated annuity contracts not included under subparagraph ~~subdivision~~ division (b), not more than five million dollars in benefits, regardless of the number of contracts held by the plan sponsor. However, where one or more such unallocated annuity contracts are covered contracts under this chapter and are owned by a trust or other entity for the benefit of two or more plan sponsors, the association shall provide coverage if the largest interest in the trust or entity owning the contract is held by a plan sponsor whose principal place of business is in the state but in no event shall the association be obligated to cover more than five million dollars in benefits in the aggregate with respect to all such unallocated contracts.

Sec. 159. Section 515.35, subsection 3, paragraph a, subparagraph (2), subparagraph division (c), subparagraph subdivision (ii), Code 2009, is amended to read as follows:

(ii) If the loan is fully collateralized by cash or cash equivalents, the cash or cash equivalent collateral may be reinvested by the company as provided in subparagraph ~~subdivision~~ division (b).

Sec. 160. Section 515.35, subsection 3, paragraph a, subparagraph (5), Code 2009, is amended to read as follows:

(5) Transfers of ownership of investments held as described in paragraph "a", subparagraph (1), subparagraph ~~subdivision~~ division (c), and subparagraphs (3) and (4) may be evidenced by bookkeeping entry on the books of the issuer of the investment, its transfer or recording agent, or the clearing corporation without physical delivery of certificate, if any, evidencing the company's investment.

Sec. 161. Section 515.35, subsection 4, paragraph h, subparagraph (1), unnumbered paragraph 2, Code 2009, is amended to read as follows:

All real estate specified in ~~subdivisions~~ subparagraph divisions (a), (b), and (c) ~~of this subparagraph~~ shall be sold and disposed of within three years after the company acquires title to it, or within three years after the real estate ceases to be necessary for the accommodation of the company's business, and the company shall not hold any of those properties for a longer period unless the company elects to hold the property under another paragraph of this section, or unless the company procures a certificate from the commissioner of insurance that its interest will suffer materially by the forced sale of those properties and that the time for the sale is extended to the time the commissioner directs in the certificate.

Sec. 162. Section 554.2709, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

When the buyer fails to pay the price as it becomes due the seller may recover, together with any incidental damages under ~~the next~~ section 554.2710, the price:

Sec. 163. Section 554.11101, Code 2009, is amended to read as follows:

554.11101 EFFECTIVE DATE.

Division 2 of ~~this Act [65GA~~ 1974 Iowa Acts, chapter ~~1249]~~ 1249, sections 9 to 72, the Iowa amendments to the Uniform Commercial Code pertaining primarily to security interests, and related amendments, shall become effective at 12:01 a.m. on January 1, 1975.

Sec. 164. Section 554.11102, Code 2009, is amended to read as follows:

554.11102 PRESERVATION OF OLD TRANSITION PROVISION.

The provisions of Article 10 of this chapter, sections 554.10101 ~~to~~, 554.10103, and 554.10105, shall continue to apply to this chapter as amended and for this purpose this chapter prior to amendment and this chapter as amended shall be considered one continuous statute.

Sec. 165. Section 602.4201, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. Rules of appellate procedure ~~6.1~~ 6.101 through ~~6.9~~ 6.105, 6.601 through 6.603, and 6.907.

Sec. 166. Section 714F.1, subsection 4, paragraphs a and b, Code 2009, are amended to read as follows:

a. The transfer of title to real property by a foreclosed homeowner during a foreclosure ~~proceeding~~, forfeiture ~~proceeding~~, or tax sale ~~proceeding~~, either by transfer of interest from the foreclosed homeowner or by creation of a mortgage or other lien or encumbrance during the process that allows the acquirer to obtain title to the property by redeeming the property as a junior lienholder.

b. The subsequent conveyance, or promise of a subsequent conveyance, of an interest back to the ~~affected~~ foreclosed homeowner by the acquirer or a person acting in participation with the acquirer that allows the foreclosed homeowner to possess either the affected residence or other real property, which interest includes but is not limited to an interest in a contract for deed, purchase agreement, option to purchase, or lease.

Sec. 167. Section 714F.4, subsection 2, Code 2009, is amended to read as follows:

2. Cancellation occurs when the foreclosed homeowner delivers, by any means, written no-

tice of cancellation, provided that, at a minimum, the contract and the notice of cancellation contains a physical address to which notice of cancellation may be mailed or otherwise delivered. A post office box does not constitute a physical address. A post office box may be designated for delivery by mail only if it is accompanied by a physical address at which the notice could be delivered by a method other than mail. An ~~electronically mailed~~ electronic mail address may be provided in addition to the physical address. If cancellation is mailed, delivery is effective upon mailing. If electronically mailed, cancellation is effective upon transmission.

Sec. 168. Section 714F.8, subsection 3, paragraph b, subparagraph (2), subparagraph division (c), Code 2009, is amended to read as follows:

(c) "Consideration" means any payment or thing of value provided to the foreclosed homeowner, including payment of unpaid rent or contract for deed payments owed by the foreclosed homeowner prior to the date of eviction or voluntary relinquishment of the property, reasonable costs paid to third parties necessary to complete the foreclosure reconveyance transaction, payment of money to satisfy a debt or legal obligation of the foreclosed homeowner that creates a lien against the affected residence, or the payment of reasonable cost of repairs for damage to the dwelling caused by the foreclosed homeowner; or a payment of a penalty imposed by a court for the filing of a frivolous claim under section 714F.9, subsection 6, but "consideration" shall not include amounts imputed as a down payment or fee to the foreclosure purchaser, or a person acting in participation with the foreclosure purchaser, incident to a contract for deed, lease, or option to purchase entered into as part of the foreclosure reconveyance, except for reasonable costs paid to third parties necessary to complete the foreclosure reconveyance.

Sec. 169. Section 716.5, Code 2009, is amended to read as follows:

716.5 CRIMINAL MISCHIEF IN THE THIRD DEGREE.

1. Criminal mischief is criminal mischief in the third degree if ~~the~~ any of the following apply:

a. The cost of replacing, repairing, or restoring the property ~~so~~ that is damaged, defaced, altered, or destroyed exceeds five hundred dollars, but does not exceed one thousand dollars~~, or if the~~.

b. The property is a deed, will, commercial paper or any civil or criminal process or other instrument having legal effect~~, or if the~~.

c. The act consists of rendering substantially less effective than before any light, signal, obstruction, barricade, or guard which has been placed or erected for the purpose of enclosing any unsafe or dangerous place or of alerting persons to an unsafe or dangerous condition. ~~Criminal mischief in the third degree is an aggravated misdemeanor.~~

~~A person commits criminal mischief in the third degree who does either of the following:~~

~~1.~~ d. ~~Intentionally~~ The person intentionally disinters human remains from a burial site without lawful authority.

~~2.~~ e. ~~Intentionally~~ The person intentionally disinters human remains that have state and national significance from an historical or scientific standpoint for the inspiration and benefit of the United States without the permission of the state archaeologist.

2. Criminal mischief in the third degree is an aggravated misdemeanor.

Sec. 170. 2008 Iowa Acts, chapter 1088, section 44, subsection 1, is amended to read as follows:

1. Persons who publicly profess to be physicians and surgeons~~,~~ or osteopathic physicians and surgeons, or who publicly profess to assume the duties incident to the practice of medicine and surgery or osteopathic medicine and surgery.

Sec. 171. 2008 Iowa Acts, chapter 1088, is amended by adding the following new section:

SEC. __. Section 152B.13, subsection 1, paragraph a, Code 2007, is amended to read as follows:

1. A state board for respiratory care is established to administer this chapter. Membership of the board shall be established pursuant to section 147.14~~, subsection 15~~.

Sec. 172. 2008 Iowa Acts, chapter 1181, section 5, subsection 3, paragraph c, is amended to read as follows:

c. For the entrepreneurs with disabilities program pursuant to section 259.4, subsection 9, if enacted by 2008 Iowa Acts, ~~House~~ Senate File ~~2214~~ 2101:[5]

..... $ 200,000

Sec. 173. Section 261E.12, subsection 1, paragraph d, as enacted by 2008 Iowa Acts, chapter 1181, section 63, is amended to read as follows:

d. For the fiscal year beginning July 1, 2008, and succeeding fiscal years, an amount up to five hundred thousand dollars to the department to provide advanced placement course examination fee remittance pursuant to section 261E.4A. If the funds appropriated for purposes of section ~~261E.5~~ 261E.4A are insufficient to distribute the amounts set out in section ~~261E.5~~ 261E.4A, subsection 3, to school districts, the department shall prorate the amount distributed to school districts based on the amount appropriated.

Sec. 174. 2008 Iowa Acts, chapter 1187, section 9, subsection 22, is amended to read as follows:

22. Of the funds appropriated in this section, $250,000 shall be used to implement the provisions in 2007 Iowa Acts, chapter 218, section ~~124~~ 126, as amended by the Eighty-second General Assembly, 2008 Session, relating to eligibility for certain persons with disabilities under the medical assistance program.

Sec. 175. 2008 Iowa Acts, chapter 1191, is amended by adding the following new section:

SEC. __. EFFECTIVE DATE. The section of this Act amending section 100C.6, subsection 3, as enacted by 2008 Iowa Acts, House File 2646,[6] section 1, takes effect August 1, 2009.

DIVISION II
CODE SECTION RENUMBERING

Sec. 176. Section 103A.9, Code 2009, is amended to read as follows:

103A.9 FACTORY-BUILT STRUCTURES.

1. The state building code shall contain provisions relating to the manufacture and installation of factory-built structures.

~~1.~~ a. Factory-built structures manufactured in Iowa, after the effective date of the code, shall be manufactured in accordance with the code, unless the commissioner determines the structure is manufactured for installation outside the state.

~~2.~~ b. Factory-built structures manufactured outside the state of Iowa, after the effective date of the code, and brought into Iowa for installation must, prior to installation, comply with the code.

~~3.~~ c. Factory-built structures manufactured prior to the effective date of the code, which prior to that date have never been installed, must comply with the code prior to installation.

~~4. a.~~ d. (1) All factory-built structures, without regard to manufacture date, shall be installed in accordance with the code in the governmental subdivisions which have adopted the state building code or any other building code. However, a governmental subdivision shall not require that a factory-built structure, that was manufactured in accordance with federally mandated standards, be renovated in accordance with the state building code or any other building code which the governmental subdivision has adopted when the factory-built structure is being moved from one lawful location to another unless such required renovation is in conformity with those specifications for the factory-built structure which existed when it was manufactured or the factory-built structure is being rented for occupancy.

~~b.~~ (2) Existing factory-built structures not constructed to be in compliance with federally mandated standards may be moved from one established manufactured home community or mobile home park to another and shall not be required to be renovated to comply with the state

[5] 2008 Iowa Acts, chapter 1007

[6] 2008 Iowa Acts, chapter 1094

building code or any other building code which the governmental subdivision has adopted unless the factory-built structure is being rented for occupancy or has been declared a public nuisance according to standards generally applied to housing.

~~5.~~ e. Factory-built structures required to comply with the code provisions on manufacture, shall not be modified in any way prior to or during installation, unless prior approval is obtained from the commissioner.

~~6.~~ 2. The commissioner shall establish an insignia of approval and provide that factory-built structures required to comply with code provisions on manufacture bear an insignia of approval prior to installation. The insignia may be issued for other factory-built structures which meet code standards and which were manufactured prior to the effective date of the state building code.

~~7.~~ 3. The commissioner may contract with local government agencies for enforcement of the code relating to manufacture of factory-built structures. Code provisions relating to installation of factory-built structures shall be enforced by the local building departments only in those governmental subdivisions which have adopted the state building code or any other building code.

Sec. 177. Section 123.127, Code 2009, is amended to read as follows:

123.127 CLASS "A" AND SPECIAL CLASS "A" APPLICATION.

1. A class "A" permit shall be issued by the administrator to any person who:

~~1.~~ a. Submits a written application for such permit, which application shall state under oath:

~~a.~~ (1) The name and place of residence of the applicant and the length of time the applicant has lived at such place of residence.

~~b.~~ (2) That the applicant is a citizen of the state of Iowa.

~~c.~~ (3) That the applicant is a person of good moral character as defined by this chapter.

~~d.~~ (4) The location of the premises where the applicant intends to operate.

~~e.~~ (5) The name of the owner of the premises and if such owner is not the applicant, that such applicant is the actual lessee of the premises.

~~2.~~ b. Establishes:

~~a.~~ (1) That the applicant is a person of good moral character as defined by this chapter.

~~b.~~ (2) That the premises where the applicant intends to operate conform to all laws and health and fire regulations applicable thereto.

~~3.~~ c. Furnishes a bond in the form prescribed and to be furnished by the division, with good and sufficient sureties to be approved by the administrator conditioned upon the faithful observance of this chapter, in the penal sum of five thousand dollars, payable to the state.

~~4.~~ d. Gives consent to a person, pursuant to section 123.30, subsection 1, to enter upon the premises without a warrant during the business hours of the permittee to inspect for violations of the provisions of this chapter or ordinances and regulations that local authorities may adopt.

2. An applicant for a special class "A" permit shall comply with the requirements for a class "A" permit and shall also state on the application that the applicant holds or has applied for a class "C" liquor control license or class "B" beer permit.

Sec. 178. Section 123.128, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. All the information required of a class "A" applicant by section 123.127, subsection 1, paragraph "a".

Sec. 179. Section 123.128, subsection 2, Code 2009, is amended to read as follows:

2. Fulfills the requirements of section 123.127, subsection ~~2~~ 1, paragraph "b", relating to class "A" applicants.

Sec. 180. Section 123.129, subsection 1, Code 2009, is amended to read as follows:

1. Submits a written application for such permit, which application shall state under oath

all the information required of a class "A" applicant by section 123.127, subsection 1, paragraph "a".

Sec. 181. Section 124.401D, Code 2009, is amended to read as follows:

124.401D CONSPIRACY TO MANUFACTURE FOR DELIVERY OR DELIVERY OR INTENT OR CONSPIRACY TO DELIVER AMPHETAMINE OR METHAMPHETAMINE TO A MINOR.

1. a. It is unlawful for a person eighteen years of age or older to act with, or enter into a common scheme or design with, or conspire with one or more persons to manufacture for delivery to a person under eighteen years of age a material, compound, mixture, preparation, or substance that contains any detectable amount of amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers.

b. A violation of this subsection is a felony punishable under section 902.9, subsection 1.

c. A second or subsequent violation of this subsection is a class "A" felony.

2. a. It is unlawful for a person eighteen years of age or older to deliver, or possess with the intent to deliver to a person under eighteen years of age, a material, compound, mixture, preparation, or substance that contains any detectable amount of amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers, or to act with, or enter into a common scheme or design with, or conspire with one or more persons to deliver or possess with the intent to deliver to a person under eighteen years of age a material, compound, mixture, preparation, or substance that contains any detectable amount of amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers.

b. A violation of this subsection is a felony punishable under section 902.9, subsection 1.

c. A second or subsequent violation of this subsection is a class "A" felony.

Sec. 182. Section 124.413, Code 2009, is amended to read as follows:

124.413 MANDATORY MINIMUM SENTENCE.

1. A person sentenced pursuant to section 124.401, subsection 1, paragraph "a", "b", "c", "e", or "f", shall not be eligible for parole until the person has served a minimum period of confinement of one-third of the maximum indeterminate sentence prescribed by law.

2. This section shall not apply if:

~~1.~~ a. The offense is found to be an accommodation pursuant to section 124.410; or

~~2.~~ b. The controlled substance is marijuana.

Sec. 183. Section 124.502, subsection 1, paragraphs b through d, Code 2009, are amended to read as follows:

b. A warrant shall issue only upon sworn testimony of an officer or employee of the board duly designated and having knowledge of the facts alleged, before the judicial officer, establishing the grounds for issuing the warrant. If the judicial officer is satisfied that grounds for the application exist or that there is probable cause to believe they exist, the officer shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any.

c. The warrant shall:

(1) State the grounds for its issuance and the name of each person whose testimony has been taken in support thereof.

(2) Be directed to a person authorized by section 124.501 to execute it.

(3) Command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified.

(4) Identify the item or types of property to be seized, if any.

(5) Direct that it be served during normal business hours, if appropriate, and designate the judge to whom it shall be returned.

~~c.~~ d. A warrant issued pursuant to this section must be executed and returned within ten

days after its date unless, upon a showing of a need for additional time, the court so instructs otherwise in the warrant. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom the property is seized, or the person in charge of the premises from which the property is seized, a copy of the warrant and a receipt for the property seized or shall leave the copy and receipt at the place from which the property is seized. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property seized. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was seized, if they are present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was seized and to the applicant for the warrant.

~~d.~~ e. The judicial officer who has issued a warrant under this section shall require that there be attached to the warrant a copy of the return, and of all papers filed in connection with the return, and shall file them with the clerk of the district court for the county in which the inspection was made.

Sec. 184. Section 124C.2, Code 2009, is amended to read as follows:

124C.2 POWERS AND DUTIES OF THE COMMISSIONER.

1. The commissioner or the commissioner's designee may use funds appropriated or otherwise available to the department for the following purposes:

a. Administrative services for the identification, assessment, and cleanup of clandestine laboratory sites.

b. Payments to other government agencies or private contractors for services consistent with the management and cleanup of a clandestine laboratory site.

c. Emergency response activities involving clandestine laboratory sites, including surveillance, entry, security, cleanup, and disposal.

2. The commissioner may request the assistance of other state, federal, and local agencies as necessary.

~~2.~~ 3. The commissioner shall proceed, pursuant to this section, to collect all costs incurred in cleanup of a clandestine laboratory site from the person having control over a clandestine laboratory site.

~~3.~~ 4. The commissioner shall make all reasonable efforts to recover the full amount of moneys expended, through litigation or otherwise. Moneys recovered shall be deposited with the treasurer of state and credited to the department of public safety.

Sec. 185. Section 124C.4, subsection 4, Code 2009, is amended to read as follows:

4. Upon payment of a charge for which the commissioner has filed a notice of lien with a county, the commissioner shall immediately file with the county a satisfaction of the charge and the satisfaction of the charge shall be indicated on the index.

5. The attorney general, upon the request of the commissioner, shall bring an action at law or in equity, without bond, to enforce payment of any charges or penalties, and in such action the attorney general shall have the assistance of the county attorney of the county in which the action is pending.

6. The remedies available to the state in this chapter shall be cumulative and no action taken by the commissioner or attorney general shall be construed to be an election on the part of the state to pursue any remedy to the exclusion of any other remedy provided by law.

