



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

April 7, 2011

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

Dear Mr. Secretary:

I hereby transmit:

Senate File 475, 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 date and retroactive applicability provisions.

The above Senate File is hereby approved this date.

Sincerely,

Handwritten signature of Terry E. Branstad in black ink.

Terry E. Branstad
Governor

cc: Secretary of the Senate
Clerk of the House



Senate File 475

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 DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

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

DIVISION I
STATUTORY CORRECTIONS

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

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

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

c. *Contracts let by another governmental entity.* The department, on its own behalf or on the behalf of another participating agency or governmental entity, may procure information technology under an existing competitively procured contract let by another governmental entity, or may approve such procurement in the same manner by a participating agency

or governmental entity. The department, on its own behalf or on the behalf of another participating agency or governmental entity, may also procure information technology by leveraging an existing competitively procured contract, or other than a contract associated with the state board of regents or an institution under the control of the state board of regents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

program.

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

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

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

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

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

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

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

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

For purposes of this chapter, a council of governments

includes the following areas established by executive order number 11,1969 1968 or a chapter 28E agreement:

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

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

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

50.39 Abstract.

~~It~~ The state board of canvassers shall make an abstract stating the number of ballots cast for each office, the names of all the persons voted for, for what office, the number of votes each received, and whom ~~it~~ the state board of canvassers declares to be elected, and if a public question has been submitted to the voters of the state, the number of ballots cast for and against the question and a declaration of the result as determined by the canvassers; which abstract shall be

signed by the canvassers in their official capacity and as state canvassers, and have the seal of the state affixed.

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

52.2 Purchase Optical scan voting system required.

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

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

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

4. Political committees expressly advocating the nomination, election, or defeat of candidates for both federal office and any elected office created by law or the Constitution of the State of Iowa shall file statements and reports with the board in addition to any federal reports required to be filed with the board. However, a political committee that is registered and filing full disclosure reports of all financial activities with the federal election commission may file verified statements as provided in section ~~68A.201~~ 68B.201A.

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

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

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

An object that meets all of the following criteria shall be inspected at least once each year externally while under pressure and at least once every four years internally while not

under pressure, unless the commissioner determines an earlier inspection is warranted-:

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

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

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

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

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

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

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

91.4 Duties and powers.

1. The duties of said commissioner shall be:

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

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

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

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

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

5. 2. The director of the department of workforce

development, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of labor services for the preceding year, the number of remedial actions taken under chapter 89A, and the number of disputes or violations processed by the division and the disposition of the disputes or violations, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 92, and 94A, and section 85.68, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

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

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

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

~~9.~~ 6. The commissioner may establish rules pursuant to chapter 17A to assess and collect interest on fees, penalties, and other amounts due the division. The commissioner may delay or, following written notice, deny the issuance of a license, commission, registration, certificate, or permit authorized under chapter 88A, 89, 89A, 90A, 91C, or 94A if the applicant for the license, commission, registration, certificate, or permit owes a liquidated debt to the commissioner.

~~10.~~ ~~Serve as an ex-officio member of the state fire service and emergency response council, or appoint a designee to serve as an ex-officio member of such council, to assist the council~~

~~in the development of rules relating to fire fighting training standards and any other issues relating to occupational safety and health standards for fire fighters.~~

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

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

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

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

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

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

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

Bingo may lawfully be conducted at a fair, ~~as defined in section 174.17~~ or a community festival if all the following conditions are met:

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

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

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

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

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

101.2 Scope of rules.

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

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

101.3 Separate rules for liquids and gas.

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

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

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

b. A person who conveys or deposits flammable or combustible liquid shall inspect the aboveground flammable or combustible liquid storage tank to determine the existence or absence of the registration tag. If a registration tag is not affixed to the aboveground flammable or combustible liquid storage tank or fill pipe, the person conveying or depositing the flammable or combustible liquid may deposit the flammable or combustible liquid in the unregistered tank. However, the only one deposit is allowed only in the single instance into the unregistered tank, that the person provides making the deposit shall provide

the owner or operator of the tank with another notice as required by subsection 5, and ~~that~~ the person ~~provides~~ shall provide the owner or operator with an aboveground flammable or combustible liquid storage tank registration form.

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

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

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

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

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

4. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be

deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in subsection 3. The department of management, the department of inspections and appeals, and the department of commerce shall take appropriate actions to provide that the sum of the amount of gaming revenues available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during a fiscal year and the amount of moneys to be deposited in the beer and liquor control fund available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during such fiscal year will be sufficient to cover any anticipated deficiencies.

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

135B.19 Title of division.

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

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

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

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

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

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

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

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

2. The general assembly finds and declares that because the federal Surface Mining Control and Reclamation Act of 1977, Pub. L. No. 95-87, codified at 30 U.S.C. ch. 25, subch. IV,