



CHESTER J. CULVER  
GOVERNOR

**OFFICE OF THE GOVERNOR**

PATTY JUDGE  
LT. GOVERNOR

May 22, 2009

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

**Senate File 449**, an Act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions.

The above Senate File is hereby approved this date.

Sincerely,

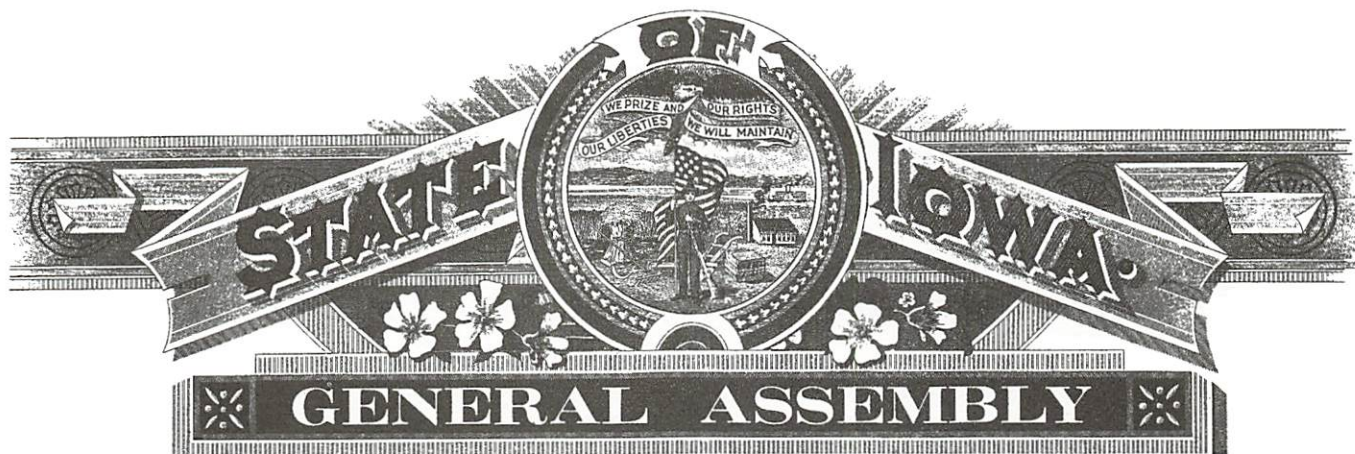
A handwritten signature in black ink, appearing to read "Chester J. Culver", with a long horizontal flourish extending to the right.

Chester J. Culver  
Governor

CJC:bdj

cc: Secretary of the Senate  
Chief Clerk of the House





SENATE FILE 449

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH MAY ADJUST LANGUAGE TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING PROVISIONS, OR REMOVE AMBIGUITIES, AND INCLUDING EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

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

DIVISION I

MISCELLANEOUS PROVISIONS

Section 1. Section 6B.14, subsection 1, Code 2009, is amended to read as follows:

1. The commissioners shall, at the time fixed in the aforesaid notices required under section 6B.8, view the land sought to be condemned and assess the damages which the owner will sustain by reason of the appropriation. The commission shall file its written report, signed by all commissioners, with the sheriff. At the request of the condemner or the condemnee, the commission shall divide the damages into parts to indicate the value of any dwelling, the value of the land and improvements other than a dwelling, and the value of any

additional damages. The appraisal and return may be in parcels larger than forty acres belonging to one person and lying in one tract, unless the agent or attorney of the applicant, or the commissioners, have actual knowledge that the tract does not belong wholly to the person in whose name it appears of record; and in case of such knowledge, the appraisal shall be made of the different portions as they are known to be owned.

Sec. 2. Section 9D.1, Code 2009, is amended to read as follows:

9D.1 DEFINITIONS.

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

1. "Applicant" means a person applying for registration under this chapter.

2. "Customer" means a person who is offered or who purchases travel services.

3. "Doing business" in this state means any of the following:

a. Offering to sell or selling travel services, if the offer is made or received within the state.

b. Offering to arrange or arranging travel services for a fee or commission, direct or indirect, if the offer is made or received in this state.

c. Offering to award or awarding travel services as a prize or award, if the offer or award is made in or received in this state.

~~3-~~ 4. "Registrant" means a person registered pursuant to this chapter.

~~4-~~ 5. "Secretary" means the secretary of state.

~~5-~~ 6. "Solicitation" means contact by a travel agency or travel agent of a customer for the purpose of selling or offering to sell travel services.

~~6-~~ 7. "Travel agency" means a person who represents, directly or indirectly, that the person is offering or undertaking by any means or method, to provide travel services for a fee, commission, or other valuable consideration, direct or indirect.

~~7-~~ 8. "Travel agent" means a person employed by a travel agency whose principal duties include consulting with and

advising persons concerning travel arrangements or accommodations.

8. 9. "Travel services" means arranging or booking vacation or travel packages, travel reservations or accommodations, tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation, or hotel or other lodging accommodations. Travel services include travel related prizes or awards for which the customer must pay a fee or, in connection with the prize or award, expend moneys for the direct or indirect monetary benefit of the person making the award, in order for the customer to collect or enjoy the benefits of the prize or award.

Sec. 3. Section 9D.2, subsections 4 through 9, Code 2009, are amended to read as follows:

~~4. -- "Doing business" in this state, for purposes of this chapter, means any of the following:~~

~~a. -- Offering to sell or selling travel services, if the offer is made or received within the state.~~

~~b. -- Offering to arrange, or arranging, travel services for a fee or commission, direct or indirect, if the offer is made or received in this state.~~

~~c. -- Offering to, or awarding, travel services as a prize or award, if the offer or award is made in or received in this state.~~

5. 4. An applicant shall complete an application for registration form provided by the secretary. The application form must be accompanied by the required bond or evidence of financial responsibility and the registration fee. The application form shall include all of the following information:

a. The name and signature of an officer or partner of a business entity or the names and signatures of the principal owner and operator if the agency is a sole proprietorship.

b. The name, address, and telephone number of the applicant and the name of all travel agents employed by the applicant travel agency.

c. The name, address, and telephone number of any person who owns or controls, directly or indirectly, ten percent or more of the applicant.

d. If the applicant is a foreign corporation or business, the name and address of the corporation's agent in this state for service of process.

e. Any additional information required by rule adopted by the secretary pursuant to chapter 17A.

~~6-~~ 5. The application form shall be accompanied by a written irrevocable consent to service of process. The consent must provide that actions in connection with doing business in this state may be commenced against the registrant in the proper jurisdiction in this state in which the cause of action may arise, or in which the plaintiff may reside, by service of process on the secretary as the registrant's agent and stipulating and agreeing that such service of process shall be taken and held in all courts to be as valid and binding as if service of process had been made upon the person according to the laws of this or any other state. The consent to service of process shall be in such form and supported by such additional information as the secretary may by rule require.

~~7-~~ 6. An annual registration fee as established by the secretary by rule is required at the time the application for registration form is filed with the secretary, and on or before the anniversary date of the effective date of registration for each subsequent year. The registration fee shall be established at a rate deemed reasonably necessary by the secretary to support the administration of this chapter, but not to exceed fifteen dollars per year per agency. If an applicant or a registrant fails to pay the annual registration fee, the application for registration or registration lapses and becomes ineffective.

~~8-~~ 7. A registrant shall submit to the secretary corrections to the information supplied in the registration form within a reasonable time after a change in circumstances, which circumstances would be required to be reported in an application for registration form, except travel agents' names as required in subsection 5 4, paragraph "b". The names of travel agents shall be updated at the time of annual registration.

~~9-~~ 8. The secretary may revoke or suspend a registration for cause subject to the contested case provisions of chapter 17A.

Sec. 4. Section 10.1, subsections 9 and 17, Code 2009, are amended to read as follows:

9. "Farmers cooperative limited liability company" means a limited liability company organized under chapter 489 or 490A, if cooperative associations hold one hundred percent of all membership interests in the limited liability company. Farmers cooperative associations must hold at least seventy percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or 490A.305 or any class or group as provided in section 489.1201 or 490A.307, farmers cooperative associations must hold at least seventy percent of all membership interests of ~~that~~ each type.

17. "Networking farmers limited liability company" means a limited liability company, other than a family farm limited liability company as defined in section 9H.1, organized under chapter 489 or 490A if all of the following conditions are satisfied:

a. Qualified farmers must hold at least fifty-one percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or 490A.305 or any class or group as provided in section 489.1201 or 490A.307, qualified farmers must hold at least fifty-one percent of all membership interests of ~~that~~ each type.

b. Qualified persons must hold at least seventy percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or 490A.305 or any class or group as provided in section 489.1201 or 490A.307, qualified persons must hold at least seventy percent of all membership interests of ~~that~~ each type.

Sec. 5. Section 15.103, subsection 1, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Each of the following areas of expertise shall be represented by at least one voting member of the board who has professional experience in that area of expertise:

Sec. 6. Section 15.103, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. At least nine of the voting members of the board shall be actively employed in the private, for-profit sector of the economy.

Sec. 7. Section 15.247, subsection 2, Code 2009, is amended to read as follows:

2. A "targeted small business financial assistance ~~program account~~ program" is established within the department. A targeted small business financial assistance program account is established within the strategic investment fund created in section 15.313, to allow the department to provide for loans, loan guarantees, or grants to eligible targeted small businesses.

a. A targeted small business in any year shall receive under this program not more than fifty thousand dollars in a loan, grant, or guarantee, or a combination of loans, grants, or guarantees. A grant shall only be awarded when additional financing is secured by the applicant. In order to receive a grant, the applicant must demonstrate a minimum of ten percent cash investment in the project. A targeted small business shall not receive a grant, loan, or guarantee, or a combination of grants, loans, or guarantees under the program that provide more than ninety percent funding of a project.

b. The program shall provide guarantees not to exceed eighty percent for loans of up to seven years made by qualified lenders. The department shall establish a financial assistance reserve account from funds allocated to the program account, from which any default on a guaranteed loan under this section shall be paid. In administering the program the department shall not guarantee loan values in excess of the amount credited to the reserve account and only moneys set aside in the loan reserve account may be used for the payment of a default.

c. The department shall maintain records of all financial assistance approved pursuant to this section and information regarding the effectiveness of the financial assistance in establishing or expanding small business ventures.

Sec. 8. Section 16.1, subsection 1, paragraph ac, Code 2009, is amended to read as follows:

ac. "Powers" means all of the general and specific powers of the authority as provided in this chapter ~~and~~ which shall be broadly and liberally interpreted to authorize the authority to act in accordance with the goals of the authority and in a manner consistent with the legislative findings and guiding principles ~~which-are-reasonably-necessary~~.

Sec. 9. Section 24.20, Code 2009, is amended to read as follows:

24.20 TAX RATES FINAL.

The several tax rates and levies of ~~the-municipalities-thus~~ a municipality that are determined and certified in the manner provided in sections 24.1 through 24.19, except such tax rates and levies as are authorized by a vote of the people, shall stand as the tax rates and levies of said municipality for the ensuing fiscal year for the purposes set out in the budget.

Sec. 10. Section 26.14, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. If a public improvement may be performed by an employee of the governmental entity, the amount of estimated sales and fuel tax and the premium cost for the performance and payment bond which a contractor identifies in its quotation shall be deducted from the contractor's price for determining the lowest responsive, responsible quotation. If no quotations are received to perform the work, or if the governmental entity's estimated cost to do the work with its employee is less than the lowest responsive, responsible quotation received, the governmental entity may authorize its employee or employees to perform the work.

Sec. 11. Section 42.3, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. However, if the population data for legislative districting which the United States census bureau is required to provide this state under Pub. L. No. 94-171 and, if used by the legislative services agency, the corresponding topologically integrated geographic encoding and referencing data file for that population data are not available to the legislative services agency on or before February 15 of the year ending in one, the dates set forth in ~~this-subsection~~ paragraph "a" shall be extended by a number of days equal to the number of days after February 15 of the year ending in one

that the federal census population data and the topologically integrated geographic encoding and referencing data file for legislative districting become available.

Sec. 12. Section 42.3, subsection 2, Code 2009, is amended to read as follows:

2. If the bill embodying the plan submitted by the legislative services agency under subsection 1 fails to be enacted, the legislative services agency shall prepare a bill embodying a second plan of legislative and congressional districting. The bill shall be prepared in accordance with section 42.4, and, insofar as it is possible to do so within the requirements of section 42.4, with the reasons cited by the senate or house of representatives by resolution, or the governor by veto message, for the failure to approve the plan. If a second plan is required under this subsection, the bill embodying it shall be delivered to the secretary of the senate and the chief clerk of the house of representatives not later than thirty-five days after the date of the vote by which the senate or the house of representatives fails to approve the bill submitted under subsection 1, or the date the governor vetoes or fails to approve the bill. If it is necessary to submit a bill under this subsection, the bill shall be brought to a vote not less than seven days after the bill is submitted and made available to the members of the general assembly, under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this chapter that if the bill is approved by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule. If the bill embodying the plan submitted by the legislative services agency under this subsection fails to be approved by a constitutional majority in either the senate or the house of representatives, the secretary of the senate or the chief clerk of the house, as the case may be, shall transmit to the legislative services agency in the same manner as described in subsection 1, information which the senate or house may direct by resolution regarding reasons why the plan was not approved ~~in-the-same-manner-as-described-in subsection-1~~.

Sec. 13. Section 46.2A, subsections 1 and 8, Code 2009, are amended to read as follows:

1. As used in this section, "congressional district" means those districts established following the 2010 federal decennial census and described in chapter ~~42~~ 40.

8. If the number of congressional districts established following the 2010 federal decennial census and described in chapter ~~42~~ 40 is not equal to four, then the procedures set out in this section are void and this section is repealed effective June 30, 2012.

Sec. 14. Section 49.36, Code 2009, is amended to read as follows:

49.36 CANDIDATES OF NONPARTY ORGANIZATION.

The term "group of petitioners" as used in ~~the-foregoing~~ sections 49.32 and 49.35 shall embrace an organization which is not a political party as defined by law.

Sec. 15. Section 52.25, subsection 2, Code 2009, is amended to read as follows:

2. The question, amendment, or measure, ~~and or~~ summaries thereof, shall be printed on the ~~special-paper~~ ballots ~~or-on~~ ~~the-inserts-used-in-the-voting-machines~~. In no case shall the font size be less than ten point type.

Sec. 16. Section 62.1A, Code 2009, is amended to read as follows:

62.1A CONTEST COURT ESTABLISHED.

The court for the trial of contested county elections shall consist of one person member named by the contestant and one person member named by the incumbent. If the incumbent fails to name a judge member, the chief judge of the judicial district shall be notified of the failure to appoint. The chief judge shall designate the second judge member within one week after the chief judge is notified. These two judges members shall meet within three days and select a third person member to serve as the presiding ~~officer~~ member of the court. If they cannot agree on the third member of the court within three days after their initial meeting, the chief judge of the judicial district shall be notified of the failure to agree. The chief judge shall designate the presiding judge member within one week after the chief judge is notified.

Sec. 17. Section 62.2, Code 2009, is amended to read as follows:

62.2 ~~JUDGES~~ JUDGES CONTEST COURT MEMBERS SWORN.

~~Judges~~ Members of the contest court shall be sworn in the same manner and form as trial jurors are sworn in trials of civil actions. When a ~~judge~~ member fails to appear on the day of trial, that ~~judge's~~ member's place may be filled by ~~another~~ the appointment of another member under the same rule.

Sec. 18. Section 68B.22, subsection 4, paragraph e, Code 2009, is amended to read as follows:

e. Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient. This paragraph shall not apply to ~~receptions~~ functions described under paragraph "s".

Sec. 19. Section 73.16, subsection 2, paragraph b, Code 2009, is amended to read as follows:

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

Sec. 20. Section 75.1, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. ~~All-ballots~~ Ballots cast ~~and~~ but not counted as a vote for or against the proposition shall not be used in computing the total vote cast for and against said proposition.

Sec. 21. Section 85.59, Code 2009, is amended to read as follows:

85.59 BENEFITS FOR INMATES AND OFFENDERS.

1. For the purposes of this section, ~~the term "inmate":~~

a. "Inmate" includes a:

(1) A person confined in a reformatory, state penitentiary, release center, or other state penal or

correctional institution while that person works in connection with the maintenance of the institution, in an industry maintained in the institution, or in an industry referred to in section 904.809, or while on detail to perform services on a public works project.

~~(2) For purposes of this section, "inmate" includes a~~ A person who is performing unpaid community service under the direction of the district court, board of parole, or judicial district department of correctional services, or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, or who is performing a work assignment of value to the state or to the public under chapter 232. ~~For purposes of this section, "unpaid~~

b. "Unpaid community service under the direction of the district court" includes but is not limited to community service ordered and performed pursuant to section 598.23A.

2. For purposes of this section, an inmate on a work assignment under section 904.703 working in construction or maintenance at a public or charitable facility, or under assignment to another agency of state, county, or local government, shall be considered an employee of the state.

3. a. If an inmate is permanently incapacitated by injury in the performance of the inmate's work in connection with the maintenance of the institution, in an industry maintained in the institution, or in an industry referred to in section 904.809, while on detail to perform services on a public works project, or while performing services authorized pursuant to section 904.809, or is permanently or temporarily incapacitated in connection with the performance of unpaid community service under the direction of the district court, board of parole, or judicial district department of correctional services, or in connection with the provision of services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, or who is performing a work assignment of value to the state or to the public under chapter 232, that inmate shall be awarded only the benefits provided in section 85.27 and section 85.34, subsections 2 and 3. The weekly rate for such permanent disability is equal to the minimum rate as provided in this chapter.

b. Weekly compensation benefits under this section may be determined prior to the inmate's release from the institution, but payment of benefits to an inmate shall commence as of the time of the inmate's release from the institution either upon parole or final discharge. However, if the inmate is awarded benefits for an injury incurred in connection with the performance of unpaid community service under the direction of the district court, board of parole, or judicial district department of correctional services, or in connection with the provision of services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, or who is performing a work assignment of value to the state or to the public under chapter 232, weekly compensation benefits under this section shall be determined and paid as in other workers' compensation cases.

c. If an inmate is receiving benefits under the provisions of this section and is recommitted to an institution covered by this section, the benefits shall immediately cease. If benefits cease because of the inmate's recommitment, the benefits shall resume upon subsequent release from the institution.

d. If death results from the injury, death benefits shall be awarded and paid to the dependents of the inmate as in other workers' compensation cases except that the weekly rate shall be equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the department of workforce development under section 96.19, subsection 36, and in effect at the time of the injury.

4. Payment under this section shall be made promptly out of appropriations which have been made for that purpose, if any. An amount or part thereof which cannot be paid promptly from the appropriation shall be paid promptly out of money in the state treasury not otherwise appropriated.

5. The time limit for commencing an original proceeding to determine entitlement to benefits under this section is the same as set forth in section 85.26. If an injury occurs to an inmate so as to qualify the inmate for benefits under this section, notwithstanding the fact that payments of weekly benefits are not commenced, an acknowledgment of compensability shall be filed with the workers' compensation

commissioner within thirty days of the time the responsible authority receives notice or knowledge of the injury as required by section 85.23.

6. If a dispute arises as to the extent of disability when an acknowledgment of compensability is on file or when an award determining liability has been made, an action to determine the extent of disability must be commenced within one year of the time of the release of the inmate from the institution. This does not bar the right to reopen the claim as provided by section 85.26, subsection 2.

7. Responsibility for the filings required by chapter 86 for injuries resulting in permanent disability or death and as modified by this section shall be made in the same manner as for other employees of the institution.

Sec. 22. Section 85.66, Code 2009, is amended to read as follows:

85.66 SECOND INJURY FUND -- CREATION -- CUSTODIAN.

1. The "~~Second-Injury-Fund~~" second injury fund is hereby established under the custody of the treasurer of state and shall consist of payments to the fund as provided by this division and any accumulated interest and earnings on moneys in the second injury fund.

2. The treasurer of state is charged with the conservation of the assets of the second injury fund. Moneys collected in the second injury fund shall be disbursed only for the purposes stated in this division, and shall not at any time be appropriated or diverted to any other use or purpose. ~~The treasurer-of-state-shall-invest-any-surplus-moneys-of-the-fund-in-securities-which-constitute-legal-investments-for-state-funds-under-the-laws-of-this-state, and may sell any of the securities-in-which-the-fund-is-invested, if necessary, for the-proper-administration-or-in-the-best-interests-of-the-fund.--Disbursements~~ Except for reimbursements to the attorney general provided for in section 85.67, disbursements from the fund shall be paid by the treasurer of state only upon the written order of the workers' compensation commissioner. The attorney-general-shall-be-reimbursed-up-to-one-hundred-fifty-thousand-dollars-annually-from-the-fund-for-services-provided related-to-the-fund. The treasurer of state shall invest any surplus moneys of the fund in securities which constitute

legal investments for state funds under the laws of this state, and may sell any of the securities in which the fund is invested, if necessary, for the proper administration or in the best interests of the fund.

3. The treasurer of state shall quarterly prepare a statement of the fund, setting forth the balance of moneys in the fund, the income of the fund, specifying the source of all income, the payments out of the fund, specifying the various items of payments, and setting forth the balance of the fund remaining to its credit. The statement shall be open to public inspection in the office of the treasurer of state.

Sec. 23. Section 89.11, Code 2009, is amended to read as follows:

89.11 INJUNCTION.

1. In addition to all other remedies, if any owner, user, or person in charge of any equipment covered by this chapter continues to use any equipment covered by this chapter, after receiving an inspection report identifying defects and exhausting appeal rights as provided by this chapter without first correcting the defects or making replacements, the commissioner may apply to the district court by petition in equity, in an action brought in the name of the state, for a writ of injunction to restrain the use of the alleged defective equipment.

2. ~~However,~~ if If the commissioner believes that the continued operation of equipment constitutes an imminent danger that could seriously injure or cause death to any person, in addition to all other remedies, the commissioner may apply to the district court in the county in which the imminently dangerous condition exists for a temporary order to enjoin the owner, user, or person in charge from operating the equipment before exhausting the owner's, user's, or person's rights to administrative appeals have been exhausted.

Sec. 24. Section 96.19, subsection 17, Code 2009, is amended to read as follows:

17. "Employing unit" means any individual or type of organization, including this state and its political subdivisions, state agencies, boards, commissions, and instrumentalities thereof, any partnership, association, trust, estate, joint stock company, insurance company or

corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this chapter. Whenever any employing unit contracts with or has under it any contractor or subcontractor for any work which is part of its usual trade, occupation, profession, or business, unless the employing unit as well as each such contractor or subcontractor is an employer by reason of subsection 16 or section 96.8, subsection 3, the employing unit shall for all the purposes of this chapter be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which such individual is engaged in performing such work; except that each such contractor or subcontractor who is an employer by reason of subsection 16 or section 96.8, subsection 3, shall alone be liable for the contributions measured by wages payable to individuals in the contractor's or subcontractor's employ, and except that any employing unit who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or subcontractor who is not an employer by reason of subsection 16 or section 96.8, subsection 3, may recover the same from such contractor or subcontractor, except as any contractor or subcontractor who would in the absence of ~~the foregoing provisions~~ subsection 16 or section 96.8, subsection 3, be liable to pay said contributions, accepts exclusive liability for said contributions under an agreement with such employer made pursuant to general rules of the department. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of such work, and

provided, further, that such employment was for a total of not less than eight hours in any one calendar week.

Sec. 25. Section 100B.1, subsection 1, paragraph a, subparagraph (3), Code 2009, is amended to read as follows:

(3) The tenth and eleventh voting members of the council shall be members of the general public appointed by the governor.

Sec. 26. Section 100C.3, subsection 2, Code 2009, is amended to read as follows:

2. An applicant for certification as an alarm system contractor or an alarm system installer shall be subject to a national criminal history check through the federal bureau of investigation. The applicant shall provide fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. Fees for the national criminal history check shall be paid by the applicant or the applicant's employer. The results of a criminal history check conducted pursuant to this subsection shall ~~not~~ be considered a ~~public~~ confidential record under chapter 22.

Sec. 27. Section 103.15, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. A person shall be licensed as an unclassified person by the board to perform electrical work if the work is performed under the personal supervision of a person actually licensed to perform such work and the licensed and unclassified persons are employed by the same employer. A person shall not be employed continuously for more than one hundred days as an unclassified person without having obtained a current license from the board. For the purposes of determining whether a person has been "employed continuously" for more than one hundred days under this subsection, "~~one-hundred-continuous days-of-employment~~"-includes employment shall include any days not worked due to illness, holidays, weekend days, and other absences that do not constitute separation from or termination of employment. Any period of employment as a nonlicensed unclassified person shall not be credited to any applicable experiential requirement of an apprenticeship training program registered by the bureau of apprenticeship and training of the United States department of labor.

Sec. 28. Section 103.30, Code 2009, is amended to read as follows:

103.30 INSPECTIONS NOT REQUIRED.

Nothing in this chapter shall be construed to require the work of employees of municipal utilities, railroads, electric membership or cooperative associations, investor-owned utilities, rural water associations or districts, or telecommunications systems to be inspected while the employees are acting within the scope of their employment.

Sec. 29. Section 125.86, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. A psychiatric advanced registered nurse practitioner treating a patient respondent previously hospitalized committed under this chapter may complete periodic reports pursuant to this section on the patient respondent if the patient respondent has been recommended for treatment on an outpatient or other appropriate basis pursuant to section 125.84, subsection 3, and if a psychiatrist licensed pursuant to chapter ~~1487-1507-or-150A~~ personally evaluates the patient respondent on at least an annual basis.

Sec. 30. Section 135.1, subsection 4, Code 2009, is amended to read as follows:

4. "Physician" means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, podiatry, or optometry under the laws of this state; but a person licensed as a physician and surgeon shall be designated as a "physician" or "surgeon", a person licensed as an osteopathic physician and surgeon shall be designated as an "osteopathic physician" or "osteopathic surgeon", ~~a-person licensed-as-an-osteopath-shall-be-designated-as-an~~ "osteopathic-physician", a person licensed as a chiropractor shall be designated as a "chiropractor", a person licensed as a podiatrist shall be designated as a "podiatric physician", and a person licensed as an optometrist shall be designated as an "optometrist". A definition or designation contained in this subsection shall not be interpreted to expand the scope of practice of such licensees.

Sec. 31. Section 135.17, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. Except as provided in paragraphs "c" and "d", the parent or guardian of a child enrolled in elementary school shall provide evidence to the school district or accredited nonpublic elementary school in which the child is enrolled of the child having, no earlier than three years of age but prior to reaching six years of age, at a minimum, a dental screening performed by a licensed physician as defined in chapter 148 or 150, a nurse licensed under chapter 152, a licensed physician assistant as defined in section 148C.1, or a licensed dental hygienist or dentist as defined in chapter 153. Except as provided in paragraphs "c" and "d", the parent or guardian of a child enrolled in high school shall provide evidence to the school district or accredited nonpublic high school in which the child is enrolled of the child having, at a minimum, a dental screening performed within the prior year by a licensed dental hygienist or dentist as defined in chapter 153. A school district or accredited nonpublic school shall provide access to a process to complete the screenings described in this paragraph as appropriate.

Sec. 32. Section 135.24, subsection 6, paragraph d, Code 2009, is amended to read as follows:

d. "Health care provider" means a physician licensed under chapter 148, a chiropractor licensed under chapter 151, a physical therapist licensed pursuant to chapter 148A, an occupational therapist licensed pursuant to chapter 148B, a podiatrist licensed pursuant to chapter 149, a physician assistant licensed and practicing under a supervising physician pursuant to chapter 148C, a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E, a respiratory therapist licensed pursuant to chapter 152B, a dentist, dental hygienist, or dental assistant registered or licensed to practice under chapter 153, an optometrist licensed pursuant to chapter 154, a psychologist licensed pursuant to chapter 154B, a social worker licensed pursuant to chapter 154C, a mental health counselor or a marital and family therapist licensed pursuant to chapter 154D, a speech pathologist or audiologist licensed pursuant to chapter 154F, a pharmacist licensed pursuant to chapter 155A, or an emergency medical care provider certified pursuant to chapter 147A.

Sec. 33. Section 135.37, subsection 6, Code 2009, is amended to read as follows:

6. As necessary to avoid duplication and promote coordination of public health inspection and enforcement activities, the department may enter into agreements with local boards of health to provide for inspection and enforcement activities in accordance with the rules and criteria implemented under this section.

Sec. 34. Section 135.159, subsection 2, paragraph a, subparagraph (6), Code 2009, is amended to read as follows:

(6) A physician and an osteopathic physician licensed pursuant to chapter 148 ~~and a physician licensed pursuant to chapter 150~~ who are family physicians and members of the Iowa academy of family physicians.

Sec. 35. Section 135B.20, subsection 1, Code 2009, is amended to read as follows:

1. "Doctor" shall mean any person licensed to practice medicine and surgery or osteopathy osteopathic medicine and surgery in this state.

Sec. 36. Section 135C.33, subsection 5, paragraph a, subparagraph (1), Code 2009, is amended to read as follows:

(1) An employee of a ~~homemaker, home health~~ homemaker-home health aide, home care aide, adult day services, or other provider of in-home services if the employee provides direct services to consumers.

Sec. 37. Section 136C.1, subsection 4, Code 2009, is amended to read as follows:

4. "Licensed professional" means a person licensed or otherwise authorized by law to practice medicine, osteopathy osteopathic medicine, podiatry, chiropractic, dentistry, dental hygiene, or veterinary medicine.

Sec. 38. Section 136C.3, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. Establish minimum training standards including continuing education requirements, and administer examinations and disciplinary procedures for operators of radiation machines and users of radioactive materials. A state of Iowa license to practice medicine, osteopathy osteopathic medicine, chiropractic, podiatry, dentistry, dental hygiene, or

veterinary medicine, or licensure as a physician assistant pursuant to chapter 148C, or certification by the dental board in dental radiography, or by the board of podiatry in podiatric radiography, or enrollment in a program or course of study approved by the Iowa department of public health which includes the application of radiation to humans satisfies the minimum training standards for operation of radiation machines only.

Sec. 39. Section 137F.3A, subsection 1, Code 2009, is amended to read as follows:

1. a. ~~ff-a~~ The department of inspections and appeals may employ additional full-time equivalent positions to enforce the provisions of this chapter and chapters 137C and 137D, with the approval of the department of management, if either of the following apply:

(1) A municipal corporation operating pursuant to a chapter 28E agreement with the department of inspections and appeals to enforce ~~this chapter and chapters 137C and 137D~~ the chapters either fails to renew the agreement effective after April 1, 2007, or discontinues, after April 1, 2007, enforcement activities in one or more jurisdictions during the agreement time frame, or the.

(2) The department of inspections and appeals cancels an agreement after April 1, 2007, due to noncompliance with the terms of the agreement, the department of inspections and appeals may employ additional full-time equivalent positions to enforce the provisions of the chapters, with the approval of the department of management.

b. Before approval ~~is~~ may be given, the director of the department of management ~~shall determine~~ must have determined that the expenses exceed the funds budgeted by the general assembly for food inspections to the department of inspections and appeals. The department of inspections and appeals may hire no more than one full-time equivalent position for each six hundred inspections required pursuant to this chapter and chapters 137C and 137D.

Sec. 40. Section 137F.6, subsection 1, paragraph h, Code 2009, is amended to read as follows:

h. A For a food establishment covered by paragraphs "d" and "e" ~~shall be assessed~~ the license fees assessed shall be

an amount not to exceed seventy-five percent of the total fees applicable under both paragraphs.

Sec. 41. Section 142.1, Code 2009, is amended to read as follows:

142.1 DELIVERY OF BODIES.

The body of every person dying in a public asylum, hospital, county care facility, penitentiary, or reformatory in this state, or found dead within the state, or which is to be buried at public expense in this state, except those buried under the provisions of chapter 144C or 249, and which is suitable for scientific purposes, shall be delivered to the medical college of the state university, or some osteopathic or chiropractic college or school located in this state, which has been approved under the law regulating the practice of osteopathy osteopathic medicine or chiropractic; but no such body shall be delivered to any such college or school if the deceased person expressed a desire during the person's last illness that the person's body should be buried or cremated, nor if such is the desire of the person's relatives. Such bodies shall be equitably distributed among said colleges and schools according to their needs for teaching anatomy in accordance with such rules as may be adopted by the Iowa department of public health. The expense of transporting said bodies to such college or school shall be paid by the college or school receiving the same. If the deceased person has not expressed a desire during the person's last illness that the person's body should be buried or cremated and no person authorized to control the deceased person's remains under section 144C.5 requests the person's body for burial or cremation, and if a friend objects to the use of the deceased person's body for scientific purposes, said deceased person's body shall be forthwith delivered to such friend for burial or cremation at no expense to the state or county. Unless such friend provides for burial and burial expenses within five days, the body shall be used for scientific purposes under this chapter.