Sec. 186. Section 125.59, subsections 1 and 2, Code 2009, are amended to read as follows:

1. a. Of these funds, notwithstanding section 125.13, subsection 1, one-half of the transferred amount shall be used for grants to counties operating a substance abuse program involving only education, prevention, referral or posttreatment services, either with the counties' own employees or by contract with a nonprofit corporation. The grants shall not annually exceed ten thousand dollars to any one county, subject to the following conditions:

~~a.~~ (1) The money shall be paid to the county after expenditure by the county and submis-

sion of the requirements in ~~paragraph "b"~~ subparagraph (2) on the basis of one dollar for each three dollars spent by the county. The county may submit a quarterly claim for reimbursement.

~~b.~~ (2) The county shall submit an accounting of the expenditures and shall submit an annual financial report, a description of the program, and the results obtained within sixty days after the end of the fiscal year in which the money is granted.

b. If the transferred amount for this subsection exceeds grant requests funded to the ten thousand dollar maximum, the Iowa department of public health may use the remainder to increase grants pursuant to subsection 2.

2. a. Of these funds, one-half of the transferred amount shall be used for prevention programs in addition to the amount budgeted for prevention programs by the department in the same fiscal year. The department shall use this additional prevention program money for grants to a county, person, or nonprofit agency operating a prevention program. A grant to a county, person, or nonprofit agency is subject to the following conditions:

~~a.~~ (1) The money shall be paid to the county, person, or nonprofit agency after submission of the requirements in ~~paragraph "b"~~ subparagraph (2) on the basis of two dollars for each dollar designated for prevention by the county, person, or nonprofit agency.

~~b.~~ (2) The county, person, or nonprofit agency shall submit a description of the program.

~~c.~~ (3) The county, person, or nonprofit agency shall submit an annual financial report and the results obtained before June 10 of the same fiscal year in which the money is granted.

b. The department may consider in-kind contributions received by a county, person, or nonprofit agency for matching purposes required in paragraph "a", subparagraph (1).

Sec. 187. Section 125.81, Code 2009, is amended to read as follows:

125.81 IMMEDIATE CUSTODY.

1. If a person filing an application requests that a respondent be taken into immediate custody, and the court upon reviewing the application and accompanying documentation, finds probable cause to believe that the respondent is a chronic substance abuser who is likely to injure the person or other persons if allowed to remain at liberty, the court may enter a written order directing that the respondent be taken into immediate custody by the sheriff, and be detained until the commitment hearing, which shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next business day. The court may order the respondent detained for the period of time until the hearing is held, and no longer except as provided in section 125.88, in accordance with subsection ~~1~~ 2, paragraph "a", if possible, and if not, then in accordance with subsection 2, paragraph "b", or, only if neither of these alternatives is available in accordance with subsection ~~3~~ 2, paragraph "c".

2. Detention may be:

~~1.~~ a. In the custody of a relative, friend, or other suitable person who is willing and able to accept responsibility for supervision of the respondent, with reasonable restrictions as the court may order including but not limited to restrictions on or a prohibition of any expenditure, encumbrance, or disposition of the respondent's funds or property.

~~2.~~ b. In a suitable hospital, the chief medical officer of which shall be informed of the reasons why immediate custody has been ordered. The hospital may provide treatment which is necessary to preserve the respondent's life, or to appropriately control the respondent's behavior which is likely to result in physical injury to the person or to others if allowed to continue, and other treatment as deemed appropriate by the chief medical officer.

~~3.~~ c. In the nearest facility which is licensed to care for persons with mental illness or substance abuse, provided that detention in a jail or other facility intended for confinement of those accused or convicted of a crime shall not be ordered.

3. The respondent's attorney may be allowed by the court to present evidence and arguments before the court's determination under this section. If such an opportunity is not provided at that time, respondent's attorney shall be allowed to present evidence and arguments after the issuance of the court's order of confinement and while the respondent is confined.

Sec. 188. Section 125.91, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. A peace officer who has reasonable grounds to believe that the circumstances described in subsection 1 are applicable, may, without a warrant, take or cause that person to be taken to the nearest available facility referred to in section 125.81, subsection 2 ~~or 3~~, paragraph "b" or "c". Such an intoxicated or incapacitated person may also be delivered to a facility by someone other than a peace officer upon a showing of reasonable grounds. Upon delivery of the person to a facility under this section, the examining physician may order treatment of the person, but only to the extent necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue. The peace officer or other person who delivered the person to the facility shall describe the circumstances of the matter to the examining physician. If the person is a peace officer, the peace officer may do so either in person or by written report. If the examining physician has reasonable grounds to believe that the circumstances in subsection 1 are applicable, the examining physician shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10. The magistrate shall, based upon the circumstances described by the examining physician, give the examining physician oral instructions either directing that the person be released forthwith, or authorizing the person's detention in an appropriate facility. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

Sec. 189. Section 126.10, Code 2009, is amended to read as follows:

126.10 DRUGS AND DEVICES — MISBRANDING — LABELING.

1. A drug or device is misbranded under any of the following circumstances:

~~1.~~ a. If its labeling is false or misleading in any particular.

~~2.~~ b. (1) If in a package form unless it bears a label containing both of the following:

~~a.~~ (a) The name and place of business of the manufacturer, packer, or distributor.

~~b.~~ (b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.

(2) However, under ~~paragraph "a"~~ subparagraph (1), subparagraph division (a), reasonable variations shall be permitted, and exemptions as to small packages shall be allowed, in accordance with rules adopted by the board.

~~3.~~ c. If any word, statement, or other information required by or under the authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices, in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

~~4.~~ d. If it is for use by humans and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marijuana, morphine, opium, paraldehyde, peyote, or sulphonmethane; or any chemical derivative of such a substance, which derivative, after investigation, has been designated as habit forming, by rules adopted by the board under this chapter or by regulations adopted by the secretary pursuant to section 502(d) of the federal Act; unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning — May Be Habit Forming."

~~5. a.~~ e. (1) If it is a drug, unless both of the following apply:

~~(1)~~ (a) Its label bears, to the exclusion of any other nonproprietary name except the applicable systematic chemical name or the chemical formula:

~~(a)~~ (i) The established name of the drug, as specified in ~~paragraph "c"~~ subparagraph (3), if such exists; and

~~(b)~~ (ii) If the drug is fabricated from two or more ingredients, the established name and quantity of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including, whether active or not, the established name and quantity or proportion of any bromides, ether, chloroform, acetanilide, acetophenetidin, amidopyrine, antipyrine,

atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein. However, the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this subparagraph subdivision, applies only to prescription drugs.

~~(2)~~ (b) For a prescription drug, the established name of the prescription drug or of an ingredient is printed, on the label and on any labeling on which a name for the prescription drug or an ingredient is used, prominently and in type at least half as large as that used thereon for any proprietary name or designation for the prescription drug or ingredient. However, to the extent that compliance with ~~subparagraph (1),~~ subparagraph ~~subdivision (b)~~ division (a), subparagraph subdivision (ii), or this subparagraph division is impracticable, exemptions shall be allowed under rules or regulations adopted by the board or the secretary under the federal Act.

~~b.~~ (2) If it is a device and it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name, as defined in ~~paragraph "d"~~ subparagraph (4), prominently printed in type at least half as large as that used thereon for any proprietary name or designation for the device, except that to the extent compliance with this ~~paragraph~~ subparagraph is impracticable, exemptions shall be allowed under rules or regulations adopted by the board or the secretary under the federal Act.

~~c.~~ (3) As used in ~~paragraph "a"~~ subparagraph (1), the term "established name", with respect to a drug or ingredient thereof, means one of the following:

~~(1)~~ (a) The applicable official name designated pursuant to section 508 of the federal Act.

~~(2)~~ (b) If no such official name exists and the drug or ingredient is an article recognized in an official compendium, then its official title in the compendium.

~~(3)~~ (c) If neither subparagraph ~~(1)~~ division (a) nor ~~(2)~~ (b) applies, then the common or usual name, if any, of the drug or ingredient. However, if subparagraph ~~(2)~~ division (b) applies to an article recognized in the United States Pharmacopoeia National Formulary and in the Homeopathic Pharmacopoeia of the United States under different official titles, the official title used in the United States Pharmacopoeia National Formulary applies unless it is labeled and offered for sale as a homeopathic drug, in which case the official title used in the Homeopathic Pharmacopoeia of the United States applies.

~~d.~~ (4) As used in ~~paragraph "b"~~ subparagraph (2), the term "established name" with respect to a device means one of the following:

~~(1)~~ (a) The applicable official name of the device pursuant to section 508 of the federal Act.

~~(2)~~ (b) If no such official name exists and the device is an article recognized in an official compendium, then its official title in the compendium.

~~(3)~~ (c) If neither subparagraph ~~(1)~~ division (a) nor ~~(2)~~ (b) applies, then any common or usual name of the device.

~~6.~~ f. (1) Unless its labeling bears both of the following:

~~a.~~ (a) Adequate directions for use.

~~b.~~ (b) Adequate warnings against use in those pathological conditions, or by children, where its use may be dangerous to health, or against unsafe dosage or methods or durations of administration or application, in the manner and form necessary for the protection of users.

(2) However, if a requirement of ~~paragraph "a"~~ subparagraph (1), subparagraph division (a), as applied to a drug or device, is not necessary for the protection of the public health, the board or the secretary shall adopt rules or regulations exempting the drug or device from that requirement.

~~7.~~ g. If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed in the official compendium. However, the method of packing may be modified with the consent of the board or the secretary. If a drug is recognized in both the United States Pharmacopoeia National Formulary and the Homeopathic Pharmacopoeia of the United States, it is subject to the requirements of the United States Pharmacopoeia National Formulary with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it is subject to the Homeo-

pathic Pharmacopoeia of the United States, and not to the United States Pharmacopoeia National Formulary. However, if an inconsistency exists between this ~~subsection~~ paragraph and ~~subsection 5~~ paragraph "e" as to the name by which the drug or its ingredients shall be designated, ~~subsection 5~~ paragraph "e" prevails.

~~8.~~ h. If it has been found by the board or the secretary to be a drug liable to deterioration, unless it is packaged in the form and manner, and its label bears a statement of the precautions that the board or the secretary by rule or regulation requires as necessary for the protection of public health. Such a rule or regulation shall not be established for a drug recognized in an official compendium until the board or the secretary has informed the appropriate body charged with the revision of the official compendium of the need for such packaging or labeling requirements and that body has failed within a reasonable time to prescribe such requirements.

~~9. a.~~ i. (1) If it is a drug and its container is so made, formed, or filled as to be misleading.

~~b.~~ (2) If it is an imitation of another drug.

~~c.~~ (3) If it is offered for sale under the name of another drug.

~~10.~~ j. If it is dangerous to health when used in the dosage or manner, or with the frequency or duration prescribed, recommended, or suggested in its labeling.

~~11.~~ k. If it is, or purports to be, or is represented as a drug composed wholly or partly of insulin, unless both of the following apply:

~~a.~~ (1) It is from a batch with respect to which a certificate or release has been issued pursuant to section 506 of the federal Act.

~~b.~~ (2) The certificate or release is in effect with respect to the drug.

~~12.~~ l. (1) If it is, or purports to be, or is represented as a drug, composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or any other antibiotic drug, or any derivative thereof, unless both of the following apply:

~~a.~~ (a) It is from a batch with respect to which a certificate or release has been issued pursuant to section 507 of the federal Act.

~~b.~~ (b) The certificate or release is in effect with respect to the drug.

(2) However, this ~~subsection~~ paragraph "l" does not apply to any drug or class of drugs exempted by regulations adopted under section 507(c) or 507(d) of the federal Act.

~~13.~~ m. If it is a color additive, the intended use of which is for the purpose of coloring only, unless its packaging and labeling are in conformity with the packaging and labeling requirements applicable to that color additive, as contained in regulations adopted under section 706 of the federal Act.

~~14.~~ n. If it is a prescription drug distributed or offered for sale in this state, unless the manufacturer, packer, or distributor includes in all advertising and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to the prescription drug a true statement of all of the following:

~~a.~~ (1) The established name as defined in ~~subsection 5~~ paragraph "e", printed prominently and in type at least half as large as that used for any trade or brand name thereof.

~~b.~~ (2) The formula showing quantitatively each ingredient of the prescription drug to the extent required for labels under ~~subsection 5~~ paragraph "e".

~~c.~~ (3) Other information in brief summary relating to side effects, contraindications, and effectiveness as required in regulations adopted pursuant to section 701(e) of the federal Act.

~~15.~~ o. If it was manufactured, prepared, propagated, compounded, or processed in an establishment in this state not duly registered under section 510 of the federal Act, if it was not included on a list required by section 510(j) of the federal Act, if a notice or other information respecting it was not provided as required by that section or section 510(k) of the federal Act, or if it does not bear the symbols from the uniform system for identification of devices prescribed under section 510(e) of the federal Act that are required by regulation.

~~16.~~ p. If it is a drug and its packaging or labeling is in violation of an applicable regulation adopted pursuant to section 3 or 4 of the federal Poison Prevention Packaging Act of 1970, 15 U.S.C. § 1471 et seq.

~~17.~~ q. If a trademark, trade name, or other identifying mark, imprint, or device of another

trademark, trade name, mark, or imprint or any likeness of the foregoing has been placed thereon or upon its container with intent to defraud.

~~18.~~ r. In the case of a restricted device distributed or offered for sale in this state, if either of the following applies:

~~a.~~ (1) Its advertising is false or misleading in any particular.

~~b.~~ (2) It is sold, distributed, or used in violation of regulations adopted pursuant to section 520(e) of the federal Act.

~~19.~~ s. In the case of a restricted device distributed or offered for sale in this state, unless the manufacturer, packer, or distributor includes in all advertising and other descriptive printed matter issued by the manufacturer, packer, or distributor with respect to the device both of the following:

~~a.~~ (1) A true statement of the device's established name as defined in ~~subsection 5~~ paragraph "e", printed prominently and in type at least half as large as that used for any trade or brand name thereof.

~~b.~~ (2) A brief statement of the intended uses of the device and relevant warnings, precautions, side effects, and contraindications; and in the case of a specific device made subject to regulations adopted pursuant to the federal Act, a full description of the components of the device or the formula showing quantitatively each ingredient of the device to the extent required in regulations under the federal Act.

~~20.~~ t. If it is a device subject to a performance standard established under section 514 of the federal Act, unless it bears labeling as prescribed in that performance standard.

~~21.~~ u. If it is a device and there was a failure or refusal to comply with any requirement prescribed under section 518 of the federal Act respecting the device, or to furnish material required by or under section 519 of the federal Act respecting the device.

2. If an article is alleged to be misbranded because the labeling or advertising is misleading, then in determining whether the labeling or advertising is misleading, there shall be taken into account, among other things, not only representations made or suggested by statement, word, design, device, or any combination thereof, but also the extent to which the labeling or advertising fails to reveal facts material in the light of such representations, or material with respect to consequences which may result from the use of the article to which the labeling or advertising relates, under the conditions of use prescribed in the labeling or advertising or under customary or usual conditions of use.

3. The representation of a drug, in its labeling, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

Sec. 190. Section 126.11, subsection 3, paragraphs a through c, Code 2009, are amended to read as follows:

a. (1) This ~~lettered~~ paragraph "a" applies to a drug intended for use by humans which is any of the following:

~~(1)~~ (a) Is a habit-forming drug to which section 126.10, subsection 4 1, paragraph "d" applies.

~~(2)~~ (b) Because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer the drug.

~~(3)~~ (c) Is limited by an approved application under section 505 of the federal Act to use under the professional supervision of a practitioner licensed by law to administer the drug.

(2) Such a drug shall be dispensed only upon a written, electronic, or facsimile prescription of a practitioner licensed by law to administer the drug, or upon an oral prescription of such a practitioner which is reduced promptly to writing and filed by the pharmacist, or by refilling any such written, electronic, facsimile, or oral prescription if the refilling is authorized by the prescriber either in the original written, electronic, or facsimile prescription or by oral order

which is reduced promptly to writing and filed by the pharmacist. The act of dispensing a drug contrary to this paragraph "a" while the drug is held for sale results in the drug being misbranded.

b. A drug dispensed by filling or refilling a written, electronic, facsimile, or oral prescription of a practitioner licensed by law to administer the drug is exempt from section 126.10, except subsection 1, ~~subsection 9, paragraphs "b" and "c"~~ paragraph "a" and paragraph "i", subparagraphs (2) and (3), and ~~subsections 11~~ subsection 1, paragraphs "k" and ~~12~~ "l", and the packaging requirements of ~~subsections 7, 8,~~ subsection 1, paragraphs "g", "h", and ~~16~~ "p", if the drug bears a label containing the name and address of the dispenser, the date of the prescription or of its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in the prescription. This exemption does not apply to a drug dispensed in the course of the conduct of the business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of paragraph "a" of this subsection.

c. The board may, by rule, remove a drug subject to section 126.10, subsection 4 1, paragraph "d", and section 505 of the federal Act from the requirements of paragraph "a" of this subsection when such requirements are not necessary for the protection of the public health.

Sec. 191. Section 135.67, Code 2009, is amended to read as follows:

135.67 SUMMARY REVIEW PROCEDURE.

1. The department may waive the letter of intent procedures prescribed by section 135.65 and substitute a summary review procedure, which shall be established by rules of the department, when it accepts an application for a certificate of need for a project which meets any of the criteria in ~~subsections 1~~ paragraphs "a" through ~~5~~ "e":

~~1.~~ a. A project which is limited to repair or replacement of a facility or equipment damaged or destroyed by a disaster, and which will not expand the facility nor increase the services provided beyond the level existing prior to the disaster.

~~2.~~ b. A project necessary to enable the facility or service to achieve or maintain compliance with federal, state or other appropriate licensing, certification or safety requirements.

~~3.~~ c. A project which will not change the existing bed capacity of the applicant's facility or service, as determined by the department, by more than ten percent or ten beds, whichever is less, over a two-year period.

~~4.~~ d. A project the total cost of which will not exceed one hundred fifty thousand dollars.

~~5.~~ e. Any other project for which the applicant proposes and the department agrees to summary review.

2. The department's decision to disallow a summary review shall be binding upon the applicant.

Sec. 192. Section 135B.33, Code 2009, is amended to read as follows:

135B.33 TECHNICAL ASSISTANCE — PLAN — GRANTS.

1. Subject to availability of funds, the Iowa department of public health shall provide technical planning assistance to local boards of health and hospital governing boards to ensure access to hospital services in rural areas. The department shall encourage the local boards of health and hospital governing boards to adopt a long-term community health services and developmental plan including the following:

~~1.~~ a. An analysis of demographic trends in the health facility services area, affecting health facility and health-facility-related health care utilizations.

