



TERRY E. BRANSTAD  
GOVERNOR

**OFFICE OF THE GOVERNOR**

KIM REYNOLDS  
LT. GOVERNOR

April 6, 2011

The Honorable Matthew Schultz  
Secretary of State of Iowa  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 474, an Act relating to nonsubstantive code corrections and including effective date and retroactive applicability provisions.

The above Senate File is hereby approved this date.

Sincerely,

  
Terry E. Branstad  
Governor

cc: Secretary of the Senate  
Clerk of the House



Senate File 474

AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS AND INCLUDING  
EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

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

DIVISION I

NONSUBSTANTIVE CHANGES

Section 1. Section 8.57, subsection 6, paragraph e, subparagraph (1), subparagraph division (d), subparagraph subdivision (i), Code 2011, is amended to read as follows:

(i) The total moneys in excess of the moneys deposited in the revenue bonds debt service fund, the revenue bonds federal ~~holdback~~ subsidy holdback fund, the vision Iowa fund, the school infrastructure fund, and the general fund of the state in a fiscal year shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60.

Sec. 2. Section 8A.311, subsection 14, paragraph b, Code 2011, is amended to read as follows:

b. The procurement by state agencies of bio-based biobased hydraulic fluids, greases, and other industrial lubricants manufactured from soybeans in accordance with the requirements of section 8A.316.

Sec. 3. Section 8A.316, subsection 4, paragraph a, Code 2011, is amended to read as follows:

a. Provide that when purchasing hydraulic fluids, greases, and other industrial lubricants, the department or a state agency authorized by the department to directly purchase hydraulic fluids, greases, and other industrial lubricants shall give preference to purchasing bio-based biobased hydraulic fluids, greases, and other industrial lubricants manufactured from soybeans.

Sec. 4. Section 8A.316, subsection 4, paragraph c, subparagraph (1), Code 2011, is amended to read as follows:

(1) ~~“Bio-based”~~ “Biobased hydraulic fluids, greases, and other industrial lubricants” means the same as defined by the United States department of agriculture, if the department has adopted such a definition. If the United States department of agriculture has not adopted a definition, ~~“bio-based”~~ “biobased hydraulic fluids, greases, and other industrial lubricants” means hydraulic fluids, greases, and other lubricants containing a minimum of fifty-one percent soybean oil.

Sec. 5. Section 8D.3, subsection 2, Code 2011, is amended to read as follows:

## 2. Members.

a. The commission is composed of five members appointed by the governor and subject to confirmation by the senate. Members of the commission shall not serve in any manner or be employed by an authorized user of the network or by an entity seeking to do or doing business with the network.

~~a.~~ (1) The governor shall appoint a member as the chairperson of the commission from the five members appointed by the governor, subject to confirmation by the senate.

~~b.~~ (2) Members of the commission shall serve six-year staggered terms as designated by the governor and appointments to the commission are subject to the requirements of sections 69.16, 69.16A, and 69.19. Vacancies shall be filled by the governor for the duration of the unexpired term.

~~c.~~ (3) The salary of the members of the commission shall be twelve thousand dollars per year, except that the salary of the chairperson shall be seventeen thousand dollars per year. Members of the commission shall also be reimbursed for all actual and necessary expenses incurred in the performance of duties as members. The benefits and salary paid to the members of the commission shall be adjusted annually equal to the average of the annual pay adjustments, expense reimbursements,

and related benefits provided under collective bargaining agreements negotiated pursuant to chapter 20.

~~a. Meetings of the commission shall be held at the call of the chairperson of the commission.~~

b. In addition to the members appointed by the governor, the auditor of state or the auditor's designee shall serve as a nonvoting, ex officio member of the commission.

c. Meetings of the commission shall be held at the call of the chairperson of the commission.