Sec. 42. Section 142A.3, subsections 3 through 10, Code 2009, are amended to read as follows:

3. The membership of the commission shall ~~consist of~~ include the following voting members who shall serve three-year, staggered terms:

a. Members, at least one of whom is a member of a racial minority, to be appointed by the governor, subject to confirmation by the senate pursuant to sections 2.32 and 69.19, and consisting of the following:

(1) Three members who are active with nonprofit health organizations that emphasize tobacco use prevention or who are active as health services providers, at the local level.

~~b.~~ (2) One member who is a retailer.

~~c.~~ (3) Three members who are active with health promotion activities at the local level in youth education, law enforcement, nonprofit services, or other activities relating to tobacco use prevention and control.

~~The members appointed under this subsection shall be appointed by the governor, subject to confirmation by the senate, pursuant to sections 2.32 and 69.19. At least one member appointed under this subsection shall be a member of a racial minority.~~

~~4. b. In addition to the members described in subsection 3, the membership of the commission shall include three~~ Three voting members ~~who are,~~ to be selected by the participants in the annual statewide youth summit of the initiative's youth program. ~~The youth membership appointments are,~~ who shall not be subject to section 69.16 or 69.16A. However, the selection process shall provide for diversity among the members and at least one of the youth members shall be a female. ~~These members shall also serve three-year staggered terms.~~

~~5.~~ 4. The commission shall also include the following ex officio, nonvoting members:

a. Four members of the general assembly, with not more than one member from each chamber being from the same political party. The majority leader of the senate and the minority leader of the senate shall each appoint one of the senate members. The majority leader of the house and the minority leader of the house of representatives shall each appoint one of the house members.

b. The presiding officer of the statewide youth executive body, selected by the delegates to the statewide youth summit.

~~6.~~ 5. In addition to the members of the ~~council~~ commission, the following agencies, organizations, and persons shall each assign a single liaison to the commission to

provide assistance to the commission in the discharge of the commission's duties:

- a. The department of education.
- b. The drug policy coordinator.
- c. The department of justice, office of the attorney general.
- d. The department of human services.
- e. The alcoholic beverages division of the department of commerce.

7- 6. Citizen members shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Citizen members shall be paid a per diem as specified in section 7E.6. Legislative members are eligible for per diem and expenses as provided in section 2.10.

8- 7. A member of the commission who is convicted of a crime relating to tobacco, alcohol, or controlled substances is subject to removal from the commission.

~~9--The commission may designate an advisory council--The commission shall determine the membership and representation of the advisory council and members of the council shall serve at the pleasure of the commission--The advisory council may include representatives of health care provider groups, parent groups, antitobacco advocacy programs and organizations, tobacco retailers, research and evaluation experts, and youth organizers.~~

±0- 8. A vacancy on the commission other than for the youth members shall be filled in the same manner as the original appointment for the balance of the unexpired term. A youth member vacancy shall be filled by the presiding officer of the statewide executive body as selected by the delegates to the statewide youth summit.

9. The commission shall elect a chairperson from among its voting members and may select other officers from among its voting members, as determined necessary by the commission. The commission shall meet regularly as determined by the commission, upon the call of the chairperson, or upon the call of a majority of the voting members.

10. The commission may designate an advisory council. The commission shall determine the membership and representation of the advisory council and members of the council shall serve

at the pleasure of the commission. The advisory council may include representatives of health care provider groups, parent groups, antitobacco advocacy programs and organizations, tobacco retailers, research and evaluation experts, and youth organizers.

Sec. 43. Section 142C.2, subsection 25, Code 2009, is amended to read as follows:

25. "Physician" means an individual authorized to practice medicine and surgery or ~~osteopathy~~ osteopathic medicine and surgery under the laws of any state.

Sec. 44. Section 144.14, Code 2009, is amended to read as follows:

144.14 FOUNDLINGS.

1. A person who assumes the custody of a living infant of unknown parentage shall report on a form and in the manner prescribed by the state registrar within five days to the county registrar of the county in which the child was found, the following information:

- ~~1-~~ a. The date and place ~~of-finding~~ the child was found.
- ~~2-~~ b. The sex, color or race, and approximate age of the child.
- ~~3-~~ c. The name and address of the person or institution which has assumed custody of the child.
- ~~4-~~ d. The name given to the child by the custodian.
- ~~5-~~ e. Other data required by the state registrar.

2. The place where the child was found shall be entered as the place of birth and the date of birth shall be determined by approximation. A report registered under this section shall constitute the certificate of birth for the infant.

3. If the child is identified and a certificate of birth is found or obtained, any report registered under this section shall be sealed and filed and may be opened only by order of a court of competent jurisdiction or as provided by regulation.

Sec. 45. Section 144C.2, subsection 3, Code 2009, is amended to read as follows:

3. "Assisted living ~~program-facility~~ program" means an assisted living program ~~facility-as-defined-in-section-231E.2~~ under chapter 231C.

Sec. 46. Section 144C.3, subsection 4, Code 2009, is amended to read as follows:

4. A funeral director, an attorney, or any agent, owner, or employee of a funeral establishment, cremation establishment, cemetery, elder group home, assisted living program facility, adult day services program, or licensed hospice program shall not serve as a designee unless related to the declarant within the third degree of consanguinity.

Sec. 47. Section 147.14, subsection 1, paragraph w, Code 2009, is amended to read as follows:

w. For nursing home administrators, a total of nine members, four who are licensed nursing home administrators, one of whom is the administrator of a nonproprietary nursing home; three licensed members of any profession concerned with the care and treatment of chronically ill or elderly patients who are not nursing home administrators or nursing home owners; and two members of the general public who are not licensed under ~~this~~ chapter 155, have no financial interest in any nursing home, and who shall represent the general public.

Sec. 48. Section 147.55, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A licensee's license to practice a profession shall be revoked, or suspended, or the licensee otherwise disciplined by the board for that profession, when the licensee is guilty of any of the following acts or offenses:

Sec. 49. Section 147.80, subsection 1, paragraphs f, g, and i, Code 2009, are amended to read as follows:

f. Issuance of a certified statement that a licensee person is licensed, registered, or has been issued a certificate to practice in this state.

g. Issuance of a duplicate license, registration, or certificate, which shall be so designated on its face. A board may require satisfactory proof that the original license, registration, or certificate issued by the board has been lost or destroyed.

i. Verification of licensure, registration, or certification.

Sec. 50. Section 147.85, Code 2009, is amended to read as follows:

147.85 FRAUD.

Any person who presents to a board a diploma or certificate of which the person is not the rightful owner, for the purpose

of procuring a license, or who falsely ~~personates~~ impersonates anyone to whom a license has been issued by the board shall be guilty of a serious misdemeanor.

Sec. 51. Section 147.135, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. A full and confidential report concerning any final hospital disciplinary action approved by a hospital board of trustees that results in a limitation, suspension, or revocation of a physician's privilege to practice for reasons relating to the physician's professional competence or concerning any voluntary surrender or limitation of privileges for reasons relating to professional competence shall be made to the board of medicine by the hospital administrator or chief of medical staff within ten days of such action. The board of medicine shall investigate the report and take appropriate action. These reports shall be privileged and confidential as though included in and subject to the requirements for peer review committee information in subsection 2. Persons making these reports and persons participating in resulting proceedings related to these reports shall be immune from civil liability with respect to the making of the report or participation in resulting proceedings. As used in this subsection, "physician" means a person licensed pursuant to ~~chapter 1487~~-~~chapter-1507~~-~~or~~ ~~chapter-150A~~.

Sec. 52. Section 148.2A, subsection 2, paragraph e, subparagraph (4), Code 2009, is amended to read as follows:

(4) The majority of a hearing panel containing alternate members shall be ~~members~~ licensed to practice under this chapter.

Sec. 53. Section 148.3, subsection 2, Code 2009, is amended to read as follows:

2. An application for a license shall be made to the board of medicine. All license and renewal fees shall be paid to ~~and-collected-by-the-board-and-transmitted-to~~ the board.

Sec. 54. Section 148.6, subsection 2, paragraph h, Code 2009, is amended to read as follows:

h. ~~{1}~~ Inability to practice medicine and surgery or osteopathic medicine and surgery 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.

(1) The board may, upon probable cause, compel a physician to submit to a mental or physical examination by designated physicians or to submit to alcohol or drug screening within a time specified by the board.

(2) A person licensed to practice medicine and surgery or osteopathic medicine and surgery who makes application for the renewal of a license, as required by section 147.10, gives consent to submit to a mental or physical examination as provided by this paragraph "h" when directed in writing by the board. All objections shall be waived as to the admissibility of the an examining physicians' testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a physician in another proceeding and shall be confidential, except for other actions filed against a physician to revoke or suspend a license.

Sec. 55. Section 148.14, Code 2009, is amended to read as follows:

148.14 BOARD OF MEDICINE INVESTIGATORS.

The board of medicine may appoint investigators, who shall not be members of the board, and whose compensation shall be determined pursuant to chapter 8A, subchapter IV. Investigators appointed by the board have the powers and status of peace officers when enforcing this chapter, chapter 147, and chapter 272C.

Sec. 56. Section 148A.7, Code 2009, is amended to read as follows:

148A.7 FALSE USE OF TITLES PROHIBITED.

1. A person or business entity, including the employees, agents, or representatives of the business entity, shall not use in connection with that person's or business entity's business activity the words "physical therapy", "physical therapist", "licensed physical therapist", "registered physical therapist", "doctor of physical therapy", "physical therapist assistant", "licensed physical therapist assistant", "registered physical therapist assistant", or the letters "P.T.", "L.P.T.", "R.P.T.", "D.P.T.", "P.T.A.", "L.P.T.A.", "R.P.T.A.", or any other words, abbreviations, or insignia

indicating or implying that physical therapy is provided or supplied, unless such services are provided by or under the direction and supervision of a physical therapist licensed pursuant to this chapter.

2. Notwithstanding section 147.74, a person or the owner, officer, or agent of an entity that violates this section is guilty of a serious misdemeanor, and a license to practice shall be revoked or suspended pursuant to section 147.55.

3. This section shall not apply to the use of the term "physiotherapy" by a provider licensed under this chapter, chapter 151, or by an individual under the direction and supervision of a provider licensed under this chapter or chapter 151.

Sec. 57. Section 153.14, subsection 2, Code 2009, is amended to read as follows:

2. Licensed "physicians and surgeons" or licensed "~~osteopaths~~ osteopathic physicians and surgeons" who extract teeth or treat diseases of the oral cavity, gums, teeth, or maxillary bones as an incident to the general practice of their profession.

Sec. 58. Section 154A.6, Code 2009, is amended to read as follows:

154A.6 DISCLOSURE OF CONFIDENTIAL INFORMATION.

1. A member of the board shall not disclose information relating to the following:

~~1-~~ a. Criminal history or prior misconduct of the applicant.

~~2-~~ b. Information relating to the contents of the examination.

~~3-~~ c. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

2. A member of the board who willfully communicates or seeks to communicate ~~such~~ information in violation of subsection 1, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

Sec. 59. Section 154B.5, Code 2009, is amended to read as follows:

154B.5 SCOPE OF CHAPTER.

Nothing in this chapter shall be construed to prevent qualified members of other professional groups such as physicians, ~~osteopaths~~ osteopathic physicians, optometrists, chiropractors, members of the clergy, authorized Christian Science practitioners, attorneys at law, social workers or guidance counselors from performing functions of a psychological nature consistent with the accepted standards of their respective professions, if they do not use any title or description stating or implying that they are psychologists or are certified to practice psychology.

Sec. 60. Section 154C.3, subsection 1, paragraph c, subparagraph (5), Code 2009, is amended to read as follows:

(5) (a) Supervision shall be provided in any of the following manners:

~~(a)~~ (i) By a social worker licensed at least at the level of the social worker being supervised and qualified under this section to practice without supervision.

~~(b)~~ (ii) By another qualified professional, if the board determines that supervision by a social worker as defined in subparagraph subdivision ~~(a)~~ (i) is unobtainable or in other situations considered appropriate by the board.

(b) Additional standards for supervision shall be determined by the board.

Sec. 61. Section 154F.2, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. Licensed physicians and surgeons, licensed osteopathic physicians and surgeons, licensed physician assistants and registered nurses acting under the supervision of a physician or osteopathic physician, persons conducting hearing tests under the direct supervision of a licensed physician and surgeon, or licensed osteopathic physician and surgeon, or students of medicine or surgery or osteopathic medicine and surgery pursuing a course of study in a medical school or college of osteopathic medicine and surgery approved by the board of medicine while performing functions incidental to their course of study.

Sec. 62. Section 155.2, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. Two members who are not licensed nursing home administrators or are not licensed persons under this chapter and chapter 147 and who shall represent the general public. The members shall be interested in the problems of elderly patients and nursing home care, but shall have no financial interest in any nursing home.

Sec. 63. Section 155.17, Code 2009, is amended to read as follows:

155.17 DISCLOSURE OF CONFIDENTIAL INFORMATION.

1. A member of the board shall not disclose information relating to the following:

~~1-~~ a. Criminal history or prior misconduct of the applicant.

~~2-~~ b. Information relating to the contents of the examination.

~~3-~~ c. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

2. A member of the board who willfully communicates or seeks to communicate ~~such~~ information in violation of subsection 1, and any person who willfully requests, obtains or seeks to obtain such information, is guilty of a simple misdemeanor.

Sec. 64. Section 155A.15, subsection 2, paragraph d, Code 2009, is amended to read as follows:

d. Delivered without legal authorization prescription drugs or devices to a person other than one of the following:

(1) A pharmacy licensed by the board.

(2) A practitioner.

(3) A person who procures prescription drugs or devices for the purpose of lawful research, teaching, or testing, and not for resale.

(4) A manufacturer or wholesaler licensed by the board.

~~(5) However, this chapter does not prohibit a pharmacy from furnishing a prescription drug or device to a~~ A licensed health care facility which is furnished the drug or device by a pharmacy for storage in secured emergency pharmaceutical supplies containers maintained within the facility in accordance with rules of the department of inspections and appeals and rules of the board.

Sec. 65. Section 158.1, subsection 1, Code 2009, is amended to read as follows:

1. "Barbering" means the practices listed in this subsection performed with or without compensation. ~~The practices-include~~ "Barbering" includes but ~~are~~ is not limited to the following practices performed upon the upper part of the human body of any person for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

a. Shaving or trimming the beard or cutting the hair.

b. Giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand, or by electrical or mechanical appliances.

c. Singeing, shampooing, hair body processing, arranging, dressing, curling, blow waving, hair relaxing, bleaching or coloring the hair, or applying hair tonics.

d. Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.

e. Styling, cutting or shampooing hairpieces or wigs when done in conjunction with haircutting or hairstyling.

~~Barbers-shall-not-represent-themselves-to-the-public-as being-primarily-engaged-in-practices-other-than-haircutting unless-the-functions-are-in-fact-their-primary-function-or specialty-~~

Sec. 66. Section 158.2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

~~It-is-unlawful-for-a~~ A person to shall not practice barbering with or without compensation unless the person possesses a license issued under the provisions of section 158.3. A person licensed under section 158.3 shall not represent to the public that the person is primarily engaged in practices other than haircutting unless the functions are in fact the person's primary function or specialty. Practices listed in section 158.1 when performed by the following persons ~~are-not-defined-as-practicing~~ do not constitute barbering:

Sec. 67. Section 159A.4, Code 2009, is amended to read as follows:

159A.4 ADVISORY COMMITTEE.

1. A renewable fuels and coproducts advisory committee is established within the department.

2. The committee shall ~~be composed of~~ include the following ~~persons voting members~~:

a. The following department representatives:

a. (1) The secretary, or a person designated by the secretary, representing the department of agriculture and land stewardship, who shall be the chairperson of the committee.

b. (2) The director of the Iowa department of economic development, or a person designated by the director, representing the Iowa department of economic development.

c. (3) The director of the state department of transportation, or a person designated by the director, representing the state department of transportation.

d. (4) The director of the department of natural resources, or a person designated by the director, representing the department of natural resources.

b. The following persons, who shall be appointed by the governor from lists of candidates provided by the organizations represented:

e. (1) A person representing retail dealers as defined in section 214A.1 who shall be actively engaged in the business of selling motor fuel on a retail basis.

f. (2) A person representing refiners of petroleum products who shall be actively engaged in the business of refining petroleum into motor fuel for the purpose of sale within the state.

g. (3) A person representing an organization serving livestock producers in this state.

h. (4) A person representing the Iowa corn growers association.

i. (5) A person representing the Iowa soybean association.

j. (6) A person actively engaged in farming, as defined in section 9H.1.

k. (7) A person representing the renewable fuels industry in this state.

c. ~~The governor shall appoint persons who~~ Members appointed by the governor shall be confirmed by the senate, pursuant to section 2.32, ~~to serve as voting members of the committee. -- However, the secretary of agriculture shall appoint the person representing the department of agriculture~~

~~and land stewardship, the director of the Iowa department of economic development shall appoint the person representing that department, the director of the state department of transportation shall appoint the person representing that department, and the director of the department of natural resources shall appoint the person representing that department.--The governor may make appointments of persons representing organizations listed under paragraphs "g" through "i" from a list of candidates which shall be provided by the organization upon request by the governor.~~

~~2.--The members appointed pursuant to subsection 1, paragraphs "e" through "k", and shall serve three-year terms beginning and ending as provided in section 69.19. However, the governor shall appoint initial members to serve for less than three years to ensure members serve staggered terms. A member is eligible for reappointment.--A vacancy on the committee shall be filled for the unexpired portion of the regular term in the same manner as regular appointments are made.~~

3. The committee shall also include four ex officio nonvoting members who shall be legislative members. 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, after consultation with the president 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.

4. A member is eligible for reappointment. A vacancy on the committee shall be filled for the unexpired portion of the regular term in the same manner as regular appointments are made. A vacancy in the membership of the committee does not impair the ability of the committee to carry out committee duties.

~~4.~~ 5. The committee shall meet on a regular basis and at the call of the chairperson or upon the written request to the chairperson of two or more voting members.

~~5. The members other than those enumerated in subsection 1, paragraphs "a" through "d", are entitled to receive compensation as provided in section 7E.6.~~

6. Five voting members constitute a quorum and the affirmative vote of a majority of the voting members present is necessary for any substantive action to be taken by the committee. The majority shall not include any member who has a conflict of interest and a statement by a member that the member has a conflict of interest is conclusive for this purpose. ~~A vacancy in the membership does not impair the duties of the committee.~~

7. The members other than those enumerated in subsection 2, paragraph "a", are entitled to receive compensation as provided in section 7E.6.

~~7.~~ 8. The committee shall be staffed by the agricultural marketing division of the department. The coordinator shall serve as secretary to the committee.

Sec. 68. Section 161.1, Code 2009, is amended to read as follows:

161.1 TITLE.

This ~~section~~ chapter shall be known and may be cited as the "Iowa Agrichemical Remediation Act".

Sec. 69. Section 161F.6, Code 2009, is amended to read as follows:

161F.6 CHAPTERS MADE APPLICABLE.

1. In the organization, operation, and financing of districts established under this chapter, the provisions of chapter 468 shall apply and any procedure provided under chapter 468 in connection with the organization, financing, and operation of any drainage district shall apply to the organization, financing, and operation of districts organized under this chapter.

~~2. Wherever any of the provisions of said chapters refer to the word "drainage", the word~~ As used in this chapter or chapter 468:

a. "Drainage" shall be deemed to include in its meaning soil erosion and flood control or any combination of drainage, flood control, and soil erosion control. The term "drainage district" shall be considered to include districts having as their purpose soil conservancy or flood control or any combination thereof, and the words "drainage certificates"

b. "Drainage certificates" or "drainage bonds" shall be deemed to include certificates or bonds issued in behalf of any district organized under the provisions of this chapter, ~~and any procedure provided by these chapters in connection with the organization, financing and operation of any drainage district shall be applicable to the organization, financing and operation of districts organized under this chapter.~~

c. "Drainage district" shall be considered to include districts having as their purpose soil conservancy or flood control or any combination thereof.

Sec. 70. Section 162.2, subsection 16, Code 2009, is amended to read as follows:

16. "Research facility" means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or ~~osteopathy~~ osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in this state concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control or cure of diseases or abnormal conditions of human beings or animals.

Sec. 71. Section 166D.10, Code 2009, is amended to read as follows:

166D.10 MOVEMENT OF SWINE.

1. ~~A~~ Except as otherwise provided in this section, a person shall not sell, lease, exhibit, loan, move, or relocate swine within the state unless the swine are accompanied by a certificate of inspection in the same manner as provided for a certificate of veterinary inspection as provided in section 163.30. The department may combine the certificate of inspection with a certificate of veterinary inspection.

2. A certificate of inspection is not required if any of the following apply:

a. The swine are moved to slaughter.

b. The swine are relocated, ~~if~~ and all of the following apply:

(1) A transportation certificate accompanies the relocated swine.

(2) The swine's owner maintains information regarding the relocation in relocation records. The department may adopt

rules excusing a person from maintaining relocation records, if the department determines that the purposes of the chapter as provided in section 166D.1 are not furthered by the requirement.

(3) A certificate of inspection, or a certificate of veterinary inspection as provided in section 163.30, has been issued for the swine within thirty days prior to the date of relocation. The department may adopt rules excusing a person from complying with this subparagraph if the department determines that the purposes of the chapter as provided in section 166D.1 are not furthered by the requirement.

(4) The swine have a current negative pseudorabies status.

~~The department shall adopt rules required to administer this paragraph "b".--A transportation certificate accompanying relocated swine shall cite the relevant relocation record and certificate of inspection, or certificate of veterinary inspection.--The department may provide for the examination of the relocation records on the owner's premises during normal business hours, or may require that reports containing relevant information contained in relocation records and certificates of inspection, or certificates of veterinary inspection, be periodically submitted to the department.--For purposes of this section, swine production information contained in relocation records is a trade secret as provided in section 22.7, unless otherwise provided by rules adopted by the department.--The department shall provide for the disclosure of confidential information only to the extent required for enforcement of this chapter, the detection and prosecution of public offenses, or to comply with a subpoena or court order.~~

c. A person transfers ownership of all or part of a herd, if the herd remains on the same premises. However, the herd must be tested by statistical sampling. If any part of the herd is subsequently moved or relocated, the swine must be moved or relocated in accordance with this section and sections 166D.7, 166D.8, and 166D.10A.

3. A transportation certificate accompanying swine which are relocated as provided in subsection 2, paragraph "b", shall cite the relevant relocation record and certificate of inspection, or certificate of veterinary inspection. The

department may provide for the examination of the relocation records on the owner's premises during normal business hours, or may require that reports containing relevant information contained in relocation records and certificates of inspection, or certificates of veterinary inspection, be periodically submitted to the department. For purposes of this section, swine production information contained in relocation records is a trade secret as provided in section 22.7, unless otherwise provided by rules adopted by the department. The department shall provide for the disclosure of confidential information only to the extent required for enforcement of this chapter, the detection and prosecution of public offenses, or to comply with a subpoena or court order. The department shall adopt rules required to administer subsection 2, paragraph "b", and this subsection.

2- 4. a. Swine Except as provided in paragraph "b", swine that are moved shall be individually identified as provided in section 163.30, which may include requirements for affixing ear tags to swine.

b. (1) However,~~native~~ Native Iowa feeder pigs moved from farm to farm within the state shall be exempted from the identification requirements of this subsection if the owner transferring possession of the feeder pigs executes a written agreement with the person taking possession of the feeder pigs.

(a) The agreement shall provide that the feeder pigs shall not be commingled with other swine for a period of thirty days.

(b) The owner transferring possession shall be responsible for making certain that the agreement is executed and for providing a copy of the agreement to the person taking possession.

(2) Native Iowa feeder pigs that are moved shall be accompanied by a certificate of inspection, or a certificate of veterinary inspection as provided in section 163.30, unless swine are otherwise exempted from this requirement by this section.

(3) As used in this ~~subsection~~ paragraph "b", "farm to farm within the state" does not include the movement or relocation of native Iowa feeder pigs to the possession of a

dealer licensed pursuant to section 163.30. ~~Native-Iowa feeder-pigs-that-are-moved-shall-be-accompanied-by-a certificate-of-inspection, or a certificate-of-veterinary inspection-as-provided-in-section-163.30, unless swine are otherwise-exempted-from-this-requirement-by-this-section.~~

3. 5. Swine from a herd located within this state must be moved or relocated in compliance with this section. If the swine is moved or relocated from a herd located within a county which is designated by the department as in stage II of the national pseudorabies eradication program, the swine shall not be moved or relocated unless in compliance with section 166D.11. Regardless of whether the swine is from a herd located in a stage II county, the following shall govern the movement or relocation of swine within this state:

a. For swine from a noninfected herd, a person shall not move swine for breeding purposes, unless one of the following applies:

(1) The swine is moved from a qualified negative herd or qualified differentiable negative herd.

(2) The swine reacts negatively to a differentiable test within thirty days prior to moving the swine.

b. For swine which is exposed, a person shall not move or relocate the swine, unless one of the following applies:

(1) The swine reacts negatively to a differentiable test within thirty days prior to moving or relocating the swine.

(2) The swine moves by restricted movement to either a fixed concentration point or slaughtering establishment.

c. For swine from a herd of unknown status, a person shall not move or relocate the swine, unless one of the following applies:

(1) The swine reacts negatively to a differentiable test within thirty days prior to moving or relocating the swine.

(2) The swine moves by restricted movement to either a fixed concentration point or slaughtering establishment. However, the swine is not required to move by restricted movement if the swine is moved from a fixed concentration point directly to another fixed concentration point or to a slaughtering establishment.

d. For swine which is from an infected herd, a person shall not move or relocate the swine, unless one of the following applies:

(1) If the swine is part of a cleanup plan, the following shall apply:

(a) For swine, other than feeder pigs or cull swine, which are part of a herd subject to a cleanup plan, a person shall only move swine by restricted movement to either a fixed concentration point or slaughtering establishment. A person shall not relocate the swine.

(b) For a feeder pig or cull swine which is part of a herd subject to a herd cleanup plan, a person shall only move the feeder pig or cull swine by restricted movement to either a fixed concentration point or slaughtering establishment or relocate the feeder pig or cull swine by restricted movement to an approved premises. For a feeder pig or cull swine which is part of a feeder pig cooperator herd cleanup plan, a person shall only move the feeder pig or cull swine by restricted movement to either a fixed concentration point or slaughtering establishment or move or relocate the feeder pig or cull swine by restricted movement to an approved premises. However, a person shall not move or relocate a feeder pig or cull swine to an approved premises, unless the approved premises is identified in a cleanup plan as provided in section 166D.8, or the department approves the move or relocation to another approved premises. A person shall not move or relocate a cull swine to an approved premises, unless the cull swine reacts negatively to a test and is vaccinated with a differentiable vaccine. The test and vaccine must be administered within thirty days prior to the movement or relocation to the approved premises. A noninfected feeder pig is not required to be tested or vaccinated prior to movement or relocation to an approved premises, if the feeder pig is vaccinated upon arrival at the approved premises.

(c) For swine from a herd kept on an approved premises, a person shall only move or relocate the swine by restricted movement as provided in the cleanup plan governing the herd and terms and conditions of the certification required for the approved premises as provided in section 166D.10B.

(2) If the swine is not part of a herd that is subject to a cleanup plan because the herd is quarantined, a person shall only move the swine by restricted movement to either a fixed concentration point or slaughtering establishment.

~~4-~~ 6. Swine from a herd located outside this state must be moved into and maintained in this state in compliance with this section. A person shall not move swine into this state, except as follows:

a. For swine from a herd, other than a noninfected herd, the swine must be moved either to a fixed concentration point or slaughtering establishment.

b. For swine from a noninfected herd, the swine may be moved to a concentration point or slaughtering establishment. If the swine is not moved to a concentration point or slaughtering establishment, the following shall apply:

(1) Unless the person moves the swine into a county designated by the department as in stage II of the national pseudorabies eradication program, the following shall apply:

(a) A person shall not move swine into this state for breeding purposes, unless one of the following applies:

(i) The swine is moved from a qualified negative herd or qualified differentiable negative herd.

(ii) The swine reacts negatively to a differentiable test, within thirty days prior to moving the swine.

(b) A person shall not move a feeder swine which is moved into this state, unless the feeder swine reacts negatively to a differentiable test within thirty days prior to movement from a herd in this state.

(2) If a person moves the swine into a county which is designated by the department as in stage II of the national pseudorabies eradication program, the following shall apply:

(a) Except as provided in this subparagraph, the owner of swine shall vaccinate the swine with a modified-live differentiable vaccine, prior to moving swine into the stage II county. A person is not required to vaccinate swine prior to moving swine into the stage II county if one of the following applies:

(i) The swine is part of a herd that cannot be vaccinated under the law of the state or country in which the herd is kept immediately prior to being moved into the stage II county.

(ii) The swine is an isowean feeder pig.

(iii) The swine is moved either to a fixed concentration point or slaughtering establishment.

(b) For swine which are not vaccinated before being moved into a stage II county as provided in this paragraph, the following shall apply:

(i) For swine other than swine moved into a herd within a stage II county as an isowean feeder pig, the swine must be immediately vaccinated with a differentiable vaccine, as provided in section 166D.11. The swine shall be considered as part of a herd of unknown status, until tested negative and vaccinated.

(ii) For swine moved into a herd within a stage II county as an isowean feeder pig, the swine moved into the herd must be immediately vaccinated with a differentiable vaccine, as provided in section 166D.11. The department may require that the swine be revaccinated with a differentiable vaccine at a later date. The swine shall be considered as part of a herd of unknown status, until tested negative and vaccinated.

~~5-~~ 7. A person shall not move a swine within this state, other than to a fixed concentration point or slaughtering establishment, if the swine is vaccinated with a vaccine other than a differentiable vaccine approved by the department pursuant to section 166D.14.

~~6-~~ 8. Known infected swine moved through a fixed concentration point shall only be moved by restricted movement to a slaughtering establishment.

~~7-~~ 9. Swine moved under this section to a slaughtering establishment shall be for the exclusive purpose of slaughtering the swine. Swine moved under this section to a fixed concentration point shall be for the exclusive purpose of immediately moving the swine to a slaughtering establishment. Swine moved or relocated under this section to an approved premises shall be for the exclusive purpose of feeding the swine prior to movement or relocation to another approved premises, or movement to either a fixed concentration point or a slaughtering establishment.

Sec. 72. Section 169.5, Code 2009, is amended to read as follows:

169.5 BOARD OF VETERINARY MEDICINE.

1. a. The governor shall appoint, subject to confirmation by the senate pursuant to section 2.32, a board of five individuals, three of whom shall be licensed veterinarians and

~~two of whom shall not be licensed veterinarians, but shall be knowledgeable in the area of animal husbandry and who shall represent the general public. The representatives of the general public shall not prepare, grade or otherwise administer examinations to applicants for license to practice veterinary medicine.~~ The board shall be known as the Iowa board of veterinary medicine.

b. Each licensed veterinarian board member shall be actively engaged in veterinary medicine and shall have been so engaged for a period of five years immediately preceding appointment, the last two of which shall have been in Iowa. The representatives of the general public shall be knowledgeable in the area of animal husbandry. A member of the board shall not be employed by or have any material or financial interest in any wholesale or jobbing house dealing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine.

~~A member of the board shall not be employed by or have any material or financial interest in any wholesale or jobbing house dealing in supplies, equipment or instruments used or useful in the practice of veterinary medicine. The person designated as the state veterinarian shall serve as secretary of the board.~~

c. Professional associations or societies composed of licensed veterinarians may recommend the names of potential board members to the governor, but the governor is not bound by the recommendations.

2. The members of the board shall be appointed for a term of three years except the terms of the members of the initial board shall be rotated in such a manner that at least one member shall retire each year and a successor be appointed. The term of each member shall commence and end as provided by section 69.19. Members shall serve no more than three terms or nine years total, whichever is less. Any vacancy in the membership of the board caused by death, resignation, removal, or otherwise, shall be filled for the period of the unexpired term in the same manner as original appointments.

~~3. Any vacancy in the membership of the board caused by death, resignation, removal, or otherwise, shall be filled for the period of the unexpired term in the same manner as original appointments.~~

~~4. Members of the board shall, in addition to necessary traveling and other expenses, set their own per diem compensation at a rate not exceeding the per diem specified in section 7E.6 for each day actually engaged in the discharge of their duties including compensation for the time spent traveling to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination and the reading of papers, in addition to the time actually spent in conducting examinations, within the limits of funds appropriated to the board.~~

~~5. The department shall furnish the board with all articles and supplies required for the public use and necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained, and the department shall assess the costs to the board for such articles and supplies. The board shall also reimburse the department for direct and indirect administrative costs incurred in issuing and renewing the licenses.~~

6. 3. The board shall meet at least once each year as determined by the board. Other necessary meetings may be called by the president of the board by giving proper notice. Except as provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.

7. 4. At its annual meeting, the board shall organize by electing a president and such other officers as may be necessary. Officers of the board serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as chairperson of board meetings. The person designated as the state veterinarian shall serve as secretary of the board.

5. The duties of the board shall include carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and of

all board proceedings, including the disposition of all applications for a license, and keeping a register of all persons currently licensed by the board. The representatives of the general public shall not prepare, grade, or otherwise administer examinations to applicants for a license to practice veterinary medicine. All board records shall be open to public inspection during regular office hours.