~~2.~~ b. A review of inpatient services currently provided, by type of service and the frequency of provision of that service, and the cost-effectiveness of that service.

~~3.~~ c. An analysis of resources available in proximate health facilities and services that might be provided through alternative arrangements with such health facilities.

~~4.~~ d. An analysis of cooperative arrangements that could be developed with other health facilities in the area that could assist those health facilities in the provision of services.

~~5.~~ e. An analysis of community health needs, including long-term care, nursing facility care, pediatric and maternity services, and the health facilities' potential role in facilitating the provision of services to meet these needs.

~~6.~~ f. An analysis of alternative uses for existing health facility space and real property, including use for community health-related and human service-related purposes.

~~7.~~ g. An analysis of mechanisms to meet indigent patient care needs and the responsibilities for the care of indigent patients.

~~8.~~ h. An analysis of the existing tax levying of the health facilities for patient care, on a per capita basis and per hospital patient basis, and projections on future needs for tax levying to continue for the provision of care.

2. Providers may cooperatively coordinate to develop one long-term community health services and developmental plan for a geographic area, provided the plan addresses the issues enumerated in this section.

3. The health facilities may seek technical assistance or apply for matching grant funds for the plan development. The department shall require compliance with ~~subsections~~ subsection 1, paragraphs "a" through ~~8~~ "h" when the facility applies for matching grant funds.

Sec. 193. Section 144.17, Code 2009, is amended to read as follows:

144.17 PETITION TO ESTABLISH CERTIFICATE.

1. If a delayed certificate of birth is rejected under the provisions of section 144.15, a petition may be filed with the district court for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered.

2. a. The petition shall be made on a form prescribed and furnished by the state registrar and shall allege:

~~1.~~ (1) That the person for whom a delayed certificate of birth is sought was born in this state.

~~2.~~ (2) That no record of birth of that person can be found in the office of the state or county custodian of birth records.

~~3.~~ (3) That diligent efforts by the petitioner have failed to obtain the evidence required in accordance with section 144.15.

~~4.~~ (4) That the state registrar has refused to register a delayed certificate of birth.

~~5.~~ (5) Such other allegations as may be required.

b. The petition shall be accompanied by a statement of the registration official made in accordance with section 144.15 and all documentary evidence which was submitted to the registration official in support of such registration. The petition shall be verified by the petitioner.

Sec. 194. Section 144.43, Code 2009, is amended to read as follows:

144.43 VITAL RECORDS CLOSED TO INSPECTION — EXCEPTIONS.

1. To protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system kept by the state registrar, access to vital statistics records kept by the state registrar shall be limited to the state registrar and the state registrar's employees, and then only for administrative purposes.

2. a. It shall be unlawful for the state registrar to permit inspection of, or to disclose information contained in vital statistics records, or to copy or permit to be copied all or part of any such record except as authorized by regulation.

b. However, the following vital statistics records may be inspected and copied as of right under chapter 22 when they are in the custody of a county registrar or when they are in the custody of the state archivist and are at least seventy-five years old:

~~1.~~ (1) A record of birth.

~~2.~~ (2) A record of marriage.

~~3.~~ (3) A record of divorce, dissolution of marriage, or annulment of marriage.

~~4.~~ (4) A record of death if that death was not a fetal death.

3. A public record shall not be withheld from the public because it is combined with data processing software. The state registrar shall not implement any electronic data processing

system for the storage, manipulation, or retrieval of vital records that would impair a county registrar's ability to permit the examination of a public record and the copying of a public record, as established by rule. If it is necessary to separate a public record from data processing software in order to permit the examination of the public record, the county registrar shall periodically generate a written log available for public inspection which contains the public record.

Sec. 195. Section 155A.13, subsection 4, Code 2009, is amended to read as follows:

4. a. The board shall adopt rules for the issuance of a hospital pharmacy license to a hospital which provides pharmacy services for its own use. The rules shall:

~~a.~~ (1) Recognize the special needs and circumstances of hospital pharmacies.

~~b.~~ (2) Give due consideration to the scope of pharmacy services that the hospital's medical staff and governing board elect to provide for the hospital's own use.

~~c.~~ (3) Consider the size, location, personnel, and financial needs of the hospital.

~~d.~~ (4) Give recognition to the standards of the joint commission on the accreditation of health care organizations and the American osteopathic association and to the conditions of participation under Medicare.

b. To the maximum extent possible, the board shall coordinate the rules with the standards and conditions described in paragraph ~~"d"~~ "a", subparagraph (4), and shall coordinate its inspections of hospital pharmacies with the Medicare surveys of the department of inspections and appeals and with the board's inspections with respect to controlled substances conducted under contract with the federal government.

c. A hospital which provides pharmacy services by contracting with a licensed pharmacy is not required to obtain a hospital pharmacy license or a general pharmacy license.

Sec. 196. Section 155A.23, Code 2009, is amended to read as follows:

155A.23 PROHIBITED ACTS.

1. A person shall not perform or cause the performance of or aid and abet any of the following acts:

~~1.~~ a. Obtaining or attempting to obtain a prescription drug or device or procuring or attempting to procure the administration of a prescription drug or device by:

~~a.~~ (1) Engaging in fraud, deceit, misrepresentation, or subterfuge.

~~b.~~ (2) Forging or altering a written, electronic, or facsimile prescription or any written, electronic, or facsimile order.

~~c.~~ (3) Concealing a material fact.

~~d.~~ (4) Using a false name or giving a false address.

~~2.~~ b. Willfully making a false statement in any prescription, report, or record required by this chapter.

~~3.~~ c. For the purpose of obtaining a prescription drug or device, falsely assuming the title of or claiming to be a manufacturer, wholesaler, pharmacist, pharmacy owner, physician, dentist, podiatric physician, veterinarian, or other authorized person.

~~4.~~ d. Making or uttering any false or forged oral, written, electronic, or facsimile prescription or oral, written, electronic, or facsimile order.

~~5.~~ e. Forging, counterfeiting, simulating, or falsely representing any drug or device without the authority of the manufacturer, or using any mark, stamp, tag, label, or other identification device without the authorization of the manufacturer.

~~6.~~ f. Manufacturing, repackaging, selling, delivering, or holding or offering for sale any drug or device that is adulterated, misbranded, counterfeit, suspected of being counterfeit, or that has otherwise been rendered unfit for distribution.

~~7.~~ g. Adulterating, misbranding, or counterfeiting any drug or device.

~~8.~~ h. Receiving any drug or device that is adulterated, misbranded, stolen, obtained by fraud or deceit, counterfeit, or suspected of being counterfeit, and delivering or proffering delivery of such drug or device for pay or otherwise.

~~9.~~ i. Adulterating, mutilating, destroying, obliterating, or removing the whole or any part of the labeling of a drug or device or committing any other act with respect to a drug or device that results in the drug or device being misbranded.

~~10.~~ j. Purchasing or receiving a drug or device from a person who is not licensed to distribute the drug or device to that purchaser or recipient.

~~11.~~ k. Selling or transferring a drug or device to a person who is not authorized under the law of the jurisdiction in which the person receives the drug or device to purchase or possess the drug or device from the person selling or transferring the drug or device.

~~12.~~ l. Failing to maintain or provide records as required by this chapter, chapter 124, or rules of the board.

~~13.~~ m. Providing the board or any of its representatives or any state or federal official with false or fraudulent records or making false or fraudulent statements regarding any matter within the scope of this chapter, chapter 124, or rules of the board.

~~14.~~ n. Distributing at wholesale any drug or device that meets any of the following conditions:

~~a.~~ (1) The drug or device was purchased by a public or private hospital or other health care entity.

~~b.~~ (2) The drug or device was donated or supplied at a reduced price to a charitable organization.

~~c.~~ (3) The drug or device was purchased from a person not licensed to distribute the drug or device.

~~d.~~ (4) The drug or device was stolen or obtained by fraud or deceit.

~~15.~~ o. Failing to obtain a license or operating without a valid license when a license is required pursuant to this chapter or chapter 147.

~~16.~~ p. Engaging in misrepresentation or fraud in the distribution of a drug or device.

~~17.~~ q. Distributing a drug or device to a patient without a prescription drug order or medication order from a practitioner licensed by law to use or prescribe the drug or device.

~~18.~~ r. Distributing a drug or device that was previously dispensed by a pharmacy or distributed by a practitioner except as provided by rules of the board.

~~19.~~ s. Failing to report any prohibited act.

2. Information communicated to a physician in an unlawful effort to procure a prescription drug or device or to procure the administration of a prescription drug shall not be deemed a privileged communication.

3. ~~Subsections 6 and 7~~ Subsection 1, paragraphs "f" and "g", shall not apply to the wholesale distribution by a manufacturer of a prescription drug or device that has been delivered into commerce pursuant to an application approved by the federal food and drug administration.

Sec. 197. Section 159A.6, subsections 2 through 4, Code 2009, are amended to read as follows:

2. The office shall promote the advantages related to the use of renewable fuels as an alternative to nonrenewable fuels. Promotions shall be designed to inform the ultimate consumer of advantages associated with using renewable fuels, and emphasize the benefits to the natural environment. The promotion shall inform consumers at the businesses of retail dealers of motor vehicle fuels.

3. The committee shall develop standards for decals required pursuant to section 214A.16, which shall be designed to promote the advantages of using renewable fuels. The standards may be incorporated within a model decal adopted by the committee and approved by the office.

~~3.~~ 4. The office shall promote the advantages related to the use of coproducts derived from the production of renewable fuels, including the use of coproducts used as livestock feed or meal. Promotions shall be designed to inform the potential purchasers of the advantages associated with using coproducts. The office shall promote advantages associated with using coproducts of ethanol production as livestock feed or meal to cattle producers in this state.

~~4.~~ 5. The office may contract to provide all or part of these services.

Sec. 198. Section 159A.6B, Code 2009, is amended to read as follows:

159A.6B TECHNICAL ASSISTANCE.

1. The office shall assist persons in revitalizing rural regions of this state, by providing technical assistance to new or existing renewable fuel production facilities, including the establishment and operation of facilities, and specifically facilities which create coproducts, including coproducts which support livestock production operations. The office shall consult with the Iowa corn growers association and the Iowa soybean association. The office shall provide planning assistance which may include evaluations of methods to most profitably manage these operations. The business planning assistance shall provide for adequate environmental protection of this state's natural resources from the operation of the facility.

2. The office may execute contracts in order to provide technical support and outreach services for purposes of assisting and educating interested persons as provided in this section. The office may also contract with a consultant to provide part or all of these services. The office may require that a person receiving assistance pursuant to this section contribute up to fifty percent of the amount required to support the costs of contracting with the consultant to provide assistance to the person. The office shall assist the person in completing any technical information required in order to receive assistance by the department of economic development pursuant to the value-added agricultural products and processes financial assistance program created pursuant to section 15E.111.

3. The office shall cooperate with the department of economic development, the department of natural resources, and regents institutions or other universities and colleges as provided in section 15E.111, in order to carry out this section.

Sec. 199. Section 159A.7, subsection 1, Code 2009, is amended to read as follows:

1. A renewable fuels and coproducts fund is created in the state treasury under the control of the office of renewable fuels and coproducts. The fund may ~~also~~ include ~~other~~ moneys available to and obtained or accepted by the office, including moneys from the United States, other states in the union, foreign nations, state agencies, political subdivisions, and private sources.

1A. Moneys in the fund shall be used only to carry out the provisions of this section and sections 159A.3, 159A.4, 159A.5, 159A.6, 159A.6A, and 159A.6B within the state of Iowa.

Sec. 200. Section 161.8, subsection 1, Code 2009, is amended to read as follows:

1. A person is not required to comply with the requirements of this chapter, including the remediation of a site, unless the person is a responsible person who executes a remediation agreement with the board, as provided in this section. The remediation agreement shall provide for all of the following:

a. The terms and conditions required to perform remediation under a plan of remediation as provided in this section, and the payment of claims as provided in section 161.9.

b. A plan for remediation of a site where contamination has been discovered. The plan shall provide procedures for a remediation of the contaminated site, a schedule for providing for the remediation of the site according to remediation standards provided in section 161.5, and the classification and prioritization of sites as provided in section 161.6. The plan may be amended at any time, if approved by the department, if the amendment to the agreement is executed by the responsible person and the board. The plan shall be developed by the responsible person and approved by the department for each site subject to the agreement. The plan shall include all of the following:

(1) A determination as to the extent of the existing soil, groundwater, or surface water contamination.

(2) The proximity of the contamination and the likelihood that the contamination will affect a drinking water well.

(3) The characteristics of the site and the potential for migration of the contamination.

(4) Whether the site is classified as a high, medium, or low priority site, as provided in section 161.6.

1A. The department may require that an initial plan of remediation be submitted prior to

execution of a remediation agreement. The department may require that the initial plan recommend whether a site be classified as a high or medium priority site. The department may require further investigation be conducted to determine the extent of the remediation which should be conducted on the site.

Sec. 201. Section 161A.5, subsection 3, Code 2009, is amended to read as follows:

3. At each general election a successor shall be chosen for each commissioner whose term will expire in the succeeding January.

a. Nomination of candidates for the office of commissioner shall be made by petition in accordance with chapter 45, except that each candidate's nominating petition shall be signed by at least twenty-five eligible electors of the district. The petition form shall be furnished by the county commissioner of elections.

b. Every candidate shall file with the nomination papers an affidavit stating the candidate's name, the candidate's residence, that the person is a candidate and is eligible for the office of commissioner, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

c. The signed petitions shall be filed with the county commissioner of elections not later than five p.m. on the sixty-ninth day before the general election.

d. The votes for the office of district commissioner shall be canvassed in the same manner as the votes for county officers, and the returns shall be certified to the commissioners of the district. A plurality is sufficient to elect commissioners, and a primary election for the office shall not be held.

e. If the canvass shows that the two candidates receiving the highest and the second highest number of votes for the office of district commissioner are both residents of the same township, the board shall certify as elected the candidate who received the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township as the candidate receiving the highest number of votes.

Sec. 202. Section 161A.47, Code 2009, is amended to read as follows:

161A.47 INSPECTION OF LAND ON COMPLAINT.

1. The commissioners shall inspect or cause to be inspected any land within the district to determine if land is being damaged by sediment, from soil erosion occurring on neighboring land in excess of the limits established by the district's soil erosion control regulations. If the land is privately owned, the commissioners shall make or cause to be made the inspection, upon receiving a written complaint signed by an owner or occupant of land claiming that the owner's or occupant's land is being damaged by sediment. If the land is subject to a public interest, the commissioners shall make or cause to be made the inspection upon a majority vote of commissioners at an open meeting held pursuant to chapter 21. Land is subject to a public interest if the land is publicly held, subject to an easement held by the public, or the subject of an improvement made at public expense.

2. If, after the inspection, the commissioners find that sediment damages are occurring to land which is owned or occupied by the person filing the complaint or subject to a public interest, and that excess soil erosion is occurring on neighboring land, the commissioners shall issue an administrative order to the landowner or landowners of record, and to the occupant of the land if known to the commissioners. The order shall describe the land and state as nearly as possible the extent to which soil erosion on the land exceeds the limits established by the district's regulations.

3. The order shall be delivered either by personal service or by restricted certified mail to each of the persons to whom it is directed, and shall:

~~1.~~ a. In the case of erosion occurring on the site of any construction project or similar undertaking involving the removal of all or a major portion of the vegetation or other cover, exposing bare soil directly to water or wind, state a time not more than five days after service or mailing

of the notice of the order when work necessary to establish or maintain erosion control practices must be commenced, and a time not more than thirty days after service or mailing of the notice of the order when the work is to be satisfactorily completed.

~~2.~~ b. In all other cases, state a time not more than six months after service or mailing of the notice of the order, by which work needed to establish or maintain the necessary soil and water conservation practices or erosion control measures must be commenced, and a time not more than one year after the service or mailing of the notice of the order when the work is to be satisfactorily completed, unless the requirements of the order are superseded by the provisions of section 161A.48.

Sec. 203. Section 163.6, subsections 2 and 3, Code 2009, are amended to read as follows:

2. The department may require that samples of blood be collected from animals at a slaughtering establishment in order to determine if the animals are infected with an infectious or contagious disease, according to rules adopted by the department of agriculture and land stewardship. Upon approval by the department, the collection shall be performed by either of the following:

a. A slaughtering establishment under an agreement executed by the department and the slaughtering establishment.

b. A person authorized by the department.

3. An authorized person collecting samples shall have access to areas where the animals are confined in order to collect blood samples. The department shall notify the slaughtering establishment in writing that samples of blood must be collected for analysis. The notice shall be provided in a manner required by the department.

~~3.~~ 4. In carrying out this section, a person authorized by the department to collect blood samples from animals as provided in this section shall have the right to enter and remain on the premises of the slaughtering establishment in the same manner and on the same terms as a meat inspector authorized by the department, including the right to access facilities routinely available to employees of the slaughtering establishment such as toilet and lavatory facilities, lockers, cafeterias, areas reserved for work breaks or dining, and storage facilities.

5. The slaughtering establishment shall provide a secure area for the permanent storage of equipment used to collect blood, an area reserved for collecting the blood, including the storage of blood during the collection, and a refrigerated area used to store blood samples prior to analysis. The area reserved for collecting the blood shall be adjacent to the area where the animals are killed, unless the authorized person and the slaughtering establishment select another area.

6. The department is not required to compensate a slaughtering establishment for allowing a person authorized by the department to carry out this section.

Sec. 204. Section 172B.3, subsection 1, Code 2009, is amended to read as follows:

1. DUTIES OF SECRETARY. The secretary, pursuant to chapter 17A, shall prescribe a standard form of the transportation certificate required by this chapter. Where the laws of this state or of the United States require the possession of another shipping document by a person transporting livestock, or where the industry practice of carriers requires the possession of a shipping document by a person transporting livestock, and where such a document contains all of the information other than signatures which is prescribed in subsection 2, upon application of a carrier the secretary by rule shall authorize the use of a specific document in lieu of the standard form prescribed by the secretary, but subject to any conditions the secretary may impose.

a. A person who is in possession of a shipping document approved by the secretary shall not be required to possess the standard form transportation certificate prescribed by the secretary, but the person may be required by a law enforcement officer to execute the standard form transportation certificate.

b. The form prescribed or authorized by the secretary shall be executed in triplicate, and shall be retained as provided in section 172B.4.

c. The secretary shall distribute, upon request, copies of the prescribed standard form to veterinarians, marketing agencies, carriers, law enforcement officers, and other persons, and may collect a fee from the recipient totaling not more than the cost of printing and postage. Nothing in this chapter shall be construed to prohibit a person from causing the reproduction of the standard form, and an accurate reproduction of a standard current form may be used as a transportation certificate for all purposes.