Sec. 6. Section 12.87, subsection 1, Code 2011, is amended to read as follows:

1. a. The treasurer of state is authorized to issue and sell bonds on behalf of the state to provide funds for certain infrastructure projects and for purposes of the Iowa jobs program established in section 16.194. The treasurer of state shall have all of the powers which are necessary or convenient to issue, sell, and secure bonds and carry out the treasurer of state's duties, and exercise the treasurer of state's authority under this section and sections 12.88 through 12.90. The treasurer of state may issue and sell bonds in such amounts as the treasurer of state determines to be necessary to provide sufficient funds for certain infrastructure projects and the revenue bonds capitals fund, the revenue bonds capitals II fund, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the payment of costs of issuance of the bonds, the payment of other expenditures of the treasurer of state incident to and necessary or convenient to carry out the issuance and sale of the bonds, and the payment of all other expenditures of the treasurer of state necessary or convenient to administer the funds and to carry out the purposes for which the bonds are issued and sold. The treasurer of state may issue and sell bonds in one or more series on the terms and conditions the treasurer of state determines to be in the best interest of the state, in accordance with this section in such amounts as the treasurer of state determines to be necessary to fund the purposes for which such bonds are issued and sold as follows:

~~a.~~ b. The treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than six hundred ninety-five million dollars, excluding any bonds issued and sold to refund outstanding bonds issued under this section, as follows:

(1) On or after July 1, 2009, the treasurer of state may issue and sell bonds in amounts which provide aggregate net

proceeds of not more than one hundred eighty-five million dollars for capital projects which qualify as vertical infrastructure projects as defined in section 8.57, subsection 6, paragraph "c", to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures.

(2) On or after July 1, 2009, the treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than three hundred sixty million dollars for purposes of the Iowa jobs program established in section 16.194 and for watershed flood rebuilding and prevention projects, soil conservation projects, sewer infrastructure projects, for certain housing and public service shelter projects and public broadband and alternative energy projects, and for projects relating to bridge safety and the rehabilitation of deficient bridges.

(3) On or after April 1, 2010, the treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than one hundred fifty million dollars for purposes of the Iowa jobs II program established in section 16.194A and for qualified projects in the departments of agriculture and land stewardship, economic development, education, natural resources, and transportation, and the Iowa finance authority, state board of regents, and treasurer of state.

Sec. 7. Section 12.89A, subsection 5, Code 2011, is amended to read as follows:

5. At any time during each fiscal year that there are moneys on deposit in the revenue bonds federal subsidy holdback fund that are not needed to pay principal and interest on federal subsidy bonds during such fiscal year as determined by the treasurer of state or the treasurer's designee, such moneys on deposit in the revenue bonds federal subsidy holdback ~~account~~ fund shall be credited to the rebuild Iowa infrastructure fund of the state.

Sec. 8. Section 29C.20B, subsection 2, paragraph f, Code 2011, is amended to read as follows:

f. Develop ~~Development~~ of formal working relationships with agencies and ~~create~~ creation of interagency agreements for those considered to provide disaster case management services.

Sec. 9. Section 34A.15, subsection 1, paragraph f, Code 2011, is amended to read as follows:

f. One person appointed by the Iowa ~~firemen's~~ firefighters association.

Sec. 10. Section 88.19, Code 2011, is amended to read as follows:

**88.19 Annual report.**

Within one hundred twenty days following the convening of each session of each general assembly, the commissioner shall prepare and submit to the governor for transmittal to the general assembly a report upon the subject matter of this chapter, the progress toward achievements of the purpose of this chapter, the needs and requirements in the field of occupational safety and health, and any other relevant information. Such reports may include information regarding occupational safety and health standards, and criteria for such standards, developed during the preceding year; evaluation of standards and criteria previously developed under this chapter, defining areas of emphasis for new criteria and standards; and evaluation of the degree of observance of applicable occupational safety and health standards, and a summary of inspection and enforcement activity undertaken; analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship; an analysis of major occupational diseases; evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year; a description of cooperative efforts undertaken between government agencies and other interested parties in the implementation of this chapter during the preceding year; a progress report on the development of an adequate supply of trained personnel in the field of occupational safety and health, including estimates of future needs and the efforts being made by government and others to meet those needs; a listing of all toxic substances in industrial usage for which labeling requirements, criteria, or standards have not yet been established; and such recommendations for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this chapter.

Sec. 11. Section 89.6, subsection 2, Code 2011, is amended to read as follows:

2. Before any power boiler is converted to a low pressure boiler, the owner or user shall give to the commissioner ten days' written notice of intent to convert the boiler to ~~the commissioner~~. The notice shall designate the boiler location, the uses of the building, and other information specified by

rule by the board.

Sec. 12. Section 97C.2, subsections 3 and 6, Code 2011, are amended to read as follows:

3. The term "employment" means any service performed by an employee in the employ of the state, or any political subdivision thereof, for such employer, except ~~(1)~~ service which in the absence of an agreement entered into under this chapter would constitute "employment" as defined in the Social Security Act; or ~~(2)~~ service which under the Social Security Act may not be included in an agreement between the state and the federal security administrator entered into under this chapter.