6. Members of the board shall set their own per diem compensation, at a rate not exceeding the per diem specified in section 7E.6 for each day actually engaged in the discharge of their duties, as well as compensation for necessary traveling and other expenses. Compensation for veterinarian members of the board shall include compensation for the time spent traveling to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination and the reading of papers, in addition to the time actually spent in conducting examinations, within the limits of funds appropriated to the board.

~~8. The board shall set the fees by rule for a license to practice veterinary medicine issued upon the basis of the examination. It shall also set the fees by rule for a license granted on the basis of reciprocity, a renewal of a license to practice veterinary medicine, a certified statement that a licensee is licensed to practice in this state, and an issuance of a duplicate license when the original is lost or destroyed. The fee shall be based upon the administrative costs of sustaining the board and shall include, but shall not be limited to, the following:~~

~~a. Per diem, expenses, and travel of board members.~~

~~b. Costs to the department for administration of this chapter.~~

~~9. 7. Upon a three-fifths vote, the board may:~~

~~a. Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.~~

~~b. Issue, renew, or deny issuance or renewal of licenses and temporary permits to practice veterinary medicine in this state.~~

c. Establish and publish annually a schedule of fees for licensing and registration of veterinarians. The fees shall be set by rule and shall include fees for a license to practice veterinary medicine issued upon the basis of the examination, a license granted on the basis of reciprocity, a renewal of a license to practice veterinary medicine, a certified statement that a licensee is licensed to practice in this state, and an issuance of a duplicate license when the original is lost or destroyed. The fee schedule shall be based on the board's anticipated financial requirements for the year, which shall include but not be limited to the following:

(1) Per diem, expenses, and travel of board members.

(2) Costs to the department for administration of this chapter.

d. Conduct investigations for the purpose of discovering violations of this chapter or grounds for disciplining licensed veterinarians.

e. Hold hearings on all matters properly brought before the board and administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions. An administrative law judge may be appointed pursuant to section 17A.11 to perform those functions which properly repose in an administrative law judge.

f. Employ full-time or part-time personnel, professional, clerical, or special, as are necessary to effectuate the provisions of this chapter.

g. Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

h. Bring proceedings in the courts for the enforcement of this chapter or any regulations made pursuant to this chapter.

i. Adopt, amend, or repeal rules relating to the standards of conduct for, testing of, and revocation or suspension of certificates issued to veterinary assistants. However, a certificate shall not be suspended or revoked by less than a

two-thirds vote of the entire board in a proceeding conducted in compliance with section 17A.12.

j. Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provision of this chapter, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

8. The powers enumerated above in subsection 7 are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

~~10.~~ 9. A person who provides veterinary medical services, owns a veterinary clinic, or practices in this state shall obtain a certificate from the board and be subject to the same standards of conduct, as provided in this chapter and rules adopted by the board, as apply to a licensed veterinarian, unless the board determines that the same standards of conduct are inapplicable. The board shall issue, renew, or deny a certificate; adopt rules relating to the standards of conduct; and take disciplinary action against the person, including suspension or revocation of a certificate, in accordance with the procedures established in section 169.14. Certification fees shall be established by the board pursuant to subsection 9 7, paragraph "j". Fees shall be established in an amount sufficient to fully offset the costs of certification pursuant to this subsection. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, the department shall retain fees collected to administer the program of certifying veterinary clinics and the fees retained are appropriated to the department for the purposes of this subsection. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, notwithstanding section 8.33, fees which remain unexpended at the end of the fiscal year shall not revert to the general fund of the state but shall be available for use for the following fiscal year to administer the program. For the fiscal year beginning July 1, 2002, and succeeding fiscal years, certification fees shall be deposited in the general fund of the state and are appropriated to the department to administer the certification provisions of this subsection. This subsection shall not apply to an animal shelter, as

defined in section 162.2, that provides veterinary medical services to animals in the custody of the shelter.

10. The department shall furnish the board with all articles and supplies required for the public use and necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained, and the department shall assess the costs to the board for such articles and supplies. The board shall also reimburse the department for direct and indirect administrative costs incurred in issuing and renewing the licenses.

Sec. 73. Section 175B.4, Code 2009, is amended to read as follows:

175B.4 OTHER PROGRAMS.

Nothing in this chapter restricts the department from providing for other programs which promote the purposes of the federal programs.

Sec. 74. Section 190.12, Code 2009, is amended to read as follows:

190.12 STANDARDS FOR FROZEN DESSERTS.

1. Frozen desserts and the pasteurized dairy ingredients used in the manufacture thereof, shall comply with the following standards:

Milk, cream, and fluid dairy ingredient	Temperature Bacterial limit Coliform limit	Storage at 45 degrees F. 50,000 per milliliter 10 per milliliter
Frozen dessert mixes, frozen desserts (plain)	Temperature Bacterial limit Coliform limit	Storage at 45 degrees F. 50,000 per gram 10 per gram
Dry dairy ingredient	Extra grade or better as defined by U.S. Standards for grades for the particular product.	
Dry powder mix	Bacterial limit Coliform limit	50,000 per gram 10 per gram

2. The bacteria count and coliform determination shall not exceed ~~this standard~~ these standards in three out of the last five consecutive samples taken by the regulatory agency.

3. This section shall not preclude holding mix at a higher temperature for a short period of time immediately prior to freezing where applicable to the particular manufacturing or processing practices.

4. This section shall not apply to sterilized mix in hermetically sealed containers.

5. The coliform determination for bulky flavored frozen desserts shall not be more than twenty per gram.

Sec. 75. Section 191.6, Code 2009, is amended to read as follows:

191.6 STANDARDS FOR OLEOMARGARINE.

The department may prescribe and establish standards for oleo, oleomargarine, or margarine manufactured or sold in this state and may adopt the standards set up by ~~now-existing~~ regulations of the ~~federal-security-administration-or-agency~~ ~~as-found-in-1949-Code-of-Federal-Regulations-Title-21-Part~~ ~~45-§-45-0~~ food and drug administration of the United States department of health and human services, 21 C.F.R. § 166.110, or any amendments thereto. Any standards so established shall not be contrary to or inconsistent with the provisions of section 190.1, subsection 6, entitled "Oleomargarine".

Sec. 76. Section 200.14, Code 2009, is amended to read as follows:

200.14 RULES.

1. The secretary is authorized, after public hearing, following due notice, to adopt rules setting forth minimum general safety standards for the design, construction, location, installation and operation of equipment for storage, handling, transportation by tank truck or tank trailer, and utilization of anhydrous ammonia.

a. The rules shall be such as are reasonably necessary for the protection and safety of the public and persons using anhydrous ammonia, and shall be in substantial conformity with the generally accepted standards of safety.

b. ~~It-is-hereby-declared-that-rules~~ Rules that are in substantial conformity with the published standards of the agricultural ammonia institute for the design, installation

and construction of containers and pertinent equipment for the storage and handling of anhydrous ammonia, shall be deemed to be in substantial conformity with the generally accepted standards of safety.

2. Anhydrous ammonia equipment shall be installed and maintained in a safe operating condition and in conformity with rules adopted by the secretary.

3. The secretary ~~is hereby charged with the enforcement of~~ shall enforce this chapter, and, after due publicity and due public hearing, ~~is empowered to~~ may promulgate and adopt such reasonable rules as may be necessary in order to carry into effect the purpose and intent and to secure the efficient administration of this chapter ~~or to secure the efficient administration thereof.~~

4. ~~Nothing in this~~ This chapter ~~shall~~ does not prohibit the use of storage tanks smaller than transporting tanks nor the transfer of all kinds of fertilizer including anhydrous ammonia directly from transporting tanks to implements of husbandry, if proper safety precautions are observed.

Sec. 77. Section 203C.18, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. A statement that the receipt is issued subject to the Iowa warehouse Act and the rules and regulations prescribed pursuant to ~~the Act~~ this chapter.

Sec. 78. Section 203D.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10A. "Purchased grain" means grain which is entered in the company owned paid position as evidenced on the grain dealer's daily position record.

Sec. 79. Section 203D.3, subsection 2, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A per-bushel fee shall be assessed on all purchased grain. ~~As used in this chapter, "purchased grain" means grain which is entered in the company owned paid position as evidenced on the grain dealer's daily position record.~~ However, if the grain dealer provides documentation regarding the transaction satisfactory to the department, the following transactions shall be excluded from the fee:

Sec. 80. Section 206.6, subsection 5, Code 2009, is amended to read as follows:

5. Issue commercial applicator license.

a. The secretary shall approve an application and issue a commercial applicator license to the applicant as follows:

(1) The applicant is qualified as found by the secretary to apply pesticides in the classifications for which the applicant has applied.

(2) The applicant must furnish to the department evidence of financial responsibility as required under section 206.13.

(3) An applicant applying for a license to engage in aerial application of pesticides must meet all of the requirements of the federal aviation administration, the United States department of transportation, and any other applicable federal or state laws or regulations to operate the equipment described in the application.

b. The secretary shall adopt by rule, additional requirements for issuing a license to a person who is a nonresident of this state engaged in the aerial application of pesticides, which may include but is not limited to conditions for the operation of the aircraft and the application of the pesticides under the supervision of a person who is a resident of this state and licensed as a commercial applicator under this section or as a pesticide dealer under section 206.8. The secretary shall not adopt rules concerning the operation of aircraft when a nonresident person is not engaged in the commercial application of pesticides.

~~b.~~ c. The secretary shall issue a commercial applicator license limited to the classifications for which the applicant is qualified, which shall expire at the end of the calendar year of issue unless it has been revoked or suspended by the secretary for cause. The secretary may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the secretary shall inform the applicant in writing of the reasons.

Sec. 81. Section 207.15, subsections 1, 2, and 5, Code 2009, are amended to read as follows:

1. a. (1) A person who violates a permit condition, a provision of this chapter, or a rule or order issued under this chapter is subject to a civil penalty not to exceed five thousand dollars per day for each day of violation.

(2) If a violation results in the issuance of a cessation order, a civil penalty shall be imposed. The penalty shall not exceed five thousand dollars for each day of violation.

b. In determining the amount of the penalty, consideration shall be given to the operator's history of previous violations at the particular mining operation, the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public, whether the operator was negligent, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of the violation.

c. An operator who fails to correct a violation for which a notice or order has been issued within the period permitted for its correction shall be required to pay a civil penalty of not less than seven hundred fifty dollars for each day during which the failure or violations continue.

2. a. If a notice or order has been issued, the division may assess a recommended penalty in accordance with a schedule established by rule. The person to whom the notice or order was issued may submit written information within fifteen days of the notice or order to be considered by the division. The division shall serve the assessment by certified mail, return receipt requested, within thirty days of issuance of the notice or order. The division may reassess any penalty if necessary to ~~consider~~ account for facts not reasonably available on the date of issuance of the assessment. A person may consent to a penalty assessment by paying the penalty without resort to judicial proceedings.

b. If a violation results in the issuance of a cessation order pursuant to section 207.14 the division shall assess a penalty.

5. If a violation results in a cessation order pursuant to section 207.14, the attorney general, at the request of the division, shall institute a civil action in district court for injunctive relief.

5A. Notwithstanding section 17A.20, an appeal bond shall be required for an appeal of a judgment assessing a civil penalty.

Sec. 82. Section 216.8A, subsection 3, paragraph c, subparagraph (1), Code 2009, is amended to read as follows:

(1) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford the person full enjoyment of the premises. However, it is not discrimination for a landlord,

~~In~~ in the case of a rental, ~~a landlord may,~~ and where reasonable to do so, to condition permission for a modification on the renter's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

Sec. 83. Section 216.16, Code 2009, is amended to read as follows:

216.16 SIXTY-DAY ADMINISTRATIVE RELEASE.

1. A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek an administrative relief by filing a complaint with the commission in accordance with section 216.15. This provision also applies to persons claiming to be aggrieved by an unfair or discriminatory practice committed by the state or an agency or political subdivision of the state, notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A. ~~A complainant after~~

2. After the proper filing of a complaint with the commission, a complainant may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:

a. The complainant has timely filed the complaint with the commission as provided in section 216.15, subsection ~~12~~ and.

b. The complaint has been on file with the commission for at least sixty days and the commission has issued a release to the complainant pursuant to subsection ~~2 of this section~~ 3.

~~2~~ 3. 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 any of the following apply:

(1) 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 ~~37-a.~~

(2) A conciliation agreement has been executed under section 216.15~~7-the.~~

(3) The commission has served notice of hearing upon the respondent pursuant to section 216.15, subsection ~~57-or-the.~~

(4) 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.

~~37~~ 4. An action authorized under this section is barred unless commenced within ninety days after issuance by the commission of a release under subsection ~~2-of-this-section~~ 3. If a complainant obtains a release from the commission under subsection ~~2-of-this-section~~ 3, the commission is barred from further action on that complaint.

~~47~~ 5. Venue for an action under this section shall be in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged unfair or discriminatory practice occurred.

~~57~~ 6. The district court may grant any relief in an action under this section which is authorized by section 216.15, subsection 8 to be issued by the commission. The district court may also award the respondent reasonable attorney's fees and court costs when the court finds that the complainant's action was frivolous.

~~67~~ 7. It is the legislative intent of this chapter that every complaint be at least preliminarily screened during the first one hundred twenty days.

8. This section does not authorize administrative closures if an investigation is warranted.

Sec. 84. 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. 85. Section 229.15, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. A psychiatric advanced registered nurse practitioner treating a patient previously hospitalized under this chapter may complete periodic reports pursuant to this section on the patient if the patient has been recommended for treatment on an outpatient or other appropriate basis pursuant to section 229.14, subsection 1, paragraph "c", and if a psychiatrist licensed pursuant to chapter ~~1487--1507--or--150A~~ personally evaluates the patient on at least an annual basis.

Sec. 86. Section 235.1, Code 2009, is amended to read as follows:

235.1 DEFINITIONS.

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

1. The terms "state division", "administrator", and "child" are used in this chapter and chapter 238 as the terms are "Administrator" means the same as defined in section 234.1.

2. "Child" means the same as defined in section 234.1.

3. "Child welfare services" means social welfare services for the protection and care of children who are homeless, dependent or neglected, or in danger of becoming delinquent, or who have a mental illness or mental retardation or other developmental disability, including, when necessary, care and maintenance in a foster care facility. Child welfare services are designed to serve a child in the child's home whenever possible. If not possible, and the child is placed outside the child's home, the placement should be in the least restrictive setting available and in close proximity to the child's home.

4. "State division" means the same as defined in section 234.1.

Sec. 87. Section 235B.3A, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Providing a dependent adult with immediate and adequate notice of the dependent adult's rights. The notice shall consist of handing the dependent adult a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains a copy of the following written statement; requesting the dependent adult to read the card; and asking the dependent adult whether the dependent adult understands the rights:

Sec. 88. Section 235B.3A, subsection 3, unnumbered paragraph 2, Code 2009, is amended by striking the paragraph.

Sec. 89. Section 235E.2, subsection 13, paragraph a, subparagraphs (2) and (3), Code 2009, are amended to read as follows:

(2) The alleged dependent adult abuser requests the presence of a an employee organization or union representative.

(3) The employee organization or union representative maintains the confidentiality of all information from the interview subject to the penalties provided in section 235B.12 if such confidentiality is breached.

Sec. 90. Section 235E.3, subsection 3, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Providing a dependent adult with immediate and adequate notice of the dependent adult's rights. The notice shall consist of handing the dependent adult a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains a copy of the following written statement; requesting the dependent adult to read the card; and asking the dependent adult whether the dependent adult understands the rights:

Sec. 91. Section 235E.3, subsection 3, paragraph b, Code 2009, is amended by striking the paragraph.

Sec. 92. Section 235E.4, Code 2009, is amended to read as follows:

235E.4 CHAPTER 235B APPLICATION.

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

Sec. 93. Section 236.12, subsection 1, paragraph c, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelter, support groups, and crisis lines operating in the area and contains a copy of the following statement written in English and Spanish; asking the person to read the card; and asking whether the person understands the rights:

Sec. 94. Section 236.12, subsection 1, paragraph c, unnumbered paragraph 8, Code 2009, is amended by striking the unnumbered paragraph.

Sec. 95. Section 238.1, Code 2009, is amended to read as follows:

238.1 DEFINITIONS.

~~1.~~ For the purpose of this chapter ~~the word~~ "administrator" unless the context otherwise requires:

1. "Administrator" means the administrator of the division of child and family services of the department of human services.

2. "Child" means the same as defined in section 234.1.

3. "Child-placing agency" means any agency, whether public, semipublic, or private, which represents that the agency places children permanently or temporarily in private family homes or receives children for placement in private family homes, or which actually engages for gain or otherwise in the placement of children in private family homes.

~~2.~~ 4. ~~The word-"person"~~ "Person" or "agency" ~~where-used in-this-chapter~~ shall include individuals, institutions, partnerships, voluntary associations, and corporations, other than institutions under the management or control of any division or any administrator of the department of human services ~~or-any-administrator-thereof.~~

5. "State division" means the same as defined in section 234.1.

Sec. 96. Section 249A.6, subsection 1, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) Cooperate with the department in obtaining payments described in ~~paragraph-"a"~~ subparagraph (1).

Sec. 97. Section 252B.5, subsection 8, Code 2009, is amended to read as follows:

8. a. At the request of either parent who is subject to the order of support or upon its own initiation, review the amount of the support award in accordance with the guidelines established pursuant to section 598.21B, and Title IV-D of the federal Social Security Act, as amended, and take action to initiate modification proceedings if the criteria established pursuant to this section are met. However, a review of a support award is not required if the child support recovery unit determines that such a review would not be in the best interest of the child and neither parent has requested such review.

b. The department shall adopt rules ~~no-later-than-October 13, 1990,~~ setting forth the process for review of requests for modification of support obligations and the criteria and process for taking action to initiate modification proceedings.

Sec. 98. Section 256D.2A, Code 2009, is amended to read as follows:

256D.2A PROGRAM FUNDING.

Beginning For the budget year beginning July 1, 2009, and each succeeding budget year, a school district shall expend funds received pursuant to section 257.10, subsection 11, at the kindergarten through grade three levels to reduce class sizes to the state goal of seventeen students for every one teacher and to achieve a higher level of student success in the basic skills, especially reading. In order to support these efforts, school districts may expend funds received pursuant to section 257.10, subsection 11, at the kindergarten through grade three level on programs, instructional support, and materials that include but are not limited to the following: additional licensed instructional staff; additional support for students, such as before and after school programs, tutoring, and intensive summer programs; the acquisition and administration of diagnostic reading assessments; the implementation of research-based instructional intervention programs for students needing additional support; the implementation of all-day, everyday kindergarten programs; and the provision of classroom teachers

with intensive training programs to improve reading instruction and professional development in best practices including but not limited to training programs related to instruction to increase students' phonemic awareness, reading abilities, and comprehension skills.

Sec. 99. Section 256D.4A, Code 2009, is amended to read as follows:

256D.4A PROGRAM REQUIREMENTS.

A school district shall maintain a separate listing within its budget for payments received and expenditures made pursuant to this ~~section~~ chapter. A school district shall certify to the department of education that moneys received under this ~~section~~ chapter were used to supplement, not supplant, moneys otherwise received and used by the school district.

Sec. 100. Section 257.11, subsection 3, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If the school budget review committee certifies to the department of management that the class would not otherwise be implemented without the assignment of additional weighting, pupils attending a community college-offered class or attending a class taught by a community college-employed instructor are assigned a weighting of the percentage of the pupil's school day during which the pupil attends class in the community college or attends a class taught by a community college-employed instructor ~~of times~~ seventy hundredths for career and technical courses ~~and or~~ or forty-six hundredths for liberal arts and sciences courses. The following requirements shall be met for the purposes of assigning an additional weighting for classes offered through a sharing agreement between a school district and community college. The class must be:

Sec. 101. Section 260C.14, subsection 22, paragraph a, subparagraphs (1), (3), and (5), Code 2009, are amended to read as follows:

(1) Total revenue received from each local school district as a result of high school students enrolled in community college courses under the postsecondary enrollment options ~~Act~~ program.

(3) Unduplicated headcount of high school students enrolled in community college courses under the postsecondary enrollment options Act program.

(5) Total credits earned by high school students enrolled in community college courses under the postsecondary enrollment options Act program, broken down by vocational-technical or career program and arts and sciences program.

Sec. 102. Section 262.9, subsection 4, Code 2009, is amended to read as follows:

4. Manage and control the property, both real and personal, belonging to the institutions.

4A. ~~The board shall purchase~~ Purchase or require the purchase of, when the price is reasonably competitive and the quality as intended, soybean-based inks. All inks purchased that are used internally or are contracted for by the board shall be soybean-based to the extent formulations for such inks are available.

a. The department of natural resources shall review the procurement specifications currently used by the board to eliminate, wherever possible, discrimination against the procurement of products manufactured with soybean-based inks.

b. The department of natural resources shall assist the board in locating suppliers of recycled content products and soybean-based inks and collecting data on recycled content and soybean-based ink purchases.

c. The board, in conjunction with the department of natural resources, shall adopt rules to carry out the provisions of this ~~section~~ subsection.

d. The department of natural resources shall cooperate with the board in all phases of implementing this ~~section~~ subsection.

Sec. 103. Section 279.13, subsection 1, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) Prior to entering into an initial contract with a teacher who holds a license other than an initial license issued by the board of educational examiners under chapter 272, the school district shall initiate a state criminal history record check of the applicant through the division of criminal investigation of the department of public safety,

submit the applicant's fingerprints to the division for submission to the federal bureau of investigation for a national criminal history record check, and review the sex offender registry information under section 692A.13, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding ~~applicants~~ the applicant for employment as a teacher.

Sec. 104. Section 282.18, Code 2009, is amended to read as follows:

282.18 OPEN ENROLLMENT.

1. a. It is the goal of the general assembly to permit a wide range of educational choices for children enrolled in schools in this state and to maximize ability to use those choices. It is therefore the intent that this section be construed broadly to maximize parental choice and access to educational opportunities which are not available to children because of where they live.

b. For the school year commencing July 1, 1989, and each succeeding school year, a parent or guardian residing in a school district may enroll the parent's or guardian's child in a public school in another school district in the manner provided in this section.

2. a. By March 1 of the preceding school year for students entering grades one through twelve, or by September 1 of the current school year for students entering kindergarten, the parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that the parent or guardian intends to enroll the parent's or guardian's child in a public school in another school district. If a parent or guardian fails to file a notification that the parent intends to enroll the parent's or guardian's child in a public school in another district by the deadline specified in this subsection, the procedures of subsection 4 apply.

b. The board of the receiving district shall enroll the pupil in a school in the receiving district for the following school year unless the receiving district does not have classroom space for the pupil. The board of directors of a

receiving district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action, but not later than June 1 of the preceding school year. The parent or guardian may withdraw the request at any time prior to the start of the school year. A denial of a request by the board of a receiving district is not subject to appeal.

c. Every school district shall adopt a policy which defines the term "insufficient classroom space" for that district.

3. a. The superintendent of a district subject to a voluntary diversity or court-ordered desegregation plan, as recognized by rule of the state board of education, may deny a request for transfer under this section if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation order or diversity plan, unless the transfer is requested by a pupil whose sibling is already participating in open enrollment to another district, or unless the request for transfer is submitted to the district in a timely manner as required under subsection 2 prior to the adoption of a desegregation plan by the district. If a transfer request would facilitate a voluntary diversity or court-ordered desegregation plan, the district shall give priority to granting the request over other requests.

b. A parent or guardian, whose request has been denied because of a desegregation order or diversity plan, may appeal the decision of the superintendent to the board of the district in which the request was denied. The board may either uphold or overturn the superintendent's decision. A decision of the board to uphold the denial of the request is subject to appeal to the district court in the county in which the primary business office of the district is located. The state board of education shall adopt rules establishing definitions, guidelines, and a review process for school districts that adopt voluntary diversity plans. The guidelines shall include criteria and standards that school

districts must follow when developing a voluntary diversity plan. The department of education shall provide technical assistance to a school district that is seeking to adopt a voluntary diversity plan. A school district implementing a voluntary diversity plan prior to July 1, 2008, shall have until July 1, 2009, to comply with guidelines adopted by the state board pursuant to this section.

c. The board of directors of a school district subject to voluntary diversity or court-ordered desegregation shall develop a policy for implementation of open enrollment in the district. The policy shall contain objective criteria for determining when a request would adversely impact the desegregation order or voluntary diversity plan and criteria for prioritizing requests that do not have an adverse impact on the order or plan.

4. a. After March 1 of the preceding school year and until the date specified in section 257.6, subsection 1, the parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that good cause, as defined in paragraph "b", exists for failure to meet the March 1 deadline. The board of directors of a receiving school district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications submitted after the March 1 deadline. The board of the receiving district shall take action to approve the request if good cause exists. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action. A denial of a request by the board of a receiving district is not subject to appeal.

b. For purposes of this section, "good cause" means a change in a child's residence due to a change in family residence, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship or custody proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, a change in the status of a child's resident district such as removal of accreditation by the state board, surrender

of accreditation, or permanent closure of a nonpublic school, revocation of a charter school contract as provided in section 256F.8, the failure of negotiations for a whole grade sharing, reorganization, dissolution agreement or the rejection of a current whole grade sharing agreement, or reorganization plan. If the good cause relates to a change in status of a child's school district of residence, however, action by a parent or guardian must be taken to file the notification within forty-five days of the last board action or within thirty days of the certification of the election, whichever is applicable to the circumstances.

c. If a resident district believes that a receiving district is violating this subsection, the resident district may, within fifteen days after board action by the receiving district, submit an appeal to the director of the department of education.

d. The director, or the director's designee, shall attempt to mediate the dispute to reach approval by both boards as provided in subsection ~~16~~ 14. If approval is not reached under mediation, the director or the director's designee shall conduct a hearing and shall hear testimony from both boards. Within ten days following the hearing, the director shall render a decision upholding or reversing the decision by the board of the receiving district. Within five days of the director's decision, the board may appeal the decision of the director to the state board of education under the procedures set forth in chapter 290.

5. Open enrollment applications filed after March 1 of the preceding school year that do not qualify for good cause as provided in subsection 4 shall be subject to the approval of the board of the resident district and the board of the receiving district. The parent or guardian shall send notification to the district of residence and the receiving district that the parent or guardian seeks to enroll the parent's or guardian's child in the receiving district. A decision of either board to deny an application filed under this subsection involving repeated acts of harassment of the student or serious health condition of the student that the resident district cannot adequately address is subject to appeal under section 290.1. The state board shall exercise

broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.

6. A request under this section is for a period of not less than one year. If the request is for more than one year and the parent or guardian desires to have the pupil enroll in a different district, the parent or guardian may petition the current receiving district by March 1 of the previous school year for permission to enroll the pupil in a different district for a period of not less than one year. Upon receipt of such a request, the current receiving district board may act on the request to transfer to the other school district at the next regularly scheduled board meeting after the receipt of the request. The new receiving district shall enroll the pupil in a school in the district unless there is insufficient classroom space in the district or unless enrollment of the pupil would adversely affect the court-ordered or voluntary desegregation plan of the district. A denial of a request to change district enrollment within the approved period is not subject to appeal. However, a pupil who has been in attendance in another district under this section may return to the district of residence and enroll at any time, once the parent or guardian has notified the district of residence and the receiving district in writing of the decision to enroll the pupil in the district of residence.

7. A pupil participating in open enrollment shall be counted, for state school foundation aid purposes, in the pupil's district of residence. A pupil's residence, for purposes of this section, means a residence under section 282.1. The board of directors of the district of residence shall pay to the receiving district the state cost per pupil for the previous school year, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year. If the pupil participating in open enrollment is also an eligible pupil under section 261E.6, the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261E.7.

8. If a request filed under this section is for a child requiring special education under chapter 256B, the request to

transfer to the other district shall only be granted if the receiving district maintains a special education instructional program which is appropriate to meet the child's educational needs and the enrollment of the child in the receiving district's program would not cause the size of the class in that special education instructional program in the receiving district to exceed the maximum class size in rules adopted by the state board of education for that program. For children requiring special education, the board of directors of the district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education.

9. a. If a parent or guardian of a child, who is participating in open enrollment under this section, moves to a different school district during the course of either district's academic year, the child's first district of residence shall be responsible for payment of the cost per pupil plus weightings or special education costs to the receiving school district for the balance of the school year in which the move took place. The new district of residence shall be responsible for the payments during succeeding years.

b. If a request to transfer is due to a change in family residence, change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, and the child who is the subject of the request is enrolled in any grade from kindergarten through grade twelve at the time of the request and is not currently using any provision of open enrollment, the parent or guardian of the child shall have the option to have the child remain in the child's original district of residence under open enrollment with no interruption in the child's kindergarten through grade twelve educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the amount calculated in subsection 7 until the start of the first full year of enrollment of the child.

c. Quarterly payments shall be made to the receiving district.

d. If the transfer of a pupil from one district to another results in a transfer from one area education agency to another, the sending district shall forward a copy of the request to the sending district's area education agency. The receiving district shall forward a copy of the request to the receiving district's area education agency. Any moneys received by the area education agency of the sending district for the pupil who is the subject of the request shall be forwarded to the receiving district's area education agency.

e. A district of residence may apply to the school budget review committee if a student was not included in the resident district's enrollment count during the fall of the year preceding the student's transfer under open enrollment.

10. Notwithstanding section 285.1 relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. However, a receiving district may send school vehicles into the district of residence of the pupil using the open enrollment option under this section, for the purpose of transporting the pupil to and from school in the receiving district, if the boards of both the sending and receiving districts agree to this arrangement. If the pupil meets the economic eligibility requirements established by the department and state board of education, the sending district is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the pupil to and from a point on a regular school bus route of a contiguous receiving district unless the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a pupil to a contiguous receiving district under this subsection may withhold from the district cost per pupil amount, that is to be paid to the receiving district, an

amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

~~11.--Every school district shall adopt a policy which defines the term "insufficient classroom space" for that district.~~

~~12.--The board of directors of a school district subject to voluntary or court ordered desegregation shall develop a policy for implementation of open enrollment in the district. The policy shall contain objective criteria for determining when a request would adversely impact the desegregation order or plan and criteria for prioritizing requests that do not have an adverse impact on the order or plan.~~

13. 11. A pupil who participates in open enrollment for purposes of attending a grade in grades nine through twelve in a school district other than the district of residence is ineligible to participate in varsity interscholastic athletic contests and athletic competitions during the pupil's first ninety school days of enrollment in the district except that the pupil may participate immediately in a varsity interscholastic sport if the pupil is entering grade nine for the first time and did not participate in an interscholastic athletic competition for another school or school district during the summer immediately following eighth grade, if the district of residence and the other school district jointly participate in the sport, if the sport in which the pupil wishes to participate is not offered in the district of residence, if the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school districts under section 256.11, subsection 12, if the pupil participates in open enrollment because the pupil's district of residence has entered into a whole grade sharing agreement with another district for the pupil's grade, or if the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services. A pupil who has paid tuition and attended school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil's

district of residence for at least one school year is also eligible to participate immediately in interscholastic athletic contests and athletic competitions under this section, but only as a member of a team from the district that pupil had attended. For purposes of this subsection, "school days of enrollment" does not include enrollment in summer school. For purposes of this subsection, "varsity" means the same as defined in section 256.46.

~~14.~~ 12. If a pupil, for whom a request to transfer has been filed with a district, has been suspended or expelled in the district, the pupil shall not be permitted to transfer until the pupil has been reinstated in the sending district. Once the pupil has been reinstated, however, the pupil shall be permitted to transfer in the same manner as if the pupil had not been suspended or expelled by the sending district. If a pupil, for whom a request to transfer has been filed with a district, is expelled in the district, the pupil shall be permitted to transfer to a receiving district under this section if the pupil applies for and is reinstated in the sending district. However, if the pupil applies for reinstatement but is not reinstated in the sending district, the receiving district may deny the request to transfer. The decision of the receiving district is not subject to appeal.

~~15.~~ 13. If a request under this section is for transfer to a laboratory school, as described in chapter 265, the student, who is the subject of the request, shall not be included in the basic enrollment of the student's district of residence, and the laboratory school shall report the enrollment of the student directly to the department of education, unless the number of students from the district attending the laboratory school during the current school year, as a result of open enrollment under this section, exceeds the number of students enrolled in the laboratory school from that district during the 1989-1990 school year. If the number of students enrolled in the laboratory school from a district during the current year exceeds the number of students enrolled from that district during the 1989-1990 school year, those students who represent the difference between the current and the 1988-1989 school year enrollment figures shall be included in the basic enrollment of the

students' districts of residence and the districts shall retain any moneys received as a result of the inclusion of the student in the district enrollment. The total number of students enrolled at a laboratory school during a school year shall not exceed six hundred seventy students. The regents institution operating the laboratory school and the board of directors of the school district in the community in which the regents institution is located shall develop a student transfer policy designed to protect and promote the quality and integrity of the teacher education program at the laboratory school, the viability of the education program of the local school district in which the regents institution is located, and to indicate the order in which and reasons why requests to transfer to a laboratory school shall be considered. A laboratory school may deny a request for transfer under the policy. A denial of a request to transfer under this paragraph is not subject to appeal under section 290.1.