Sec. 205. Section 176A.10, Code 2009, is amended to read as follows:

176A.10 COUNTY AGRICULTURAL EXTENSION EDUCATION TAX.

1. The extension council of each extension district shall, at a meeting held before March 15, estimate the amount of money required to be raised by taxation for financing the county agricultural extension education program authorized in this chapter. The annual tax levy and the amount of money to be raised from the levy for the county agricultural extension education fund shall not exceed the following:

~~1.~~ a. (1) Except as provided in ~~paragraph "b"~~ subparagraph (2), for an extension district having a population of less than thirty thousand, an annual levy of twenty and one-fourth cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of seventy thousand dollars for the fiscal year commencing July 1, 1985, and seventy-five thousand dollars for each subsequent fiscal year.

~~b.~~ (2) For an extension district having a population of less than thirty thousand and as provided in subsection ~~6~~ 2, an annual levy of thirty cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of eighty-seven thousand dollars payable during the fiscal year commencing July 1, 1992, and an increase of six thousand dollars in the amount payable during each subsequent fiscal year.

~~2. a.~~ b. (1) Except as provided in ~~paragraph "b"~~ subparagraph (2), for an extension district having a population of thirty thousand or more but less than fifty thousand, an annual levy of twenty and one-fourth cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of eighty-four thousand dollars for the fiscal year commencing July 1, 1985, and ninety thousand dollars for each subsequent fiscal year.

~~b.~~ (2) For an extension district having a population of thirty thousand or more but less than fifty thousand and as provided in subsection ~~6~~ 2, an annual levy of twenty and one-fourth cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of one hundred four thousand dollars payable during the fiscal year commencing July 1, 1992, and an increase of seven thousand dollars in the amount payable during each subsequent fiscal year.

~~3. a.~~ c. (1) Except as provided in ~~paragraph "b"~~ subparagraph (2), for an extension district having a population of fifty thousand or more but less than ninety-five thousand, an annual levy of thirteen and one-half cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of one hundred five thousand dollars for the fiscal year commencing July 1, 1985, and one hundred twelve thousand five hundred dollars for each subsequent fiscal year.

~~b.~~ (2) For an extension district having a population of fifty thousand or more but less than ninety thousand and as provided in subsection ~~6~~ 2, an annual levy of thirteen and one-half cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of one hundred thirty thousand five hundred dollars payable during the fiscal year commencing July 1, 1992, and an increase of nine thousand dollars in the amount payable during each subsequent fiscal year.

~~4. a.~~ d. (1) Except as provided in ~~paragraph "b"~~ subparagraph (2), for an extension district having a population of ninety-five thousand or more, an annual levy of thirteen and one-half cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of one hundred forty thousand dollars for the fiscal year commencing July 1, 1985, and one hundred fifty thousand dollars for each subsequent fiscal year.

~~b.~~ (2) For an extension district having a population of ninety thousand or more but less than

two hundred thousand and as provided in subsection ~~6~~ 2, an annual levy of thirteen and one-half cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of one hundred eighty thousand dollars payable during the fiscal year commencing July 1, 1992, and an increase of fifteen thousand dollars in the amount payable during each subsequent fiscal year.

~~5.~~ e. For an extension district having a population of two hundred thousand or more and as provided in subsection ~~6~~ 2, an annual levy of five cents per thousand dollars of the assessed valuation of the taxable property in the district up to a maximum of two hundred thousand dollars payable during the fiscal year commencing July 1, 1992, and an increase of twenty-five thousand dollars in the amount payable during each subsequent fiscal year.

~~6.~~ 2. An extension council of an extension district may choose to be subject to the levy and revenue limits specified in ~~paragraphs "b" of subsections 1, 2, 3, and 4~~ subparagraphs (2) of subsection 1, paragraphs "a" through "d", and subsection ~~5~~ 1, paragraph "e", for the purpose of the annual levy for the fiscal year commencing July 1, 1991, which levy is payable in the fiscal year beginning July 1, 1992. Before an extension district may be subject to the levy and revenue limits specified in ~~paragraphs "b" of subsections 1, 2, 3, and 4~~ subparagraphs (2) of subsection 1, paragraphs "a" through "d", and subsection ~~5~~ 1, paragraph "e", for fiscal years beginning on or after July 1, 1992, which levy is payable in fiscal years beginning on or after July 1, 1993, the question of whether the district shall be subject to the levy and revenue limits as specified in such subsections must be submitted to the registered voters of the district. The question shall be submitted at the time of a state general election. If the question is approved by a majority of those voting on the question the levy and revenue limits specified in ~~paragraphs "b" of subsections 1, 2, 3, and 4~~ subparagraphs (2) of subsection 1, paragraphs "a" through "d", and subsection ~~5~~ 1, paragraph "e", shall thereafter apply to the extension district. The question need only be approved at one state general election. If a majority of those voting on the question vote against the question, the district may continue to submit the question at subsequent state general elections until approved.

3. The extension council in each extension district shall comply with chapter 24.

Sec. 206. Section 189A.5, Code 2009, is amended to read as follows:

189A.5 VETERINARIANS AND INSPECTORS.

1. The secretary shall administer this chapter and may appoint a person to act as the secretary's designee in the administration of this chapter.

a. The secretary shall employ veterinarians licensed in the state of Iowa as veterinary inspectors.

b. The secretary is also authorized to employ as meat inspectors other persons who have qualified and are skilled in the inspection of meat and poultry products and any other additional employees the secretary deems necessary to carry out the provisions of this chapter. The meat inspectors shall be under the supervision of the secretary's designee or a veterinary inspector if no designee is appointed.

c. The secretary may also enter into contracts with qualified individuals to perform inspection services as the secretary may designate for a fee per head or per unit volume to be determined by the secretary provided the persons are not employed in an establishment in which the inspection takes place.

d. The secretary may utilize any employee, agent, or equipment of the department in the enforcement of this chapter, and may assign to inspectors other duties related to the acceptance of meat and poultry products.

2. In order to accomplish the objectives stated in section 189A.3 the secretary shall:

~~1.~~ a. By regulations require antemortem and postmortem inspections, quarantine, segregation, and reinspections with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all establishments in this state, except those exempted by section 189A.4, at which livestock or poultry are slaughtered or livestock or poultry products are prepared for human food solely for distribution in intrastate commerce.

~~2.~~ b. By regulations require the identification of livestock and poultry for inspection purposes and the marking and labeling of livestock products or poultry products or their containers, or both, as "Iowa Inspected and Passed" if the products are found upon inspection to be not adulterated, and as "Iowa Inspected and Condemned" if they are found upon inspection to be adulterated; and the destruction for food purposes of all such condemned products under the supervision of an inspector.

~~3.~~ c. Prohibit the entry into official establishments of livestock products and poultry products not prepared under federal inspection or inspection pursuant to this chapter and further limit the entry of such articles and other materials into such establishments under such conditions as the secretary deems necessary to effectuate the purposes of this chapter.

~~4.~~ d. By regulations require that when livestock products and poultry products leave official establishments they shall bear directly thereon or on their containers, or both, all information required by subsection 17 of section 189A.2; and require approval of all labeling and containers to be used for such products when sold or transported in intrastate commerce to assure that they comply with the requirements of this chapter.

~~5.~~ e. Investigate the sanitary conditions of each establishment within ~~subsection 1~~ paragraph "a" of this ~~section~~ subsection and withdraw or otherwise refuse to provide inspection service at any such establishment where the sanitary conditions are such as to render adulterated any livestock products or poultry products prepared or handled thereat.

~~6.~~ f. Prescribe regulations relating to sanitation for all establishments required to have inspection under ~~subsection 1~~ paragraph "a" of this ~~section~~ subsection.

~~7.~~ g. By regulations require that both of the following classes of persons shall keep such records and for such periods as are specified in the regulations to fully and correctly disclose all transactions involved in their business, and to afford the secretary and the secretary's representatives, including representatives of other governmental agencies designated by the secretary, access to such places of business, and opportunity at all reasonable times to examine the facilities, inventory, and records thereof, to copy the records, and to take reasonable samples of the inventory upon payment of the fair market value therefor:

~~a.~~ (1) Any person that engages in or for intrastate commerce in the business of slaughtering any livestock or poultry, or preparing, freezing, packaging or labeling, buying or selling, as a broker, wholesaler, or otherwise, transporting, or storing any livestock products or poultry products for human or animal food.

~~b.~~ (2) Any person that engages in or for intrastate commerce in business as a renderer or in the business of buying, selling, or transporting any dead, dying, disabled, or diseased livestock or poultry or parts of the carcasses of any such animals, including poultry, that died otherwise than by slaughter.

Sec. 207. Section 189A.7, subsections 1 and 8, Code 2009, are amended to read as follows:

1. Remove inspectors from any establishment that fails to destroy condemned products as required under section 189A.5, subsection 2, paragraph "b".

8. Adopt by reference or otherwise such provisions of the rules and regulations under the federal Acts, with such changes therein as the secretary deems appropriate to make them applicable to operations and transactions subject to this chapter, which shall have the same force and effect as if promulgated under this chapter, and promulgate such other rules and regulations as the secretary deems necessary for the efficient execution of the provisions of this chapter, including rules of practice providing opportunity for hearing in connection with issuance of orders under section 189A.5, subsection ~~5~~ 2, paragraph "e", and subsection 1, 2, or 3 of this section and prescribing procedures for proceedings in such cases; however, this shall not preclude a requirement that a label or container be withheld from use, or a refusal of inspection pursuant to the sections cited herein pending issuance of a final order in any such proceeding.

Sec. 208. Section 189A.10, subsection 3, Code 2009, is amended to read as follows:

3. No person shall violate any provision of the regulations or orders of the secretary under section 189A.5, subsection ~~7~~ 2, paragraph "g", or section 189A.7.

Sec. 209. Section 189A.17, subsection 5, Code 2009, is amended to read as follows:

5. a. Any person who neglects or refuses to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if it is in the person's power to do so, in obedience to the subpoena or lawful requirement of the secretary shall be guilty of a serious misdemeanor.

b. Any person who willfully makes, or causes to be made, any false entry or statement of fact in any report required to be made under this chapter, or who willfully makes, or causes to be made, any false entry in any account, record, or memorandum kept by any person subject to this chapter, or who willfully neglects or fails to make or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions pertaining to the business of such person, or who willfully leaves the jurisdiction of this state, or willfully mutilates, alters, or by any other means falsifies any documentary evidence of any person subject to this chapter or who willfully refuses to submit to the secretary or to any of the secretary's authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any person subject to this chapter in the person's possession or control, shall be deemed guilty of an aggravated misdemeanor.

c. If a person required by this chapter to file an annual or special report fails to do so within the time fixed by the secretary for filing it, and the failure continues for thirty days after notice of default, the person shall forfeit to this state the sum of one hundred dollars for each day of the continuance of the failure, which forfeiture is payable into the treasury of this state, and is recoverable in a civil suit in the name of the state brought in the district court of the county where the person has a principal office or in the district court of any county in which the person does business. The county attorneys shall prosecute for the recovery of such forfeitures.

d. Any officer or employee of this state who makes public any information obtained by the secretary, without the secretary's authority, unless directed by a court, or uses any such information to the officer's or employee's advantage, shall be deemed guilty of a serious misdemeanor.

6. The requirements of this chapter shall apply to persons, establishments, animals, and articles regulated under the federal Meat Inspection Act or the federal Poultry Products Inspection Act to the extent provided for in said federal Acts and also to the extent provided in this chapter and in regulations the secretary may prescribe to promulgate this chapter.

Sec. 210. Section 198.9, Code 2009, is amended to read as follows:

198.9 INSPECTION FEES AND REPORTS.

1. a. An inspection fee to be fixed annually by the secretary at a rate of not more than sixteen cents per ton, shall be paid on commercial feed distributed in this state by the person who first distributes the commercial feed, subject to the following:

a. (1) The inspection fee is not required on the first distribution, if made to a qualified buyer who, with approval from the secretary, shall become responsible for the fee.

b. (2) A fee shall not be paid on a commercial feed if the payment has been made by a previous distributor.

c. (3) A fee shall not be paid on customer-formula feeds if the inspection fee is paid on the commercial feeds which are used as components of the customer-formula feeds.

d. (4) A minimum semiannual fee shall be twenty dollars.

e. (5) A licensed manufacturer shall pay the inspection fee on commercial feed that is fed to livestock owned by the licensee.

b. In the case of a pet food or specialty pet food, which is distributed in this state in packages of ten pounds or less, each product shall be registered and an annual registration fee of fifty dollars for each product shall be paid by January 1 of each year in lieu of the per ton rate as provided in this subsection. The inspection fee shall apply to those same products distributed in packages of more than ten pounds.

2. a. Each person who is liable for the payment of such fee shall:

a. (1) File, not later than the last day of January and July of each year, a semiannual state-

ment, setting forth the number of net tons of commercial feeds distributed in this state during the preceding six months and upon filing the statement shall pay the inspection fee at the rate stated in subsection 1. Inspection fees which are due and owing and have not been remitted to the secretary within fifteen days following the due date shall have a delinquency fee of ten percent of the amount due or fifty dollars, whichever is greater, added to the amount due when payment is finally made. The assessment of this delinquency fee does not prevent the department from taking other actions as provided in this chapter.

~~b.~~ (2) Keep such records as may be necessary or required by the secretary to indicate accurately the tonnage of commercial feed distributed in this state, and the secretary shall have the right to examine such records to verify statements of tonnage.

b. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided in this section is sufficient cause for cancellation of the license of the distributor.

3. Fees collected shall be deposited in the general fund of the state and shall be subject to the requirements of section 8.60. Moneys deposited under this section shall be used for the payment of the costs of inspection, sampling, analysis, supportive research, and other expenses necessary for the administration of this chapter.

4. If there is an unencumbered balance of funds from the fees deposited under this section on June 30 of any fiscal year equal to or exceeding one hundred thousand dollars, the secretary of agriculture shall reduce the per ton fee provided for in subsection 1 for the next fiscal year in such amount as will result in an ending estimated balance of the fees deposited less costs paid for from those fees for June 30 of the next fiscal year of one hundred thousand dollars.

Sec. 211. Section 199.1, unnumbered paragraph 2, Code 2009, is amended to read as follows:

26. The Iowa secretary of agriculture shall, by rule, define the terms "breeder", "foundation", "registered", "certified" and "inbred", as used in this chapter.

Sec. 212. Section 199.3, subsection 2, paragraph h, Code 2009, is amended to read as follows:

h. (1) For each named agricultural seed:

~~(1)~~ (a) Percentage of germination, exclusive of hard seed.

~~(2)~~ (b) Percentage of hard seed, if present.

~~(3)~~ (c) The calendar month and year the test was completed to determine the percentages.

(2) Following ~~(1)~~ (a) and ~~(2)~~ (b), the "total germination and hard seed" may be stated as such, if desired.

Sec. 213. Section 199.3, subsection 5, paragraph c, Code 2009, is amended to read as follows:

c. (1) For each named vegetable seed:

~~(1)~~ (a) Percentage germination exclusive of hard seed.

~~(2)~~ (b) Percentage of hard seed, if present.

~~(3)~~ (c) The calendar month and year the test was completed to determine such percentages.

(2) Following ~~(1)~~ (a) and ~~(2)~~ (b) the "total germination and hard seed" may be stated as such, if desired.

Sec. 214. Section 199.15, Code 2009, is amended to read as follows:

199.15 PERMIT — FEE — FRAUD.

1. A person shall not sell, distribute, advertise, solicit orders for, offer or expose for sale, agricultural or vegetable seed without first obtaining from the department a permit to engage in the business. A permit is not required of persons selling seeds which have been packed and distributed by a person holding and having in force a permit. A permit is not required of persons selling or advertising seed of their own production, provided that the seed is stored or delivered to a purchaser only on or from the farm or premises where grown.

2. a. The fee for a new permit is ten dollars and the fee for a renewed permit is based on the gross annual sales of seeds in Iowa during the previous twelve-month period under the permit holder's label and all permits expire on the first day of July following date of issue.

b. Permits shall be issued subject to the following fee schedule:

Gross sales of seeds		Fee
Not more than	$ 25,000	$ 30
Over $25,000 but not exceeding	50,000	60
Over $50,000 but not exceeding	100,000	90
Over $100,000 but not exceeding	200,000	120

c. For each additional increment of one hundred thousand dollars of sales in Iowa the fee shall increase by thirty dollars. The fee shall not exceed one thousand five hundred dollars for a permit holder.

3. After due notice given at least ten days prior to a date of hearing fixed by the secretary, the department may revoke or refuse to renew a permit issued under this section if a violation of this chapter or if intent to defraud is established. The failure to fulfill a contract to repurchase the seed crop produced from any agricultural seed, if the crop meets the requirements set forth in the contract and the standards specified in this chapter, is prima facie evidence of intent to defraud the purchaser at the time of entering into the contract. However, this does not apply when seed stock is furnished by the contractor to the grower at no cost.

Sec. 215. Section 203.6, subsection 1, Code 2009, is amended to read as follows:

1. a. For the issuance or renewal of a license required under section 203.3, and for any inspection of a grain dealer, the fee shall be determined on the basis of all bushels of grain purchased during the grain dealer's previous fiscal year according to the grain dealer's financial statement required in section 203.3. The fee shall be calculated according to the following schedule:

~~a.~~ (1) If the total number of bushels purchased is thirty-five thousand or less, the license fee is sixty-six dollars and the inspection fee is eighty-three dollars.

~~b.~~ (2) If the total number of bushels purchased is more than thirty-five thousand, but not more than two hundred fifty thousand, the license fee is one hundred sixteen dollars and the inspection fee is one hundred twenty-five dollars.

~~c.~~ (3) If the total number of bushels purchased is more than two hundred fifty thousand, but not more than five hundred thousand, the license fee is one hundred sixty-six dollars and the inspection fee is one hundred ninety-one dollars.

~~d.~~ (4) If the total number of bushels purchased is more than five hundred thousand, but not more than one million, the license fee is two hundred ninety-one dollars and the inspection fee is two hundred forty-nine dollars.

~~e.~~ (5) If the total number of bushels purchased is more than one million, but not more than one million eight hundred fifty thousand, the license fee is four hundred ninety-eight dollars and the inspection fee is three hundred seven dollars.

~~f.~~ (6) If the total number of bushels purchased is more than one million eight hundred fifty thousand, but not more than three million two hundred thousand, the license fee is seven hundred six dollars and the inspection fee is three hundred seventy-four dollars.