6. The term "political subdivision" includes an instrumentality ~~(a)~~ of the state of Iowa, ~~(b)~~ of one or more of its political subdivisions, or ~~(c)~~ of the state and one or more of its political subdivisions, but only if such instrumentality is a juristic entity which is legally separate and distinct from the state or subdivision and only if its employees are not by virtue of their relation to such juristic entity employees of the state or subdivisions.

Sec. 13. Section 97C.4, Code 2011, is amended to read as follows:

**97C.4 Other states — joint agreements.**

Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, ~~(1)~~ to enter into an agreement with the federal security administrator whereby the benefits of the federal old-age and survivors' insurance system shall be extended to employees of such instrumentality, ~~(2)~~ to require its employees to pay ~~and~~, and for that purpose to deduct from their wages) wages, contributions equal to the amounts which they would be required to pay under section 97C.5 if they were covered by an agreement made pursuant to section 97C.3, and ~~(3)~~ to make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of section 97C.3 and other provisions of this chapter.

Sec. 14. Section 100B.1, subsection 1, paragraph a, subparagraph (1), subparagraph division (a), Code 2011, is amended to read as follows:

(a) Two members from a list submitted by the Iowa firemen's firefighters association.

Sec. 15. Section 101C.3, subsection 3, paragraph b, Code 2011, is amended to read as follows:

*b.* A volunteer fire fighter designated by the Iowa ~~firemen's~~ firefighters association.

Sec. 16. Section 135.159, subsection 3, paragraph i, Code 2011, is amended to read as follows:

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

Sec. 17. Section 136.1, Code 2011, is amended to read as follows:

**136.1 Composition of board.**

1. The state board of health shall consist of the following members:

a. Two members learned in health-related disciplines, ~~three.~~

b. Three members who have direct experience with public health, ~~two.~~

c. Two members who have direct experience with substance abuse treatment or prevention, ~~and four.~~

d. Four members representing the general public.

2. At least one of such members shall be licensed in the practice of medicine and surgery or osteopathic medicine and surgery under chapter 148.

Sec. 18. Section 147A.2, subsection 1, Code 2011, is amended to read as follows:

1. An EMS advisory council shall be appointed by the director. Membership of the council shall be comprised of individuals nominated from, but not limited to, the following state or national organizations: Iowa osteopathic medical association, Iowa medical society, American college of emergency physicians, Iowa physician assistant society, Iowa academy of family physicians, university of Iowa hospitals and clinics, American academy of emergency medicine, American academy of pediatrics, Iowa EMS association, Iowa ~~firemen's~~ firefighters association, Iowa professional firefighters,



EMS education programs committee, Iowa nurses association, Iowa hospital association, and the Iowa state association of counties. The council shall also include at least two at-large members who are volunteer emergency medical care providers and a representative of a private service program.

Sec. 19. Section 159A.3, subsection 2, paragraph h, Code 2011, is amended to read as follows:

h. Approve Approving a renewable fuel which may be used as a flexible fuel powering a motor vehicle required to be purchased by state agencies.

Sec. 20. Section 252B.20, subsection 13, Code 2011, is amended to read as follows:

13. For the purposes of chapter 252H, subchapter II, regarding the criteria for a review ~~under subchapter II of that chapter~~ or for a cost-of-living alteration under chapter 252H, subchapter IV ~~of that chapter~~, if a support obligation is terminated or reinstated under this section, such termination or reinstatement shall not be considered a modification of the support order.

Sec. 21. Section 260C.19B, Code 2011, is amended to read as follows:

**260C.19B Purchase of bio-based biobased hydraulic fluids, greases, and other industrial lubricants.**

Hydraulic fluids, greases, and other industrial lubricants purchased by or used under the direction of the board of directors to provide services to a merged area shall be purchased in compliance with the preference requirements for purchasing bio-based biobased hydraulic fluids, greases, and other industrial lubricants as provided pursuant to section 8A.316.

Sec. 22. Section 262.25B, Code 2011, is amended to read as follows:

**262.25B Purchase of bio-based biobased hydraulic fluids, greases, and other industrial lubricants.**

The state board of regents and institutions under the control of the board purchasing hydraulic fluids, greases, and other industrial lubricants shall give preference to purchasing bio-based biobased hydraulic fluids, greases, and other industrial lubricants as provided in section 8A.316.