~~16~~ 14. An application for open enrollment may be granted at any time with approval of the resident and receiving districts.

~~17~~ 15. The director of the department of education shall recommend rules to the state board of education for the orderly implementation of this section. The state board shall adopt rules as needed for the implementation of this section.

Sec. 105. Section 282.26, Code 2009, is amended to read as follows:

282.26 HIGH SCHOOL STUDENTS ATTENDING ADVANCED COURSES.

1. The board of any community college may, by mutual agreement with any college or university, permit any specially qualified high school student to attend advanced courses of academic instruction at the college or university.

2. The state board of regents and the state board of education may by rule permit such students to attend any institution of higher learning under their jurisdiction. Credit earned in any such course at a college or university may be applied toward credit for high school graduation. Public school funds shall not be expended for payment of tuition or other costs for such attendance at a college or university, unless the payment is expressly permitted or required by law.

~~3. The foregoing provisions~~ Subsections 1 and 2 shall also apply to colleges and universities in adjacent states when the institutions are located nearer to the homes or schools of the school district than the closest college or university within the state.

Sec. 106. Section 294A.9, subsection 9, Code 2009, is amended to read as follows:

9. Subsections 2, 3, 4, and 7, and this subsection are repealed June 30, 2009.

Sec. 107. Section 294A.25, subsection 2, Code 2009, is amended to read as follows:

2. For the fiscal year beginning July 1, 2009, and for each succeeding fiscal year, there is appropriated from the general fund of the state to the department of education an amount not to exceed fifteen million six hundred thirty-three thousand two hundred forty-five dollars. The moneys shall be distributed as provided in this section.

Sec. 108. Section 297.10, Code 2009, is amended to read as follows:

297.10 COMPENSATION.

Any compensation for ~~such~~ the use of a schoolhouse and schoolhouse grounds shall be paid into the general fund and be expended in the upkeep and repair of ~~such school property~~, and in purchasing supplies ~~therefor~~ for that school property.

Sec. 109. Section 298.3, Code 2009, is amended to read as follows:

298.3 REVENUES FROM THE LEVIES.

1. The revenue from the regular and voter-approved physical plant and equipment levies shall be placed in the physical plant and equipment levy fund and expended only for the following purposes:

~~±~~ a. The purchase and improvement of grounds. For the purpose of this ~~subsection~~ paragraph:

~~a~~ (1) "Purchase of grounds" includes the legal costs relating to the property acquisition, costs of surveys of the property, costs of relocation assistance under state and federal law, and other costs incidental to the property acquisition.

~~b~~ (2) "Improvement of grounds" includes grading, landscaping, paving, seeding, and planting of shrubs and

trees; constructing sidewalks, roadways, retaining walls, sewers and storm drains, and installing hydrants; surfacing and soil treatment of athletic fields and tennis courts; exterior lighting, including athletic fields and tennis courts; furnishing and installing flagpoles, gateways, fences, and underground storage tanks which are not parts of building service systems; demolition work; and special assessments against the school district for public improvements, as defined in section 384.37.

2- b. The construction of schoolhouses or buildings and opening roads to schoolhouses or buildings.

3- c. The purchase, lease, or lease-purchase of a single unit of equipment or technology exceeding five hundred dollars in value per unit.

4- d. The payment of debts contracted for the erection or construction of schoolhouses or buildings, not including interest on bonds.

5- e. Procuring or acquisition of library facilities.

6- f. Repairing, remodeling, reconstructing, improving, or expanding the schoolhouses or buildings and additions to existing schoolhouses. For the purpose of this paragraph:

(1) For-the-purpose-of-this-subsection, "repairing" "Repairing" means restoring an existing structure or thing to its original condition, as near as may be, after decay, waste, injury, or partial destruction, but does not include maintenance; and "reconstructing".

(2) "Reconstructing" means rebuilding or restoring as an entity a thing which was lost or destroyed.

7- g. Expenditures for energy conservation, including payments made pursuant to a guarantee furnished by a school district entering into a financing agreement for energy ~~conservation-measures~~ management improvements, limited to agreements pursuant to section 473.19, 473.20, or 473.20A.

8- h. The rental of facilities under chapter 28E.

9- i. Purchase of transportation equipment for transporting students.

10- j. The purchase of buildings or lease-purchase option agreements for school buildings.

11- k. Equipment purchases for recreational purposes.

~~12.~~ 1. Payments to a municipality or other entity as required under section 403.19, subsection 2.

2. Interest earned on money in the physical plant and equipment levy fund may be expended for a purpose listed in this section.

3. Unencumbered funds collected prior to July 1, 1991, from the levy previously authorized under section 297.5, Code 1991, may be expended for the purposes listed in this section.

4. Revenue from the regular and voter-approved physical plant and equipment levies shall not be expended for school district employee salaries or travel expenses, supplies, printing costs or media services, or for any other purpose not expressly authorized in this section.

Sec. 110. Section 298.18, Code 2009, is amended to read as follows:

298.18 BOND TAX -- ELECTION -- LEASING BUILDINGS.

1. a. The board of each school corporation shall, when estimating and certifying the amount of money required for general purposes, estimate and certify to the board of supervisors of the proper county for the debt service fund the amount required to pay interest due or that may become due for the fiscal year beginning July 1, thereafter upon lawful bonded indebtedness, and in addition thereto such amount as the board may deem necessary to apply on the principal.

b. The amount estimated and certified to apply on principal and interest for any one year shall not exceed two dollars and seventy cents per thousand dollars of the assessed valuation of the taxable property of the school corporation except as ~~hereinafter~~ otherwise provided in this section.

c. For the sole purpose of computing the amount of bonds which may be issued as a result of the application of any limitation referred to in this section, all interest on the bonds in excess of that accruing in the first twelve months may be excluded from the first annual levy of taxes, so that the need for including more than one year's interest in the first annual levy of taxes to pay the bonds and interest shall not operate to further restrict the amount of bonds which may be issued, and in certifying the annual levies to the county auditor or auditors such first annual levy of taxes shall be sufficient to pay all principal of and interest on said bonds

becoming due prior to the next succeeding annual levy and the full amount of such first annual levy shall be entered for collection by said auditor or auditors, as provided in chapter 76.

d. The amount estimated and certified to apply on principal and interest for any one year may exceed two dollars and seventy cents per thousand dollars of assessed value by the amount approved by the voters of the school corporation, but not exceeding four dollars and five cents per thousand of the assessed value of the taxable property within any school corporation, provided that the registered voters of such school corporation have first approved such increased amount at an election held on a date specified in section 39.2, subsection 4, paragraph "c".

2. The proposition submitted to the voters at such election shall be in substantially the following form:

Shall the board of directors of the ..... (insert name of school corporation) in the County of ....., State of Iowa, be authorized to levy annually a tax exceeding two dollars and seventy cents per thousand dollars, but not exceeding .. dollars and ... cents per thousand dollars of the assessed value of the taxable property within said school corporation to pay the principal of and interest on bonded indebtedness of said school corporation, it being understood that the approval of this proposition shall not limit the source of payment of the bonds and interest but shall only operate to restrict the amount of bonds which may be issued?

3. Notice of the election shall be given by the county commissioner of elections according to section 49.53. The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 through 53 and certify the results to the board of directors. The proposition shall not be deemed carried or adopted unless the vote in favor of such proposition is equal to at least sixty percent of the total vote cast for and against the proposition at the election. Whenever such a proposition has been approved by the voters of a school corporation as hereinbefore provided, no further approval of the voters of such school corporation shall be required as a result of any subsequent change in the boundaries of such school corporation.

4. The voted tax levy referred to ~~herein~~ in this section shall not limit the source of payment of bonds and interest but shall only restrict the amount of bonds which may be issued.

5. a. The ability of a school corporation to exceed two dollars and seventy cents per thousand dollars of assessed value to service principal and interest payments on bonded indebtedness is limited and conferred only to those school corporations engaged in the administration of elementary and secondary education.

b. ~~Provided-further-that-if~~ If a school corporation leases a building or property, which has been used as a junior college by such corporation, to a community college, the annual amounts certified as herein provided by such leasing school corporation for payment of interest and principal due on lawful bonded indebtedness incurred by such leasing school corporation for purchasing, building, furnishing, reconstructing, repairing, improving or remodeling the building leased or acquiring or adding to the site of such property leased, to the extent of the respective annual rent the school corporation will receive under such lease, shall not be considered as a part of the total amount estimated and certified for the purposes of determining if such amount exceeds any limitation contained in this section.

Sec. 111. Section 306C.10, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 17A. "Specific information of interest to the traveling public" means only information about public places for camping, lodging, eating, and motor fuel and associated services, including trade names which have telephone facilities available when the public place is open for business and businesses engaged in selling motor fuel which have free air for tire inflation and restroom facilities available when the public place is open for business.

Sec. 112. Section 306C.11, subsection 5, Code 2009, is amended to read as follows:

5. a. Signs, displays, and devices giving specific information of interest to the traveling public, shall be erected by the department and maintained within the right-of-way in the areas, and at appropriate distances from

interchanges on the interstate system and freeway primary highways as shall conform with the rules adopted by the department. The rules shall be consistent with national standards promulgated from time to time or as permitted by the appropriate authority of the federal government pursuant to 23 U.S.C. § 131(f) except as provided in this section. The rules shall include but are not limited to the following:

- a. (1) Criteria for eligibility for signing.
- b. (2) Criteria for limiting or excluding businesses that maintain advertising devices that do not conform to the requirements of chapter 306B, this division, or other statutes or administrative rules regulating outdoor advertising.
- c. (3) Provisions for a fee schedule to cover the direct and indirect costs of sign erection and maintenance and related administrative costs.
- d. (4) Provisions for specifying the maximum distance to eligible businesses.
- e. (5) Provisions specifying the maximum number of signs permitted per panel and per interchange.
- f. (6) Provisions for determining what businesses are signed when there are more applicants than the maximum number of signs permitted.
- g. (7) Provisions for removing signs when businesses cease to meet minimum requirements for participation and related costs.

~~For purposes of this division, "specific information of interest to the traveling public" means only information about public places for camping, lodging, eating, and motor fuel and associated services, including trade names which have telephone facilities available when the public place is open for business and businesses engaged in selling motor fuel which have free air for tire inflation and restroom facilities available when the public place is open for business.~~

b. Business signs supplied to the department by commercial vendors shall be on panels, with dimensional and material specifications established by the department. A business sign included under the provisions of this section shall not be posted unless it is in compliance with these specifications. The commercial vendor shall pay to the department a fee based upon the schedule adopted under this subsection for each

business sign supplied for posting. Upon furnishing the business signs to the department and payment of all fees, the department shall post the business signs on eligible specific information panels. Faded signs shall be replaced and the commercial vendor charged for the cost of replacement based upon the fee schedule adopted. There is created in the office of the treasurer of state a fund to be known as the "highway beautification fund" and all funds received for the posting on specific information panels shall be deposited in the "highway beautification fund". Information on motor fuel and associated services may include vehicle service and repair where the same is available.

Sec. 113. Section 307.21, Code 2009, is amended to read as follows:

307.21 ADMINISTRATIVE SERVICES.

1. The department's administrator of administrative services shall:

~~1-~~ a. Provide for the proper maintenance and protection of the grounds, buildings, and equipment of the department, in cooperation with the department of administrative services.

~~2-~~ b. Establish, supervise, and maintain a system of centralized electronic data processing for the department, in cooperation with the department of administrative services.

~~3-~~ c. Assist the director in preparing the departmental budget.

~~4--a-~~ d. Provide centralized purchasing services for the department, in cooperation with the department of administrative services. The administrator shall, when the price is reasonably competitive and the quality as intended, purchase soybean-based inks and plastic products with recycled content, including but not limited to plastic garbage can liners, and shall purchase these items in accordance with the schedule established in section 8A.315. However, the administrator need not purchase garbage can liners in accordance with the schedule if the liners are utilized by a facility approved by the environmental protection commission created under section 455A.6, for purposes of recycling. For purposes of this ~~subsection~~ section, "recycled content" means that the content of the product contains a minimum of thirty percent postconsumer material.

e. Assist the director in employing the professional, technical, clerical, and secretarial staff for the department and maintain employee records, in cooperation with the department of administrative services and provide personnel services, including but not limited to training, safety education, and employee counseling.

f. Assist the director in coordinating the responsibilities and duties of the various divisions within the department.

g. Carry out all other general administrative duties for the department.

h. Perform such other duties and responsibilities as may be assigned by the director.

~~b.~~ 2. The When performing the duty of providing centralized purchasing services under subsection 1, the administrator shall do all of the following:

~~(1)~~ a. Purchase and use recycled printing and writing paper in accordance with the schedule established in section 8A.315.

~~(2)~~ b. Establish a wastepaper recycling program in accordance with recommendations made by the department of natural resources and the requirements of section 8A.329.

~~(3)~~ c. Require in accordance with section 8A.311 product content statements and compliance with requirements regarding procurement specifications.

~~(4)~~ d. Comply with the requirements for the purchase of lubricating oils, industrial oils, greases, and hydraulic fluids as established pursuant to section 8A.316.

~~(5)~~ e. Give preference to purchasing designated biobased products in the same manner as provided in section 8A.317.

~~c.~~ 3. The department shall report to the general assembly by February 1 of each year, the following:

~~(1)~~ a. A listing of plastic products which are regularly purchased by the board for which recycled content product alternatives are available, including the cost of the plastic products purchased and the cost of the recycled content product alternatives.

~~(2)~~ b. Information relating to soybean-based inks and plastic garbage can liners with recycled content regularly purchased by the department, including the cost of purchasing

soybean-based inks and plastic garbage can liners with recycled content and the percentages of soybean-based inks and plastic garbage can liners with recycled content that have been purchased.

~~d.~~ 4. A gasoline-powered vehicle purchased by the administrator shall not operate on gasoline other than ethanol blended gasoline as defined in section 214A.1. A diesel-powered motor vehicle purchased by the administrator shall not operate on diesel fuel other than biodiesel fuel as defined in section 214A.1, if commercially available. A state-issued credit card shall not be valid to purchase gasoline other than ethanol blended gasoline or to purchase diesel fuel other than biodiesel fuel, if commercially available. The motor vehicle shall also be affixed with a brightly visible sticker which notifies the traveling public that the motor vehicle is being operated on ethanol blended gasoline or biodiesel fuel, as applicable. However, the sticker is not required to be affixed to an unmarked vehicle used for purposes of providing law enforcement or security.

5. a. Of all new passenger vehicles and light pickup trucks purchased by the administrator, 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.

b. The provisions of this subsection do not apply to vehicles and trucks purchased and directly used for law enforcement or off-road maintenance work.

6. The administrator shall, whenever technically feasible, purchase and use degradable loose foam packing material manufactured from grain starches or other renewable resources,

unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources. For the purposes of this subsection, "packing material" means material, other than an exterior packing shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

~~7.--Assist-the-director-in-employing-the-professional, technical, clerical-and-secretarial-staff-for-the-department and-maintain-employee-records,-in-cooperation-with-the department-of-administrative-services-and-provide-personnel services,-including-but-not-limited-to-training,-safety education,-and-employee-counseling-~~

~~8.--Assist-the-director-in-coordinating-the responsibilities-and-duties-of-the-various-divisions-within the-department-~~

~~9.--Carry-out-all-other-general-administrative-duties-for the-department-~~

~~10.--Perform-such-other-duties-and-responsibilities-as-may be-assigned-by-the-director-~~

7. The administrator of administrative services may purchase items from the department of administrative services and may cooperate with the director of the department of administrative services by providing purchasing services for the department of administrative services.

Sec. 114. Section 312.2, Code 2009, is amended to read as follows:

312.2 ALLOCATIONS FROM FUND.

1. The treasurer of the state shall, on the first day of each month, credit all road use tax funds which have been received by the treasurer, to the primary road fund, the secondary road fund of the counties, the farm-to-market road fund, and the street construction fund of cities in the following manner and amounts:

~~1-~~ a. To the primary road fund, forty-seven and one-half percent.

~~2-~~ b. To the secondary road fund of the counties, twenty-four and one-half percent.

~~3-~~ c. To the farm-to-market road fund, eight percent.

~~4-~~ d. To the street construction fund of the cities, twenty percent.

5- 2. The treasurer of state shall before making the ~~above~~ allotments in subsection 1 credit annually to the highway grade crossing safety fund the sum of seven hundred thousand dollars, credit annually from the road use tax fund the sum of nine hundred thousand dollars to the highway railroad grade crossing surface repair fund, credit monthly to the primary road fund the dollars yielded from an allotment of sixty-five hundredths of one percent of all road use tax funds for the express purpose of carrying out subsection 11 of section 307A.2, section 313.4, subsection 2, and section 307.45, and credit annually to the primary road fund the sum of five hundred thousand dollars to be used for paying expenses incurred by the state department of transportation other than expenses incurred for extensions of primary roads in cities. All unobligated funds provided by this subsection, except those funds credited to the highway grade crossing safety fund, shall at the end of each year revert to the road use tax fund. Funds in the highway grade crossing safety fund shall not revert to the road use tax fund except to the extent they exceed five hundred thousand dollars at the end of any biennium. The cost of each highway railroad grade crossing repair project shall be allocated in the following manner:

a. Twenty percent of the project cost shall be paid by the railroad company.

b. Twenty percent of the project cost shall be paid by the highway authority having jurisdiction of the road crossing the railroad.

c. Sixty percent of the project cost shall be paid from the highway railroad grade crossing surface repair fund.

6- 3. The treasurer of state shall before making the allotments provided for in this section credit monthly to the state department of transportation funds sufficient in amount to pay the costs of purchasing certificate of title and registration forms, and supplies and materials and for the cost of prison labor used in manufacturing motor vehicle registration plates, decalcomania emblems, and validation stickers at the prison industries.

7- 4. The treasurer of state, before making the allotments provided in this section, shall credit annually to the primary road fund from the road use tax fund the sum of seven million one hundred thousand dollars.

~~8-~~ 5. a. The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are less than seventy-five percent of the sum of the following:

~~a-~~ (1) From the general fund of the county, the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county.

~~b-~~ (2) From the rural services fund of the county, the dollar equivalent of a tax of three dollars and three-eighths of a cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

b. Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to make allocations under this subsection shall be provided by the state department of transportation or the director of the department of management upon request by the treasurer of state.

~~9-~~ 6. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the living roadway trust fund created under section 314.21 one hundred fifty thousand dollars from the road use tax fund.

~~10-~~ 7. The treasurer of state, before making the other allotments provided for in this section, shall credit annually to the primary road fund from the road use tax fund the sum of four million four hundred thousand dollars and to the farm-to-market road fund from the road use tax fund the sum of one million five hundred thousand dollars for partial compensation of allowing trucks to operate on the roads of this state as provided in section 321.463.

~~11-~~ 8. The treasurer of state, before making the allotments provided for in this section, shall credit annually

to the living roadway trust fund created under section 314.21 one hundred thousand dollars from the road use tax fund.

~~12-~~ 9. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the revitalize Iowa's sound economy fund, created under section 315.2, the revenue accruing to the road use tax fund in the amount equal to the revenues collected under each of the following:

a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 452A.3 except aviation gasoline, the amount of excise tax collected from one and three-fourths cents per gallon.

b. From the excise tax on special fuel for diesel engines, the amount of excise tax collected from one and three-fourths cents per gallon.

~~13-~~ 10. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the secondary road fund the revenue accruing to the road use tax fund in the amount equal to the revenues collected under each of the following:

a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 452A.3, except aviation gasoline, the amount of excise tax collected from one-fourth cent per gallon.

b. From the excise tax on special fuel for diesel engines, the amount of excise tax collected from one-fourth cent per gallon.

~~14-~~ 11. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the state department of transportation for county, city, and state traffic safety improvement projects an amount equal to one-half of one percent of moneys credited to the road use tax fund.

~~15-~~ 12. a. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, shall credit from the road use tax fund two million dollars to the county bridge construction fund, which is hereby created. Moneys credited to the county bridge construction fund shall be allocated to counties by the department for bridge

construction, reconstruction, replacement, or realignment based on needs in accordance with rules adopted by the department.

b. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, shall credit from the road use tax fund five hundred thousand dollars to the city bridge construction fund, which is hereby created. Moneys credited to the city bridge construction fund shall be allocated to cities by the department for bridge construction and reconstruction based on needs in accordance with rules adopted by the department.

~~16-~~ 13. The treasurer of state, before making the allotments provided for in this section, shall credit annually from the road use tax fund to the state department of transportation the sum of six hundred fifty thousand dollars for the purpose of providing county treasurers with automation and telecommunications equipment and support for vehicle registration and titling and driver licensing.

Notwithstanding section 8.33, unobligated funds credited under this subsection remaining on June 30 of the fiscal year shall not revert but shall remain available for expenditure for purposes of this subsection in subsequent fiscal years.

~~17-~~ 14. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the primary road fund an amount equal to ten percent of the revenues collected from the operation of section 321.105A, subsection 2, to be used for the commercial and industrial highway network.

~~18-~~ 15. a. The treasurer of state, before making the allotments provided for in this section, shall credit monthly to the TIME-21 fund created in section 312A.2, an amount equal to ten dollars from each fee for issuance of a certificate of title collected pursuant to sections 321.20; 321.20A; 321.23; 321.42; 321.46, other than a title issued for a returned vehicle under section 322G.12; section 321.47; and section 321.109 and an amount equal to eight dollars from each fee collected for issuance of a certificate of title pursuant to section 321.46 for a returned vehicle under section 322G.12 and from each fee collected for issuance of a salvage certificate of title pursuant to section 321.52.

b. This subsection is repealed June 30, 2028.

~~19.~~ 16. a. The treasurer of state, before making the allotments provided for in this section, shall credit monthly to the TIME-21 fund created in section 312A.2 an amount equal to ten dollars from each trailer registration fee collected pursuant to section 321.123, subsection 1, paragraph "a", subparagraph (1), twenty dollars from each trailer registration fee collected pursuant to section 321.123, subsection 1, paragraph "a", subparagraph (2), and one-third of the amount collected from trailer registration fees pursuant to section 321.123, subsection 2.

b. This subsection is repealed June 30, 2028.

~~20.~~ 17. a. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the TIME-21 fund created in section 312A.2, the revenue accruing to the road use tax fund from annual motor vehicle registration fees for passenger cars, multipurpose vehicles, and motor trucks in excess of three hundred ninety-two million dollars annually.

b. This subsection is repealed June 30, 2028.

Sec. 115. Section 314.2, Code 2009, is amended to read as follows:

314.2 INTEREST IN CONTRACT PROHIBITED.

No state or county official or employee, elective or appointive shall be directly or indirectly interested in any contract for the construction, reconstruction, improvement or maintenance of any highway, bridge or culvert, or the furnishing of materials therefor. The letting of a contract in violation of ~~the foregoing provisions~~ this section shall invalidate the contract and such violation shall be a complete defense to any action to recover any consideration due or earned under the contract at the time of its termination.

Sec. 116. Section 321.52A, Code 2009, is amended to read as follows:

321.52A CERTIFICATE OF TITLE SURCHARGE -- ALLOCATION OF MONEYS.

In addition to the fee required for the issuance of a certificate of title under section 321.20, 321.20A, 321.23, 321.42, 321.46, 321.47, 321.48, ~~321.50~~, or 321.52, a surcharge of five dollars shall be required. Of each surcharge

collected under those sections, the county treasurer shall remit five dollars to the office of treasurer of state for deposit as set forth in section 321.145, subsection 2.

Sec. 117. Section 321.92, subsection 1, Code 2009, is amended to read as follows:

1. FRAUDULENT INTENT.

a. No person shall with fraudulent intent, deface, destroy, or alter the vehicle identification number or component part number or other distinguishing number or identification mark of a vehicle or component part, including a rebuilt identification, nor shall a person place or stamp a serial, engine, or other number or mark upon a vehicle or component part, except one assigned thereto by the department.

b. The year of manufacture of a fence-line feeder, grain cart, or tank wagon manufactured on or after July 1, 2001, shall be permanently made a part of the identification plate on the vehicle. A person shall not fraudulently alter, deface, or attempt to fraudulently alter or deface the year of manufacture or other product identification number on a fence-line feeder, grain cart, or tank wagon.

c. A violation of this ~~provision~~ subsection is a felony punishable as provided in section 321.483.

d. This subsection does not prohibit the restoration of an original vehicle identification number, component part number, or other number or mark when the restoration is made by the department, nor prevent a manufacturer from placing, in the ordinary course of business, numbers or marks upon vehicles or component parts.

Sec. 118. Section 321.231, subsection 5, Code 2009, is amended to read as follows:

5. ~~The foregoing~~ provisions of this section shall not relieve the driver of an authorized emergency vehicle or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of all persons, nor shall such provisions protect the driver or rider from the consequences of the driver's or rider's reckless disregard for the safety of others.

Sec. 119. Section 321.285, Code 2009, is amended to read as follows:

321.285 SPEED RESTRICTIONS.

1. Any person driving a motor vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other conditions then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit the person to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said highway will observe the law.

2. ~~a.~~ ~~The following shall be the lawful speed except as~~ Unless otherwise provided by this section, or except as posted pursuant to sections 262.68, 321.236, subsection 5, section 321.288, subsection 6, sections 321.289, 321.290, 321.293, 321.295, and 461A.36, the following shall be the lawful speed and any speed in excess thereof shall be unlawful:

~~1-~~ (1) Twenty miles per hour in any business district.

~~2-~~ (2) Twenty-five miles per hour in any residence or school district.

~~3-~~ (3) Forty-five miles per hour in any suburban district.

b. Each school district as defined in subsection 70 of section 321.1 shall be marked by distinctive signs as provided by the current manual of uniform traffic control devices adopted by the department and placed on the highway at the limits of such school district.

~~4-~~ 3. ~~Notwithstanding any~~ Unless otherwise provided in this section or by other speed restrictions, the speed limit for all vehicular traffic shall be fifty-five miles per hour.

~~5-~~ 4. ~~Reasonable~~ A reasonable and proper speed is required, but not greater than fifty-five miles per hour at any time between sunrise and sunset, and not greater than fifty miles per hour at any time between sunset and sunrise, on secondary roads unless such roads are surfaced with concrete or asphalt or a combination of both, in which case the speed limits shall be the same as provided in subsection 4 ~~of this section~~ 3. When the board of supervisors of any county shall determine upon the basis of an engineering and traffic investigation that the speed limit on any secondary road is greater than is reasonable and proper under the

conditions found to exist at any intersection or other place or upon any part of a secondary road, the board shall determine and declare a reasonable and proper speed limit at the intersection or other part of the secondary road. The speed limits as determined by the board of supervisors shall be effective when appropriate signs giving notice of the speed limits are erected by the board of supervisors at the intersection or other place or part of the highway.

6- 5. a. Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic on fully controlled-access, divided, multilaned highways is sixty-five miles per hour. However, the speed limit for all vehicular traffic on highways that are part of the interstate road system, as defined in section 306.3, is seventy miles per hour. The department may establish a speed limit of sixty-five miles per hour on certain divided, multilaned highways not otherwise described in this paragraph.

b. The department, on its own motion or in response to a recommendation of a metropolitan or regional planning commission or council of governments, may establish a lower speed limit on a highway described in this subsection.

c. For the purposes of this subsection, "fully controlled-access highway" means a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections.

d. A minimum speed may be established by the department on the highways referred to in this subsection if warranted by engineering and traffic investigations.

e. Any kind of vehicle, implement, or conveyance incapable of attaining and maintaining a speed of forty miles per hour shall be prohibited from using the interstate road system.

7- 6. Notwithstanding any other speed restrictions, a self-propelled implement of husbandry equipped with flotation tires that is designed to be loaded and operated in the field and used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals shall not be operated on a highway at a speed in excess of thirty-five miles per hour.

Sec. 120. Section 321.376, subsection 1, Code 2009, is amended to read as follows:

1. The driver of a school bus shall hold a driver's license issued by the department of transportation valid for the operation of the school bus and a certificate of qualification for operation of a commercial motor vehicle issued by a physician or osteopathic physician licensed pursuant to chapter 148 ~~or 150A~~, physician's assistant, advanced registered nurse practitioner, or chiropractor or any other person identified by federal and state law as authorized to perform physical examinations, and shall successfully complete an approved course of instruction in accordance with subsection 2. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus. The department of education shall refuse to issue an authorization to operate a school bus to any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 2. The department of education shall take adverse action against any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 2. Such action may include a reprimand or warning of the person or the suspension or revocation of the person's authorization to operate a school bus. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules and procedures for issuing and suspending or revoking authorization to operate a school bus in this state. Rules and procedures adopted shall include, but are not limited to, provisions for the revocation or suspension of, or refusal to issue, authorization to persons who are determined to have committed any of the acts proscribed under section 321.375, subsection 2.

Sec. 121. Section 321.463, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. (1) Notwithstanding any provision of this section to the contrary, the weight on any one axle of a fence-line feeder, grain cart, or tank wagon operated on the highways of this state shall not exceed twenty-four thousand pounds from February 1 through May 31 or twenty-eight thousand pounds from

June 1 through January 31, provided, however, that the maximum gross vehicle weight of the fence-line feeder, grain cart, or tank wagon shall not exceed ninety-six thousand pounds.

(2) Notwithstanding any provision of this section to the contrary, a tracked implement of husbandry operated on the highways of this state shall not have a maximum gross weight in excess of ninety-six thousand pounds.

(3) A fence-line feeder, grain cart, tank wagon, or tracked implement of husbandry shall comply with the other provisions of this section and chapter when operated over a bridge in this state. A local authority may issue a special permit, based on a statewide standard developed by the department, allowing the operation over a bridge within its jurisdiction of a fence-line feeder, grain cart, tank wagon, or tracked implement of husbandry with a weight in excess of the weights allowed under this chapter.

(2) (4) For purposes of this paragraph "b" ~~7~~ "highway":

(a) "Highway" does not include a bridge.

(b) ~~For purposes of this paragraph "b" 7 "fence-line~~ "Fence-line feeder, grain cart, or tank wagon" means all of the following:

(a) (i) A fence-line feeder, grain cart, or tank wagon manufactured on or after July 1, 2001.

(b) (ii) After July 1, 2005, any fence-line feeder, grain cart, or tank wagon.

~~The year of manufacture of a fence-line feeder, grain cart, or tank wagon manufactured on or after July 1, 2001, shall be permanently made a part of the identification plate on the vehicle. -- Fraudulently altering or defacing or attempting to fraudulently alter or deface the year of manufacture or other product identification number on a fence-line feeder, grain cart, or tank wagon is a violation of section 321.92.~~

Sec. 122. Section 321.488, Code 2009, is amended to read as follows:

321.488 PROCEDURE NOT EXCLUSIVE.

The foregoing provisions of this chapter shall govern all peace officers in making arrests without a warrant for violations of this chapter for offenses committed in their presence, but the procedure prescribed herein shall not be exclusive of any other method prescribed by law for the arrest and prosecution of a person.

Sec. 123. Section 321.506, Code 2009, is amended to read as follows:

321.506 ACTUAL SERVICE WITHIN THIS STATE.

The ~~foregoing~~ provisions of this chapter relative to service of original notice of suit on nonresidents shall not be deemed to prevent actual personal service in this state upon the nonresident in the time, manner, form, and under the conditions provided for service on residents.

Sec. 124. Section 321A.7, Code 2009, is amended to read as follows:

321A.7 DURATION OF SUSPENSION.

The ~~If a person's~~ license and registration ~~and or~~ nonresident's operating privilege ~~has been~~ suspended as provided in section 321A.5, ~~that license and registration or privilege~~ shall remain ~~so~~ suspended and shall not be renewed ~~nor shall any such~~ and a new license or registration shall not be issued to ~~such~~ that person until ~~one of the following has occurred~~:

1. ~~Such~~ The person ~~shall deposit~~ ~~deposits~~ or there shall be ~~is~~ deposited on the person's behalf the security required under section 321A.5 ~~or~~.

2. Twelve months ~~have elapsed~~ after such accident ~~provided and~~ the department has not been notified by any party to the action or an attorney for any party that an action for damages arising out of such accident has been instituted within one year from the date of the accident ~~or~~.

3. Evidence satisfactory to the department has been filed with the department of a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged written agreement, in accordance with section 321A.6, subsection 4 ~~provided~~. ~~If,~~ however, ~~in-the-event~~ there shall-be ~~is~~ any default in the payment of any installment under any confession of judgment, then, upon notice of such default, the department shall ~~forthwith~~ ~~immediately~~ suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid ~~and provided further that in-the-event~~. In addition, if there shall-be ~~is~~ any default in the payment of any installment

under any duly acknowledged written agreement, then, upon notice of such default, the department shall ~~forthwith~~ immediately suspend the license and registration or nonresident's operating privilege of ~~such that~~ person defaulting ~~which~~ and the license and registration or nonresident's operating privilege shall not be restored unless and until one of the following occurs:

a. Such person deposits and thereafter maintains security as required under section 321A.5 in such amount as the department may then determine~~7-or.~~

b. Twelve months have elapsed after such security was required~~7-provided~~ and the department has not been notified by any party to the action or an attorney for any party that an action upon such an agreement has been instituted in a court in this state within one year after such security was required.