~~g.~~ (7) If the total number of bushels purchased is more than three million two hundred thousand, the license fee is nine hundred fifty-five dollars and the inspection fee is four hundred forty dollars.

b. If the applicant did not purchase grain in the applicant's previous fiscal year, the applicant shall pay the fee specified in paragraph "a", subparagraph (1). If during the licensee's fiscal year the number of bushels of grain actually purchased exceeds thirty-five thousand, the licensee shall notify the department and the license and inspection fee shall be adjusted accordingly. Subsequent adjustments shall be made as necessary. An applicant may elect licensing in any category of this subsection. Fees for new licenses issued for less than a full year shall be prorated from the date of application.

Sec. 216. Section 203.12B, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. Upon being appointed as a receiver, the department shall take custody and provide for the disposition of the grain dealer assets of the grain dealer under the supervision of the court.

(1) The petition shall be filed in the county in which the grain dealer maintains its principal place of business in this state. The court may issue ex parte any temporary order as it determines necessary to preserve or protect the grain dealer assets and the rights of interested sellers.

(2) The petition shall be accompanied by the department's plan for disposition of grain dealer assets which shall provide terms as may be necessary to preserve or protect the grain dealer assets and the rights of interested sellers, less expenses incurred by the department in connection with the receivership. The plan may provide for the delivery or sale of grain as provided in section 203C.4. The plan may provide for the operation of the business of the grain dealer on a temporary basis and any other course of action or procedure which will serve the interests of interested sellers.

(3) The petition shall be filed with the clerk of the district court who shall set a date for a hearing in the same manner as provided in section 203C.3.

(4) Copies of the petition, the notice of hearing, and the department's plan of disposition shall be delivered to the following:

~~(1)~~ (a) The grain dealer and each issuer who shall receive copies delivered in the manner required for service of an original notice.

~~(2)~~ (b) Interested sellers as determined by the department who shall receive copies delivered by ordinary mail.

(5) The failure of a person to receive the required notification shall not invalidate the proceedings on the petition or any part of the petition for the appointment of the department as the receiver.

(6) A person is not a party to the action unless admitted by the court upon application.

Sec. 217. Section 203C.15, Code 2009, is amended to read as follows:

203C.15 INSURANCE REQUIRED — EXCEPTION.

1. All agricultural products in storage in a licensed warehouse and all agricultural products which have been deposited temporarily in a licensed warehouse pending storage or for purposes other than storage, shall be kept fully insured by the warehouse operator for the current value of the agricultural products against loss by fire, inherent explosion, or windstorm.

a. The insurance shall be carried in an insurance company or companies authorized to do business in this state, and evidence of the insurance coverage in a form approved by the department shall be filed with the department. An insurance policy shall not be canceled by the insurance company on less than ninety days' notice by certified mail to the department and the principal unless the policy is being replaced with another policy and evidence of the new policy is filed with the department at the time of cancellation of the policy on file.

b. The insurance shall be provided by, and carried in the name of, the warehouse operator. However, whenever the department shall receive notice from an insurance company that it has canceled the insurance of a licensed warehouse, the department shall automatically suspend the warehouse license if replacement insurance is not received by the department within seventy-five days of receipt of the notice of cancellation. The department shall cause an inspection of the licensed warehouse immediately at the end of the seventy-five day period. If replacement insurance is not filed within another ten days following suspension, the warehouse license shall be automatically revoked.

2. When a license is revoked, the department shall notify each holder of an outstanding warehouse receipt and all known persons who have grain retained in open storage of the revocation. The department shall further notify each receipt holder and all known persons who have grain retained in open storage that the grain must be removed from the warehouse not later than the thirtieth day following the revocation. The notice shall be sent by ordinary mail to the last known address of each person having grain in storage as provided in this subsection.

3. Claimants against the insurance have precedence in the following order:

~~1.~~ a. Holders of warehouse receipts other than the warehouse operator and owners of bulk grain other than the warehouse operator.

~~2.~~ b. Owners of all other agricultural products as their interests appear.

~~3.~~ c. Warehouse operators who have warehouse receipts.

~~4.~~ d. Warehouse operators owners of bulk grain.

4. However, notwithstanding the insurance requirements set forth in this section, a licensed warehouse may exclude from the insurance coverage stored grain to which title is fully vested in the United States government or any of its subdivisions or agencies, provided that the licensed warehouse has on file with the United States government or any of its subdivisions or agencies a current and accepted uninsured storage rate under the provisions of their uniform grain storage agreement. The licensed warehouse shall file a copy of the current uninsured tariff rate with the department immediately upon acceptance of the uninsured rate by the United States government or any of its subdivisions or agencies.

Sec. 218. Section 203C.17, subsection 8, Code 2009, is amended to read as follows:

8. a. Every licensed warehouse operator shall, on or before July 1 of each year, send a statement for each holder of a warehouse receipt covering grain held for more than one year at that warehouse to the holder's last known address. The statement shall show the amount of all grain held pursuant to warehouse receipt for such warehouse receipt holder and the amount of any storage charges held by the licensed warehouse operator against that grain. However, a licensed warehouse operator need not prepare this annual statement for a holder of a warehouse receipt, if the licensed warehouse operator prepares such statements monthly, quarterly or for any other period more frequent than annually.

b. The failure to prepare a statement required by this subsection is a simple misdemeanor.

c. Violation of this section shall not constitute grounds for suspension, revocation, or modification of the license of anyone licensed under this chapter.

Sec. 219. Section 207.14, subsections 1, 2, 4, and 7, Code 2009, are amended to read as follows:

1. a. When on the basis of an inspection, the administrator determines that a condition or practice exists which creates an imminent danger to the health or safety of the public or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources, the administrator shall immediately order a cessation of coal mining and reclamation operations to the extent necessary until the administrator determines that the condition, practice, or violation has been abated, or until the order is modified, vacated, or terminated by the division pursuant to procedures set out in this section.

b. If the administrator finds that the ordered cessation will not completely abate the imminent danger to health or safety of the public or the significant imminent environmental harm, the administrator shall require the operator to take whatever steps the administrator deems necessary to abate the imminent danger or the significant environmental harm.

2. a. When on the basis of an inspection, the administrator determines that any operator is in violation of any requirement of this chapter or permit condition, but the violation does not create an imminent danger to the health or safety of the public or cannot be reasonably expected to cause significant, imminent environmental harm, the administrator shall issue a notice to the operator fixing a reasonable time but not more than ninety days for the abatement of the violation and providing opportunity for public hearing.

b. If upon expiration of the time as fixed the administrator finds in writing that the violation has not been abated, the administrator, notwithstanding sections 17A.18 and 17A.18A, shall immediately order a cessation of coal mining and reclamation operations relating to the violation until the order is modified, vacated, or terminated by the administrator pursuant to procedures outlined in this section. In the order of cessation issued by the administrator under this subsection, the administrator shall include the steps necessary to abate the violation in the most expeditious manner possible.

4. a. A permittee may request in writing an appeal to the committee of a decision made in a hearing under subsection 3 within thirty days of the decision. The committee shall review the record made in the contested case hearing, and may hear additional evidence upon a showing of good cause for failure to present the evidence in the hearing, or if evidence concerning

events occurring after the hearing is deemed relevant to the proceeding. However, the committee shall not review a decision in a proceeding if the division seeks to collect a civil penalty pursuant to section 207.15, and those decisions are final agency actions subject to direct judicial review as provided in chapter 17A.

b. The contested case hearing shall be scheduled within thirty days of receipt of the request by the division. If the decision in the contested case is to revoke the permit, the permittee shall be given a specific period to complete reclamation, or the attorney general shall be requested to institute bond forfeiture proceedings.

7. a. A permittee issued a notice or order under this section or any person having an interest which is or may be adversely affected by the notice or order or by its modification, vacation or termination may apply to the committee for review within thirty days of receipt of the notice or order or within thirty days of its modification, vacation or termination. The review shall be treated as a contested case under chapter 17A.

b. Pending completion of any investigation or hearings required by this section, the applicant may file with the division a written request that the administrator grant temporary relief from any notice or order issued under this section together with a detailed statement giving reasons for granting such relief.

c. The administrator shall issue an order or decision granting or denying the request for relief within five days of its receipt. The administrator may grant such relief under such conditions as the administrator may prescribe if all of the following occur:

~~a.~~ (1) A hearing has been held in the locality of the permit area in which all parties were given an opportunity to be heard. The hearing need not be held as a contested case under chapter 17A.

~~b.~~ (2) The applicant shows that there is substantial likelihood that the findings of the committee will be favorable to the applicant.

~~c.~~ (3) Such relief will not adversely affect the health or safety of the public or cause significant, imminent environmental harm to land, air or water resources.

Sec. 220. Section 216.6, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation.

(1) If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

(2) An employer, employment agency, or their employees, servants, or agents may offer employment or advertise for employment to only persons with disabilities, when other applicants have available to them other employment compatible with their ability which would not be available to persons with disabilities because of their disabilities. Any such employment or offer of employment shall not discriminate among persons with disabilities on the basis of race, color, creed, sex, sexual orientation, gender identity, or national origin.

Sec. 221. Section 216.16, subsections 2 and 6, Code 2009, are amended to read as follows:

2. a. Upon a request by the complainant, and after the expiration of sixty days from the timely filing of a complaint with the commission, the commission shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if a finding of no probable cause has been made on the complaint by the administrative law judge charged with that duty under section 216.15, subsection 3, a conciliation agreement has been executed under section 216.15, the commission has served notice of hearing upon the respondent pursuant to section 216.15, subsection 5, or the complaint is closed as an administrative closure and two years have elapsed since the issuance date of the closure.

b. Notwithstanding section 216.15, subsection 4, a party may obtain a copy of all documents contained in a case file where the commission has issued a release to the complainant pursuant to this subsection.

6. It is the legislative intent of this chapter that every complaint be at least preliminarily screened during the first one hundred twenty days.

7. This section does not authorize administrative closures if an investigation is warranted.

Sec. 222. Section 216B.3, subsection 16, paragraph b, Code 2009, is amended to read as follows:

b. Of all new passenger vehicles and light pickup trucks purchased by the commission, a minimum of ten percent of all such vehicles and trucks purchased shall be equipped with engines which utilize alternative methods of propulsion, including but not limited to any of the following:

(1) A flexible fuel which is any of the following:

(a) E-85 gasoline as provided in section 214A.2.

(b) B-20 biodiesel blended fuel as provided in section 214A.2.

(c) A renewable fuel approved by the office of renewable fuels and coproducts pursuant to section 159A.3.

(2) Compressed or liquefied natural gas.

(3) Propane gas.

(4) Solar energy.

(5) Electricity.

c. The provisions of ~~this~~ paragraph "b" do not apply to vehicles and trucks purchased and directly used for law enforcement or off-road maintenance work.

Sec. 223. Section 222.60, Code 2009, is amended to read as follows:

222.60 COSTS PAID BY COUNTY OR STATE — DIAGNOSIS AND EVALUATION.

1. All necessary and legal expenses for the cost of admission or commitment or for the treatment, training, instruction, care, habilitation, support and transportation of persons with mental retardation, as provided for in the county management plan provisions implemented pursuant to section 331.439, subsection 1, in a state resource center, or in a special unit, or any public or private facility within or without the state, approved by the director of the department of human services, shall be paid by either:

~~1.~~ a. The county in which such person has legal settlement as defined in section 252.16.

~~2.~~ b. The state when such person has no legal settlement or when such settlement is unknown.

2. a. Prior to a county of legal settlement approving the payment of expenses for a person under this section, the county may require that the person be diagnosed to determine if the person has mental retardation or that the person be evaluated to determine the appropriate level of services required to meet the person's needs relating to mental retardation. The diagnosis and the evaluation may be performed concurrently and shall be performed by an individual or individuals approved by the county who are qualified to perform the diagnosis or the evaluation. Following the initial approval for payment of expenses, the county of legal settlement may require that an evaluation be performed at reasonable time periods.

b. The cost of a county-required diagnosis and an evaluation is at the county's expense. In the case of a person without legal settlement or whose legal settlement is unknown, the state may apply the diagnosis and evaluation provisions of this ~~paragraph~~ subsection at the state's expense.

c. A diagnosis or an evaluation under this section may be part of a county's central point of coordination process under section 331.440, provided that a diagnosis is performed only by an individual qualified as provided in this section.

3. a. A diagnosis of mental retardation under this section shall be made only when the onset of the person's condition was prior to the age of eighteen years and shall be based on an assessment of the person's intellectual functioning and level of adaptive skills. The diagnosis shall be made by an individual who is a psychologist or psychiatrist who is professionally trained

to administer the tests required to assess intellectual functioning and to evaluate a person's adaptive skills.

b. A diagnosis of mental retardation shall be made in accordance with the criteria provided in the diagnostic and statistical manual of mental disorders, fourth edition, published by the American psychiatric association.

Sec. 224. Section 229.10, subsection 1, Code 2009, is amended to read as follows:

1. a. An examination of the respondent shall be conducted by one or more licensed physicians, as required by the court's order, within a reasonable time. If the respondent is detained pursuant to section 229.11, subsection ~~2~~ 1, paragraph "b", the examination shall be conducted within twenty-four hours. If the respondent is detained pursuant to section 229.11, subsection 1, paragraph "a" or ~~3~~ "c", the examination shall be conducted within forty-eight hours. If the respondent so desires, the respondent shall be entitled to a separate examination by a licensed physician of the respondent's own choice. The reasonable cost of the examinations shall, if the respondent lacks sufficient funds to pay the cost, be paid from county funds upon order of the court.

b. Any licensed physician conducting an examination pursuant to this section may consult with or request the participation in the examination of any qualified mental health professional, and may include with or attach to the written report of the examination any findings or observations by any qualified mental health professional who has been so consulted or has so participated in the examination.

c. If the respondent is not taken into custody under section 229.11, but the court is subsequently informed that the respondent has declined to be examined by the licensed physician or physicians pursuant to the court order, the court may order such limited detention of the respondent as is necessary to facilitate the examination of the respondent by the licensed physician or physicians.

Sec. 225. Section 229.11, Code 2009, is amended to read as follows:

229.11 JUDGE MAY ORDER IMMEDIATE CUSTODY.

1. If the applicant requests that the respondent be taken into immediate custody and the judge, upon reviewing the application and accompanying documentation, finds probable cause to believe that the respondent has a serious mental impairment and is likely to injure the respondent or other persons if allowed to remain at liberty, the judge may enter a written order directing that the respondent be taken into immediate custody by the sheriff or the sheriff's deputy and be detained until the hospitalization hearing. The hospitalization hearing shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next succeeding business day. If the expenses of a respondent are payable in whole or in part by a county, for a placement in accordance with ~~subsection 1~~ paragraph "a", the judge shall give notice of the placement to the central point of coordination process, and for a placement in accordance with ~~subsection 2~~ paragraph "b" or ~~3~~ "c", the judge shall order the placement in a hospital or facility designated through the central point of coordination process. The judge may order the respondent detained for the period of time until the hearing is held, and no longer, in accordance with ~~subsection 1~~ paragraph "a", if possible, and if not then in accordance with ~~subsection 2~~ paragraph "b", or, only if neither of these alternatives is available, in accordance with ~~subsection 3~~ paragraph "c". Detention may be:

~~1.~~ a. In the custody of a relative, friend or other suitable person who is willing to accept responsibility for supervision of the respondent, and the respondent may be placed under such reasonable restrictions as the judge may order including~~,~~ but not limited to~~,~~ restrictions on or a prohibition of any expenditure, encumbrance or disposition of the respondent's funds or property; or

~~2.~~ b. In a suitable hospital the chief medical officer of which shall be informed of the reasons why immediate custody has been ordered and may provide treatment which is necessary to preserve the respondent's life, or to appropriately control behavior by the respondent which

is likely to result in physical injury to the respondent or to others if allowed to continue, but may not otherwise provide treatment to the respondent without the respondent's consent; or

~~3.~~ c. In the nearest facility in the community which is licensed to care for persons with mental illness or substance abuse, provided that detention in a jail or other facility intended for confinement of those accused or convicted of crime shall not be ordered.

2. The clerk shall furnish copies of any orders to the respondent and to the applicant if the applicant files a written waiver signed by the respondent.

Sec. 226. Section 229.12, subsection 3, Code 2009, is amended to read as follows:

3. a. The respondent's welfare shall be paramount and the hearing shall be conducted in as informal a manner as may be consistent with orderly procedure, but consistent therewith the issue shall be tried as a civil matter. Such discovery as is permitted under the Iowa rules of civil procedure shall be available to the respondent. The court shall receive all relevant and material evidence which may be offered and need not be bound by the rules of evidence. There shall be a presumption in favor of the respondent, and the burden of evidence in support of the contentions made in the application shall be upon the applicant.

b. The licensed physician or qualified mental health professional who examined the respondent shall be present at the hearing unless the court for good cause finds that the licensed physician's or qualified mental health professional's presence or testimony is not necessary. The applicant, respondent, and the respondent's attorney may waive the presence or the telephonic appearance of the licensed physician or qualified mental health professional who examined the respondent and agree to submit as evidence the written report of the licensed physician or qualified mental health professional. The respondent's attorney shall inform the court if the respondent's attorney reasonably believes that the respondent, due to diminished capacity, cannot make an adequately considered waiver decision. "Good cause" for finding that the testimony of the licensed physician or qualified mental health professional who examined the respondent is not necessary may include~~,~~ but is not limited to~~,~~ such a waiver. If the court determines that the testimony of the licensed physician or qualified mental health professional is necessary, the court may allow the licensed physician or the qualified mental health professional to testify by telephone.

c. If upon completion of the hearing the court finds that the contention that the respondent is seriously mentally impaired has not been sustained by clear and convincing evidence, it shall deny the application and terminate the proceeding.

Sec. 227. Section 229.22, subsection 2, Code 2009, is amended to read as follows:

2. a. In the circumstances described in subsection 1, any peace officer who has reasonable grounds to believe that a person is mentally ill, and because of that illness is likely to physically injure the person's self or others if not immediately detained, may without a warrant take or cause that person to be taken to the nearest available facility as defined in section 229.11, ~~subsections 2~~ subsection 1, paragraphs "b" and ~~3~~ "c". A person believed mentally ill, and likely to injure the person's self or others if not immediately detained, may be delivered to a hospital by someone other than a peace officer. Upon delivery of the person believed mentally ill to the hospital, the examining physician may order treatment of that person, including chemotherapy, but only to the extent necessary to preserve the person's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue. The peace officer who took the person into custody, or other party who brought the person to the hospital, shall describe the circumstances of the matter to the examining physician. If the person is a peace officer, the peace officer may do so either in person or by written report. If the examining physician finds that there is reason to believe that the person is seriously mentally impaired, and because of that impairment is likely to physically injure the person's self or others if not immediately detained, the examining physician shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10. The magistrate shall, based upon the circumstances described by the examining physician, give the examining physician oral instructions either directing that the person be re-

leased forthwith or authorizing the person's detention in an appropriate facility. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

b. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 229.6. The order may be filed by facsimile if necessary. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility, and the grounds supporting the finding of probable cause to believe that the person is seriously mentally impaired and likely to injure the person's self or others if not immediately detained. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility. The clerk shall provide a copy of that order to the chief medical officer of the facility to which the person was originally taken, to any subsequent facility to which the person was transported, and to any law enforcement department or ambulance service that transported the person pursuant to the magistrate's order.