Sec. 23. Section 282.6, subsection 2, Code 2011, is amended to read as follows:

2. Every school shall be free of tuition to all actual residents between the ages of five and twenty-one years and to

resident veterans as defined in section 35.1, as many months after becoming twenty-one years of age as they have spent in the armed forces of the United States before they became twenty-one, provided, however, fees may be charged covering instructional costs for a summer school or ~~drivers~~ driver education program. The board of education may, in a hardship case, exempt a student from payment of the above fees. Every person, however, who shall attend any school after graduation from a four-year course in an approved high school or its equivalent shall be charged a sufficient tuition fee to cover the cost of the instruction received by the person.

Sec. 24. Section 285.5, subsection 1, paragraph a, Code 2011, is amended to read as follows:

a. Contracts for school bus service with private parties shall be in writing and be for the transportation of children who attend public school and children who attend nonpublic school. Such contracts shall define the route, the length of time, service contracted for, the compensation, and the vehicle to be used. The contract shall prescribe the duties of the contractor and driver of the vehicles and shall provide that every person in charge of a vehicle conveying children to and from school shall be at all times subject to any rules said board shall adopt for the protection of the children, or to govern the conduct of the persons in charge of said conveyance. Contracts may be made for a period not to exceed three years.

Sec. 25. Section 306B.1, subsections 3 and 4, Code 2011, are amended to read as follows:

3. "Interstate system" means the system of highways as ~~defined described in Tit. 23 U.S.C. 103, subsection "e"~~ § 103(c) or amendments thereto.

4. "National policy" means the provisions relating to control of advertising devices adjacent to the interstate system contained in ~~Tit. 23 U.S.C. § 131~~ or amendments thereto and the national standards promulgated pursuant to such provisions.

Sec. 26. Section 306C.10, subsection 9, Code 2011, 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~~ "specific information of specific interest to the traveling public", as defined in subsection 18.

Sec. 27. Section 313.4, subsection 2, Code 2011, is amended

to read as follows:

2. Such fund is also appropriated and shall be used for the construction, reconstruction, improvement and maintenance of state institutional roads and state park roads and bridges on such roads and roads and bridges on community college property as provided in ~~subsection 11-07~~ section 307A.2, subsection 11, for restoration of secondary roads used as primary road detours and for compensation of counties for such use, for restoration of municipal streets so used and for compensation of cities for such use, and for the payments required in section 307.45.

Sec. 28. Section 321.178, subsection 2, paragraph a, subparagraph (1), Code 2011, is amended to read as follows:

(1) A person between sixteen and eighteen years of age who has completed an approved ~~driver's~~ driver education course and is not in attendance at school and has not met the requirements described in section 299.2, subsection 1, may be issued a restricted license only for travel to and from work or to transport dependents to and from temporary care facilities, if necessary for the person to maintain the person's present employment. The restricted license shall be issued by the department only upon confirmation of the person's employment and need for a restricted license to travel to and from work or to transport dependents to and from temporary care facilities if necessary to maintain the person's employment. The employer shall notify the department if the employment of the person is terminated before the person attains the age of eighteen.

Sec. 29. Section 321.178, subsection 3, paragraph b, subparagraph (4), Code 2011, is amended to read as follows:

(4) The minor must pass the written and driving skills tests as required by the department, but is not required to have taken a ~~driver's~~ driver education class.

Sec. 30. Section 321.188, subsection 1, paragraphs a and c, Code 2011, are amended to read as follows:

a. Certify whether the applicant is subject to and meets applicable driver qualifications of 49 C.F.R. ~~part~~ pt. 391 as adopted by rule by the department.

c. Successfully pass knowledge tests and driving skills tests which the department shall require by rule. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. ~~part~~ pt. 383, ~~subparts~~ subpt. E, G, and H as adopted by rule by the department. Except as required under 49 C.F.R. ~~part~~ pt. 383, ~~subpart~~ subpt. E, G, or H, a commercial driver's license is

renewable without a driving skills test within one year after its expiration date.

Sec. 31. Section 321J.2, subsection 5, paragraph d, Code 2011, is amended to read as follows:

*d.* Assignment to substance abuse evaluation and treatment, a course for drinking drivers, and, if available and appropriate, a reality education substance abuse prevention program pursuant to section 321J.24.