Sec. 125. Section 330A.10, Code 2009, is amended to read as follows:

330A.10 FUNDS OF AN AUTHORITY.

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

2. Notwithstanding ~~the-forementioned-provisions~~ subsection 1, an authority is hereby authorized, and shall have the right, to deposit any of its rates, fees, rentals, or other charges, receipts or income with any bank or trust company within the state and to deposit the proceeds of any bonds issued hereunder with any bank or trust company within the state, all as may be provided in any agreement with the holders of bonds issued hereunder.

Sec. 126. Section 331.653, subsection 27, Code 2009, is amended to read as follows:

27. Give notice of the time and place of making an appraisalment of unneeded school land as provided in section sections 297.17 and 297.28.

Sec. 127. Section 335.22, Code 2009, is amended to read as follows:

335.22 PRECEDENCE.

All issues in any proceedings under ~~the foregoing~~ sections 335.18 through 335.21 shall have preference over all other civil actions and proceedings.

Sec. 128. Section 358.8, Code 2009, is amended to read as follows:

358.8 EXPENSES AND COSTS OF ELECTION.

The election held pursuant to this chapter shall be conducted by the county commissioner of elections. All expenses incurred in carrying out ~~the foregoing~~ sections 358.4 and 358.5 of this chapter, together with the costs of the election, as determined by the county commissioner of elections, shall be paid by those who will be benefited by the proposed sanitary district. If the district is not established, the expenses and costs shall be collected upon the bond or bonds of the petitioners.

Sec. 129. Section 358C.9, Code 2009, is amended to read as follows:

358C.9 EXPENSES AND COSTS OF ELECTION.

The election held pursuant to this chapter shall be conducted by the county commissioner of elections. All expenses incurred in carrying out ~~the preceding~~ sections of ~~this chapter~~ 358C.5 and 358C.6, and the costs of the election, as determined by the county commissioner of elections, shall be paid by those who will be benefited by the proposed district. If the district is not established, the expenses and costs shall be collected upon the bonds of the petitioners.

Sec. 130. Section 364.17, subsection 3, Code 2009, is amended to read as follows:

3. a. A city which adopts or is subject to a housing code under this section shall adopt enforcement procedures, which shall include a program for regular rental inspections, rental inspections upon receipt of complaints, and certification of inspected rental housing, and may include but are not limited to the following:

~~a.~~ (1) A schedule of civil penalties or criminal fines for violations. A city may charge the owner of housing a late

payment fee of twenty-five dollars and may add interest of up to one and one-half percent per month if a penalty or fine imposed under this ~~paragraph~~ subparagraph is not paid within thirty days of the date that the penalty or fine is due. The city shall send a notice of the late payment fee to such owner by first class mail to the owner's personal or business mailing address. The late payment fee and the interest shall not accrue if such owner files an appeal with either the city, if the city has established an appeals procedure, or the district court. Any unpaid penalty, fine, fee, or interest shall constitute a lien on the real property and may be collected in the same manner as a property tax. However, before a lien is filed, the city shall send a notice of intent to file a lien to the owner of the housing by first class mail to such owner's personal or business mailing address.

b. (2) Authority for the issuance of orders requiring violations to be corrected within a reasonable time.

c. (3) Authority for the issuance of citations pursuant to sections 805.1 to 805.5 upon a failure to satisfactorily remedy a violation.

d. (4) Authority, if other methods have failed, for an officer to contract to have work done as necessary to remedy a violation, the cost of which shall be assessed to the violator and constitute a lien on the property until paid.

e. (5) An escrow system for the deposit of rent which will be applied to the costs of correcting violations.

f. (6) Mediation of disputes based upon alleged violations.

g. (7) Injunctive procedures.

~~The-enforcement-procedures-shall-be-designed-to-improve housing-conditions-rather-than-to-displace-persons-from-their homes.~~

h. (8) Authority by ordinance to provide that no rent shall be recoverable by the owner or lessee of any dwelling which does not comply with the housing code adopted by the city until such time as the dwelling does comply with the housing code adopted by the city.

b. The enforcement procedures shall be designed to improve housing conditions rather than to displace persons from their homes.

Sec. 131. Section 384.84, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. A city utility or enterprise service to a property or premises shall not be discontinued unless prior written notice is sent, by ordinary mail, to the account holder in whose name the delinquent rates or charges were incurred, informing the account holder of the nature of the delinquency and affording the account holder the opportunity for a hearing prior to discontinuance of service. If the account holder is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord.

Sec. 132. Section 384.84, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. A lien for a city utility or enterprise service under paragraph "a" shall not be certified to the county treasurer for collection unless prior written notice of intent to certify a lien is given to the account holder in whose name the delinquent rates or charges were incurred at least thirty days prior to certification. If the account holder is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty days prior to certification of the lien to the county treasurer.

Sec. 133. Section 414.19, Code 2009, is amended to read as follows:

414.19 PREFERENCE IN TRIAL.

All issues in any proceedings under ~~the foregoing~~ sections 414.15 through 414.18 shall have preference over all other civil actions and proceedings.

Sec. 134. Section 421B.3, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. Each day ~~the~~ a violation occurs counts as a new violation for purposes of this subsection.

Sec. 135. Section 422.5, Code 2009, is amended to read as follows:

422.5 TAX IMPOSED -- EXCLUSIONS -- ALTERNATIVE MINIMUM TAX.

1. A tax is imposed upon every resident and nonresident of the state which tax shall be levied, collected, and paid annually upon and with respect to the entire taxable income as defined in this division at rates as follows:

a. On all taxable income from zero through one thousand dollars, thirty-six hundredths of one percent.

b. On all taxable income exceeding one thousand dollars but not exceeding two thousand dollars, seventy-two hundredths of one percent.

c. On all taxable income exceeding two thousand dollars but not exceeding four thousand dollars, two and forty-three hundredths percent.

d. On all taxable income exceeding four thousand dollars but not exceeding nine thousand dollars, four and one-half percent.

e. On all taxable income exceeding nine thousand dollars but not exceeding fifteen thousand dollars, six and twelve hundredths percent.

f. On all taxable income exceeding fifteen thousand dollars but not exceeding twenty thousand dollars, six and forty-eight hundredths percent.

g. On all taxable income exceeding twenty thousand dollars but not exceeding thirty thousand dollars, six and eight-tenths percent.

h. On all taxable income exceeding thirty thousand dollars but not exceeding forty-five thousand dollars, seven and ninety-two hundredths percent.

i. On all taxable income exceeding forty-five thousand dollars, eight and ninety-eight hundredths percent.

j. (1) The tax imposed upon the taxable income of a nonresident shall be computed by reducing the amount determined pursuant to paragraphs "a" through "i" by the amounts of nonrefundable credits under this division and by multiplying this resulting amount by a fraction of which the nonresident's net income allocated to Iowa, as determined in section 422.8, subsection 2, paragraph "a", is the numerator and the nonresident's total net income computed under section 422.7 is the denominator. This provision also applies to individuals who are residents of Iowa for less than the entire tax year.

(2) (a) The tax imposed upon the taxable income of a resident shareholder in an S corporation which has in effect for the tax year an election under subchapter S of the Internal Revenue Code and carries on business within and without the state may be computed by reducing the amount determined pursuant to paragraphs "a" through "i" by the amounts of nonrefundable credits under this division and by multiplying this resulting amount by a fraction of which the resident's net income allocated to Iowa, as determined in section 422.8, subsection 2, paragraph "b", is the numerator and the resident's total net income computed under section 422.7 is the denominator. If a resident shareholder has elected to take advantage of this subparagraph (2), and for the next tax year elects not to take advantage of this subparagraph, the resident shareholder shall not reelect to take advantage of this subparagraph for the three tax years immediately following the first tax year for which the shareholder elected not to take advantage of this subparagraph, unless the director consents to the reelection. This subparagraph also applies to individuals who are residents of Iowa for less than the entire tax year.

(b) This subparagraph (2) shall not affect the amount of the taxpayer's checkoffs under this division, the credits from tax provided under this division, and the allocation of these credits between spouses if the taxpayers filed separate returns or separately on combined returns.

\* 2. a. There is imposed upon every resident and nonresident of this state, including estates and trusts, the greater of the tax determined in subsection 1, paragraphs "a" through "j", or the state alternative minimum tax equal to seventy-five percent of the maximum state individual income tax rate for the tax year, rounded to the nearest one-tenth of one percent, of the state alternative minimum taxable income of the taxpayer as computed under this paragraph subsection.

b. The state alternative minimum taxable income of a taxpayer is equal to the taxpayer's state taxable income, as computed with the deductions in section 422.9, with the following adjustments:

(1) Add items of tax preference included in federal alternative minimum taxable income under section 57, except

subsections (a)(1), (a)(2), and (a)(5), of the Internal Revenue Code, make the adjustments included in federal alternative minimum taxable income under section 56, except subsections (a)(4), (b)(1)(C)(iii), and (d), of the Internal Revenue Code, and add losses as required by section 58 of the Internal Revenue Code. To the extent that any preference or adjustment is determined by an individual's federal adjusted gross income, the individual's federal adjusted gross income is computed in accordance with section 422.7, subsection 39. In the case of an estate or trust, the items of tax preference, adjustments, and losses shall be apportioned between the estate or trust and the beneficiaries in accordance with rules prescribed by the director.

(2) Subtract the applicable exemption amount as follows:

(a) Seventeen thousand five hundred dollars for a married person who files separately or for an estate or trust.

(b) Twenty-six thousand dollars for a single person or a head of household.

(c) Thirty-five thousand dollars for a married couple which files a joint return.

(d) The exemption amount shall be reduced, but not below zero, by an amount equal to twenty-five percent of the amount by which the alternative minimum taxable income of the taxpayer, computed without regard to the exemption amount in this subparagraph (2), exceeds the following:

(i) Seventy-five thousand dollars in the case of a taxpayer described in subparagraph ~~subdivision~~ division (a).

(ii) One hundred twelve thousand five hundred dollars in the case of a taxpayer described in subparagraph ~~subdivision~~ division (b).

(iii) One hundred fifty thousand dollars in the case of a taxpayer described in subparagraph ~~subdivision~~ division (c).

(3) In the case of a net operating loss computed for a tax year beginning after December 31, 1982, which is carried back or carried forward to the current taxable year, the net operating loss shall be reduced by the amount of the items of tax preference arising in such year which was taken into account in computing the net operating loss in section 422.9, subsection 3. The deduction for a net operating loss for a tax year beginning after December 31, 1986, which is carried

back or carried forward to the current taxable year shall not exceed ninety percent of the alternative minimum taxable income determined without regard for the net operating loss deduction.

c. The state alternative minimum tax of a taxpayer whose net capital gain deduction includes the gain or loss from the forfeiture of an installment real estate contract, the transfer of real or personal property securing a debt to a creditor in cancellation of that debt, or from the sale or exchange of property as a result of actual notice of foreclosure, where the fair market value of the taxpayer's assets exceeds the taxpayer's liabilities immediately before such forfeiture, transfer, or sale or exchange, shall not be greater than such excess, including any asset transferred within one hundred twenty days prior to such forfeiture, transfer, or sale or exchange.

d. In the case of a resident, including a resident estate or trust, the state's apportioned share of the state alternative minimum tax is one hundred percent of the state alternative minimum tax computed in this subsection 2. In the case of a resident or part-year resident shareholder in an S corporation which has in effect for the tax year an election under subchapter S of the Internal Revenue Code and carries on business within and without the state, a nonresident, including a nonresident estate or trust, or an individual, estate, or trust that is domiciled in the state for less than the entire tax year, the state's apportioned share of the state alternative minimum tax is the amount of tax computed under this subsection 2, reduced by the applicable credits in sections 422.10 through 422.12 and this result multiplied by a fraction with a numerator of the sum of state net income allocated to Iowa as determined in section 422.8, subsection 2, paragraph "a" or "b" as applicable, plus tax preference items, adjustments, and losses under subparagraph (1) attributable to Iowa and with a denominator of the sum of total net income computed under section 422.7 plus all tax preference items, adjustments, and losses under subparagraph (1). In computing this fraction, those items excludable under subparagraph (1) shall not be used in computing the tax preference items. Married taxpayers electing to file separate

returns or separately on a combined return must allocate the minimum tax computed in this subsection in the proportion that each spouse's respective preference items, adjustments, and losses under subparagraph (1) bear to the combined preference items, adjustments, and losses under subparagraph (1) of both spouses.

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

thousand dollars as applicable or the person claiming the dependent and the person's spouse have combined net income exceeding thirteen thousand five hundred dollars or nine thousand dollars as applicable.

b. In ~~addition~~ lieu of the computation in subsection 1, 2, or 3, if the married persons', filing jointly or filing separately on a combined return, head of household's, or surviving spouse's net income exceeds thirteen thousand five hundred dollars, the regular tax imposed under this division shall be the lesser of the maximum state individual income tax rate times the portion of the net income in excess of thirteen thousand five hundred dollars or the regular tax liability computed without regard to this sentence. Taxpayers electing to file separately shall compute the alternate tax described in this paragraph using the total net income of the husband and wife. The alternate tax described in this paragraph does not apply if one spouse elects to carry back or carry forward the loss as provided in section 422.9, subsection 3.

~~2A.~~ 3A. Reserved.

~~2B.~~ 3B. a. ~~However,~~~~the~~ The tax shall not be imposed on a resident or nonresident who is at least sixty-five years old on December 31 of the tax year and whose net income, as defined in section 422.7, is thirty-two thousand dollars or less in the case of married persons filing jointly or filing separately on a combined return, heads of household, and surviving spouses or twenty-four thousand dollars or less in the case of all other persons; but in the event that the payment of tax under this division would reduce the net income to less than thirty-two thousand dollars or twenty-four thousand dollars as applicable, then the tax shall be reduced to that amount which would result in allowing the taxpayer to retain a net income of thirty-two thousand dollars or twenty-four thousand dollars as applicable. The preceding sentence does not apply to estates or trusts. For the purpose of this subsection, the entire net income, including any part of the net income not allocated to Iowa, shall be taken into account. For purposes of this subsection, net income includes all amounts of pensions or other retirement income received from any source which is not taxable under this division as a result of the government pension exclusions in section 422.7,

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

b. In ~~addition~~ lieu of the computation in subsection 1, 2, or 3, if the married persons', filing jointly or filing separately on a combined return, head of household's, or surviving spouse's net income exceeds thirty-two thousand dollars, the regular tax imposed under this division shall be the lesser of the maximum state individual income tax rate times the portion of the net income in excess of thirty-two thousand dollars or the regular tax liability computed without regard to this sentence. Taxpayers electing to file separately shall compute the alternate tax described in this paragraph using the total net income of the husband and wife. The alternate tax described in this paragraph does not apply if one spouse elects to carry back or carry forward the loss as provided in section 422.9, subsection 3.

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

~~3-~~ 4. The tax herein levied shall be computed and collected as hereinafter provided.

~~4-~~ 5. The provisions of this division shall apply to all salaries received by federal officials or employees of the United States government as provided for herein.

5- 6. Upon determination of the latest cumulative inflation factor, the director shall multiply each dollar amount set forth in subsection 1, paragraphs "a" through "i" ~~of this section~~ by this cumulative inflation factor, shall round off the resulting product to the nearest one dollar, and shall incorporate the result into the income tax forms and instructions for each tax year.

6- 7. The state income tax of a taxpayer whose net income includes the gain or loss from the forfeiture of an installment real estate contract, the transfer of real or personal property securing a debt to a creditor in cancellation of that debt, or from the sale or exchange of property as a result of actual notice of foreclosure where the fair market value of the taxpayer's assets exceeds the taxpayer's liabilities immediately before such forfeiture, transfer, or sale or exchange shall not be greater than such excess, including any asset transferred within one hundred twenty days prior to such forfeiture, transfer, or sale or exchange. For purposes of this subsection, in the case of married taxpayers, except in the case of a husband and wife who live apart at all times during the tax year, the assets and liabilities of both spouses shall be considered in determining if the fair market value of the taxpayer's assets exceed the taxpayer's liabilities.

7- 8. In addition to the other taxes imposed by this section, a tax is imposed on the amount of a lump sum distribution for which the taxpayer has elected under section 402(e) of the Internal Revenue Code to be separately taxed for federal income tax purposes for the tax year. The rate of tax is equal to twenty-five percent of the separate federal tax imposed on the amount of the lump sum distribution. A nonresident is liable for this tax only on that portion of the lump sum distribution allocable to Iowa. The total amount of the lump sum distribution subject to separate federal tax shall be included in net income for purposes of determining eligibility under subsections 2 3 and ~~2A- or -2B~~ 3B, as applicable.

8- 9. In the case of income derived from the sale or exchange of livestock which qualifies under section 451(e) of the Internal Revenue Code because of drought, the taxpayer may

elect to include the income in the taxpayer's net income in the tax year following the year of the sale or exchange in accordance with rules prescribed by the director.

~~9~~ 10. If an individual's federal income tax was forgiven for a tax year under section 692 of the Internal Revenue Code, because the individual was killed while serving in an area designated by the president of the United States or the United States Congress as a combat zone, the individual was missing in action and presumed dead, or the individual was killed outside the United States in a terroristic or military action while the individual was a military or civilian employee of the United States, the individual's Iowa income tax is also forgiven for the same tax year.

~~10~~ 11. If a taxpayer repays in the current tax year certain amounts of income that were subject to tax under this division in a prior year and a tax benefit would be allowed under similar circumstances under section 1341 of the Internal Revenue Code, a tax benefit shall be allowed on the Iowa return. The tax benefit shall be the reduced tax for the current tax year due to the deduction for the repaid income or the reduction in tax for the prior year or years due to exclusion of the repaid income. The reduction in tax shall qualify as a refundable tax credit on the return for the current year pursuant to rules prescribed by the director.

Sec. 136. Section 422.7, subsection 12, Code 2009, is amended to read as follows:

12. a. If the adjusted gross income includes income or loss from a small business operated by the taxpayer, an additional deduction shall be allowed in computing the income or loss from the small business if the small business hired for employment in the state during its annual accounting period ending with or during the taxpayer's tax year any of the following:

~~a~~ (1) An individual with a disability domiciled in this state at the time of the hiring who meets any of the following conditions:

~~(1)~~ (a) Has a physical or mental impairment which substantially limits one or more major life activities.

~~(2)~~ (b) Has a record of that impairment.

(3) (c) Is regarded as having that impairment.

b. (2) An individual domiciled in this state at the time of the hiring who meets any of the following conditions:

(1) (a) Has been convicted of a felony in this or any other state or the District of Columbia.

(2) (b) Is on parole pursuant to chapter 906.

(3) (c) Is on probation pursuant to chapter 907, for an offense other than a simple misdemeanor.

(4) (d) Is in a work release program pursuant to chapter 904, division IX.

e. (3) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the interstate compact for adult offender supervision under chapter 907B applies.

b. (1) The amount of the additional deduction is equal to sixty-five percent of the wages paid to individuals, but shall not exceed twenty thousand dollars per individual, named in paragraphs paragraph "a", "b", and "e" subparagraphs (1), (2), and (3) who were hired for the first time by that business during the annual accounting period for work done in the state. This additional deduction is allowed for the wages paid to those individuals successfully completing a probationary period during the twelve months following the date of first employment by the business and shall be deducted at the close of the annual accounting period.

(2) The additional deduction shall not be allowed for wages paid to an individual who was hired to replace an individual whose employment was terminated within the twelve-month period preceding the date of first employment. However, if the individual being replaced left employment voluntarily without good cause attributable to the employer or if the individual was discharged for misconduct in connection with the individual's employment as determined by the department of workforce development, the additional deduction shall be allowed.

(3) A taxpayer who is a partner of a partnership or a shareholder of a subchapter S corporation, may deduct that portion of wages qualified under this subsection paid by the

partnership or subchapter S corporation based on the taxpayer's pro rata share of the profits or losses from the partnership or subchapter S corporation.

c. For purposes of this subsection, ~~"physical:~~

(1) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems or any mental or psychological disorder, including mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

(2) (a) ~~For purposes of this subsection,~~ "Small business" means a profit or nonprofit business, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative, to which the following apply:

~~(1)~~ (i) It is not an affiliate or subsidiary of a business dominant in its field of operation.

~~(2)~~ (ii) It has twenty or fewer full-time equivalent positions and not more than the equivalent of three million dollars in annual gross revenues as computed for the preceding fiscal year or as the average of the three preceding fiscal years.

~~(3)~~ (iii) It does not include the practice of a profession.

(b) "Small business" includes an employee-owned business which has been an employee-owned business for less than three years or which meets the conditions of ~~subparagraphs (1)~~ subparagraph division (a), subparagraph subdivisions (i) through ~~(3)~~ (iii).

(c) For purposes of this definition, "dominant in its field of operation" means having more than twenty full-time equivalent positions and more than three million dollars in annual gross revenues, and "affiliate or subsidiary of a business dominant in its field of operation" means a business which is at least twenty percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalents, of a business dominant in that field of operation.

~~The department may, by resolution, waive any or all of the requirements of paragraph "b" in connection with a loan to a~~

~~small-business, as defined under applicable federal law and regulations that have been enacted or adopted by April 1, 1983, in which federal assistance, insurance, or guaranties are sought.~~

Sec. 137. Section 422.7, subsection 28, paragraph b, Code 2009, is amended to read as follows:

b. The amount of any ~~savings-refund or~~ state match payments authorized under section 541A.3, subsection 1.

Sec. 138. Section 422.7, subsection 43, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A taxpayer may elect not to take the increased expensing allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 108-27, section 202, in computing adjusted gross income for state tax purposes. If the taxpayer does not take the increased expensing allowance under section 179 of the Internal Revenue Code for state tax purposes, the following adjustments shall be made:

Sec. 139. Section 422.7, subsection 53, Code 2009, is amended to read as follows:

53. A taxpayer is allowed to take the increased expensing allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 110-185, in computing adjusted gross income for state tax purposes.

Sec. 140. Section 422.12, Code 2009, is amended to read as follows:

422.12 DEDUCTIONS FROM COMPUTED TAX.

1. As used in this section:

a. "Dependent" has the same meaning as provided by the Internal Revenue Code.

b. "Textbooks" means books and other instructional materials and equipment used in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state and does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship. "Textbooks" includes books or materials used for extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature.

c. "Tuition" means any charges for the expenses of personnel, buildings, equipment, and materials other than textbooks, and other expenses of elementary or secondary schools which relate to the teaching only of those subjects legally and commonly taught in public elementary and secondary schools in this state and which do not relate to the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship. "Tuition" includes those expenses which relate to extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature.

2. There shall be deducted from but not to exceed the tax, after the same shall have been computed as provided in this division, the following:

1- a. A personal exemption credit in the following amounts:

a- (1) For an estate or trust, a single individual, or a married person filing a separate return, forty dollars.

b- (2) For a head of household, or a husband and wife filing a joint return, eighty dollars.

c- (3) For each dependent, an additional forty dollars.  
~~As used in this section, the term "dependent" has the same meaning as provided by the Internal Revenue Code.~~

d- (4) For a single individual, husband, wife, or head of household, an additional exemption of twenty dollars for each of said individuals who has attained the age of sixty-five years before the close of the tax year or on the first day following the end of the tax year.

e- (5) For a single individual, husband, wife, or head of household, an additional exemption of twenty dollars for each of said individuals who is blind at the close of the tax year. For the purposes of this paragraph subparagraph, an individual is blind only if the individual's central visual acuity does not exceed twenty-two hundredths in the better eye with correcting lenses, or if the individual's visual acuity is greater than twenty-two hundredths but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.

2. b. A tuition credit equal to twenty-five percent of the first one thousand dollars which the taxpayer has paid to others for each dependent in grades kindergarten through twelve, for tuition and textbooks of each dependent in attending an elementary or secondary school situated in Iowa, which school is accredited or approved under section 256.11, which is not operated for profit, and which adheres to the provisions of the federal Civil Rights Act of 1964 and chapter 216. ~~As used in this subsection, "textbooks" means books and other instructional materials and equipment used in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state and does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship.~~ "Textbooks" includes books or materials used for extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature. Notwithstanding any other provision, all other credits allowed under this section subsection shall be deducted before the tuition credit under this subsection paragraph. The department, when conducting an audit of a taxpayer's return, shall also audit the tuition tax credit portion of the tax return.

~~As used in this subsection, "tuition" means any charges for the expenses of personnel, buildings, equipment and materials other than textbooks, and other expenses of elementary or secondary schools which relate to the teaching only of those subjects legally and commonly taught in public elementary and secondary schools in this state and which do not relate to the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship.~~ "Tuition" includes those expenses which relate to extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature.

3. For the purpose of this section, the determination of whether an individual is married shall be made in accordance with section 7703 of the Internal Revenue Code.

Sec. 141. Section 422.35, subsections 6 and 6A, Code 2009, are amended to read as follows:

6. a. If the taxpayer is a small business corporation, subtract an amount equal to sixty-five percent of the wages paid to individuals, but not to exceed twenty thousand dollars per individual, named in ~~paragraphs "a", "b", and "e"~~ subparagraphs (1), (2), and (3) who were hired for the first time by the taxpayer during the tax year for work done in this state:

~~a.~~ (1) An individual with a disability domiciled in this state at the time of the hiring who meets any of the following conditions:

~~(1)~~ (a) Has a physical or mental impairment which substantially limits one or more major life activities.

~~(2)~~ (b) Has a record of that impairment.

~~(3)~~ (c) Is regarded as having that impairment.

~~b.~~ (2) An individual domiciled in this state at the time of the hiring who meets any of the following conditions:

~~(1)~~ (a) Has been convicted of a felony in this or any other state or the District of Columbia.

~~(2)~~ (b) Is on parole pursuant to chapter 906.

~~(3)~~ (c) Is on probation pursuant to chapter 907, for an offense other than a simple misdemeanor.

~~(4)~~ (d) Is in a work release program pursuant to chapter 904, division IX.

~~e.~~ (3) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the interstate compact for adult offender supervision under chapter 907B applies.

b. This deduction is allowed for the wages paid to the individuals successfully completing a probationary period named in ~~paragraphs~~ paragraph "a", "b", and "e" subparagraphs (1), (2), and (3) during the twelve months following the date of first employment by the taxpayer and shall be deducted in the tax years when paid.

c. For purposes of this subsection, ~~"physical"~~:

(1) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement,

or anatomical loss affecting one or more of the body systems or any mental or psychological disorder, including mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

~~(2)~~ (a) ~~For purposes of this subsection, "small~~ "Small business" means a profit or nonprofit business, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative, to which the following apply:

~~(1)~~ (i) It is not an affiliate or subsidiary of a business dominant in its field of operation.

~~(2)~~ (ii) It has either twenty or fewer full-time equivalent positions or not more than the equivalent of three million dollars in annual gross revenues as computed for the preceding fiscal year or as the average of the three preceding fiscal years.

~~(3)~~ (iii) It does not include the practice of a profession.

(b) "Small business" includes an employee-owned business which has been an employee-owned business for less than three years or which meets the conditions of ~~subparagraphs (1) through (3)~~ subparagraph division (a), subparagraph subdivisions (i) through (iii).

(c) For purposes of this definition, "dominant in its field of operation" means having more than twenty full-time equivalent positions and more than three million dollars in annual gross revenues, and "affiliate or subsidiary of a business dominant in its field of operation" means a business which is at least twenty percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalents, of a business dominant in that field of operation.

~~The department may, by resolution, waive any or all of the requirements of paragraph "b" in connection with a loan to a small business, as defined under applicable federal law and regulations that have been enacted or adopted by April 17, 1983, in which federal assistance, insurance, or guaranties are sought.~~

6A. a. If the taxpayer is a business corporation and does not qualify for the adjustment under subsection 6, subtract an

amount equal to sixty-five percent of the wages paid to individuals, but shall not exceed twenty thousand dollars per individual, named in paragraphs-"a"-and-"b" subparagraphs (1) and (2) who were hired for the first time by the taxpayer during the tax year for work done in this state:

a. (1) An individual domiciled in this state at the time of the hiring who meets any of the following conditions:

(1) (a) Has been convicted of a felony in this or any other state or the District of Columbia.

(2) (b) Is on parole pursuant to chapter 906.

(3) (c) Is on probation pursuant to chapter 907, for an offense other than a simple misdemeanor.

(4) (d) Is in a work release program pursuant to chapter 904, division IX.

b. (2) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the interstate compact for adult offender supervision under chapter 907B applies.

b. This deduction is allowed for the wages paid to the individuals successfully completing a probationary period named in paragraphs-"a"-and-"b" paragraph "a", subparagraphs (1) and (2) during the twelve months following the date of first employment by the taxpayer and shall be deducted in the tax years when paid.

c. The department shall develop and distribute information concerning the deduction available for businesses employing persons named in paragraphs-"a"-and-"b" paragraph "a", subparagraphs (1) and (2).

Sec. 142. Section 422.35, subsection 20, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A taxpayer may elect not to take the increased expensing allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 108-27, section 202, in computing taxable income for state tax purposes. If the taxpayer does not take the increased expensing allowance under section 179 of the Internal Revenue Code for state tax purposes, the following adjustments shall be made:

Sec. 143. Section 422.35, subsection 24, Code 2009, is amended to read as follows:

24. A taxpayer is allowed to take the increased expensing allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 110-185, in computing taxable income for state tax purposes.

Sec. 144. Section 423.3, subsection 57, unnumbered paragraphs 1 and 2, Code 2009, are amended to read as follows:

The sales price from all sales of food and food ingredients. However, as used in this subsection, "~~food~~" does a sale of "food and food ingredients" does not include a sale of alcoholic beverages, candy, or dietary supplements; food sold through vending machines; or sales of prepared food, soft drinks, and or tobacco. For the purposes of this subsection:

~~For the purposes of this subsection:~~

Sec. 145. Section 435.1, subsections 3 through 7, Code 2009, are amended to read as follows:

3. "Manufactured home" means a factory-built structure built under authority of 42 U.S.C. § 5403, that is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976. ~~If a manufactured home is placed in a manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate.~~

4. "Manufactured home community" means the same as land-leased community defined in sections 335.30A and 414.28A. The term "manufactured home community" shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

5. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the

vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. ~~If a mobile home is placed outside a mobile home park, the home is to be assessed and taxed as real estate.~~

6. "Mobile home park" means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term "mobile home park"

~~The term "manufactured home community" or "mobile home park" shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.~~

~~A manufactured home community or a mobile home park must be classified as to whether it is a residential manufactured home community or a mobile home park or a recreational manufactured home community or a mobile home park or both. The manufactured home communities or mobile home parks residential landlord and tenant Act, chapter 562B, only applies to residential manufactured home communities or mobile home parks.~~

7. "Modular home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted pursuant to section 103A.7, and must display the seal issued by the state building code commissioner. ~~If a modular home is placed in a manufactured home community or mobile home park, the home is subject to the annual tax as required by section 435.22. If a modular home is placed outside a manufactured home community or a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate.~~

Sec. 146. NEW SECTION. 435.2 PLACEMENT AND TAXATION.

1. If a mobile home is placed outside a mobile home park, the home is to be assessed and taxed as real estate.

2. If a manufactured home is placed in a manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate.

3. If a modular home is placed in a manufactured home community or mobile home park, the home is subject to the annual tax as required by section 435.22. If a modular home is placed outside a manufactured home community or a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate. This subsection does not apply to manufactured home communities or mobile home parks in existence on or before January 1, 1998. If a modular home is placed in a manufactured home community or mobile home park which was in existence on or before January 1, 1998, that modular home shall be subject to property tax pursuant to section 435.22.

Sec. 147. Section 435.26, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes. A home, after conversion to real estate, is eligible for the homestead tax credit and the military service tax exemption as provided in sections 425.2 and 426A.11. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, is also exempt from the permanent foundation requirements of this chapter until the home is relocated.

Sec. 148. Section 437A.3, subsection 29, Code 2009, is amended to read as follows:

29. "Taxable value" means as defined in section 437A.19, subsection 2, paragraph "f" "e".

Sec. 149. Section 437A.15, subsection 3, paragraph e, Code 2009, is amended to read as follows:

e. Notwithstanding the provisions of this section, if during the tax year a person who was not a taxpayer during the prior tax year acquires a new major addition, as defined in section 437A.3, subsection 18, paragraph "a", subparagraph (4), the replacement tax associated with that major addition shall be allocated, for that tax year, under this section in accordance with the general allocating formula on the basis of the general property tax equivalents established under paragraph "a" of this subsection, except that the levy rates established and reported to the department of management on or before June 30 following the tax year in which the major addition was acquired shall be applied to the prorated assessed value of the major addition ~~and provided that section 437A.19, subsection 2, paragraph "b", subparagraph (2), is in any event applicable.~~ For purposes of this paragraph, "prorated assessed value of the major addition" means the assessed value of the major addition as of January 1 of the year following the tax year in which the major addition was acquired multiplied by the percentage derived by dividing the number of months that the major addition existed during the tax year by twelve, counting any portion of a month as a full month.