Sec. 228. Section 229A.7, subsection 5, Code 2009, is amended to read as follows:

5. a. At trial, the court or jury shall determine whether, beyond a reasonable doubt, the respondent is a sexually violent predator. If the case is before a jury, the verdict shall be unanimous that the respondent is a sexually violent predator.

b. If the court or jury determines that the respondent is a sexually violent predator, the respondent shall be committed to the custody of the director of the department of human services for control, care, and treatment until such time as the person's mental abnormality has so changed that the person is safe to be placed in a transitional release program or discharged. The determination may be appealed.

Sec. 229. Section 229A.8, subsection 5, paragraph e, Code 2009, is amended to read as follows:

e. (1) The burden is on the committed person to show by a preponderance of the evidence that there is competent evidence which would lead a reasonable person to believe a final hearing should be held to determine either of the following:

~~(1)~~ (a) The mental abnormality of the committed person has so changed that the person is not likely to engage in predatory acts constituting sexually violent offenses if discharged.

~~(2)~~ (b) The committed person is suitable for placement in a transitional release program pursuant to section 229A.8A.

(2) If the committed person shows by a preponderance of the evidence that a final hearing should be held on either determination under subparagraph (1), subparagraph division (a) or ~~(2)~~ (b), or both, the court shall set a final hearing within sixty days of the determination that a final hearing be held.

Sec. 230. Section 231.32, subsection 2, Code 2009, is amended to read as follows:

2. a. The commission shall designate an area agency to serve each planning and service area, after consideration of the views offered by units of general purpose local government. An area agency may be:

~~a.~~ (1) An established office of aging which is operating within a planning and service area designated by the commission.

~~b.~~ (2) Any office or agency of a unit of general purpose local government, which is designated for the purpose of serving as an area agency by the chief elected official of such unit.

~~c.~~ (3) Any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act on behalf of the combination for such purpose.

~~d.~~ (4) Any public or nonprofit private agency in a planning and service area or any separate organizational unit within such agency which is under the supervision or direction for this purpose of the department of elder affairs and which can engage in the planning or provision of a broad range of supportive services or nutrition services within the planning and service area.

b. Each area agency shall provide assurance, determined adequate by the commission, that the area agency has the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area, the commission shall give preference to an established office of aging, unless the commission finds that no such office within the planning and service area has the capacity to carry out the area plan.

Sec. 231. Section 232.2, subsections 11 and 21, Code 2009, are amended to read as follows:

11. a. "Custodian" means a stepparent or a relative within the fourth degree of consanguinity to a child who has assumed responsibility for that child, a person who has accepted a release of custody pursuant to division IV, or a person appointed by a court or juvenile court having jurisdiction over a child.

b. The rights and duties of a custodian with respect to a child are as follows:

~~a.~~ (1) To maintain or transfer to another the physical possession of that child.

~~b.~~ (2) To protect, train, and discipline that child.

~~c.~~ (3) To provide food, clothing, housing, and medical care for that child.

~~d.~~ (4) To consent to emergency medical care, including surgery.

~~e.~~ (5) To sign a release of medical information to a health professional.

c. All rights and duties of a custodian shall be subject to any residual rights and duties remaining in a parent or guardian.

21. a. "Guardian" means a person who is not the parent of a child, but who has been appointed by a court or juvenile court having jurisdiction over the child, to have a permanent self-sustaining relationship with the child and to make important decisions which have a permanent effect on the life and development of that child and to promote the general welfare of that child. A guardian may be a court or a juvenile court. Guardian does not mean conservator, as defined in section 633.3, although a person who is appointed to be a guardian may also be appointed to be a conservator.

b. Unless otherwise enlarged or circumscribed by a court or juvenile court having jurisdiction over the child or by operation of law, the rights and duties of a guardian with respect to a child shall be as follows:

~~a.~~ (1) To consent to marriage, enlistment in the armed forces of the United States, or medical, psychiatric, or surgical treatment.

~~b.~~ (2) To serve as guardian ad litem, unless the interests of the guardian conflict with the interests of the child or unless another person has been appointed guardian ad litem.

~~c.~~ (3) To serve as custodian, unless another person has been appointed custodian.

~~d.~~ (4) To make periodic visitations if the guardian does not have physical possession or custody of the child.

~~e.~~ (5) To consent to adoption and to make any other decision that the parents could have made when the parent-child relationship existed.

~~f.~~ (6) To make other decisions involving protection, education, and care and control of the child.

Sec. 232. Section 232.2, subsection 22, paragraph a, Code 2009, is amended to read as follows:

a. "Guardian ad litem" means a person appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party, and includes a court appointed special advocate, except that a court appointed special advocate shall not file motions or petitions pursuant to section 232.54, ~~subsections~~ subsection 1, paragraphs "a" and 4 "d", section 232.103, subsection 2, paragraph "c", and section 232.111.

Sec. 233. Section 232.22, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. (1) A room in a facility intended or used for the detention of adults if there is probable cause to believe that the child has committed a delinquent act which if committed by an adult

would be a felony, or aggravated misdemeanor under section 708.2 or 709.11, a serious or aggravated misdemeanor under section 321J.2, or a violation of section 123.46, and if all of the following apply:

~~(1)~~ (a) The child is at least fourteen years of age.

~~(2)~~ (b) The child has shown by the child's conduct, habits, or condition that the child constitutes an immediate and serious danger to another or to the property of another, and a facility or place enumerated in paragraph "a" or "b" is unavailable, or the court determines that the child's conduct or condition endangers the safety of others in the facility.

~~(3)~~ (c) The facility has an adequate staff to supervise and monitor the child's activities at all times.

~~(4)~~ (d) The child is confined in a room entirely separated from detained adults, is confined in a manner which prohibits communication with detained adults, and is permitted to use common areas of the facility only when no contact with detained adults is possible.

(2) However, if the child is to be detained for a violation of section 123.46 or section 321J.2, placement in a facility pursuant to this paragraph "c" shall be made only after an attempt has been made to notify the parents or legal guardians of the child and request that the parents or legal guardians take custody of the child. If the parents or legal guardians cannot be contacted, or refuse to take custody of the child, an attempt shall be made to place the child in another facility, including but not limited to a local hospital or shelter care facility. Also, a child detained for a violation of section 123.46 or section 321J.2 pursuant to this paragraph "c" shall only be detained in a facility with adequate staff to provide continuous visual supervision of the child.

Sec. 234. Section 232.22, subsection 5, Code 2009, is amended to read as follows:

5. a. A child shall not be detained in a facility under subsection 3, paragraph "c" for a period of time in excess of six hours without the oral or written order of a judge or a magistrate authorizing the detention. A judge or magistrate may authorize detention in a facility under subsection 3, paragraph "c" for a period of time in excess of six hours but less than twenty-four hours, excluding weekends and legal holidays, but only if all of the following occur or exist:

~~a.~~ (1) The facility serves a geographic area outside a standard metropolitan statistical area as determined by the United States census bureau.

~~b.~~ (2) The court determines that an acceptable alternative placement does not exist pursuant to criteria developed by the department of human services.

~~c.~~ (3) The facility has been certified by the department of corrections as being capable of sight and sound separation pursuant to this section and section 356.3.

~~d.~~ (4) The child is awaiting an initial hearing before the court pursuant to section 232.44.

b. The restrictions contained in this subsection relating to the detention of a child in a facility under subsection 3, paragraph "c" do not apply if the court has waived its jurisdiction over the child for the alleged commission of a felony offense pursuant to section 232.45.

Sec. 235. Section 232.49, subsection 3, Code 2009, is amended to read as follows:

3. a. At any time after the filing of a delinquency petition the court may order a physical or mental examination of the child if the following circumstances apply:

~~a.~~ (1) The court finds such examination to be in the best interest of the child; and

~~b.~~ (2) The parent, guardian or custodian and the child's counsel agree.

b. An examination shall be conducted on an outpatient basis unless the court, the child's counsel and the parent, guardian or custodian agree that it is necessary the child be committed to a suitable hospital, facility or institution for the purpose of examination. Commitment for examination shall not exceed thirty days and the civil commitment provisions of chapter 229 shall not apply.

Sec. 236. Section 232.52, subsection 6, Code 2009, is amended to read as follows:

6. a. When the court orders the transfer of legal custody of a child pursuant to subsection 2, paragraph "d", "e", or "f", the order shall state that reasonable efforts as defined in section 232.57 have been made. If deemed appropriate by the court, the order may include a determi-

nation that continuation of the child in the child's home is contrary to the child's welfare. The inclusion of such a determination shall not under any circumstances be deemed a prerequisite for entering an order pursuant to this section. However, the inclusion of such a determination, supported by the record, may be used to assist the department in obtaining federal funding for the child's placement. If such a determination is included in the order, unless the court makes a determination that further reasonable efforts are not required, reasonable efforts shall be made to prevent permanent removal of a child from the child's home and to encourage reunification of the child with the child's parents and family. The reasonable efforts may include but are not limited to early intervention and follow-up programs implemented pursuant to section 232.191.

b. When the court orders the transfer of legal custody of a child pursuant to subsection 2, paragraph "d", and the child is sixteen years of age or older, the order shall specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the child has a case permanency plan, the court shall consider the written transition plan of services and needs assessment developed for the child's case permanency plan. If the child does not have a case permanency plan containing the transition plan and needs assessment at the time the transfer order is entered, the written transition plan and needs assessment shall be developed and submitted for the court's consideration no later than six months from the date of the transfer order. The court shall modify the initial transfer order as necessary to specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the transition plan identifies services or other support needed to assist the child when the child becomes an adult and the court deems it to be beneficial to the child, the court may authorize the individual who is the child's guardian ad litem or court appointed special advocate to continue a relationship with and provide advice to the child for a period of time beyond the child's eighteenth birthday.

Sec. 237. Section 232.54, Code 2009, is amended to read as follows:

232.54 TERMINATION, MODIFICATION, OR VACATION AND SUBSTITUTION OF DISPOSITIONAL ORDER.

1. At any time prior to its expiration, a dispositional order may be terminated, modified, or vacated and another dispositional order substituted therefor only in accordance with the following provisions:

~~1.~~ a. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraph "a", "b", or "c", and upon the motion of a child, a child's parent or guardian, a child's guardian ad litem, a person supervising the child under a dispositional order, a county attorney, or upon its own motion, the court may terminate the order and discharge the child, modify the order, or vacate the order and substitute another order pursuant to the provisions of section 232.52. Notice shall be afforded all parties, and a hearing shall be held at the request of any party.

~~2.~~ b. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraphs "d" and "e", the court shall grant a motion of the person to whom custody has been transferred for termination of the order and discharge of the child, for modification of the order by imposition of less restrictive conditions, or for vacation of the order and substitution of a less restrictive order unless there is clear and convincing evidence that there has not been a change of circumstance sufficient to grant the motion. Notice shall be afforded all parties, and a hearing shall be held at the request of any party or upon the court's own motion.

~~3.~~ c. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraphs "d", or "e", or "f", the court shall grant a motion of a person or agency to whom custody has been transferred for modification of the order by transfer to an equally restrictive placement, unless there is clear and convincing evidence that there has not been a change of circumstance sufficient to grant the motion. Notice shall be afforded all parties, and a hearing shall be held at the request of any party or upon the court's own motion.

~~4.~~ d. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraphs "d", "e", or "f", the court may, after notice and hearing, either grant or deny a mo-

tion of the child, the child's parent or guardian, or the child's guardian ad litem, to terminate the order and discharge the child, to modify the order either by imposing less restrictive conditions or by transfer to an equally or less restrictive placement, or to vacate the order and substitute a less restrictive order. A motion may be made pursuant to this paragraph no more than once every six months.

~~5.~~ e. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraphs "d" and "e", the court may, after notice and a hearing at which there is presented clear and convincing evidence to support such an action, either grant or deny a motion by a county attorney or by a person or agency to whom custody has been transferred, to modify an order by imposing more restrictive conditions or to vacate the order and substitute a more restrictive order.

~~6.~~ f. With respect to a temporary transfer order made pursuant to section 232.52, subsection 9, if the court finds that removal of a child from the state training school is necessary to safeguard the child's physical or emotional health and is in the best interests of the child, the court shall grant the director's motion for a substitute dispositional order to place the child in a facility which has been designated to be an alternative placement site for the state training school.

~~7.~~ g. With respect to a juvenile court dispositional order entered regarding a child who has received a youthful offender deferred sentence under section 907.3A, the dispositional order may be terminated prior to the child reaching the age of eighteen upon motion of the child, the person or agency to whom custody of the child has been transferred, or the county attorney following a hearing before the juvenile court if it is shown by clear and convincing evidence that it is in the best interests of the child and the community to terminate the order. The hearing may be waived if all parties to the proceeding agree. The dispositional order regarding a child who has received a youthful offender deferred sentence may also be terminated prior to the child reaching the age of eighteen upon motion of the county attorney, if the waiver of the child to district court was conditioned upon the terms of an agreement between the county attorney and the child, and the child violates the terms of the agreement after the waiver order has been entered. The district court shall discharge the child's youthful offender status upon receiving a termination order under this section.

~~8.~~ h. With respect to a dispositional order entered regarding a child who has received a youthful offender deferred sentence under section 907.3A, the juvenile court may, in the case of a child who violates the terms of the order, modify or terminate the order in accordance with the following:

~~a.~~ (1) After notice and hearing at which the facts of the child's violation of the terms of the order are found, the juvenile court may refuse to modify the order, modify the order and impose a more restrictive order, or, after an assessment of the child by a juvenile court officer in consultation with the judicial district department of correctional services and if the child is age fourteen or over, terminate the order and return the child to the supervision of the district court under chapter 907.

~~b.~~ (2) The juvenile court shall only terminate an order under this ~~subsection~~ paragraph "h" if after considering the best interests of the child and the best interests of the community the court finds that the child should be returned to the supervision of the district court.

~~c.~~ (3) A youthful offender over whom the juvenile court has terminated the dispositional order under this ~~subsection~~ paragraph "h" shall be treated in the manner of an adult who has been arrested for a violation of probation under section 908.11 for sentencing purposes only.

2. Notice requirements of this section shall be satisfied by providing reasonable notice to the persons required to be provided notice for adjudicatory hearings under section 232.37, except that notice shall be waived regarding a person who was notified of the adjudicatory hearing and who failed to appear. At a hearing under this section all relevant and material evidence shall be admitted.

Sec. 238. Section 232.55, subsection 2, Code 2009, is amended to read as follows:

2. a. Adjudication and disposition proceedings under this division are not admissible as evidence against a person in a subsequent proceeding in any other court before or after the person

reaches majority except in a sentencing proceeding after conviction of the person for an offense other than a simple or serious misdemeanor.

b. Adjudication and disposition proceedings may properly be included in a presentence investigation report prepared pursuant to chapter 901 and section 906.5.

c. However, the use of adjudication and disposition proceedings pursuant to this subsection shall be subject to the restrictions contained in section 232.150.

3. This section does not apply to dispositional orders entered regarding a child who has received a youthful offender deferred sentence under section 907.3A who is not discharged from probation before or upon the child's eighteenth birthday.

Sec. 239. Section 232.71B, subsection 11, Code 2009, is amended to read as follows:

11. FACILITY PROTOCOL.

a. The department shall apply a protocol, developed in consultation with facilities providing care to children, for conducting an assessment of reports of abuse of children allegedly caused by employees of facilities providing care to children. As part of such an assessment, the department shall notify the licensing authority for the facility, the governing body of the facility, and the administrator in charge of the facility of any of the following:

~~a.~~ (1) A violation of facility policy noted in the assessment.

~~b.~~ (2) An instance in which facility policy or lack of facility policy may have contributed to the reported incident of alleged child abuse.

~~c.~~ (3) An instance in which general practice in the facility appears to differ from the facility's written policy.

b. The licensing authority, the governing body, and the administrator in charge of the facility shall take any lawful action which may be necessary or advisable to protect children receiving care.

Sec. 240. Section 232.182, subsection 5, Code 2009, is amended to read as follows:

5. After the hearing is concluded, the court shall make and file written findings as to whether reasonable efforts, as defined in section 232.102, subsection 10, have been made and whether the voluntary foster family care placement is in the child's best interests.

a. The court shall order foster family care placement in the child's best interests if the court finds that all of the following conditions exist:

~~a.~~ (1) The child has an emotional, physical, or intellectual disability which requires care and treatment.

~~b.~~ (2) The child's parent, guardian, or custodian has demonstrated a willingness or ability to fulfill the responsibilities defined in the case permanency plan.

~~c.~~ (3) Reasonable efforts have been made and the placement is in the child's best interests.

~~d.~~ (4) A determination that services or support provided to the family of a child with mental retardation, other developmental disability, or organic mental illness will not enable the family to continue to care for the child in the child's home.

b. If the court finds that reasonable efforts have not been made and that services or support are available to prevent the placement, the court may order the services or support to be provided to the child and the child's family.

c. If the court finds that the foster care placement is necessary and the child's parent, guardian, or custodian has not demonstrated a commitment to fulfill the responsibilities defined in the child's case permanency plan, the court shall cause a child in need of assistance petition to be filed.

Sec. 241. Section 237.3, subsection 2, paragraph g, Code 2009, is amended to read as follows:

g. (1) The adequacy of programs available to children receiving child foster care provided by agencies, including but not limited to:

~~(1)~~ (a) Dietary services.

~~(2)~~ (b) Social services.

~~(3)~~ (c) Activity programs.

~~(4)~~ (d) Behavior management procedures.

~~(5)~~ (e) Educational programs, including special education as defined in section 256B.2, subsection 2 where appropriate, which are approved by the state board of education.

(2) The department shall not promulgate rules which regulate individual licensees in the subject areas enumerated in this paragraph "g".