Sec. 32. Section 323A.2, subsection 1, paragraph b, Code 2011, is amended to read as follows:

*b.* The franchisee has requested and has been denied delivery of motor fuel sold or distributed under the trademark named in the franchise from a person other than the franchisor.

Sec. 33. Section 336.16, subsection 3, Code 2011, is amended to read as follows:

3. A city or county election shall not be called until a hearing has been held on the proposal to submit a proposition of withdrawal to an election. A hearing may be held only after public notice is published as provided in section 362.3 in the case of a city or section 331.305 in the case of a county. A copy of the notice submitted for publication shall be mailed to the public library on or before the date of publication. The proposal presented at the hearing must include a plan for continuing adequate library service with or without all participants and the respective allocated costs and levels of service shall be stated. At the hearing, any interested person shall be given a reasonable time to be heard, either for or against the withdrawal or the plan to accompany it.

Sec. 34. Section 360.1, Code 2011, is amended to read as follows:

#### **360.1 Election.**

1. The trustees, on a petition of a majority of the resident freeholders of any civil township, shall request the county commissioner of elections to submit the question of building or acquiring by purchase, or acquiring by a lease with purchase option, a public hall to the electors thereof. The county commissioner shall conduct the election pursuant to the applicable provisions of chapters 39 to 53 and certify the result to the trustees.

2. The form of the proposition shall be: "Shall the proposition to levy a tax of ... cents per thousand dollars of assessed value for the erection of a public hall be adopted?"

3. Notice of the election shall be given as provided by

chapter 49.

Sec. 35. Section 364.4, subsection 4, paragraph e, subparagraph (2), subparagraph division (b), Code 2011, is amended to read as follows:

(b) (i) If at any time before the end of the thirty-day period after which a meeting may be held to take action to enter into the lease or lease-purchase contract, a petition is filed with the clerk of the city in the manner provided by section 362.4, asking that the question of entering into the lease or lease-purchase contract be submitted to the registered voters of the city, the governing body shall either by resolution declare the proposal to enter into the lease or lease-purchase contract to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of entering into the lease or lease-purchase contract. However, for purposes of this subparagraph, the petition shall not require signatures in excess of one thousand persons.

(ii) The question to be placed on the ballot shall be stated affirmatively in substantially the following manner: Shall the city of ..... enter into a lease or lease-purchase contract in amount of \$..... for the purpose of .....

(iii) Notice of the election and its conduct shall be in the manner provided in section 384.26, subsections 2 through 4.

Sec. 36. Section 400.2, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. Sell to, or in any manner become parties, directly or indirectly, to any contract to furnish supplies, material, or labor to the city unless the sale is made or the contract is awarded by competitive bid in writing, publicly invited and opened.

Sec. 37. Section 403.19A, subsection 3, paragraph c, subparagraph (1), Code 2011, is amended to read as follows:

(1) The pilot project city shall enter into a withholding agreement with each employer concerning the targeted jobs withholding credit. The withholding agreement shall provide for the total amount of withholding tax credits awarded. An agreement shall not provide for an amount of withholding credits that exceeds the amount of the qualifying investment made in the project. An agreement shall not be entered into by a pilot project city with a business currently located in this state unless the business either creates ten new jobs or makes a qualifying investment of at least five hundred thousand dollars within the urban renewal area. The withholding

agreement may have a term of up to ten years. An employer shall not be obligated to enter into a withholding agreement. An agreement shall not be entered into with an employer not already located in a pilot project city when another Iowa community is competing for the same project and both the pilot project city and the other Iowa community are seeking assistance from the department.

Sec. 38. Section 403.19A, subsection 3, paragraph f, Code 2011, is amended to read as follows:

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

Sec. 39. Section 403A.21, Code 2011, is amended to read as follows:

**403A.21 Cooperation in undertaking housing projects.**

1. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing projects located within the area in which it is authorized to act, any state public body may upon such terms, with or without consideration, as it may determine:

1. a. Dedicate, sell, convey or lease any of its interest in any property or grant easements, licenses or any other rights or privileges therein to any municipality, or to the federal government.

2. b. Cause parks, playgrounds, recreational community, educational, water, sewer or drainage facilities or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects.

3. c. Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake.

4. d. Cause services to be furnished for housing projects of the character which such state public body is otherwise empowered to furnish.

5. e. Enter into agreements with respect to the exercise