Sec. 150. Section 437A.15, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

On or before August 31 following tax years 1999, 2000, and 2001, each county treasurer shall compute a special utility property tax levy or tax credit for each taxpayer for which a replacement tax liability for each such tax year is reported to the county treasurer pursuant to subsection 1, and shall notify the taxpayer of the amount of such tax levy or tax credit. The amount of the special utility property tax levy or credit shall be determined for each taxpayer by the county treasurer by comparing the taxpayer's total replacement tax liability allocated to taxing districts in the county pursuant to this section with the anticipated tax revenues from the taxpayer for all taxing districts in the county. If the taxpayer's total replacement tax liability allocated to taxing districts in the county is less than the anticipated tax revenues from the taxpayer for all taxing districts in the county, the county treasurer shall levy a special utility

property tax equal to the shortfall which shall be added to and collected with the replacement tax owed by the taxpayer to the county treasurer for the tax year pursuant to section 437A.8, subsection 4. If the taxpayer's total replacement tax liability allocated to taxing districts in the county exceeds the anticipated tax revenues from the taxpayer for all taxing districts in the county, the county treasurer shall issue a credit to the taxpayer which shall be applied to reduce the taxpayer's replacement tax liability to the county treasurer for the tax year. If the taxpayer's total replacement tax liability allocated to taxing districts in the county equals the anticipated tax revenues from the taxpayer for all taxing districts in the county, no levy or credit is required.

Replacement tax liability for purposes of this subsection means replacement tax liability before credits allowed by section 437A.8, subsection 7. A recalculation of a special utility property tax levy or credit shall not be made as a result of a subsequent recalculation of replacement tax liability under section 437A.8, subsection 7, or adjustment to assessed value under section 437A.19, subsection 2, paragraph "f" "a", subparagraph (6). "Anticipated tax revenues from a taxpayer" means the product of the total levy rates imposed by the taxing districts and the value of taxpayer property allocated to the taxing districts and reported to the county auditor. Special utility property tax levies and credits shall be treated as replacement taxes for purposes of section 437A.11. If a special utility property tax levy payment becomes delinquent, the delinquent payment shall accrue interest and penalty in the same manner and amount as the replacement tax under section 437A.13.

Sec. 151. Section 437A.19, subsection 2, Code 2009, is amended to read as follows:

2. a. Beginning January 1, 1999, the assessed value of taxpayer property shall be adjusted annually as provided in this section. The director, with respect to each taxpayer, shall do all of the following:

a. (1) Adjust the assessed value of taxpayer property in each local taxing district by the change in book value during the preceding calendar year of the local amount of any major addition reported within such local taxing district.

b- (2) Adjust the assessed value of taxpayer property in each local taxing district by allocating the change in book value during the preceding calendar year of the statewide amount and all other taxpayer property described in subsection 1, paragraph "a", subparagraph (5), to the assessed value of all taxpayer property in the state pro rata according to its preadjustment value. Any value for a taxpayer owning, or owning an interest in, a new electric power generating plant in excess of a local amount, where such taxpayer owns no other taxpayer property in this state, shall not be allocated to any local taxing districts.

e- (3) In the case of taxpayer property described in subsection 1, paragraph "a", subparagraphs (3), (4), and (7), decrease the assessed value of taxpayer property in each local taxing district by the assessed value reported within such local taxing district.

d- (4) In the event of a merger or consolidation of two or more taxpayers, to determine the assessed value of the surviving taxpayer, combine the assessed values of such taxpayers immediately prior to the merger or consolidation.

e- (5) In the event any taxpayer property is eligible for the urban revitalization tax exemption described in chapter 404, adjust the assessed value of taxpayer property within each affected local taxing district to reflect such exemption.

f- (6) In the event the base year assessed value of taxpayer property is adjusted as a result of taxpayer appeals, reduce the assessed value of taxpayer property in each local taxing district to reflect such adjustment. The adjustment shall be allocated in proportion to the allocation of the taxpayer's assessed value among the local taxing districts determined without regard to this adjustment. An adjustment to the base year assessed value of taxpayer property shall be made as of January 1 of the year following the date on which the adjustment is finally determined.

b. In no event shall the adjustments set forth in this subsection reduce the assessed value of taxpayer property in any local taxing district below zero.

c. The director, on or before August 31 of each assessment year, shall report to the department of management and to the auditor of each county the adjusted assessed value of taxpayer

property as of January 1 of such assessment year for each local taxing district. For purposes of this subsection, the assessed value of taxpayer property in each local taxing district subject to adjustment under this section by the director means the assessed value of such property as of the preceding January 1 as determined and allocated among the local taxing districts by the director.

d. Nothing in this chapter shall be interpreted to authorize local taxing authorities to exclude from the calculation of levy rates the taxable value of taxpayer property reported to county auditors pursuant to this subsection.

e. In addition to reporting the assessed values as described in this subsection, the director, on or before October 31 of each assessment year, shall also report to the department of management and to the auditor of each county the taxable value of taxpayer property as of January 1 of such assessment year for each local taxing district. For purposes of this chapter, "taxable value" means the value for all property subject to the replacement tax annually determined by the director, by dividing the estimated annual replacement tax liability for that property by the prior year's consolidated taxing district rate for the taxing district where that property is located, then multiplying the quotient by one thousand. A taxpayer who paid more than five hundred thousand dollars in replacement tax in the previous tax year or who believes their replacement tax liability will vary more than ten percent from the previous tax year shall report to the director by October 1 of the current calendar year, on forms prescribed by the director, the estimated replacement tax liability that will be attributable to all of the taxpayer's property subject to replacement tax for the current tax year. The department shall utilize the estimated replacement tax liability as reported by the taxpayer or the taxpayer's prior year's replacement tax amounts to estimate the current tax year's taxable value for that property. Furthermore, a taxpayer who has a new major addition of operating property which is put into service for the first time in the current calendar year shall report to the director by October 1 of the current calendar year, or at the time the major addition is

put into service, whichever time is later, on forms prescribed by the director, the cost of the major addition and, if not previously reported, shall report the estimated replacement taxes which that asset will generate in the current calendar year. For the purposes of computing the taxable value of property in a taxing district, the taxing district's share of the estimated replacement tax liability shall be the taxing district's percentage share of the "assessed value allocated by property tax equivalent" multiplied by the total estimated replacement tax. "Assessed value allocated by property tax equivalent" shall be determined by dividing the taxpayer's current year assessed valuation in a taxing district by one thousand, and then multiplying by the prior year's consolidated tax rate.

Sec. 152. Section 450.7, subsection 1, Code 2009, is amended to read as follows:

1. ~~Except-for-the-share-of-the-estate-passing-to-the surviving-spouse, and parents, grandparents, great-grandparents, and other lineal ascendants, children including legally adopted children and biological children entitled to inherit under the laws of this state, stepchildren, and grandchildren, great-grandchildren, and other lineal descendants, the~~ The tax imposed by this chapter is a charge against and a lien upon the estate subject to tax under this chapter, and all property of the estate or owned by the decedent from the death of the decedent until paid, subject to the following ~~limitation~~ limitations:

a. The share of the estate passing to the surviving spouse, and parents, grandparents, great-grandparents, and other lineal ascendants, children including legally adopted children and biological children entitled to inherit under the laws of this state, stepchildren, and grandchildren, great-grandchildren, and other lineal descendants is excluded from taxation under this chapter.

b. Inheritance taxes owing with respect to a passing of property of a deceased person are no longer a lien against the property ten years from the date of death of the decedent owner regardless of whether the decedent owner died prior to or subsequent to July 1, 1995, except to the extent taxes are attributable to remainder or deferred interests and are deferred in accordance with the provisions of this chapter.

Sec. 153. Section 455A.8, subsection 1, Code 2009, is amended to read as follows:

1. a. The Brushy creek recreation trails advisory board shall be organized within the department and shall be composed of ~~ten~~ nine voting members including the following:--the and one ex officio nonvoting member as follows:

(1) The director of the department or the director's designee who shall serve as a the nonvoting ex officio member ~~7~~ the.

(2) The park employee who is primarily responsible for maintenance of the Brushy creek recreation area ~~7-a.~~

(3) A member of the state advisory board for preserves established under chapter 465C ~~7-and-seven.~~

(4) Seven persons appointed by the natural resource commission.

b. The director shall provide the natural resource commission with nominations of prospective board members. Each person appointed by the natural resource commission must actively participate in recreational trail activities such as hiking, bicycling, an equestrian sport, or a winter sport at the Brushy creek recreation area. The nine voting members shall elect a chairperson at the board's first meeting each year.

Sec. 154. Section 455B.191, Code 2009, is amended to read as follows:

455B.191 PENALTIES -- BURDEN OF PROOF.

1. As used in this section, "hazardous substance" means hazardous substance as defined in section 455B.381 or section 455B.411.

~~1-~~ 2. Any person who violates any provision of part 1 of division III of this chapter or any permit, rule, standard, or order issued under part 1 of division III of this chapter shall be subject to a civil penalty not to exceed five thousand dollars for each day of such violation.

~~2-~~ 3. a. Any person who negligently or knowingly ~~violates~~ does any of the following shall, upon conviction, be punished as provided in paragraph "b" or "c":

(1) Violates section 455B.183 or section 455B.186 or any condition or limitation included in any permit issued under section 455B.183 ~~7-or-who-negligently-or-knowingly-introduces.~~

(2) Introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which the person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal and state requirements or permits, ~~negligently or knowingly causes.~~

(3) Causes a treatment works to violate any water quality standard, effluent standard, pretreatment standard or condition of a permit issued to the treatment works pursuant to section 455B.183 ~~is guilty of a serious misdemeanor for a negligent violation and is guilty of an aggravated misdemeanor for a knowing violation. A conviction for a negligent violation is~~

b. (1) A person who commits a negligent violation under this subsection is guilty of a serious misdemeanor punishable by a fine of not more than twenty-five thousand dollars for each day of violation or by imprisonment for not more than one year, ~~or both, however, if.~~

(2) If the conviction is for a second or subsequent violation committed by a person under this subsection, the conviction is punishable by a fine of not more than fifty thousand dollars for each day of violation or by imprisonment for not more than two years, or both.

c. (1) A conviction for a person who commits a knowing violation is under this subsection is guilty of an aggravated misdemeanor punishable by a fine of not more than fifty thousand dollars for each day of violation or by imprisonment for not more than two years, ~~or both, however, if.~~

(2) If the conviction is for a second or subsequent violation committed by a person under this subsection, the conviction is punishable by a fine of not more than one hundred thousand dollars for each day of violation or by imprisonment for not more than five years, or both. ~~As used in this section, "hazardous substance" means hazardous substance as defined in section 455B.381 or section 455B.411.~~

~~3-~~ 4. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under part 1 of division III of this chapter, or who falsifies, tampers with or knowingly renders inaccurate

any monitoring device or method required to be maintained under part 1 of division III of this chapter or by any permit, rule, regulation, or order issued under part 1 of division III of this chapter, shall upon conviction be punished by a fine of not more than ten thousand dollars or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment.

4- 5. The attorney general shall, at the request of the director with approval of the commission, institute any legal proceedings, including an action for an injunction or a temporary injunction, necessary to enforce the penalty provisions of part 1 of division III of this chapter or to obtain compliance with the provisions of part 1 of division III of this chapter or any rules promulgated or any provision of any permit issued under part 1 of division III of this chapter. In any such action, any previous findings of fact of the director or the commission after notice and hearing shall be conclusive if supported by substantial evidence in the record when the record is viewed as a whole.

5- 6. In all proceedings with respect to any alleged violation of the provisions of this part 1 of division III or any rule established by the commission or the department, the burden of proof shall be upon the commission or the department except in an action for contempt as provided in section 455B.182.

6- 7. If the attorney general has instituted legal proceedings in accordance with this section, all related issues which could otherwise be raised by the alleged violator in a proceeding for judicial review under section 455B.178 shall be raised in the legal proceedings instituted in accordance with this section.

Sec. 155. Section 455G.4, subsection 6, Code 2009, is amended to read as follows:

6. REPORTING. Beginning July 2003, the board shall submit a written report quarterly to the legislative council, the chairperson and ranking member of the committee on ~~natural resources-and~~ environment and energy independence in the senate, and the chairperson and ranking member of the committee on environmental protection in the house of representatives regarding changes in the status of the program

including, but not limited to, the number of open claims by claim type; the number of new claims submitted and the eligibility status of each claim; a summary of the risk classification of open claims; the status of all claims at high-risk sites including the number of corrective action design reports submitted, approved, and implemented during the reporting period; total moneys reserved on open claims and total moneys paid on open claims; and a summary of budgets approved and invoices paid for high-risk site activities including a breakdown by corrective action design report, construction and equipment, implementation, operation and maintenance, monitoring, over excavation, free product recovery, site reclassification, reporting and other expenses, or a similar breakdown. In each report submitted by the board, the board shall include an estimated timeline to complete corrective action at all currently eligible high-risk sites where a corrective action design report has been submitted by a claimant and approved during the reporting period. The timeline shall include the projected year when a no further action designation will be obtained based upon the corrective action activities approved or anticipated at each claimant site. The timeline shall be broken down in annual increments with the number or percentage of sites projected to be completed for each time period. The report shall identify and report steps taken to expedite corrective action and eliminate the state's liability for open claims.

Sec. 156. Section 456A.26, Code 2009, is amended to read as follows:

456A.26 INTERPRETATION AND LIMITATIONS.

~~The foregoing sections~~ Sections 456A.23 through 456A.25 shall not be construed as authorizing the commission to change any penalty for violating any game law or regulation, or change the amount of any license established by the legislature, or to promulgate any open season on any fish, animal or bird contrary to the laws of the state of Iowa, or to extend except as provided in this chapter any open season or bag limit on any kind of fish, game, fur-bearing animals or of any birds prescribed by the laws of the state of Iowa or by federal laws or regulations, or to contract any indebtedness or obligation beyond the funds to which they are lawfully entitled.

Sec. 157. Section 461B.8, Code 2009, is amended to read as follows:

461B.8 ACTUAL SERVICE WITHIN THIS STATE.

The ~~foregoing~~ provisions of this chapter relative to service of original notice of suit on nonresidents shall not be deemed to prevent actual personal service in this state upon the nonresident in the time, manner, form and under the conditions provided for service on residents.

Sec. 158. Section 476.6, subsection 20, Code 2009, is amended by striking the subsection.

Sec. 159. Section 483A.27, subsections 1 and 11, Code 2009, are amended to read as follows:

1. A person born after January 1, 1972, shall not obtain a hunting license unless the person has satisfactorily completed a hunter safety and ethics education course approved by the commission. A person who is eleven years of age or more may enroll in an approved hunter safety and ethics education course, but a person who is eleven years of age and who has successfully completed the course shall be issued a certificate of completion which becomes valid on the person's twelfth birthday. A certificate of completion from an approved hunter safety and ethics education course issued in this state, or a certificate issued by another state, country, or province for completion of a course that meets the standards adopted by the international hunter education association, is valid for the requirements of this section.

11. An instructor certified by the department shall be allowed to conduct a ~~departmental-approved~~ department-approved hunter safety and ethics education course or shooting sports activities course on public school property with the approval of a majority of the board of directors of the school district. Conducting an approved hunter safety and ethics education course or shooting sports activities course is not a violation of any public policy, rule, regulation, resolution, or ordinance which prohibits the possession, display, or use of a firearm, bow and arrow, or other hunting weapon on public school property or other public property in this state.

Sec. 160. Section 489.108, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A limited liability company may apply to the secretary of state for authorization to use a name that does not comply with subsection 2. The secretary of state shall authorize use of the name applied for if ~~7--as-to-each~~ either of the following ~~noneemptying-names~~ applies:

Sec. 161. Section 489.702, subsection 5, paragraph b, subparagraph (3), Code 2009, is amended to read as follows:

(3) Within a reasonable time following the dissolution a person has not been appointed pursuant to subsection 3 4.

Sec. 162. Section 489.1203, subsection 10, paragraph a, Code 2009, is amended to read as follows:

a. Except as otherwise provided in paragraph "b", if a member of a member-managed series or manager of a manager-managed series consents to a distribution made in violation of this section and in consenting to the distribution fails to comply with section 489.409, the member or manager is personally liable to the series for the amount of the distribution that exceeds the amount that could have been distributed without the violation of this section ~~489-405~~.

Sec. 163. Section 489.1203, subsection 11, Code 2009, is amended to read as follows:

11. A person that receives a distribution knowing that the distribution to that person was made in violation of this section ~~489-405~~ is personally liable to the limited liability company but only to the extent that the distribution received by the person exceeded the amount that could have been properly paid under this section ~~489-405~~.

Sec. 164. Section 490.831, subsection 1, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) The protection afforded by section 490.870 ~~precludes~~ does not preclude liability.

Sec. 165. Section 496C.14, Code 2009, is amended to read as follows:

496C.14 REQUIRED PURCHASE BY PROFESSIONAL CORPORATION OF ITS OWN SHARES.

1. a. Notwithstanding any other statute or rule of law, a professional corporation shall purchase its own shares as provided in this section; and the shareholders of a professional corporation and their executors, administrators,

legal representatives, and successors in interest shall sell and transfer the shares held by them as provided in this section.

b. The corporation may validly purchase its own shares even though its net assets are less than its stated capital, or even though by so doing its net assets would be reduced below its stated capital.

c. Upon the death of a shareholder, the professional corporation shall immediately purchase all shares held by the deceased shareholder.

2. In order to remain a shareholder of a professional corporation, a shareholder shall at all times be licensed to practice in this state a profession which the corporation is authorized to practice. Whenever any shareholder does not have or ceases to have this qualification, the corporation shall immediately purchase all shares held by that shareholder.

3. Whenever any person other than the shareholder of record becomes entitled to have shares of a corporation transferred into that person's name or to exercise voting rights, except as a proxy, with respect to shares of the corporation, the corporation shall immediately purchase such shares. Without limiting the generality of the foregoing, this section shall be applicable whether the event occurs as a result of the appointment of a guardian or conservator for a shareholder or the shareholder's property, transfer of shares by operation of law, involuntary transfer of shares, judicial proceedings, execution, levy, bankruptcy proceedings, receivership proceedings, foreclosure or enforcement of a pledge or encumbrance, or any other situation or occurrence. However, this section does not apply to any voluntary transfer of shares as defined in this chapter.

4. Shares purchased by the corporation under the provisions of this section shall be transferred to the corporation as of the close of business on the date of the death or other event which requires purchase. The shareholder and the shareholder's executors, administrators, legal representatives, or successors in interest shall promptly do all things which may be necessary or convenient to cause transfer to be made as of the transfer date. However, the

shares shall promptly be transferred on the stock transfer books of the corporation as of the transfer date, notwithstanding any delay in transferring or surrendering the shares or certificates representing the shares, and the transfer shall be valid and effective for all purposes as of the close of business on the transfer date. The purchase price for such shares shall be paid as provided in this chapter, but the transfer of shares to the corporation as provided in this section shall not be delayed or affected by any delay or default in making payment.

5. ~~Notwithstanding the foregoing provisions of this section subsections 1 through 4,~~ purchase by the corporation is not required upon the occurrence of any event other than death of a shareholder if the corporation is dissolved or voluntarily elects to adopt the provisions of the Iowa business corporation Act, as provided in section 490.1701, subsection 2, within sixty days after the occurrence of the event. The articles of incorporation or bylaws may provide that purchase is not required upon the death of a shareholder if the corporation is dissolved within sixty days after the death. ~~Notwithstanding the foregoing provisions of this section subsections 1 through 4,~~ purchase by the corporation is not required upon the death of a shareholder if the corporation voluntarily elects to adopt the provisions of the Iowa business corporation Act, as provided in section 490.1701, subsection 2, within sixty days after death.

6. Unless otherwise provided in the articles of incorporation or bylaws or in an agreement among all shareholders of the professional corporation:

~~±~~ a. The purchase price for shares shall be their book value as of the end of the month immediately preceding the death or other event which requires purchase. Book value shall be determined from the books and records of the professional corporation in accordance with the regular method of accounting used by the corporation, uniformly and consistently applied. Adjustments to book value shall be made, if necessary, to take into account work in process and accounts receivable. Any final determination of book value made in good faith by any independent certified public accountant or firm of certified public accountants employed by

the corporation for the purpose shall be conclusive on all persons.

2- b. The purchase price shall be paid in cash as follows:

(1) Upon the death of a shareholder, thirty percent of the purchase price shall be paid within ninety days after death, and the balance shall be paid in three equal annual installments on the first three anniversaries of the death.

(2) Upon the happening of any other event referred to in this section, one-tenth of the purchase price shall be paid within ninety days after the date of such event, and the balance shall be paid in three equal annual installments on the first three anniversaries of the date of the event.

3- c. Interest from the date of death or other event shall be payable annually on principal payment dates, at the rate of six percent per annum on the unpaid balance of the purchase price.

4- d. All persons who are shareholders of the professional corporation on the date of death or other event, and their executors, administrators, and legal representatives, shall, to the extent the corporation fails to meet its obligations hereunder, be jointly liable for the payment of the purchase price and interest in proportion to their percentage of ownership of the corporation's shares, disregarding shares of the deceased or withdrawing shareholder.

5- e. The part of the purchase price remaining unpaid after the initial payment shall be evidenced by a negotiable promissory note, which shall be executed by the corporation and all shareholders liable for payment. Any person liable on the note shall have the right to prepay the note in full or in part at any time.

6- f. If the person making any payment is not reasonably able to determine which of two or more persons is entitled to receive a payment, or if the payment is payable to a person who is unknown, or who is under disability and there is no person legally competent to receive the payment, or who cannot be found after the exercise of reasonable diligence by the person making the payment, it shall be deposited with the treasurer of state and shall be subject to the provisions of

the Iowa business corporation Act, chapter 490, with respect to funds deposited with the treasurer of state upon the voluntary or involuntary dissolution of a corporation.

7. g. Notwithstanding the provisions of this section, no part of the purchase price shall be required to be paid until the certificates representing such shares have been surrendered to the corporation.

8. h. Notwithstanding the provisions of this section, payment of any part of the purchase price for shares of a deceased shareholder shall not be required until the executor or administrator of the deceased shareholder provides any indemnity, release, or other document from any taxing authority, which is reasonably necessary to protect the corporation against liability for estate, inheritance, and death taxes.

7. The articles of incorporation or bylaws or an agreement among all shareholders of a professional corporation may provide for a different purchase price, a different method of determining the purchase price, a different interest rate or no interest, and other terms, conditions, and schedules of payment.

8. The articles of incorporation or bylaws or an agreement among all shareholders of a professional corporation may provide for the optional or mandatory purchase of its own shares by the corporation in other situations, subject to any applicable law regarding such purchase.

Sec. 166. Section 499.36A, subsection 1, Code 2009, is amended to read as follows:

1. A director shall discharge the duties of the position of director in good faith, in a manner the director reasonably believes to be in the best interests of the association, and with the care that a person in a like position would reasonably believe appropriate under similar circumstances. A person who so performs those duties is not liable by reason of being or having been a director of the ~~cooperative~~ association.

Sec. 167. Section 502.602, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If a person does not appear or refuses to testify, file a statement, or produce records, or otherwise does not obey a

subpoena as required by the administrator under this chapter, the administrator may apply to the Polk county district court or the district court for the county in which the person resides or is located or a court of another state to enforce compliance. The court may do any of the following:

Sec. 168. Section 505.8, subsection 7, Code 2009, is amended to read as follows:

7. The commissioner shall have regulatory authority over health benefit plans and adopt rules under chapter 17A as necessary, to promote the uniformity, cost efficiency, transparency, and fairness of such plans for physicians and osteopathic physicians licensed under ~~chapters~~ chapter 148~~7~~ ~~1507--and--150A7~~ and hospitals licensed under chapter 135B, for the purpose of maximizing administrative efficiencies and minimizing administrative costs of health care providers and health insurers.

Sec. 169. Section 520.14, Code 2009, is amended to read as follows:

520.14 VIOLATIONS -- EXCEPTIONS.

It shall be unlawful for an attorney to exchange contracts of insurance of the kind and character specified in this chapter, or for an attorney or representative of the attorney to solicit or negotiate any applications for the same without the attorney having first complied with the ~~foregoing~~ provisions of sections 520.2 through 520.13. For the purpose of organization and upon issuance of permit by the commissioner of insurance, powers of attorney and applications for such contracts may be solicited without compliance with the provisions of this chapter, but an attorney, agent, or other person shall not make any such contracts of indemnity until all of the provisions of this chapter shall have been complied with.

Sec. 170. Section 541A.3, Code 2009, is amended to read as follows:

541A.3 INDIVIDUAL DEVELOPMENT ACCOUNTS -- STATE SAVINGS MATCH AND TAX PROVISIONS.

All of the following state savings match and tax provisions shall apply to an individual development account:

1. a. Payment by the state of a state savings match on amounts of up to two thousand dollars that an account holder

deposits in the account holder's account. To be eligible to receive a state savings match an account holder must have a household income that is equal to or less than two hundred percent of the federal poverty level.

b. Moneys transferred to an individual development account from another individual development account and a state savings match received by the account holder in accordance with this section shall not be considered an account holder deposit for purposes of determining a state savings match.

c. Payment of a state savings match either shall be made directly to the account holder or to an operating organization's central reserve account for later distribution to the account holder in the most appropriate manner as determined by the administrator.

d. Subject to the limitation in paragraph "a", the state savings match shall be equal to one hundred percent of the amount deposited by the account holder. However, the administrator may limit, reduce, delay, or otherwise revise state savings match payment provisions as necessary to restrict the payments to the funding available.

2. Income earned by an individual development account is not subject to state tax, in accordance with the provisions of section 422.7, subsection 28.

3. Amounts transferred between individual development accounts are not subject to state tax.

4. The administrator shall coordinate the filing of claims for a state savings match authorized under subsection 1, between account holders and operating organizations. Claims approved by the administrator may be paid to each account holder, for an aggregate amount for distribution to the holders of the accounts in a particular financial institution, or to an operating organization's central reserve account for later distribution to the account holders depending on the efficiency for issuing the state savings match payments. Claims shall be initially filed with the administrator on or before a date established by the administrator. Claims approved by the administrator shall be paid from the individual development account state savings match fund.

Sec. 171. Section 554.10103, Code 2009, is amended to read as follows:

554.10103 GENERAL REPEALER.

Except as provided in ~~the following~~ section 554.7103, all acts and parts of acts inconsistent with this chapter are hereby repealed.

Sec. 172. Section 556F.17, Code 2009, is amended to read as follows:

556F.17 PENALTY FOR SELLING.

If any person shall trade, sell, loan, or take out of the limits of this state any such property taken up or found as ~~aforsaid~~ provided in this chapter, before the person shall be vested with the right to the ~~same according to the foregoing provisions~~ property, the person shall forfeit and pay double the value thereof, to be recovered by any person in an action, one half of which shall go to the plaintiff and the other half to the county.

Sec. 173. Section 602.10111, Code 2009, is amended to read as follows:

602.10111 NONRESIDENT ATTORNEY -- APPOINTMENT OF LOCAL ATTORNEY.

Any member of the bar of another state, actually engaged in any cause or matter pending in any court of this state, may be permitted by such court to appear in and conduct such cause or matter while retaining the attorney's residence in another state, without being subject to ~~the foregoing provisions of~~ this article; provided that at the time the attorney enters an appearance the attorney files with the clerk of such court the written appointment of some attorney resident and admitted to practice in the state of Iowa, upon whom service may be had in all matters connected with said action, with the same effect as if personally made on such foreign attorney within this state. In case of failure to make such appointment, such attorney shall not be permitted to practice as ~~aforsaid~~ provided in this section, and all papers filed by the attorney shall be stricken from the files.

Sec. 174. Section 692.18, Code 2009, is amended to read as follows:

692.18 PUBLIC RECORDS.

1. Nothing in this chapter shall prohibit the public from examining and copying the public records of any public body or agency as authorized by chapter 22.

2. Intelligence data in the possession of a criminal or juvenile justice agency, state or federal regulatory agency, or peace officer, or disseminated by such agency or peace officer, are ~~not-public~~ confidential records ~~within the provisions of chapter 22 under section 22.7, subsection 55.~~

Sec. 175. Section 707.7, Code 2009, is amended to read as follows:

707.7 FETICIDE.

1. Any person who intentionally terminates a human pregnancy, with the knowledge and voluntary consent of the pregnant person, after the end of the second trimester of the pregnancy where death of the fetus results commits feticide. Feticide is a class "C" felony.

2. Any person who attempts to intentionally terminate a human pregnancy, with the knowledge and voluntary consent of the pregnant person, after the end of the second trimester of the pregnancy where death of the fetus does not result commits attempted feticide. Attempted feticide is a class "D" felony.

~~This section shall not apply to the termination of a human pregnancy performed by a physician licensed in this state to practice medicine or surgery when in the best clinical judgment of the physician the termination is performed to preserve the life or health of the pregnant person or of the fetus and every reasonable medical effort not inconsistent with preserving the life of the pregnant person is made to preserve the life of a viable fetus.~~

3. Any person who terminates a human pregnancy, with the knowledge and voluntary consent of the pregnant person, who is not a person licensed to practice medicine and surgery or osteopathic medicine and surgery under the provisions of chapter 148, ~~or an osteopathic physician and surgeon licensed to practice osteopathic medicine and surgery under the provisions of chapter 150A,~~ commits a class "C" felony.

4. This section shall not apply to the termination of a human pregnancy performed by a physician licensed in this state to practice medicine or surgery or osteopathic medicine or surgery when in the best clinical judgment of the physician the termination is performed to preserve the life or health of the pregnant person or of the fetus and every reasonable medical effort not inconsistent with preserving the life of

the pregnant person is made to preserve the life of a viable fetus.

Sec. 176. Section 709.22, subsection 1, paragraph c, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Providing a victim with immediate and adequate notice of the victim's rights. The notice shall consist of handing the victim a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains a copy of the following statement written in English and Spanish<sub>7i</sub>; asking the victim to read the statement<sub>7i</sub>; and asking whether the victim understands the rights:

Sec. 177. Section 709.22, subsection 1, paragraph d, Code 2009, is amended by striking the paragraph.

Sec. 178. Section 714.8, subsection 18, Code 2009, is amended to read as follows:

18. a. Manufactures, creates, reproduces, alters, possesses, uses, transfers, or otherwise knowingly contributes to the production or use of a fraudulent retail sales receipt or universal ~~price~~ product code label with intent to defraud another person engaged in the business of retailing.

b. For purposes of this subsection:

a- (1) "Retail sales receipt" means a document intended to evidence payment for goods or services.

b- (2) "Universal ~~price~~ product code label" means the unique ten-digit bar code placed on the packaging of an item that may be used for purposes including but not limited to tracking inventory, maintaining price information in a computerized database, and serving as proof of purchase of a particular item.

Sec. 179. Section 714E.1, subsection 3, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) Obtain a forbearance, modification, or repayment plan ~~from~~ for a beneficiary or mortgagee.

Sec. 180. Section 714E.4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

It is a violation of this chapter for a foreclosure consultant to do any of the following:

Sec. 181. Section 714F.3, subsection 2, Code 2009, is amended to read as follows:

2. The contract required by ~~this~~ section 714F.2 survives delivery of any instrument of conveyance of the residence in foreclosure, ~~and but~~ has no effect on persons other than the parties to the contract.

Sec. 182. Section 714F.6, Code 2009, is amended to read as follows:

714F.6 WAIVER.

A waiver of the provisions of this chapter is void and unenforceable as contrary to public policy, except a consumer may waive the three-day right to cancel provided in section 714F.4 if the property is subject to a foreclosure sale, tax sale, or contract forfeiture within the three business days and the shortened cancellation period was not caused by the foreclosure purchaser or an agent of the foreclosure purchaser, ~~and the~~. A waiver of a foreclosed homeowner agrees to waive the foreclosed homeowner's right to cancel shall be in a handwritten statement signed by all parties holding title to the foreclosed property.

Sec. 183. Section 714F.9, subsection 2, Code 2009, is amended to read as follows:

2. EXEMPLARY DAMAGES. In a private right of action for a violation of this chapter, the court may award exemplary damages ~~of any amount~~. If the court determines that an award of exemplary damages is appropriate, the amount of exemplary damages awarded shall not be less than one and one-half times the foreclosed homeowner's actual damages. Any claim for exemplary damages brought pursuant to this section must be commenced within four years after the date of the alleged violation.