Sec. 242. Section 249A.3, subsections 2, 4, 5A, 5B, and 14, Code 2009, are amended to read as follows:

2. a. Medical assistance may also, within the limits of available funds and in accordance with section 249A.4, subsection 1, be provided to, or on behalf of, other individuals and families who are not excluded under subsection 5 of this section and whose incomes and resources are insufficient to meet the cost of necessary medical care and services in accordance with the following order of priorities:

~~a.~~ (1) As allowed under 42 U.S.C. § 1396a(a)(10)(A)(ii)(XIII), individuals with disabilities, who are less than sixty-five years of age, who are members of families whose income is less than two hundred fifty percent of the most recently revised official poverty guidelines published by the United States department of health and human services for the family, who have earned income and who are eligible for medical assistance or additional medical assistance under this section if earnings are disregarded. As allowed by 42 U.S.C. § 1396a(r)(2), unearned income shall also be disregarded in determining whether an individual is eligible for assistance under this ~~paragraph~~ subparagraph. For the purposes of determining the amount of an individual's resources under this ~~paragraph~~ subparagraph and as allowed by 42 U.S.C. § 1396a(r)(2), a maximum of ten thousand dollars of available resources shall be disregarded, and any additional resources held in a retirement account, in a medical savings account, or in any other account approved under rules adopted by the department shall also be disregarded. Individuals eligible for assistance under this ~~paragraph~~ subparagraph, whose individual income exceeds one hundred fifty percent of the official poverty guidelines published by the United States department of health and human services for an individual, shall pay a premium. The amount of the premium shall be based on a sliding fee schedule adopted by rule of the department and shall be based on a percentage of the individual's income. The maximum premium payable by an individual whose income exceeds one hundred fifty percent of the official poverty guidelines shall be commensurate with the cost of state employees' group health insurance in this state. The payment to and acceptance by an automated case management system or the department of the premium required under this ~~paragraph~~ subparagraph shall not automatically confer initial or continuing program eligibility on an individual. A premium paid to and accepted by the department's premium payment process that is subsequently determined to be untimely or to have been paid on behalf of an individual ineligible for the program shall be refunded to the remitter in accordance with rules adopted by the department.

~~b.~~ (2) (a) As provided under the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000, Pub. L. No. 106-354, women who meet all of the following criteria:

~~(1)~~ (i) Are not described in 42 U.S.C. § 1396a(a)(10)(A)(i).

~~(2)~~ (ii) Have not attained age sixty-five.

~~(3)~~ (iii) Have been screened for breast and cervical cancer under the United States centers for disease control and prevention breast and cervical cancer early detection program established under 42 U.S.C. § 300k et seq., in accordance with the requirements of 42 U.S.C. § 300n, and need treatment for breast or cervical cancer. A woman is considered screened for breast and cervical cancer under this subparagraph subdivision if the woman is screened by any provider or entity, and the state grantee of the United States centers for disease control and prevention funds under Title XV of the federal Public Health Services Act has elected to include screening activities by that provider or entity as screening activities pursuant to Title XV of the federal Public Health Services Act. This screening includes but is not limited to breast or cervical cancer screenings or related diagnostic services provided by family planning or community health centers and breast cancer screenings funded by the Susan G. Komen foundation

which are provided to women who meet the eligibility requirements established by the state grantee of the United States centers for disease control and prevention funds under Title XV of the federal Public Health Services Act.

~~(4)~~ (iv) Are not otherwise covered under creditable coverage as defined in 42 U.S.C. § 300gg(c).

(b) A woman who meets the criteria of this ~~paragraph~~ subparagraph (2) shall be presumptively eligible for medical assistance.

~~c.~~ (3) Individuals who are receiving care in a hospital or in a basic nursing home, intermediate nursing home, skilled nursing home or extended care facility, as defined by section 135C.1, and who meet all eligibility requirements for federal supplemental security income except that their income exceeds the allowable maximum therefor, but whose income is not in excess of the maximum established by subsection 4 for eligibility for medical assistance and is insufficient to meet the full cost of their care in the hospital or health care facility on the basis of standards established by the department.

~~d.~~ (4) Individuals under twenty-one years of age living in a licensed foster home, or in a private home pursuant to a subsidized adoption arrangement, for whom the department accepts financial responsibility in whole or in part and who are not eligible under subsection 1.

~~e.~~ (5) Individuals who are receiving care in an institution for mental diseases, and who are under twenty-one years of age and whose income and resources are such that they are eligible for the family investment program, or who are sixty-five years of age or older and who meet the conditions for eligibility in paragraph "a" ~~of this subsection~~, subparagraph (1).

~~f.~~ (6) Individuals and families whose incomes and resources are such that they are eligible for federal supplemental security income or the family investment program, but who are not actually receiving such public assistance.

~~g.~~ (7) Individuals who are receiving state supplementary assistance as defined by section 249.1 or other persons whose needs are considered in computing the recipient's assistance grant.

~~h.~~ (8) Individuals under twenty-one years of age who qualify on a financial basis for, but who are otherwise ineligible to receive assistance under the family investment program.

~~i.~~ (9) As allowed under 42 U.S.C. § 1396a(a)(10)(A)(ii)(XVII), individuals under twenty-one years of age who were in foster care under the responsibility of the state on the individual's eighteenth birthday, and whose income is less than two hundred percent of the most recently revised official poverty guidelines published by the United States department of health and human services. Medical assistance may be provided for an individual described by this ~~paragraph~~ subparagraph regardless of the individual's resources.

~~j.~~ (10) Women eligible for family planning services under a federally approved demonstration waiver.

~~k.~~ (11) Individuals and families who would be eligible under subsection 1 or ~~2 of this section~~ this subsection except for excess income or resources, or a reasonable category of those individuals and families.

~~l.~~ (12) Individuals who have attained the age of twenty-one but have not yet attained the age of sixty-five who qualify on a financial basis for, but who are otherwise ineligible to receive, federal supplemental security income or assistance under the family investment program.

b. Notwithstanding the provisions of this subsection establishing priorities for individuals and families to receive medical assistance, the department may determine within the priorities listed in this subsection which persons shall receive medical assistance based on income levels established by the department, subject to the limitations provided in subsection 4.

4. Discretionary medical assistance, within the limits of available funds and in accordance with section 249A.4, subsection 1, may be provided to or on behalf of those individuals and families described in subsection 2, paragraph ~~"k"~~ "a", subparagraph (11), of this section.

5A. In determining eligibility for children under subsection 1, paragraphs "b", "f", "g", "j", "k", "n", and "s"; subsection 2, ~~paragraphs "c", "e", "f", "h",~~ paragraph "a", subparagraphs (3), (5), (6), (8), and ~~"k"~~ (11); and subsection 5, paragraph "b", all resources of the family, other than monthly income, shall be disregarded.

5B. In determining eligibility for adults under subsection 1, paragraphs "b", "e", "h", "j", "k", "n", "s", and "t"; subsection 2, ~~paragraphs "d", "e", "h", "k",~~ paragraph "a", subparagraphs (4), (5), (8), (11), and ~~"l"~~ (12); and subsection 5, paragraph "b", one motor vehicle per household shall be disregarded.

14. Once initial eligibility for the family medical assistance program-related medical assistance is determined for a child described under subsection 1, paragraph "b", "f", "g", "j", "k", "l", or "n" or under subsection 2, paragraph ~~"e", "f", or "h",~~ "a", subparagraph (5), (6), or (8), the department shall provide continuous eligibility for a period of up to twelve months, until the child's next annual review of eligibility under the medical assistance program, if the child would otherwise be determined ineligible due to excess countable income but otherwise remains eligible.

Sec. 243. Section 249A.4, subsection 7, Code 2009, is amended to read as follows:

7. Shall provide for the professional freedom of those licensed practitioners who determine the need for or provide medical care and services, and shall provide freedom of choice to recipients to select the provider of care and services, except when the recipient is eligible for participation in a health maintenance organization or prepaid health plan which limits provider selection and which is approved by the department.

a. However, this shall not limit the freedom of choice to recipients to select providers in instances where such provider services are eligible for reimbursement under the medical assistance program but are not provided under the health maintenance organization or under the prepaid health plan, or where the recipient has an already established program of specialized medical care with a particular provider. The department may also restrict the recipient's selection of providers to control the individual recipient's overuse of care and services, provided the department can document this overuse. The department shall promulgate rules for determining the overuse of services, including rights of appeal by the recipient.

b. Advanced registered nurse practitioners licensed pursuant to chapter 152 shall be regarded as approved providers of health care services, including primary care, for purposes of managed care or prepaid services contracts under the medical assistance program. This paragraph shall not be construed to expand the scope of practice of an advanced registered nurse practitioner pursuant to chapter 152.

Sec. 244. Section 249A.6, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. An attorney representing an applicant for or recipient of assistance on a claim upon which the department has a lien under this section shall notify the department of the claim of which the attorney has actual knowledge, prior to filing a claim, commencing an action or negotiating a settlement offer.

(1) Actual knowledge under this section shall include the notice to the attorney pursuant to subsection 2.

(2) The mailing and deposit in a United States post office or public mailing box of the notice, addressed to the department at its state or district office location, is adequate legal notice of the claim.

Sec. 245. Section 252J.8, subsection 4, Code 2009, is amended to read as follows:

4. a. A licensing authority that is issued a certificate of noncompliance shall initiate procedures for the suspension, revocation, or denial of issuance or renewal of licensure to an individual. The licensing authority shall utilize existing rules and procedures for suspension, revocation, or denial of the issuance or renewal of a license.

b. In addition, the licensing authority shall provide notice to the individual of the licensing authority's intent to suspend, revoke, or deny issuance or renewal of a license under this chapter. The suspension, revocation, or denial shall be effective no sooner than thirty days following provision of notice to the individual.

c. The notice shall state all of the following:

~~a.~~ (1) The licensing authority intends to suspend, revoke, or deny issuance or renewal of an individual's license due to the receipt of a certificate of noncompliance from the unit.

~~b.~~ (2) The individual must contact the unit to schedule a conference or to otherwise obtain a withdrawal of a certificate of noncompliance.

~~c.~~ (3) Unless the unit furnishes a withdrawal of a certificate of noncompliance to the licensing authority within thirty days of the issuance of the notice under this section, the individual's license will be revoked, suspended, or denied.

~~d.~~ (4) If the licensing authority's rules and procedures conflict with the additional requirements of this section, the requirements of this section shall apply.

(5) Notwithstanding section 17A.18, the individual does not have a right to a hearing before the licensing authority to contest the authority's actions under this chapter but may request a court hearing pursuant to section 252J.9 within thirty days of the provision of notice under this ~~section~~ subsection.

Sec. 246. Section 252J.9, Code 2009, is amended to read as follows:

252J.9 DISTRICT COURT HEARING.

1. Following the issuance of a written decision by the unit under section 252J.6 which includes the issuance of a certificate of noncompliance, or following provision of notice to the individual by a licensing authority pursuant to section 252J.8, an individual may seek review of the decision and request a hearing before the district court as follows:

a. If the action is a result of section 252J.2, subsection 2, paragraph "a", in the county in which the underlying support order is filed, by filing an application with the district court, and sending a copy of the application to the unit by regular mail.

b. If the action is a result of section 252J.2, subsection 2, paragraph "b", and the individual is not an obligor, in a county in which the dependent child or children reside if the child or children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in the county in which the individual resides if the action is the result of a request from a child support agency in a foreign jurisdiction.

2. An application shall be filed to seek review of the decision by the unit or following issuance of notice by the licensing authority no later than within thirty days after the issuance of the notice pursuant to section 252J.8. The clerk of the district court shall schedule a hearing and mail a copy of the order scheduling the hearing to the individual and the unit and shall also mail a copy of the order to the licensing authority, if applicable. The unit shall certify a copy of its written decision and certificate of noncompliance, indicating the date of issuance, and the licensing authority shall certify a copy of a notice issued pursuant to section 252J.8, to the court prior to the hearing.

~~2.~~ 3. The filing of an application pursuant to this section shall automatically stay the actions of a licensing authority pursuant to section 252J.8. The hearing on the application shall be scheduled and held within thirty days of the filing of the application. However, if the individual fails to appear at the scheduled hearing, the stay shall be lifted and the licensing authority shall continue procedures pursuant to section 252J.8.

~~3.~~ 4. The scope of review by the district court shall be limited to demonstration of a mistake of fact relating to the delinquency of the obligor or the noncompliance of the individual with a subpoena or warrant. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order are not grounds for a hearing under this chapter.

~~4.~~ 5. Support orders shall not be modified by the court in a hearing under this chapter.

~~5.~~ 6. If the court finds that the unit was in error in issuing a certificate of noncompliance, or in failing to issue a withdrawal of a certificate of noncompliance, the unit shall issue a withdrawal of a certificate of noncompliance to the appropriate licensing authority.

Sec. 247. Section 257.11, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. Notwithstanding paragraph "a", a school district which received supplementary weight-

ing for an alternative high school program for the school budget year beginning July 1, 1999, shall receive an amount of supplementary weighting for the next three school budget years as follows:

(1) For the budget year beginning July 1, 2000, the greater of the amount of supplementary weighting determined pursuant to paragraph "a", or sixty-five percent of the amount received for the budget year beginning July 1, 1999.

(2) For the budget year beginning July 1, 2001, the greater of the amount of supplementary weighting determined pursuant to paragraph "a", or forty percent of the amount received for the budget year beginning July 1, 1999.

(3) For the budget year beginning July 1, 2002, and succeeding budget years, the amount of supplementary weighting determined pursuant to paragraph "a".

c. If a school district receives an amount pursuant to ~~this~~ paragraph "b" which exceeds the amount the district would otherwise have received pursuant to paragraph "a", the department of management shall annually determine the amount of the excess that would have been state aid and the amount that would have been property tax if the school district had generated that amount pursuant to paragraph "a", and shall include the amounts in the state aid payments and property tax levies of school districts. The department of management shall recalculate the supplementary weighting amount received each year to reflect the amount of the reduction in funding from one budget year to the next pursuant to paragraph "b", subparagraphs (1) through (3). It is the intent of the general assembly that when weights are recalculated under this subsection, the total amounts generated by each weight shall be approximately equal.

Sec. 248. Section 275.41, subsection 5, Code 2009, is amended to read as follows:

5. The board of the newly formed district shall appoint an acting superintendent and an acting board secretary. The appointment of the acting superintendent shall not be subject to the continuing contract provision of sections 279.20, 279.23, and 279.24.

6. Section 49.8, subsection 4, shall not permit a director to remain on the board of a school district after the effective date of a boundary change which places the director's residence outside the boundaries of the district. Vacancies so caused on any board shall be filled in the manner provided in sections 279.6 and 279.7.

Sec. 249. Section 280.10, Code 2009, is amended to read as follows:

280.10 EYE-PROTECTIVE DEVICES.

1. Every student and teacher in any public or nonpublic school shall wear industrial quality eye-protective devices at all times while participating, and while in a room or other enclosed area where others are participating, in any phase or activity of a course which may subject the student or teacher to the risk or hazard of eye injury from the materials or processes used in any of the following courses:

~~1.~~ a. Vocational or industrial arts shops or laboratories involving experience with any of the following:

~~a.~~ (1) Hot molten metals.

~~b.~~ (2) Milling, sawing, turning, shaping, cutting, grinding or stamping of any solid materials.

~~c.~~ (3) Heat treatment, tempering or kiln firing of any metal or other materials.

~~d.~~ (4) Gas or electric arc welding.

~~e.~~ (5) Repair or servicing of any vehicle while in the shop.

~~f.~~ (6) Caustic or explosive materials.

~~2.~~ b. Chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids when risk is involved. Visitors to such shops and laboratories shall be furnished with and required to wear the necessary safety devices while such programs are in progress.

2. It shall be the duty of the teacher or other person supervising the students in said courses to see that the above requirements are complied with. Any student failing to comply with such requirements may be temporarily suspended from participation in the course and the registra-

tion of a student for the course may be canceled for willful, flagrant or repeated failure to observe the above requirements.

3. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall provide the safety devices required herein. Such devices may be paid for from the general fund, but the board may require students and teachers to pay for the safety devices and shall make them available to students and teachers at no more than the actual cost to the district or school.

4. "Industrial quality eye-protective devices", as used in this section, means devices meeting American ~~National Standard, Practice~~ national standard, practice for ~~Occupational~~ occupational and ~~Educational Eye~~ educational eye and ~~Face Protection~~ face protection promulgated by the American ~~National Standards Institute, Inc~~ national standards institute, inc.

Sec. 250. Section 321.40, subsection 7, Code 2009, is amended to read as follows:

7. The county treasurer shall refuse to renew the registration of a vehicle registered to an applicant if the county treasurer knows that the applicant has one or more uncontested, delinquent parking tickets issued pursuant to section 321.236, subsection 1, paragraph ~~"a"~~ "b", subparagraph (1), owing to the county, or owing to a city with which the county has an agreement authorized under section 331.553. However, a county treasurer may renew the registration if the treasurer determines that an error was made by the county or city in identifying the vehicle involved in the parking violation or if the citation has been dismissed as against the owner of the vehicle pursuant to section 321.484. This subsection does not apply to the transfer of a registration or the issuance of a new registration. Notwithstanding section 28E.10, a county treasurer may utilize the department's vehicle registration and titling system to facilitate the purposes of this ~~paragraph~~ subsection.

Sec. 251. Section 321.105A, subsection 2, paragraph c, subparagraph (25), Code 2009, is amended to read as follows:

(25) Vehicles subject to registration under this chapter with a gross vehicle weight rating of less than sixteen thousand pounds, excluding motorcycles and motorized bicycles, when purchased for lease and titled by the lessor licensed pursuant to chapter 321F and actually leased for a period of twelve months or more if the lease of the vehicle is subject to the fee for new registration under subsection 3.

(a) A lessor may maintain the exemption under this subparagraph (25) for a qualifying lease that terminates at the conclusion or prior to the contracted expiration date if the lessor does not use the vehicle for any purpose other than for lease.

(b) Once the vehicle is used by the lessor for a purpose other than for lease, the exemption under this subparagraph (25) no longer applies and, unless there is another exemption from the fee for new registration, the fee for new registration is due on the fair market value of the vehicle determined at the time the lessor uses the vehicle for a purpose other than for lease, payable to the department.

(c) If the lessor holds the vehicle exclusively for sale, the fee for new registration is due and payable on the purchase price of the vehicle at the time of purchase pursuant to this subsection.