Sec. 184. Section 728.15, Code 2009, is amended to read as follows:

728.15 TELEPHONE DISSEMINATION OF OBSCENE MATERIAL TO MINORS.

1. a. As used in this section, "person" excludes any information-access service provider that merely provides transmission capacity without control over the content of the transmission.

b. A person shall not knowingly disseminate obscene material by the use of telephones or telephone facilities to a minor. ~~A person who violates this subsection upon conviction is guilty of an aggravated misdemeanor. However, second and subsequent offenses of this subsection by a person who has been previously convicted of violating this subsection are class "D" felonies. As used in this subsection, a "person" excludes any information access service provider that merely provides transmission capacity without control over the content of the transmission.~~

2. It shall be a defense in any prosecution for a violation of subsection 1 by a person who accused of knowingly disseminates disseminating obscene material by the use of telephones or telephone facilities to a minor that the defendant person accused has taken either of the following measures to restrict access to the obscene material:

a. Required The person accused has done all of the following:

(1) Required the person receiving the obscene material to use an authorized access or identification code, as provided by the information provider, before transmission of the obscene material begins, ~~where the defendant has previously.~~

(2) Previously issued the code by mailing it to the applicant after taking reasonable measures to ascertain that the applicant was eighteen years of age or older ~~and has established.~~

(3) Established a procedure to immediately cancel the code of any person after receiving notice, in writing or by telephone, that the code has been lost, stolen, or used by persons under the age of eighteen years or that the code is no longer desired.

b. Required The person accused has required payment by credit card before transmission of the obscene material.

3. Any list of applicants or recipients compiled or maintained by an information access service provider for purposes of compliance with subsection 2 is confidential and shall not be sold or otherwise disseminated except upon order of the court.

4. a. A violation of subsection 1 is an aggravated misdemeanor.

b. A violation of subsection 1 by a person who has been previously convicted of a violation of subsection 1 is a class "D" felony.

Sec. 185. Section 805.8B, subsection 2, paragraph e, Code 2009, is amended to read as follows:

e. For ~~identification~~ decal violations under section 321G.5, the scheduled fine is twenty dollars.

Sec. 186. Section 805.8B, subsection 2A, paragraph e, Code 2009, is amended to read as follows:

e. For ~~identification~~ decal violations under section 321I.6, the scheduled fine is twenty dollars.

Sec. 187. Section 820.11, Code 2009, is amended to read as follows:

820.11 PENALTY FOR WILLFUL DISOBEDIENCE.

Any officer who shall deliver to the agent for extradition of the demanding state a person in the officer's custody under the governor's warrant, in willful disobedience to ~~the last~~ section 820.10, shall be guilty of a simple misdemeanor.

Sec. 188. Section 35B.6, subsection 1, paragraph a, Code 2007, as amended by 2008 Iowa Acts, chapter 1130, section 4, is amended to read as follows:

a. The members of the commission shall qualify by taking the usual oath of office, and give bond in the sum of five hundred dollars each, conditioned for the faithful discharge of their duties with sureties to be approved by the county auditor. The commission shall organize by the selection of one of their members as chairperson, and one as secretary. The commission, subject to the approval of the board of supervisors, shall employ an executive director or administrator and shall have the power to employ other necessary employees when needed, including administrative or clerical assistants, but no member of the commission shall be so employed. The compensation of such employees shall be fixed by the board of supervisors, ~~but no member of the commission shall be so employed.~~ The executive director must possess the same qualifications as provided in section 35B.3 for commission members. However, this qualification requirement shall not apply to a person employed as an executive director prior to July 1, 1989.

Sec. 189. Section 35B.14, Code 2007, as amended by 2008 Iowa Acts, chapter 1130, section 7, is amended to read as follows:

35B.14 COUNTY APPROPRIATION.

1. The board of supervisors of each county may appropriate moneys for training an executive director or administrator as provided ~~for~~ in section 35B.6, the and for the expenses for food, clothing, shelter, utilities, medical benefits, and a funeral ~~expenses-of~~ for indigent veterans, as defined in section 35.1, and as well as for their indigent spouses, surviving spouses, and minor children not over eighteen years of age, ~~having-a-legal-residence~~ who legally reside in the county.

2. The appropriation shall be expended by the joint action and control of the board of supervisors and the county commission of veteran affairs.

Sec. 190. 2008 Iowa Acts, chapter 1191, section 109, is amended to read as follows:

SEC. 109. Section ~~257-11~~ 257.31, subsection 5, Code Supplement 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. n. Unusual need for additional funds for the costs associated with providing competent private instruction pursuant to chapter 299A.

Sec. 191. Sections 238.2, 435.34, and 435.35, Code 2009, are repealed.

Sec. 192. DIRECTIVES TO CODE EDITOR -- TRANSFERS.

1. The Code editor shall transfer sections 147.57 and 147.114 to new locations deemed appropriate by the Code editor in chapter 153 and correct any internal references in the Code or Acts as necessary to complete the transfers.

2. The Code editor shall number the existing paragraph within section 216.18, transfer section 216.18A to become subsection 2 of that section, and correct any internal references in the Code or Acts as necessary to complete the transfer.

DIVISION II

CODE SECTION RENUMBERINGS

Sec. 193. Section 123.129, Code 2009, is amended to read as follows:

123.129 CLASS "C" APPLICATION.

1. For purposes of this section:

a. "Grocery store" means any retail establishment, the business of which consists of the sale of food, food products, or beverages for consumption off the premises.

b. "Pharmacy" means a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, or veterinarians are compounded and sold by a registered pharmacist.

2. No A class "C" permit shall not be issued to any person except the owner or proprietor of a grocery store or pharmacy.

~~"Grocery-store"-means-any-retail-establishment, the business-of-which-consists-of-the-sale-of-food, food-products or-beverages-for-consumption-off-the-premises.~~

~~"Pharmacy"-means-a-drug-store-in-which-drugs-and-medicines are-exposed-for-sale-and-sold-at-retail, or-in-which prescriptions-of-licensed-physicians-and-surgeons, dentists-or veterinarians-are-compounded-and-sold-by-a-registered pharmacist.~~

3. A class "C" permit shall be issued by the administrator to any person who is the owner or proprietor of a grocery store or pharmacy, who:

1- a. 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.

2- b. Establishes that the person is of good moral character as defined by this chapter.

3- c. Consents to inspection as required in section 123.30, subsection 1.

4- d. States the number of square feet of interior floor space which comprises the retail sales area of the premises for which the permit is sought.

Sec. 194. Section 124.101, subsection 1, Code 2009, is amended to read as follows:

1. "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

a. A practitioner, or in the practitioner's presence, by the practitioner's authorized agent; or

b. The patient or research subject at the direction and in the presence of the practitioner.

~~Nothing contained in this chapter shall be construed to prevent a physician, dentist, podiatric physician, or veterinarian from delegating the administration of controlled substances under this chapter to a nurse, intern, or other qualified individual or, as to veterinarians, to an orderly or assistant, under the veterinarian's direction and supervision, all pursuant to rules adopted by the board.~~

Sec. 195. NEW SECTION. 124.101A ADMINISTRATION OF CONTROLLED SUBSTANCES -- DELEGATION.

Nothing contained in this chapter shall be construed to prevent a physician, dentist, podiatric physician, or veterinarian from delegating the administration of controlled substances under this chapter to a nurse, intern, or other qualified individual or, as to veterinarians, to an orderly or assistant, under the veterinarian's direction and supervision; all pursuant to rules adopted by the board.

Sec. 196. Section 135J.1, subsection 6, Code 2009, is amended to read as follows:

6. "Interdisciplinary team" means the hospice patient and the hospice patient's family, the attending physician, and all of the following individuals trained to serve with a licensed hospice program:

- a. A licensed physician pursuant to chapter 148.
- b. A licensed registered nurse pursuant to chapter 152.
- c. An individual with at least a baccalaureate degree in the field of social work providing medical-social services.
- d. Trained hospice volunteers.
- e. Providers As deemed appropriate by the hospice, providers of special services, including but not limited to, a spiritual counselor, a pharmacist, or professionals in the fields of mental health may be included on the interdisciplinary team ~~as deemed appropriate by the hospice.~~

Sec. 197. Section 137.6, Code 2009, is amended to read as follows:

137.6 POWERS OF LOCAL BOARDS.

1. Local boards shall have powers to do the following powers:

1- a. Enforce state health laws and the rules and lawful orders of the state department.

2- b. (1) Make and enforce such reasonable rules and regulations not inconsistent with law or with the rules of the state board as may be necessary for the protection and improvement of the public health.

a- (a) Rules of a county board shall become effective upon approval by the county board of supervisors by a motion or resolution as defined in section 331.101, subsection 13, and publication in a newspaper having general circulation in the county.

b- (b) Rules of a city board shall become effective upon approval by the city council and publication in a newspaper having general circulation in the city.

e- (c) Rules of a district board shall become effective upon approval by the district board and publication in a newspaper having general circulation in the district.

d- (2) ~~However, before~~ Before approving any rule or regulation the local board of health shall hold a public hearing on the proposed rule. Any citizen may appear and be heard at the public hearing. A notice of the public hearing, stating the time and place and the general nature of the proposed rule or regulation, shall be published as provided in section 331.305 in the area served by the board. The board shall also make a reasonable effort to give notice of the hearing to the communications media located within said area.

~~The board shall also make a reasonable effort to give notice of the hearing to the communications media located within said area.~~

3- ~~May by agreement with the council of any city within its jurisdiction enforce appropriate ordinances of said city.~~

4- c. Employ persons as necessary for the efficient discharge of its duties. Employment practices shall meet the requirements of chapter 8A, subchapter IV, or any civil service provision adopted under chapter 400.

5- d. Provide reports of its operations and activities to the state department as may be required by the director.

2. A local board may, by agreement with the council of any city within its jurisdiction, enforce appropriate ordinances of the city.

Sec. 198. Section 147A.4, subsection 1, Code 2009, is amended to read as follows:

1. a. The department shall adopt rules required or authorized by this subchapter pertaining to the operation of ambulance, rescue, and first response services which have received authorization under section 147A.5 to utilize the services of certified emergency medical care providers. These rules shall include, but need not be limited to, requirements concerning physician supervision, necessary equipment and staffing, and reporting by ambulance, rescue, and first response services which have received the authorization pursuant to section 147A.5.

b. The director, pursuant to rule, may grant exceptions and variances from the requirements of rules adopted under this subchapter for any ambulance, rescue, or first response service. Exceptions or variations shall be reasonably related to undue hardships which existing services experience in complying with this subchapter or the rules adopted pursuant to this subchapter. However, no exception or variance may be granted unless the service ~~has~~ adopted a plan approved by the department prior to July 1, 1996, to achieve compliance during a period not to exceed seven years with this subchapter and rules adopted pursuant to this subchapter. Services requesting exceptions and variances shall be subject to other applicable rules adopted pursuant to this subchapter.

Sec. 199. Section 149.1, subsections 2, 3, and 4, Code 2009, are amended to read as follows:

2. As used in this chapter ~~7-~~"board":

a. "Board" means the board of podiatry, created under chapter 147.

~~3-~~ b. ~~As-used-in-this-chapter-~~"human Human foot" means the ankle and soft tissue which insert into the foot as well as the foot.

~~4-~~ c. "Podiatric physician" means a physician or surgeon licensed under this chapter to engage in the practice of podiatric medicine and surgery.

Sec. 200. Section 149.5, Code 2009, is amended to read as follows:

149.5 AMPUTATIONS -- ANESTHESIA -- PRESCRIPTION DRUGS.

1. A license to practice podiatry shall not authorize the licensee to amputate the human foot.

2. A licensed podiatric physician may ~~administer~~ do all of the following:

a. ~~Administer~~ local anesthesia.

b. ~~Conscious Administer conscious~~ sedation ~~may-be administered-by-a-licensed-podiatric-physician~~ in a hospital or an ambulatory surgical center.

c. ~~A-licensed-podiatric-physician-may-prescribe~~ Prescribe and administer drugs for the treatment of human foot ailments as provided in section 149.1.

Sec. 201. Section 153.39, subsection 2, Code 2009, is amended to read as follows:

2. Education requirements shall be determined by the board by rule, according to standards to be determined by the board. A person shall be registered upon the successful completion of either of the education and examination requirements pursuant to established in paragraph "a" or "b"~~---Education requirements shall be determined by the board by rule, according to standards to be determined by the board.;~~

a. Successful completion of a course of study and examination approved by the board and sponsored by a board-approved postsecondary school.

b. Successful completion of on-the-job training and examination consisting of all of the following:

(1) Completion of on-the-job training as specified in rule.

(2) Successful completion of an examination process approved by the board. A written examination may be waived by the board pursuant to section 17A.9A, in practice situations where the written examination is deemed to be unnecessary or detrimental to the dentist's practice.

2A. The education requirements in subsection 2, paragraphs "a" and "b" may include possession of a valid certificate in a nationally recognized course in cardiopulmonary resuscitation. Successful passage of an examination administered by the board under subsection 2, paragraph "a" or "b", which shall include

sections regarding infection control, hazardous materials, and jurisprudence, shall also be required.

2B. The board shall establish continuing education requirements as a condition of renewing registration as a registered dental assistant, as well as standards for the suspension or revocation of registration.

Sec. 202. Section 163.2, Code 2009, is amended to read as follows:

163.2 INFECTIOUS OR CONTAGIOUS DISEASES.

As provided in this chapter, unless the context otherwise requires:

1. "Certificate of veterinary inspection" or "certificate" means a legible record, made on an official form of the state of origin or the animal and plant health inspection service of the United States department of agriculture, and issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the animal and plant health inspection service, which shows that an animal listed on the form meets the health requirements of the state of destination.

2. "Control" means the prevention, suppression, or eradication of an infectious or contagious disease afflicting an animal within the state.

3. "Department" means the department of agriculture and land stewardship.

4. "Foot and mouth disease" means a virus of the family picornaviridae, genus aphthovirus, including any immunologically distinct serotypes.

~~4.~~ 5. "Infectious or contagious disease" means glanders, farcy, maladie du coit (dourine), anthrax, foot and mouth disease, scabies, hog cholera, tuberculosis, brucellosis, vesicular exanthema, scrapie, rinderpest, avian influenza or Newcastle disease as provided in chapter 165B, or any other transmissible, transferable, or communicable disease so designated by the department.

~~As-used-in-this-chapter, "foot-and-mouth-disease" means a virus-of-the-family-picornaviridae, genus-aphthovirus, including-any-immunologically-distinct-serotypes.~~

~~5.~~ 6. "Move" or "movement", except as provided in subchapter III, means to ship, transport, or deliver an animal.

Sec. 203. Section 163.30, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. A permittee shall not represent more than one dealer. Failure of a licensee or permittee to comply with this chapter or a rule made pursuant to this chapter is cause for revocation by the secretary of the permit or license after notice to the alleged offender and the holding of a hearing by the secretary. Rules shall be made in accordance with chapter 17A. A rule, the violation of which is made the basis for revocation, except temporary emergency rules, shall first have been approved after public hearing as provided in section 17A.4 after giving twenty days' notice of the hearing as follows:

By ~~by~~ mailing the notice, by ordinary mail, to every person filing a request for notice accompanied by an addressed envelope with prepaid postage. Any person may file such a request to be listed with any agency for notice for the time and place for all hearings on proposed rules, which request shall be accompanied by a remittance of five dollars. Such fee shall be added to the operating fund of the department. The listing shall expire semiannually on January 1 and July 1.

Sec. 204. Section 163.30, subsections 4 through 7, Code 2009, are amended to read as follows:

4. a. All swine moved shall be individually identified with a distinctive and easily discernible ear tag affixed in either ear of the animal or other identification acceptable to the department, which has been specified by rule promulgated under the department's rulemaking authority. The department shall make ear tags available at convenient locations within each county and shall sell such tags at a price not exceeding the cost to producers and others to comply with this section.

b. Every seller, dealer and market operator shall keep a record of the ear tag numbers, or other approved identification, and the farm of origin of swine moved by or through that person, which records shall be made available by that person to any appropriate representative of the department or the United States department of agriculture.

5. a. All swine moved shall be accompanied by a certificate of veterinary inspection issued by the state of origin and prepared and signed by a veterinarian. The

certificate shall show the point of origin, the point of destination, individual identification, immunization status, and, when required, any movement permit number assigned to the shipment by the department. All such movement of swine shall be completed within seventy-two hours unless an extension of time for movement is granted by the department.

b. However, swine-may-be the requirements of paragraph "a" do not apply as follows:

(1) Swine which are moved intrastate directly to an approved state, federal, or auction market without-such identification-or-certification, there to be identified and certificated, are excepted from the identification and certification requirements.

c. However, ~~7-registered~~ Registered swine for exhibition or breeding purposes which can be individually identified by an ear notch or tattoo or other method approved by the department are excepted from ~~this~~ the additional identification requirement. ~~In-addition, 7-native~~

d. Native Iowa swine moved from farm to farm shall be excepted from the identification requirement if the owner transferring possession of the feeder pigs executes a written agreement with the person taking possession of the feeder pigs. The agreement shall provide that the feeder pigs shall not be commingled with other swine for a period of thirty days. The owner transferring possession shall be responsible for making certain that the agreement is executed and for providing a copy of the agreement to the person taking possession.

6. The department may combine a certificate of veterinary inspection with a certificate of inspection required under chapter 166D.

~~6-~~ 7. The department may require issuance of movement permits on certain categories of swine moved, prior to their movement, pursuant to departmental rule. The rule shall be promulgated when in the judgment of the secretary, such movements would otherwise threaten or imperil the eradication of hog cholera in Iowa.

~~7-~~ 7A. All swine moved shall be quarantined separate and apart from other swine located at the Iowa farm of destination for thirty days beginning with their arrival at such premises,

or if such incoming swine are not held separate and apart, all swine on such premises shall be thus quarantined, except animals moving from such premises directly to slaughter.

7B. There can only be one transfer by a dealer, involving not more than two markets, prior to quarantine.

Sec. 205. Section 166D.7, subsection 2, Code 2009, is amended to read as follows:

2. A monitored herd shall be initially certified, recertified, and maintained as follows:

a. The herd shall be certified when a statistical sampling of the herd is determined to be noninfected.

b. In order to remain certified the herd must be retested and recertified as provided by the department. The herd must be recertified annually. The herd shall be recertified when a statistical sampling of the herd is determined to be noninfected within twelve months from initial certification or the most recent recertification.

c. A monitored herd shall not be certified or recertified, if the herd is located within a county which is designated by the department as in stage II of the national pseudorabies eradication program, unless the herd is vaccinated with a modified-live differentiable vaccine pursuant to section 166D.11 and as required by the department.

~~e.~~ d. A monitored herd may receive new swine into the herd from a noninfected herd.

Sec. 206. Section 167.4, Code 2009, is amended to read as follows:

167.4 LICENSING PROCEDURE -- FEES.

1. The following shall apply to a person required to be licensed under this chapter:

~~1.~~ a. The person shall submit an application for a license to the department in a manner and according to procedures required by the department.

~~2.~~ b. The person shall include in the application information as required by the department, on forms prescribed by the department, which shall include at least all of the following:

~~a.~~ (1) For a disposal plant, the person shall state the person's name and address, the person's proposed place of business, and the total number of vehicles to be involved in the operation.

b- (2) For a collection point involving the accumulation of whole animal carcasses or their parts for ultimate transportation to a disposal plant, the person's name and address, the person's proposed place of business, and the total number of vehicles to be involved in the operation.

e- (3) For a delivery service which transports whole animal carcasses or their parts to a disposal plant or collection point, the person's name and address, the total number of vehicles to be involved in the operation, and the location where the vehicles involved in the operation are to be maintained.

3- c. The person shall submit a separate application for each location that the person is to operate as a disposal plant, collection point, or a delivery service.

4- d. The person shall ~~submit~~ pay a license fee as follows:

a- (1) For a disposal plant, one hundred dollars.

b- (2) For a collection point, one hundred dollars.

However, a person is not required to pay the license fee for a collection point which is operated by a disposal plant.

e- (3) For a delivery service which is not part of the operation of a disposal plant or collection point, fifty dollars.

5- e. A license issued to a person under this section shall expire on December 31 of each year. The person may renew the license by completing a renewal form as prescribed by the department in a manner and according to procedures required by the department. However, the renewal form must be submitted to the department prior to the license's expiration date. The person shall ~~submit~~ pay a renewal license fee which shall be for the same amount as the original license fee.

~~Fees-collected-pursuant-to-this-section-shall-be-deposited into-the-general-fund-of-the-state.~~

6- f. A person's license is subject to suspension or revocation by the department if the department determines that the person has committed a material violation of this chapter, including rules adopted by this chapter, or a term or condition of the license. The person may contest the department's action as provided in chapter 17A.

2. Fees collected pursuant to this section shall be deposited into the general fund of the state.

Sec. 207. Section 169.6, Code 2009, is amended to read as follows:

169.6 DISCLOSURE OF CONFIDENTIAL INFORMATION.

1. A member of the board shall not disclose information relating to the following:

~~1-~~ a. Criminal history or prior misconduct of the applicant.

~~2-~~ b. Information relating to the contents of the examination.

~~3-~~ c. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

2. A member of the board who willfully communicates or seeks to communicate ~~such~~ information in violation of subsection 1, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor for each separate offense.

Sec. 208. Section 191.2, subsections 2 and 7, Code 2009, are amended to read as follows:

2. OLEOMARGARINE.

a. No person shall sell or offer for sale, colored oleo, oleomargarine or margarine unless -- such oleo, oleomargarine or margarine is packaged; the net weight of the contents of any package sold in a retail establishment is one pound or less; there appears on the label of the package the word "oleo", "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on such label, and a full and accurate statement of all the ingredients contained in such oleo, oleomargarine or margarine; and each part of the contents of the package is contained in a wrapper which bears the word "oleo", "oleomargarine" or "margarine" in type or lettering not smaller than twenty point type.

~~For-the-purposes-of-this-chapter-the-term-"oleo",~~  
~~"oleomargarine"-or-"margarine"-includes-all-substances,~~  
~~mixtures-and-compounds-known-as-oleo, oleomargarine-or~~  
~~margarine, and-all-substances, mixtures-and-compounds-which~~  
~~have-a-consistence-similar-to-that-of-butter-and-which-contain~~

~~any-edible-oils-or-fats-other-than-milk-fat-if-made-in imitation-or-semblance-of-butter.---For-the-purposes-of-this chapter-colored-oleo, oleomargarine-or-margarine-is-oleo, oleomargarine-or-margarine-to-which-any-color-has-been-added.~~

b. Whenever coloring of any kind has been added it shall be clearly stated on both inside wrapper and the outside package. The ingredients of oleo, oleomargarine or margarine shall be listed on both the inside wrapper and outside package in the order of the amounts of ingredients in the package.

c. Such oleo, oleomargarine or margarine shall contain vitamin "A" in such quantity that the finished oleo, oleomargarine or margarine contains not less than fifteen thousand United States Pharmacopoeia units of vitamin "A" per pound, as determined by the method prescribed in the Pharmacopoeia of the United States for the total biological vitamin "A" activity.

7. a. Tanks transporting raw milk and milk products to a milk plant from sources of supply not under the supervision of the secretary or authorized municipal corporation are required to be marked with the name and address of the milk plant or hauler and shall be sealed; in addition, for each such shipment, a shipping statement shall be prepared containing at least the following information:

- a. (1) Shipper's name, address, and permit number.
- b. (2) Permit number of hauler, if not employee of shipper.
- c. (3) Point of origin of shipment.
- d. (4) Tanker identity number.
- e. (5) Name of product.
- f. (6) Weight of product.
- g. (7) Grade of product.
- h. (8) Temperature of product.
- i. (9) Date of shipment.
- j. (10) Name of supervising health authority at the point of origin.
- k. (11) Whether the contents are raw, pasteurized, or otherwise heat treated.

b. Such statement shall be prepared in triplicate and shall be kept on file by the shipper, the consignee, and the carrier for a period of six months for the information of the secretary.

Sec. 209. Section 191.4, Code 2009, is amended to read as follows:

191.4 ~~"PERSON"~~-DEFINED DEFINITIONS.

1. "Oleo", "oleomargarine", or "margarine", for purposes of this chapter, includes all substances, mixtures, and compounds known as oleo, oleomargarine, or margarine, and all substances, mixtures, and compounds which have a consistence similar to that of butter and which contain any edible oils or fats other than milk fat if made in imitation or semblance of butter. For the purposes of this chapter, colored oleo, oleomargarine, or margarine is oleo, oleomargarine, or margarine to which any color has been added.

2. "Person" as used in this chapter and chapters 190 and 192 means any individual, plant operator, partnership, corporation, company, firm, trustee, or association.

Sec. 210. Section 200.14, Code 2009, is amended to read as follows:

200.14 RULES.

1. The secretary is authorized, after public hearing, following due notice, to adopt rules setting forth minimum general safety standards for the design, construction, location, installation and operation of equipment for storage, handling, transportation by tank truck or tank trailer, and utilization of anhydrous ammonia.

a. The rules shall be such as are reasonably necessary for the protection and safety of the public and persons using anhydrous ammonia, and shall be in substantial conformity with the generally accepted standards of safety.

b. ~~It-is-hereby-declared-that-rules~~ Rules that are in substantial conformity with the published standards of the agricultural ammonia institute for the design, installation and construction of containers and pertinent equipment for the storage and handling of anhydrous ammonia, shall be deemed to be in substantial conformity with the generally accepted standards of safety.

2. Anhydrous ammonia equipment shall be installed and maintained in a safe operating condition and in conformity with rules adopted by the secretary.

3. The secretary ~~is-hereby-charged-with-the-enforcement-of~~ shall enforce this chapter, and, after due publicity and due

public hearing, ~~is-empowered-to-promulgate-and~~ may adopt such reasonable rules as may be necessary in order to carry into effect the purpose and intent and to secure the efficient administration of this chapter ~~or-to-secure-the-efficient administration-thereof.~~

4. ~~Nothing-in-this~~ This chapter ~~shall~~ does not prohibit the use of storage tanks smaller than transporting tanks nor the transfer of all kinds of fertilizer including anhydrous ammonia directly from transporting tanks to implements of husbandry, if proper safety precautions are observed.

Sec. 211. Section 203.12A, subsections 1, 2, and 9, Code 2009, are amended to read as follows:

1. a. As used in this section:

(1) "Grain dealer assets" includes proceeds received or due a grain dealer upon the sale, including exchange, collection, or other disposition, of grain sold by the grain dealer. "Grain dealer assets" also includes any other funds or property of the grain dealer which can be directly traced as being from the sale of grain by the grain dealer, or which were utilized in the business operation of the grain dealer.

(2) "Proceeds" means noncash and cash proceeds as defined in section 554.9102.

b. A court, upon petition by an affected party, may order that claimed grain dealer assets are not grain dealer assets as defined in this section. The burden of proof shall be upon the petitioner to establish that the assets are not grain dealer assets as defined in this section.

2. A statutory lien is imposed on all grain dealer assets in favor of sellers who have surrendered warehouse receipts or other written evidence of ownership as part of a grain sale transaction or who possess written evidence of the sale of grain to a grain dealer, without receiving full payment for the grain.

~~2.--"Grain-dealer-assets"-includes-proceeds-received-or-due a-grain-dealer-upon-the-sale,-including-exchange,-collection,-or-other-disposition,-of-grain-sold-by-the-grain-dealer.--As used-in-this-section,-"proceeds"-means-noncash-and-cash proceeds-as-defined-in-section-554.9102.--"Grain-dealer assets"-also-includes-any-other-funds-or-property-of-the-grain dealer-which-can-be-directly-traced-as-being-from-the-sale-of~~

~~grain-by-the-grain-dealer, or which were utilized in the business operation of the grain dealer. A court, upon petition by an affected party, may order that claimed grain dealer assets are not grain dealer assets as defined in this section. The burden of proof shall be upon the petitioner to establish that the assets are not grain dealer assets as defined in this section.~~

9. a. The board may enforce the lien in the manner provided in chapter 554, article 9, part 6, for the enforcement of security interests. If, upon enforcement of the lien, the lien amount is satisfied in full without exhaustion of the grain dealer assets, the remaining assets shall be returned to the grain dealer or, if there are competing claims to those remaining assets by other creditors, shall place those assets in the custody of the district court and implead the known creditors.

b. For purposes of enforcement of the lien, the board is deemed to be the secured party and the grain dealer is deemed to be the debtor, and each has the respective rights and duties of a secured party and a debtor as provided in chapter 554, article 9, part 6. If a right or duty under chapter 554, article 9, part 6, is contingent upon the existence of express language in a security agreement, or may be waived by express language in a security agreement, the requisite language is deemed not to exist for purposes of enforcement of the lien created by this section.

Sec. 212. 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. 213. Section 203C.33, Code 2009, is amended to read as follows:

203C.33 FEES.

1. The department shall charge the following fees for deposit in the general fund:

a. For the issuance or renewal of a warehouse license, the fee shall be determined on the basis of the storage capacity in bushels of grain as follows:

(1) If the total storage capacity is one hundred thousand bushels or less, the fee is fifty-eight dollars.

b. (2) If the total storage capacity is more than one hundred thousand bushels, but not more than seven hundred fifty thousand bushels, the fee is one hundred twenty-five dollars.

e- (3) If the total storage capacity is more than seven hundred fifty thousand bushels, but not more than one million five hundred thousand bushels, the fee is one hundred ninety-one dollars.

d- (4) If the total storage capacity is more than one million five hundred thousand bushels, but not more than three million bushels, the fee is two hundred forty-nine dollars.

e- (5) If the total storage capacity is more than three million bushels, but not more than four million seven hundred fifty thousand bushels, the fee is three hundred seven dollars.

f- (6) If the total storage capacity is more than four million seven hundred fifty thousand bushels, but not more than nine million five hundred thousand bushels, the fee is three hundred seventy-four dollars.

g- (7) If the total storage capacity is more than nine million five hundred thousand bushels, the fee is four hundred forty dollars.

2- b. For the issuance or renewal of a warehouse license for the storage of products other than bulk grain, the fee shall be determined as follows:

a- (1) For intended storage of products of a value of one hundred thousand dollars or less, a fee of sixty dollars.

b- (2) For intended storage of products of a value greater than one hundred thousand dollars but not greater than three hundred thousand dollars, a fee of one hundred dollars.

e- (3) For intended storage of products of a value in excess of three hundred thousand dollars, a fee of two hundred dollars.

c. For each inspection of a warehouse or station for the purpose of licensing, a fee of twenty-five dollars, and for each additional warehouse or station under the same license, a fee of ten dollars.

3- d. For each amendment of a license, a fee of ten dollars.

4- e. For each amendment of a tariff, a fee of ten dollars.

5- f. For a duplicate license, a fee of five dollars.

6- g. For the reinstatement of a license, a fee of fifty dollars.

2. New Fees for new licenses issued for less than a year shall be prorated from the date of application.

Sec. 214. Section 216.19, Code 2009, is amended to read as follows:

216.19 LOCAL LAWS IMPLEMENTING THIS CHAPTER.

1. All cities shall, to the extent possible, protect the rights of the citizens of this state secured by the Iowa civil rights Act. Nothing in this chapter shall be construed as indicating an any of the following:

a. An intent on the part of the general assembly to occupy the field in which this chapter operates to the exclusion of local laws not inconsistent with this chapter that deal with the same subject matter.

~~b. Nothing in this chapter shall be construed as indicating an~~ An intent to prohibit an agency or commission of local government having as its purpose the investigation and resolution of violations of this chapter from developing procedures and remedies necessary to insure the protection of rights secured by this chapter. ~~All cities shall, to the extent possible, protect the rights of the citizens of this state secured by the Iowa civil rights Act. Nothing in this chapter shall be construed as limiting~~

c. Limiting a city or local government from enacting any ordinance or other law which prohibits broader or different categories of unfair or discriminatory practices.

~~2. An agency or commission of local government and the Iowa civil rights commission shall cooperate in the sharing of data and research, and coordinating investigations and conciliations in order to expedite claims of unlawful discrimination and eliminate needless duplication.~~ A city with a population of twenty-nine thousand, or greater, shall maintain an independent local civil rights agency or commission consistent with commission rules adopted pursuant to chapter 17A. An agency or commission for which a staff is provided shall have control over such staff. A city required to maintain a local civil rights agency or commission shall structure and adequately fund the agency or commission in order to effect cooperative undertakings with the Iowa civil rights commission and to aid in effectuating the purposes of this chapter.

3. An agency or commission of local government and the Iowa civil rights commission shall cooperate in the sharing of data and research, and coordinating investigations and conciliations in order to expedite claims of unlawful discrimination and eliminate needless duplication. The Iowa civil rights commission may enter into cooperative agreements with any local agency or commission to effectuate the purposes of this chapter. Such agreements may include technical and clerical assistance and reimbursement of expenses incurred by the local agency or commission in the performance of the agency's or commission's duties if funds for this purpose are appropriated by the general assembly.

4. The Iowa civil rights commission may designate an unfunded local agency or commission as a referral agency. A local agency or commission shall not be designated a referral agency unless the ordinance creating it provides the same rights and remedies as are provided in this chapter. The Iowa civil rights commission shall establish by rules the procedures for designating a referral agency and the qualifications to be met by a referral agency.

5. The Iowa civil rights commission may adopt rules establishing the procedures for referral of complaints. A referral agency may refuse to accept a case referred to it by the Iowa civil rights commission if the referral agency is unable to effect proper administration of the complaint. It shall be the burden of the referral agency to demonstrate that it is unable to properly administer that complaint.