Sec. 252. Section 321.236, subsections 1, 12, and 13, Code 2009, are amended to read as follows:

1. Regulating the standing or parking of vehicles.

a. Parking meter, snow route, and overtime parking violations which are denied shall be charged and proceed before a court the same as other traffic violations. Filing fees and court costs shall be assessed as provided in section 602.8106, subsection 1 and section 805.6, subsection 1, paragraph "a" for parking violation cases.

b. Parking violations which are admitted:

~~a.~~ (1) May be charged and collected upon a simple notice of a fine payable to the city clerk, if authorized by ordinance. The fine for each violation charged under a simple notice of a fine shall be established by ordinance. The fine may be increased by five dollars if the parking vio-

lation is not paid within thirty days of the date upon which the violation occurred, if authorized by ordinance. Violations of section 321L.4, subsection 2, may be charged and collected upon a simple notice of a one hundred dollar fine payable to the city clerk, if authorized by ordinance. No costs or other charges shall be assessed. All fines collected by a city pursuant to this paragraph shall be retained by the city and all fines collected by a county pursuant to this paragraph shall be retained by the county, except as provided by an agreement between a city and a county treasurer for the collection of fines pursuant to section 331.553, subsection 8.

~~b.~~ (2) Notwithstanding any such ordinance, may be prosecuted under the provisions of sections 805.7 to 805.13 or as any other traffic violation.

c. (1) If the local authority regulating the standing or parking of vehicles under this subsection is located in a county where the renewal of registration of a vehicle shall be refused for unpaid restitution under section 321.40, the simple notice of fine under paragraph ~~"a"~~ "b" shall contain the following statement:

"FAILURE TO PAY RESTITUTION OWED BY YOU CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

(2) This paragraph "c" does not invalidate forms for notice of parking violations in existence prior to July 1, 1980. Existing forms may be used until supplies are exhausted.

d. (1) If the local authority regulating the standing or parking of vehicles under this subsection is a county or is a city which has an agreement with a county treasurer by which the renewal of registration of a vehicle shall be refused for uncontested and unpaid parking fines under section 321.40, the simple notice of a fine under paragraph ~~"a"~~ "b" shall contain the following statement:

"FAILURE TO PAY PARKING FINES OWED BY YOU CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

(2) This paragraph "d" does not invalidate forms for notice of parking violations in existence prior to July 1, 2007. Existing forms may be used until supplies are exhausted.

e. Cities that enter into chapter 28E agreements for the collection of delinquent parking fines in conjunction with renewal of motor vehicle registrations pursuant to section 321.40 shall be responsible for computer programming costs incurred by the department to accommodate the collection and dissemination of delinquent parking ticket information to county treasurers, with each such city paying a per capita share of the costs as provided in this paragraph. The department's programming costs shall be paid by the first city to enter into such an agreement. Thereafter, cities that enter into such agreements on or before June 30, 2010, shall pay a pro rata share of the department's programming costs on or before September 30, 2010, to the city which first paid the costs, based on the respective populations of each city as of the last decennial census.

12. Designating highways or portions of highways as snow routes.

a. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic if the driving wheels of the vehicle are not equipped with snow tires, tire chains, or a nonslip differential.

b. A person charged with impeding or blocking traffic for lack of snow tires, chains, or nonslip differential shall have the charge dismissed upon a showing to the court that the person's motor vehicle was equipped with snow tires, chains, or a nonslip differential.

13. Establishing a rural residence district.

a. The board of supervisors of a county with respect to highways under its jurisdiction may establish, by ordinance or resolution, rural residence districts and may, by ordinance or resolution, regulate the speed and parking of vehicles within the rural residence district consistent with sections 321.239, 321.285, and 321.293.

b. Before establishing a rural residence district, the board of supervisors shall hold a public hearing on the proposal, notice of which shall be published in a newspaper having a general circulation in the area where the proposed district is located at least twenty days before the date of hearing. The notice shall state the time and place of the hearing, the proposed location of the district, and other data considered pertinent by the board of supervisors.

Sec. 253. Section 423.4, subsection 6, paragraph a, Code 2009, is amended to read as follows:

a. (1) The owner of a collaborative educational facility in this state may make application to the department for the refund of the sales or use tax upon the sales price of all sales of goods, wares, or merchandise, or from services furnished to a contractor, used in the fulfillment of a written construction contract with the owner of the collaborative educational facility for the original construction, or additions or modifications to, a building or structure to be used as part of the collaborative educational facility.

(2) To receive the refund under this subsection, a collaborative educational facility must meet all of the following criteria:

~~(1)~~ (a) The contract for construction of the building or structure is entered into on or after April 1, 2003.

~~(2)~~ (b) The building or structure is located within the corporate limits of a city in the state with a population in excess of one hundred ninety-five thousand residents.

~~(3)~~ (c) The sole purpose of the building or structure is to provide facilities for a collaborative of public and private educational institutions that provide education to students.

~~(4)~~ (d) The owner of the building or structure is a nonprofit corporation governed by chapter 504 or former chapter 504A which is exempt from federal income tax pursuant to section 501(a) of the Internal Revenue Code.

(3) References to "building" or "structure" in ~~subparagraphs (1)~~ subparagraph (2), subparagraph divisions (a) through ~~(4)~~ (d) include any additions or modifications to the building or structure.

Sec. 254. Section 425A.4, subsection 4, Code 2009, is amended to read as follows:

4. The assessor shall retain a permanent file of current family farm credit claims filed in the assessor's office.

5. The county recorder shall give notice to the assessor of each transfer of title filed in the recorder's office. The notice shall describe the tract of agricultural land transferred, the name of the person transferring the title to the tract, and the name of the person to whom title to the tract has been transferred.

Sec. 255. Section 427B.2, subsection 3, Code 2009, is amended to read as follows:

3. The board of supervisors of a county which has not appointed a zoning commission may provide for a partial exemption from property taxation of the actual value added to industrial real estate as provided under section 427B.1 in an area where the partial exemption could not otherwise be granted under this chapter where the actual value added is to industrial real estate existing on July 1, 1979.

4. To grant an exemption under the provisions of this section, the county board of supervisors shall comply with all of the requirements imposed by this chapter upon the city council of a city.

Sec. 256. Section 445.36A, subsection 2, Code 2009, is amended to read as follows:

2. Partial payment of taxes which are delinquent may be made to the county treasurer. For the installment being paid, payment shall first be applied to any interest, fees, and costs accrued and the remainder applied to the taxes due. A partial payment must equal or exceed the amount of interest, fees, and costs of the installment being paid. A partial payment made under this subsection shall be apportioned in accordance with section 445.57. If the payment does not include the whole of any installment of the delinquent tax, the unpaid tax shall continue to accrue interest pursuant to section 445.39. Partial payment shall not be permitted in lieu of redemption if the property has been sold for taxes under chapter 446 and under any circumstances shall not constitute an extension of the time period for a sale under chapter 446.

3. Current year taxes may be paid at any time regardless of any outstanding prior year delinquent tax.

4. This section does not apply to the payment of manufactured or mobile home taxes, special assessments, or rates or charges.

Sec. 257. Section 450.68, Code 2009, is amended to read as follows:

450.68 INFORMATION CONFIDENTIAL.

1. a. Any and all information acquired by the department of revenue under and by virtue of the means and methods provided for by sections 450.66 and 450.67 shall be deemed and held as confidential and shall not be disclosed by the department except so far as the same may be necessary for the enforcement and collection of the inheritance tax provided for by the laws of this state; provided, however, that the director of revenue may authorize the examination of the information by other state officers, or, if a reciprocal arrangement exists, by tax officers of another state or of the federal government.

b. Federal tax returns, copies of returns, return information as defined in section 6103(b) of the Internal Revenue Code, and state inheritance tax returns, which are required to be filed with the department for the enforcement of the inheritance tax laws of this state, shall be deemed and held as confidential by the department. However, such returns or return information, may be disclosed by the director to officers or employees of other state agencies, subject to the same confidentiality restrictions imposed on the officers and employees of the department.

2. It shall be unlawful for any present or former officer or employee of the state to disclose, except as provided by law, any return, return information or any other information deemed and held confidential under the provisions of this section. Any person violating the provisions of this section shall be guilty of a serious misdemeanor.

Sec. 258. Section 554.2504, Code 2009, is amended to read as follows:

554.2504 SHIPMENT BY SELLER.

Where the seller is required or authorized to send the goods to the buyer and the contract does not require the seller to deliver them at a particular destination, then unless otherwise agreed the seller must:

~~a.~~ 1. ~~put~~ Put the goods in the possession of such a carrier and make such a contract for their transportation as may be reasonable having regard to the nature of the goods and other circumstances of the case; and

~~b.~~ 2. ~~obtain~~ Obtain and promptly deliver or tender in due form any document necessary to enable the buyer to obtain possession of the goods or otherwise required by the agreement or by usage of trade; and

~~c.~~ 3. ~~promptly~~ Promptly notify the buyer of the shipment. Failure to notify the buyer under ~~paragraph "c"~~ this subsection or to make a proper contract under ~~paragraph "a"~~ subsection 1 is a ground for rejection only if material delay or loss ensues.

Sec. 259. Section 554.2615, Code 2009, is amended to read as follows:

554.2615 EXCUSE BY FAILURE OF PRESUPPOSED CONDITIONS.

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

~~a.~~ 1. Delay in delivery or nondelivery in whole or in part by a seller who complies with ~~paragraphs "b"~~ subsections 2 and ~~"c"~~ 3, is not a breach of the seller's duty under a contract for sale if performance as agreed has been made impracticable by the occurrence of a contingency the nonoccurrence of which was a basic assumption on which the contract was made or by compliance in good faith with any applicable foreign or domestic governmental regulation or order whether or not it later proves to be invalid.

~~b.~~ 2. Where the causes mentioned in ~~paragraph "a"~~ subsection 1 affect only a part of the seller's capacity to perform, the seller must allocate production and deliveries among the seller's customers but may at the seller's option include regular customers not then under contract as well as the seller's own requirements for further manufacture. The seller may so allocate in any manner which is fair and reasonable.

~~c.~~ 3. The seller must notify the buyer seasonably that there will be delay or nondelivery and, when allocation is required under ~~paragraph "b"~~ subsection 2, of the estimated quota thus made available for the buyer.

Sec. 260. Section 716.6, Code 2009, is amended to read as follows:

716.6 CRIMINAL MISCHIEF IN THE FOURTH AND FIFTH DEGREES.

1. Criminal mischief is criminal mischief in the fourth degree if the cost of replacing, repairing, or restoring the property so damaged, defaced, altered, or destroyed exceeds two hundred dollars, but does not exceed five hundred dollars. Criminal mischief in the fourth degree is a serious misdemeanor.

2. All criminal mischief which is not criminal mischief in the first degree, second degree, third degree, or fourth degree is criminal mischief in the fifth degree. Criminal mischief in the fifth degree is a simple misdemeanor.

Sec. 261. Section 805.8A, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars, except if the local authority has established the fine by ordinance pursuant to section 321.236, subsection 1. The scheduled fine for a parking violation pursuant to section 321.236 increases by five dollars, as authorized by ordinance pursuant to section 321.236, subsection 1, if the parking violation is not paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance bond required under section 805.6, the scheduled fine shall be five dollars, or if the amount of the fine is greater than five dollars, the unsecured appearance bond shall be the amount of the fine established by the local authority pursuant to section 321.236, subsection 1. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint as permitted by section 321.236, subsection 1, paragraph ~~"a"~~ "b", subparagraph (1), are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 321.362 or 461A.38, the scheduled fine is ten dollars.

Sec. 262. Section 907.3A, subsection 1, Code 2009, is amended to read as follows:

1. Notwithstanding section 907.3 but subject to any conditions of the waiver order, the trial court shall, upon a plea of guilty or a verdict of guilty, defer sentence of a youthful offender over whom the juvenile court has waived jurisdiction pursuant to section 232.45, subsection 7, and place the juvenile on youthful offender status. The court shall transfer supervision of the youthful offender to the juvenile court for disposition in accordance with section 232.52. The court shall require supervision of the youthful offender in accordance with section 232.54, subsection ~~8~~ 1, paragraph "h", or subsection 2 of this section. Notwithstanding section 901.2, a presentence investigation shall not be ordered by the court subsequent to an entry of a plea of guilty or verdict of guilty or prior to deferral of sentence of a youthful offender under this section.

Sec. 263. CODE EDITOR DIRECTIVES.

1. The Code editor is directed to renumber sections 554.2308, 554.2310, 554.2317, 554.2324, 554.2515, 554.2601, 554.2610, 554.2613, 554.2722, 554.4407, and 554.4503, Code 2009, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts as necessary.

2. The Code editor is directed to number or renumber to eliminate unnumbered paragraphs in sections 85B.5, 123.107, 124.203, 126.15, 135B.11, 137F.7, 138.12, 147A.8, 152B.3, 154A.12, 160.5, 172A.11, 174.12, 182.15, 183A.5, 184.4, 189.9, 189A.3, 190.3, 199.7, 215A.6, 218.95, 222.43, 225C.37, 226.7, 229.25, 231.14, 236.3, 241.2, 252H.2, 280.9, 358.20, and 441.19, Code 2009, and correct internal references in the Code and in any enacted Iowa Acts as necessary.

3. The Code editor is directed to number or renumber to eliminate unnumbered paragraphs

within the following subunits in sections 85.38, subsection 2; 123.30, subsection 3; 123.53, subsection 2; 125.13, subsection 1; 125.80, subsection 1; 126.18, subsection 2; 135C.19, subsection 2; 135C.23, subsection 2; 135C.30, subsection 4; 139A.8, subsection 4; 142A.4, subsection 9; 148C.4, subsection 2; 153.33, subsection 1; 164.30, subsection 2; 166D.9, subsection 3; 175.36, subsection 1; 200.3, subsection 13; 200.8, subsection 1; 200.10, subsection 2; 200A.6, subsection 2; 203.19, subsection 2; 203C.12A, subsection 9; 206.19, subsection 5; 206.31, subsection 2; 207.12, subsection 1; 207.13, subsection 1; 214A.2, subsection 2; 216.17, subsection 1; 222.73, subsection 2; 226.1, subsection 2; 228.2, subsection 2; 228.5, subsection 2; 228.7, subsection 2; 229.2, subsection 1; 231C.17, subsection 4; 232.8, subsection 3; 232.21, subsection 2; 232.45, subsections 7, 11, and 14; 232.98, subsection 1; 232.102, subsection 1; 232.147, subsection 6; 234.1, subsection 2; 235A.1, subsection 1; 236.2, subsection 2; 237.20, subsections 1 and 4; 239B.2, subsection 3; 252.16, subsection 4; 252E.5, subsection 6; 252F.3, subsection 3; 252G.4, subsection 1; 256.44, subsection 1, paragraph "b"; 260C.22, subsections 3 and 4; 261A.7, subsection 4; 272C.3, subsection 4; 273.10, subsections 3 and 6; 275.25, subsections 1 and 2; and 424.3, subsection 1; Code 2009, and correct internal references in the Code and in any enacted Iowa Acts as necessary.

4. The Code editor is directed to strike the words "subparagraph subdivision" or "subparagraph subdivisions" and insert the words "subparagraph division" or "subparagraph divisions", as appropriate, in sections 7K.1, 8.41, 12C.16, 15A.9, 15E.208, 15E.209, 15G.203, 16.100, 34A.7A, 96.19, 97B.1A, 97B.8B, 97B.80C, 100B.31, 124.401, 135.11, 142C.3, 154C.3, 216.8A, 232.22, 235B.3, 235E.2, 249H.7, 257.31, 260C.18C, 321.105A, 331.441, 422.5, 427.1, 455B.474, 455E.11, 455F.8A, 455G.1, 455J.7, 457B.1, 490.1110, 501.412, 502A.4, 505A.1, 518.14, 518A.12, 523A.901, 523H.6, 602.8107, and 692B.2, Code 2009.

DIVISION III
EFFECTIVE DATES

Sec. 264. EFFECTIVE DATES — APPLICABILITY.

1. The section of this Act, amending 2008 Iowa Acts, chapter 1088, section 44, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

2. The section of this Act, adding a new section to 2008 Iowa Acts, chapter 1088, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

3. The section of this Act, amending 2008 Iowa Acts, chapter 1181, section 5, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

4. The section of this Act, amending section 261E.12, subsection 1, paragraph "d", as enacted by 2008 Iowa Acts, chapter 1181, section 63, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

5. The section of this Act, amending 2008 Iowa Acts, chapter 1187, section 9, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

6. The section of this Act, adding a new section to 2008 Iowa Acts, chapter 1191, takes effect August 1, 2009.

Approved April 3, 2009

CHAPTER 42

CAMPAIGN FINANCE —
MISCELLANEOUS PROVISIONS

S.F. 49

AN ACT relating to the administration of campaign disclosure laws.

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

Section 1. Section 68A.101, Code 2009, is amended to read as follows:

68A.101 CITATION AND ADMINISTRATION.

This chapter may be cited as the "Campaign Disclosure – Income Tax Checkoff Act". The Iowa ethics and campaign disclosure board shall administer this chapter as provided in sections 68B.32, 68B.32A, 68B.32B, 68B.32C, and 68B.32D.

Sec. 2. Section 68A.301, subsection 1, Code 2009, is amended to read as follows:

1. A candidate's committee shall not accept contributions from, or make contributions to, any other candidate's committee including candidate's committees from other states or for federal office, unless the candidate for whom each committee is established is the same person. For purposes of this section, "contributions" includes monetary and in-kind contributions but does not include travel costs incurred by a candidate in attending a campaign event of another candidate and does not include the sharing of information in any format.

Sec. 3. Section 68A.303, subsection 6, Code 2009, is amended to read as follows:

6. ~~An individual or a political committee~~ A person shall not knowingly make transfers or contributions to a candidate or candidate's committee for the purpose of transferring the funds to another candidate or candidate's committee to avoid the disclosure of the source of the funds pursuant to this chapter. A candidate or candidate's committee shall not knowingly accept transfers or contributions from ~~an individual or political committee~~ any person for the purpose of transferring funds to another candidate or candidate's committee as prohibited by this subsection. A candidate or candidate's committee shall not accept transfers or contributions which have been transferred to another candidate or candidate's committee as prohibited by this subsection. The board shall notify candidates of the prohibition of such transfers and contributions under this subsection.

Sec. 4. Section 68A.402, subsection 1, Code 2009, is amended to read as follows:

1. FILING METHODS. Each committee shall file with the board reports disclosing information required under this section on forms prescribed by rule. ~~Reports~~ Except as set out in section 68A.401, reports shall be filed on or before the required due dates by using any of the following methods: mail bearing a United States postal service postmark, hand-delivery, facsimile transmission, electronic mail attachment, or electronic filing as prescribed by rule. Any report that is required to be filed five days or less prior to an election must be physically received by the board to be considered timely filed. For purposes of this section, "physically received" means the report is either electronically filed using the board's electronic filing system or is received by the board prior to 4:30 p.m. on the report due date.

Sec. 5. Section 68A.404, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. This section does not apply to a candidate, candidate's committee, state statutory political committee, county statutory political committee, or a political committee. This section does not apply to a federal committee or an out-of-state committee that makes an independent expenditure.