6. A complainant who files a complaint with a referral agency having jurisdiction shall be prohibited from filing a complaint with the Iowa civil rights commission alleging violations based upon the same acts or practices cited in the original complaint; and a complainant who files a complaint with the commission shall be prohibited from filing a complaint with the referral agency alleging violations based upon the same acts or practices cited in the original complaint. However, the Iowa civil rights commission in its discretion may refer a complaint filed with the commission to a referral agency having jurisdiction over the parties for investigation and resolution; and a referral agency in its discretion may refer a complaint filed with that agency to the

~~commission for investigation and resolution. The commission may adopt rules establishing the procedures for referral of complaints.--A referral agency may refuse to accept a case referred to it by the Iowa civil rights commission if the referral agency is unable to effect proper administration of the complaint.--It shall be the burden of the referral agency to demonstrate that it is unable to properly administer that complaint.~~

7. A final decision by a referral agency shall be subject to judicial review as provided in section 216.17 in the same manner and to the same extent as a final decision of the Iowa civil rights commission.

8. The referral of a complaint by the Iowa civil rights commission to a referral agency or by a referral agency to the Iowa civil rights commission shall not affect the right of a complainant to commence an action in the district court under section 216.16.

Sec. 215. Section 222.31, Code 2009, is amended to read as follows:

222.31 COMMITMENT -- LIABILITY FOR CHARGES.

1. If in the opinion of the court, or of a commission as authorized in section 222.28, the person is mentally retarded within the meaning of this chapter and the court determines that it will be conducive to the welfare of that person and of the community to commit the person to a proper institution for treatment, training, instruction, care, habilitation, and support, and that services or support provided to the family of such a person who is a child will not enable the family to continue to care for the child in the child's home, the court shall by proper order:

~~±~~ a. Commit the person to any public or private facility within or without the state, approved by the director of the department of human services. If the person has not been examined by a commission as appointed in section 222.28, the court shall, prior to issuing an order of commitment, appoint such a commission to examine the person for the purpose of determining the mental condition of the person. No order of commitment shall be issued unless the commission shall recommend that such order be issued and the private institution to which the person is to be committed shall advise the court that it is willing to receive the person.

2- b. (1) Commit the person to the state resource center designated by the administrator to serve the county in which the hearing is being held, or to a special unit. The court shall, prior to issuing an order of commitment, request that a diagnostic evaluation of the person be made by the superintendent of the resource center or the special unit, or the superintendent's qualified designee. The evaluation shall be conducted at a place as the superintendent may direct. The cost of the evaluation shall be defrayed by the county of legal settlement unless otherwise ordered by the court. The cost may be equal to but shall not exceed the actual cost of the evaluation. Persons referred by a court to a resource center or the special unit for diagnostic evaluation shall be considered as outpatients of the institution. No order of commitment shall be issued unless the superintendent of the institution recommends that the order be issued, and advises the court that adequate facilities for the care of the person are available.

(2) The court shall examine the report of the county attorney filed pursuant to section 222.13, and if the report shows that neither the person nor those liable for the person's support under section 222.78 are presently able to pay the charges rising out of the person's care in the a resource center, or special treatment unit, shall enter an order stating that finding and directing that the charges be paid by the person's county of residence. The court may, upon request of the board of supervisors, review its finding at any subsequent time while the person remains at the resource center, or is otherwise receiving care or treatment for which this chapter obligates the county to pay. If the court finds upon review that the person or those legally responsible for the person are presently able to pay the expenses, that finding shall apply only to the charges incurred during the period beginning on the date of the board's request for the review and continuing thereafter, unless and until the court again changes its finding. If the court finds that the person, or those liable for the person's support, are able to pay the charges, the court shall enter an order directing that the charges be so paid to the extent required by section 222.78.

3- 2. In its order, the court shall include a finding as to whether the person has sufficient mental capacity to comprehend and exercise the right to vote.

Sec. 216. Section 222.36, Code 2009, is amended to read as follows:

222.36 CUSTODY PENDING ADMISSION.

If a resource center or a special unit is unable to immediately receive a person committed under section 222.31, subsection 2 1, paragraph "b", the superintendent shall notify the court of the time when such person may be received. In the meantime, said person shall be cared for under such order as the court may enter.

Sec. 217. Section 222.59, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. That the patient's commitment is still appropriate but the patient should be transferred to another public or private facility in accordance with the provisions of section 222.31, subsection 1, paragraph "a".

Sec. 218. Section 231.32, subsection 2, Code 2009, is amended to read as follows:

2. 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. An established office of aging which is operating within a planning and service area designated by the commission.

b. 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. 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. 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.

~~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. 219. Section 231.32, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. 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. 220. Section 232.52, subsection 2, paragraphs a and c, Code 2009, are amended to read as follows:

a. An order prescribing one or more of the following:

(1) A work assignment of value to the state or to the public.

(2) Restitution consisting of monetary payment or a work assignment of value to the victim.

(3) If the child is fourteen years of age or older, restitution consisting of monetary payment or a work assignment of value to the county or to the public for fees of attorneys appointed to represent the child at public expense pursuant to section 232.11.

(4) The suspension or revocation of the driver's license or operating privilege of the child, for a period of one year, for the commission of delinquent acts which are a violation of any of the following:

(a) Section 123.46.

(b) Section 123.47 regarding the purchase or attempt to purchase of alcoholic beverages.

(c) Chapter 124.

(d) Section 126.3.

(e) Chapter 453B.

(f) Two or more violations of section 123.47 regarding the possession of alcoholic beverages.

(g) Section 708.1, if the assault is committed upon an employee of the school at which the child is enrolled, and the child intended to inflict serious injury upon the school employee or caused bodily injury or mental illness.

(h) Section 724.4, if the child carried the dangerous weapon on school grounds.

(i) Section 724.4B.

The child may be issued a temporary restricted license or school license if the child is otherwise eligible.

(5) The suspension of the driver's license or operating privilege of the child for a period not to exceed one year. The order shall state whether a work permit may or shall not be issued to the child.

~~An order under paragraph "a" may be the sole disposition or may be included as an element in other dispositional orders.~~

c. An order providing special care and treatment required for the physical, emotional or mental health of the child, and

(1) Placing the child on probation or other supervision; and

(2) If the court deems appropriate, ordering the parent, guardian, or custodian to reimburse the county for any costs incurred as provided in section 232.141, subsection 1, or to otherwise pay or provide for such care and treatment.

~~A parent or guardian may be required by the juvenile court to participate in educational or treatment programs as part of a probation plan if the court determines it to be in the best interest of the child. -- A parent or guardian who does not participate in the probation plan when required to do so by the court may be held in contempt.~~

Sec. 221. Section 232.52, subsection 2A, Code 2009, is amended to read as follows:

2A. a. An order under subsection 2, paragraph "a", may be the sole disposition or may be included as an element in other dispositional orders.

b. A parent or guardian may be required by the juvenile court to participate in educational or treatment programs as part of a probation plan. A parent or guardian who does not participate in the probation plan when required to do so by the court may be held in contempt.

c. Notwithstanding subsection 2, the court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the service area plan for group foster care established pursuant to section 232.143 for the departmental service area in which the court is located.

Sec. 222. Section 236.5, Code 2009, is amended to read as follows:

236.5 DISPOSITION.

1. Upon a finding that the defendant has engaged in domestic abuse:

1- a. The court may order that the plaintiff, the defendant, and the children who are members of the household receive professional counseling, either from a private source approved by the court or from a source appointed by the court. Costs of counseling shall be paid in full or in part by the parties and taxed as court costs. If the court determines that the parties are unable to pay the costs, they may be paid in full or in part from the county treasury.

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

a- (1) That the defendant cease domestic abuse of the plaintiff.

b- (2) That the defendant grant possession of the residence to the plaintiff to the exclusion of the defendant or that the defendant provide suitable alternate housing for the plaintiff.

e- (3) That the defendant stay away from the plaintiff's residence, school, or place of employment.

d- (4) The awarding of temporary custody of or establishing temporary visitation rights with regard to children under eighteen.

(a) In awarding temporary custody or temporary visitation rights, the court shall give primary consideration to the safety of the victim and the children.

(b) If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children.

(c) The court shall also investigate whether any other existing orders awarding custody or visitation rights should be modified.

~~e-~~ (5) Unless prohibited pursuant to 28 U.S.C. § 1738B, that the defendant pay the clerk a sum of money for the separate support and maintenance of the plaintiff and children under eighteen.

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

3. The order shall state whether a person is to be taken into custody by a peace officer for a violation of the terms stated in the order.

~~3-~~ 4. The court may order that the defendant pay the plaintiff's attorneys fees and court costs.

~~4-~~ 5. An order or consent agreement under this section shall not affect title to real property.

5- 6. A copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant, the county sheriff of the county in which the order or consent decree is initially entered, and the twenty-four-hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals and the county sheriff previously notified.

7. The clerk shall notify the county sheriff and the twenty-four-hour dispatcher for the county sheriff in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The clerk may fulfill this requirement by sending the notice by facsimile or other electronic transmission which reproduces the notice in writing within six hours of filing the order.

8. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four-hour dispatcher for the law enforcement agencies upon notification by the clerk.

Sec. 223. Section 252B.5, subsection 12, paragraphs a and b, Code 2009, are amended to read as follows:

a. ~~Comply~~ In compliance with federal procedures, ~~to~~ periodically certify to the secretary of the United States department of health and human services, a list of the names of obligors determined by the unit to owe delinquent support, under a support order as defined in section 252J.1, in excess of two thousand five hundred dollars. The certification of the delinquent amount owed may be based upon one or more support orders being enforced by the unit if the delinquent support owed exceeds two thousand five hundred dollars. The certification shall include any amounts which are delinquent pursuant to the periodic payment plan when a modified order has been retroactively applied. The certification shall be in a format and shall include any supporting documentation required by the secretary.

b. All of the following shall apply to an action initiated by the unit under this subsection:

(1) The obligor shall be sent a notice by regular mail in accordance with federal law and regulations and the notice shall remain in effect until support delinquencies have been paid in full.

(2) The notice shall include all of the following:

(a) A statement regarding the amount of delinquent support owed by the obligor.

(b) A statement providing information that if the delinquency is in excess of two thousand five hundred dollars, the United States secretary of state may apply a passport sanction by revoking, restricting, limiting, or refusing to issue a passport as provided in 42 U.S.C. § 652(k).

(c) Information regarding the procedures for challenging the certification by the unit.

(3) (a) If the obligor chooses to challenge the certification, the obligor shall notify the unit within the time period specified in the notice to the obligor. The obligor shall include any relevant information with the challenge.

~~(2)--(a)~~ (b) A challenge shall be based upon mistake of fact. For the purposes of this subsection, "mistake of fact" means a mistake in the identity of the obligor or a mistake in the amount of the delinquent child support owed if the amount did not exceed two thousand five hundred dollars on the date of the unit's decision on the challenge.

~~If the obligor chooses to challenge the certification, the obligor shall notify the unit within the time period specified in the notice to the obligor.--The obligor shall include any relevant information with the challenge.~~

~~(b)~~ (4) Upon timely receipt of the challenge, the unit shall review the certification for a mistake of fact, or refer the challenge for review to the child support agency in the state chosen by the obligor as provided by federal law.

~~(c)~~ (5) Following the unit's review of the certification, the unit shall send a written decision to the obligor within ten days of timely receipt of the challenge.

~~(i)~~ (a) If the unit determines that a mistake of fact exists, the unit shall send notification in accordance with federal procedures withdrawing the certification for passport sanction.

~~(ii)~~ (b) If the unit determines that a mistake of fact does not exist, the obligor may contest the determination within ten days following the issuance of the decision by submitting a written request for a contested case proceeding pursuant to chapter 17A.

~~(3)~~ (6) Following issuance of a final decision under chapter 17A that no mistake of fact exists, the obligor may request a hearing before the district court pursuant to chapter 17A. The department shall transmit a copy of its record to the district court pursuant to chapter 17A. The scope of the review by the district court shall be limited to demonstration of a mistake of fact. 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 subsection.

Sec. 224. Section 256B.2, Code 2009, is amended to read as follows:

256B.2 DEFINITIONS -- POLICIES -- FUNDS.

1. As used in this chapter:

a. "Children requiring special education" means persons under twenty-one years of age, including children under five years of age, who have a disability in obtaining an education because of a head injury, autism, behavioral disorder, or physical, mental, communication, or learning disability, as defined by the rules of the department of education.

~~2-~~ b. "Special education" means classroom, home, hospital, institutional, or other instruction designed to meet the needs of children requiring special education as defined in this subsection ~~±~~; transportation and corrective and supporting services required to assist children requiring special education, as defined in this subsection ~~±~~, in taking advantage of, or responding to, educational programs and opportunities, as defined by rules of the state board of education.

~~3-~~ 2. It is the policy of this state to require school districts and state operated educational programs to provide or make provision, as an integral part of public education, for a free and appropriate public education sufficient to meet the needs of all children requiring special education. This chapter is not to be construed as encouraging separate facilities or segregated programs designed to meet the needs of children requiring special education when the children can benefit from all or part of the education program as offered by the local school district. To the maximum extent possible, children requiring special education shall attend regular

classes and shall be educated with children who do not require special education. Whenever possible, hindrances to learning and to the normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of special aids and services rather than by separate programs for those in need of special education. Special classes, separate schooling, or other removal of children requiring special education from the regular educational environment, shall occur only when, and to the extent that the nature or severity of the educational disability is such, that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under chapters 263, 269, and 270, upon the request of the board of directors of an area education agency, the department of human services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall cooperate with the board of regents to provide the services required by this chapter.

3. Special aids and services shall be provided to children requiring special education who are less than five years of age if the aids and services will reasonably permit the child to enter the educational process or school environment when the child attains school age.

4. Every child requiring special education shall, if reasonably possible, receive a level of education commensurate with the level provided each child who does not require special education. The cost of providing such an education shall be paid as provided in section 273.9, this chapter, and chapter 257. It shall be the primary responsibility of each school district to provide special education to children who reside in that district if the children requiring special education are properly identified, the educational program or service has been approved, the teacher or instructor has been licensed, the number of children requiring special education needing that educational program or service is sufficient to make offering the program or service feasible, and the program

or service cannot more economically and equably be obtained from the area education agency, another school district, another group of school districts, a qualified private agency, or in cooperation with one or more other districts.

~~4.~~ 5. Moneys received by the school district of the child's residence for the child's education, derived from moneys received through chapter 257, this chapter, and section 273.9 shall be paid by the school district of the child's residence to the appropriate education agency, private agency, or other school district providing special education for the child pursuant to contractual arrangements as provided in section 273.3, subsections 5 and 7 6.

Sec. 225. Section 321A.39, Code 2009, is amended to read as follows:

321A.39 LIABILITY INSURANCE -- STATEMENT.

1. Whenever any dealer licensed under chapter 322 sells a motor vehicle at retail and the transaction does not include the sale of liability insurance coverage which will protect the purchaser under the Iowa motor vehicle financial and safety responsibility Act the purchase order or invoice evidencing the transaction shall contain a statement in the following form:

I understand that liability insurance coverage which would protect me under the Iowa Motor Vehicle Financial and Safety Responsibility Act IS NOT INCLUDED in my purchase of the herein described motor vehicle. I have received a copy of this statement.

.....  
(Purchaser's signature)

2. The seller shall print or stamp the statement conspicuously on the purchase order or invoice. The statement shall be signed by the purchaser in the space provided on or before the date of delivery of the motor vehicle described in the purchase order or invoice and a copy of the statement shall be given to the purchaser by the seller.

3. No civil liability shall arise on account of the failure of any person to comply with the provisions of this section.

4. Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding fifty dollars.

Sec. 226. Section 805.8A, subsection 12, paragraph e, Code 2009, is amended to read as follows:

e. (1) Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section 321.463 shall be scheduled violations subject to the provisions, procedures, and exceptions contained in sections 805.6 through 805.11, irrespective of the amount of the fine under that schedule.

(a) Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one thousand dollars, only by uniform citation and complaint.

(b) Violations of the schedule of weight violations, where the fine charged exceeds one thousand dollars shall, when the violation is admitted and section 805.9 applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information, but otherwise shall be chargeable only upon indictment or county attorney's information.

(2) In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one thousand dollars, the conviction shall be of an indictable offense although section 805.9 is employed and whether the violation is charged upon uniform citation and complaint, indictment, or county attorney's information.

#### DIVISION III

#### RELATED CHANGES

Sec. 227. Section 96.3, subsection 4, Code 2009, is amended to read as follows:

4. DETERMINATION OF BENEFITS. With respect to benefit years beginning on or after July 1, 1983, an eligible individual's weekly benefit amount for a week of total unemployment shall be an amount equal to the following fractions of the individual's total wages in insured work paid during that quarter of the individual's base period in which such total wages were highest; the director shall determine annually a maximum weekly benefit amount equal to the following percentages, to vary with the number of dependents, of the statewide average weekly wage paid to employees in insured work which shall be effective the first day of the

first full week in July:

If the number of dependents is:	The weekly benefit amount shall equal the following fraction of high quarter wages:	Subject to the following maximum percentage of the statewide average weekly wage:
0	1/23	53%
1	1/22	55%
2	1/21	57%
3	1/20	60%
4 or more	1/19	65%

The maximum weekly benefit amount, if not a multiple of one dollar shall be rounded to the lower multiple of one dollar. However, until such time as sixty-five percent of the statewide average weekly wage exceeds one hundred ninety dollars, the maximum weekly benefit amounts shall be determined using the statewide average weekly wage computed on the basis of wages reported for calendar year 1981. As used in this section "dependent" means dependent as defined in section 422.12, subsection 1, paragraph "e" "a", as if the individual claimant was a taxpayer, except that an individual claimant's nonworking spouse shall be deemed to be a dependent under this section. "Nonworking spouse" means a spouse who does not earn more than one hundred twenty dollars in gross wages in one week.

Sec. 228. Section 147.1, subsection 5, paragraph e, Code 2009, is amended to read as follows:

e. The board of trustees of a licensed hospital when performing a function relating to the reporting required by section 147.135, subsection 3 4.

Sec. 229. Section 203D.5, subsection 1, Code 2009, is amended to read as follows:

1. The board shall review annually the debits of and credits to the grain depositors and sellers indemnity fund created in section 203D.3 and shall make any adjustments in the per-bushel fee required under section 203D.3, subsection 2, and the dealer-warehouse fee required under section 203D.3, subsection 3, that are necessary to maintain the fund within

the limits established under this section. Not later than the first day of May of each year, the board shall determine the proposed amount of the per-bushel fee based on the expected volume of grain on which the fee is to be collected and that is likely to be handled under this chapter, and shall also determine any adjustment to the dealer-warehouse fee. The board shall make any changes in the previous year's fees in accordance with chapter 17A. Changes in the fees shall become effective on the following first day of July. The per-bushel fee shall not exceed one-quarter cent per bushel on all purchased grain as defined in section ~~203D.3~~ 203D.1. Until the per-bushel fee is adjusted or waived as provided in this section, the per-bushel fee is one-quarter cent on all purchased grain.

Sec. 230. Section 216B.3, subsection 15, Code 2009, is amended to read as follows:

15. Develop a plan to provide telephone yellow pages information without charge to persons declared to be blind under the standards in section 422.12, subsection ~~±~~ 2, paragraph "e" "a", subparagraph (5). The department may apply for federal funds to support the service. The program shall be limited in scope by the availability of funds.

Sec. 231. Section 236.6, subsection 1, Code 2009, is amended to read as follows:

1. When the court is unavailable from the close of business at the end of the day or week to the resumption of business at the beginning of the day or week, a petition may be filed before a district judge, or district associate judge designated by the chief judge of the judicial district, who may grant emergency relief in accordance with section 236.5, subsection ~~2~~ 1, paragraph "b", if the district judge or district associate judge deems it necessary to protect the plaintiff from domestic abuse, upon good cause shown in an ex parte proceeding. Present danger of domestic abuse to the plaintiff constitutes good cause for purposes of this subsection.

Sec. 232. Section 237.3, subsection 2, paragraph g, subparagraph (5), Code 2009, is amended to read as follows:

(5) Educational programs, including special education as defined in section 256B.2, subsection ~~2~~ 1, paragraph "b",

where appropriate, which are approved by the state board of education. The department shall not promulgate rules which regulate individual licensees in the subject areas enumerated in this paragraph.

Sec. 233. Section 238.17, Code 2009, is amended to read as follows:

238.17 FORMS FOR REGISTRATION AND RECORD -- PRESERVATION.

1. The administrator shall prescribe forms for the registration and record of persons cared for by any child-placing agency licensed under this chapter and for reports required by said administrator from the agencies.

2. If, for any reason, a child-placing agency as defined by section ~~238.2~~ 238.1 shall cease to exist, all records of registration and placement and all other records of any kind and character kept by such child-placing agency shall be turned over to the administrator, for preservation, to be kept by the said administrator as a permanent record.

Sec. 234. Section 256F.9, Code 2009, is amended to read as follows:

256F.9 PROCEDURES AFTER REVOCATION -- STUDENT ENROLLMENT.

If a charter school contract is revoked in accordance with this chapter, a nonresident student who attended the school, and any siblings of the student, shall be determined to have shown good cause as provided in section 282.18, subsection ~~16~~ 14, and may submit an application to another school district according to section 282.18 at any time. Applications and notices required by section 282.18 shall be processed and provided in a prompt manner. The application and notice deadlines in section 282.18 do not apply to a nonresident student application under these circumstances.

Sec. 235. Section 306C.10, subsection 9, Code 2009, is amended to read as follows:

9. "Information center" means a site, either with or without structures or buildings, established and maintained at a rest area for the purpose of providing "information of specific interest to the traveling public", as ~~that phrase is~~ defined in section ~~306C.117-subsection-5~~ 306C.10.

Sec. 236. Section 313.4, subsection 6, paragraph a, Code 2009, is amended to read as follows:

a. A transfer of jurisdiction fund is created in the office of the treasurer of state under the control of the department. For each fiscal year in the period beginning July 1, 2003, and ending June 30, 2013, there is transferred from the primary road fund to the transfer of jurisdiction fund one and seventy-five hundredths percent of the moneys credited to the primary road fund pursuant to section 312.2, subsection 1, paragraph "a".

Sec. 237. Section 313.4, subsection 7, unnumbered paragraph 1, Code 2009, is amended to read as follows:

For the fiscal year beginning July 1, 2013, and ending June 30, 2014, and each subsequent fiscal year, there is transferred the following percentages of the moneys credited to the primary road fund pursuant to section 312.2, subsection 1, paragraph "a", to the following funds:

Sec. 238. Section 314.21, subsection 1, Code 2009, is amended to read as follows:

1. a. The living roadway trust fund is created in the office of the treasurer of state. The moneys in this fund shall be used exclusively for the development and implementation of integrated roadside vegetation plans. Except as provided in subsections 2 and 3, the moneys shall only be expended for areas on or adjacent to road, street, and highway right-of-ways. The state department of transportation in consultation with the department of natural resources shall establish standards relating to the type of projects available for assistance. For the fiscal period beginning July 1, 1988, and ending March 31, 1990, the moneys in the fund shall be expended as follows: fifty-six percent on state department of transportation projects; thirty percent on county projects; and fourteen percent on city projects.

b. A city or county which has a project which qualifies for the use of these funds shall submit a request for the funds to the state department of transportation. A city or county may, at its option, apply moneys allocated for use on city or county projects under this subsection toward qualifying projects on the primary system. The state department of transportation in consultation with the department of natural resources shall determine which projects qualify for the funds and which projects shall be funded if

the requests for the funds exceed the availability of the funds. In ranking applications for funds, the department shall consider the proportion of political subdivision matching funds to be provided, if any, and the proportion of private contributions to be provided, if any. In considering the proportion of political subdivision matching funds provided, the department shall consider only those moneys which are in addition to those which the political subdivision has historically provided toward such projects. Funds allocated to the cities, the counties, and the department which are not programmed by the end of each fiscal year shall be available for redistribution to any eligible applicant regardless of the original allocation of funds. Such funds shall be awarded for eligible projects based upon their merit in meeting the program objectives established by the department under section 314.22. The department shall submit a report of all projects funded in the previous fiscal year to the governor and to the general assembly on January 15 of each year.

c. Beginning April 1, 1990, the moneys in the living roadway trust fund shall be allocated between the state, counties, and cities in the same proportion that the road use tax funds are allocated under section 312.2, ~~subsections subsection 1, 2, 3, and 4~~ paragraphs "a", "b", "c", and "d". However, after April 1, 1990, a city or county shall not be eligible to receive moneys from the living roadway trust fund unless the city or county has an integrated roadside vegetation management plan in place consistent with the objectives in section 314.22.

Sec. 239. Section 321.233, Code 2009, is amended to read as follows:

321.233 ROAD WORKERS EXEMPTED.

This chapter, except sections 321.277 and 321.280, does not apply to persons and motor vehicles and other equipment while actually engaged in work upon the surface of a highway officially closed to traffic but does apply to such persons and vehicles when traveling to or from such work. The minimum speed restriction of section 321.285, subsection 6 5, and the provisions of sections 321.297, 321.298, and 321.323 do not apply to road workers operating maintenance equipment on

behalf of any state or local authority while engaged in road maintenance, road blading, snow and ice control and removal, and granular resurfacing work on a highway, whether or not the highway is closed to traffic.

Sec. 240. Section 327G.30, Code 2009, is amended to read as follows:

327G.30 ADJUSTMENT OF EXPENSE.

1. If a grade crossing surface of a railroad track and a highway, street, or alley shall require repairs or maintenance, the costs for the maintenance may be paid as provided in section 312.2, subsection 5 2.

2. If the railroad corporation and the jurisdiction having authority agree on the method of crossing maintenance and establish an agreement to each contribute costs as provided in section 312.2, subsection 5 2, a copy of the agreement shall be filed with the department which shall allocate an amount of the cost for the work if funds are available in the highway railroad grade crossing surface repair fund. The department shall make appropriate notification if the fund is exhausted in which case agreements shall not be made under this section until additional funds are available. The fund shall be administered by the department.

3. Upon completion of the agreed repair work, a statement of costs shall be filed with the department by the railroad corporation in a form and manner prescribed by the department. The department, upon approval of the statement, shall pay to the railroad corporation an amount of the cost of the work from the highway railroad grade crossing surface repair fund as provided in section 312.2, subsection 5 2. The owner of the track and the jurisdiction entering into the agreement shall each pay the cost as provided in section 312.2, subsection 5 2.

Sec. 241. Section 331.362, subsection 9, Code 2009, is amended to read as follows:

9. A county may regulate traffic on and use of the secondary roads, in accordance with sections 321.236 to 321.250, 321.254, 321.255, 321.285, subsection 5 4, sections 321.352, 321.471 to 321.473, and other applicable provisions of chapter 321, and sections 321G.9, 321I.10, and 327G.15.

Sec. 242. Section 422.8, subsection 4, Code 2009, is amended to read as follows:

4. The amount of minimum tax paid to another state or foreign country by a resident taxpayer of this state from preference items derived from sources outside of Iowa shall be allowed as a credit against the tax computed under this division except that the credit shall not exceed what the amount of state alternative minimum tax would have been on the same preference items which were taxed by the other state or foreign country. The limitation on this credit shall be computed according to the following formula: The total of preference items earned outside of Iowa and taxed by another state or foreign country shall be divided by the total of preference items of the resident taxpayer of Iowa. In computing this quotient, those items excludable under section 422.5, subsection  $\pm$  2, paragraph "k" "b", subparagraph (1) shall not be used in computing the preference items. This quotient multiplied times the net state alternative minimum tax as determined in section 422.5, subsection  $\pm$  2, paragraph "k" on the total of preference items as if entirely earned in Iowa shall be the maximum tax credit against the Iowa alternative minimum tax. However, the maximum tax credit will not be allowed to the extent that the minimum tax imposed by the other state or foreign country is less than the maximum tax credit computed above.

Sec. 243. Section 422.11B, Code 2009, is amended to read as follows:

422.11B MINIMUM TAX CREDIT.

1. a. There is allowed as a credit against the tax determined in section 422.5, subsection 1, paragraphs "a" through "j" for a tax year an amount equal to the minimum tax credit for that tax year.

b. The minimum tax credit for a tax year is the excess, if any, of the net minimum tax imposed for all prior tax years beginning on or after January 1, 1987, over the amount allowable as a credit under this section for those prior tax years.

2. a. The allowable credit under subsection 1 for a tax year shall not exceed the excess, if any, of the tax determined in section 422.5, subsection 1, paragraphs "a"

through "j" over the state alternative minimum tax as determined in section 422.5, subsection ~~17~~-~~paragraph-"k"~~ 2.

b. The net minimum tax for a tax year is the excess, if any, of the tax determined in section 422.5, subsection 2, ~~paragraph-"k"~~ for the tax year over the tax determined in section 422.5, subsection 1, paragraphs "a" through "j" for the tax year.

Sec. 244. Section 422.13, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. However, if that part of the net income of a nonresident which is allocated to Iowa pursuant to section 422.8, subsection 2, is less than one thousand dollars the nonresident is not required to make and sign a return except when the nonresident is subject to the state alternative minimum tax imposed pursuant to section 422.5, subsection ~~17~~ ~~paragraph-"k"~~ 2.

Sec. 245. Section 422.13, subsection 1A, Code 2009, is amended to read as follows:

1A. Notwithstanding any other provision in this section, a resident of this state is not required to make and file a return if the person's net income is equal to or less than the appropriate dollar amount listed in section 422.5, subsection ~~2~~ 3, upon which tax is not imposed. A nonresident of this state is not required to make and file a return if the person's total net income in section 422.5, subsection 1, paragraph "j", is equal to or less than the appropriate dollar amount provided in section 422.5, subsection ~~2~~ 3, upon which tax is not imposed. For purposes of this subsection, the amount of a lump sum distribution subject to separate federal tax shall be included in net income for purposes of determining if a resident is required to file a return and the portion of the lump sum distribution that is allocable to Iowa is included in total net income for purposes of determining if a nonresident is required to make and file a return.

Sec. 246. Section 437A.14, subsection 4, Code 2009, is amended to read as follows:

4. a. Notwithstanding subsections 2 and 3, the chief financial officer of any local taxing authority and any designee of such officer shall have access to any computations made by the director pursuant to the provisions of this

chapter, and any tax return or other information used by the director in making such computations, which affect the replacement tax owed by any such taxpayer.

b. Notwithstanding this section, providing information relating to the kilowatt-hours of electricity or therms of natural gas delivered by a taxpayer in a competitive service area to the task force established in section 437A.15, subsection 7, ~~or-to-the-study-committee-established-in-section 476-67-subsection-207~~ is not a violation of this section.

Sec. 247. Section 455B.178, Code 2009, is amended to read as follows:

455B.178 JUDICIAL REVIEW.

Except as provided in section 455B.191, subsection 6 5, judicial review of any order or other action of the commission or of the director may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of said Act, petitions for judicial review may be filed in the district court of the county in which the alleged offense was committed or such final order was entered.

Sec. 248. Section 600A.2, subsection 2, Code 2009, is amended to read as follows:

2. "Agency" means a child-placing agency as defined in section ~~238-2~~ 238.1 or the department.

Sec. 249. Section 600A.6B, subsections 1 and 2, Code 2009, are amended to read as follows:

1. A person filing a petition for termination of parental rights under this chapter or the person on whose behalf the petition is filed shall be responsible for the payment of reasonable attorney fees for counsel appointed pursuant to section 600A.6A unless the person filing the petition is a private child-placing agency as defined in section ~~238-2~~ 238.1 or unless the court determines that the person filing the petition or the person on whose behalf the petition is filed is indigent.

2. If the person filing the petition is a private child-placing agency as defined in section ~~238-2~~ 238.1 or if the person filing the petition or the person on whose behalf the petition is filed is indigent, the appointed attorney shall be paid reasonable attorney fees as determined by the state public defender.

DIVISION IV  
EFFECTIVE DATES

Sec. 250. EFFECTIVE DATES.

1. The section of this Act that amends section 294A.9, subsection 9, Code 2009, being deemed of immediate importance, takes effect upon enactment.

2. The section of this Act that amends 2008 Iowa Acts, chapter 1191, section 109, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.



JOHN P. KIBBIE

President of the Senate



PATRICK J. MURPHY

Speaker of the House

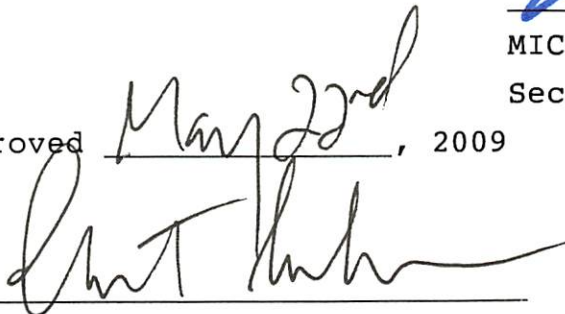
I hereby certify that this bill originated in the Senate and is known as Senate File 449, Eighty-third General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved May 22nd, 2009



CHESTER J. CULVER

Governor