Senate File 2285

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 8.55, subsection 2, Code Supplement 2011, is amended to read as follows:

2. ~~*a.*~~ The maximum balance of the fund is the amount equal to two and one-half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be distributed as follows:

~~(1)~~ *a.* The first sixty million dollars of the difference between the actual net revenue for the general fund of the state for the fiscal year and the adjusted revenue estimate for the fiscal year shall be transferred to the taxpayers trust fund.

~~(2)~~ *b.* The remainder of the excess, if any, shall be transferred to the general fund of the state.

~~*b. Notwithstanding paragraph "a", any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of each fiscal year shall not be distributed as provided in paragraph "a" but shall be transferred to the senior living trust fund. The total amount appropriated, reverted,*~~

~~or transferred, in the aggregate, under this paragraph, section 8.57, subsection 2, and any other law providing for an appropriation or reversion or transfer of an appropriation to the credit of the senior living trust fund, for all fiscal years beginning on or after July 1, 2004, shall not exceed the amount specified in section 8.57, subsection 2, paragraph "c".~~

Sec. 2. Section 8.57, Code Supplement 2011, is amended to read as follows:

8.57 Annual appropriations — reduction of GAAP deficit — rebuild Iowa infrastructure fund.

1. *a.* The *"cash reserve goal percentage"* for fiscal years beginning on or after July 1, 2004, is seven and one-half percent of the adjusted revenue estimate. For each fiscal year in which the appropriation of the surplus existing in the general fund of the state at the conclusion of the prior fiscal year pursuant to paragraph *"b"* was not sufficient for the cash reserve fund to reach the cash reserve goal percentage for the current fiscal year, there is appropriated from the general fund of the state an amount to be determined as follows:

(1) If the balance of the cash reserve fund in the current fiscal year is not more than six and one-half percent of the adjusted revenue estimate for the current fiscal year, the amount of the appropriation under this lettered paragraph is one percent of the adjusted revenue estimate for the current fiscal year.

(2) If the balance of the cash reserve fund in the current fiscal year is more than six and one-half percent but less than seven and one-half percent of the adjusted revenue estimate for that fiscal year, the amount of the appropriation under this lettered paragraph is the amount necessary for the cash reserve fund to reach seven and one-half percent of the adjusted revenue estimate for the current fiscal year.

(3) The moneys appropriated under this lettered paragraph shall be credited in equal and proportionate amounts in each quarter of the current fiscal year.

b. The surplus existing in the general fund of the state at the conclusion of the fiscal year is appropriated for distribution in the succeeding fiscal year as provided in subsections ~~3~~ 2 and ~~4~~ 3. Moneys credited to the cash reserve fund from the appropriation made in this paragraph shall not exceed the amount necessary for the cash reserve fund to reach the cash reserve goal percentage for the succeeding fiscal

year. As used in this paragraph, "*surplus*" means the excess of revenues and other financing sources over expenditures and other financing uses for the general fund of the state in a fiscal year.

c. The amount appropriated in this section is not subject to the provisions of section 8.31, relating to requisitions and allotment, or to section 8.32, relating to conditional availability of appropriations.

~~2. *a.* There is appropriated from the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2005, and ending June 30, 2006, and at the conclusion of each succeeding fiscal year for distribution to the senior living trust fund, an amount equal to one percent of the adjusted revenue estimate for the current fiscal year. However, if the amount of the surplus existing in the general fund of the state at the conclusion of a fiscal year is less than two percent of the adjusted revenue estimate for that fiscal year, the amount of the appropriation made in this paragraph shall be equal to fifty percent of the surplus amount. The appropriation made in this paragraph shall be distributed to the senior living trust fund in the succeeding fiscal year. For the purposes of this subsection, "*surplus*" means the same as defined in subsection 1, paragraph "*b*".~~

~~*b.* The appropriation made in paragraph "*a*" shall be made before the appropriations are made pursuant to subsections 1, 3, and 4, of the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2005, and ending June 30, 2006, and each succeeding fiscal year.~~

~~*c.* The appropriation made in paragraph "*a*" shall continue until the aggregate amount of the appropriations made, reverted, or transferred to the senior living trust fund for all fiscal years beginning on or after July 1, 2004, pursuant to paragraph "*a*" of this subsection, section 8.55, subsection 2, paragraph "*b*", and any other law providing for an appropriation or reversion or transfer of an appropriation to the senior living trust fund is equal to three hundred million dollars.~~

~~*d.* This subsection and section 8.55, subsection 2, paragraph "*b*", are repealed when the aggregate amount specified in paragraph "*c*" has been distributed, appropriated, reverted, or transferred to the senior living trust fund. The director of the department of management shall notify the Iowa Code editor~~

~~when the aggregate amount has been distributed, appropriated, reverted, or transferred.~~

~~3.~~ 2. Moneys appropriated under subsection 1 shall be first credited to the cash reserve fund. To the extent that moneys appropriated under subsection 1 would make the moneys in the cash reserve fund exceed the cash reserve goal percentage of the adjusted revenue estimate for the fiscal year, the moneys are appropriated to the department of management to be spent for the purpose of eliminating Iowa's GAAP deficit, including the payment of items budgeted in a subsequent fiscal year which under generally accepted accounting principles should be budgeted in the current fiscal year. These moneys shall be deposited into a GAAP deficit reduction account established within the department of management. The department of management shall annually file with both houses of the general assembly at the time of the submission of the governor's budget, a schedule of the items for which moneys appropriated under this subsection for the purpose of eliminating Iowa's GAAP deficit, including the payment of items budgeted in a subsequent fiscal year which under generally accepted accounting principles should be budgeted in the current fiscal year, shall be spent. The schedule shall indicate the fiscal year in which the spending for an item is to take place and shall incorporate the items detailed in 1994 Iowa Acts, chapter 1181, section 17. The schedule shall list each item of expenditure and the estimated dollar amount of moneys to be spent on that item for the fiscal year. The department of management may submit during a regular legislative session an amended schedule for legislative consideration. If moneys appropriated under this subsection are not enough to pay for all listed expenditures, the department of management shall distribute the payments among the listed expenditure items. Moneys appropriated to the department of management under this subsection shall not be spent on items other than those included in the filed schedule. On September 1 following the close of a fiscal year, moneys in the GAAP deficit reduction account which remain unexpended for items on the filed schedule for the previous fiscal year shall be credited to the Iowa economic emergency fund.

~~4.~~ 3. To the extent that moneys appropriated under subsection 1 exceed the amounts necessary for the cash reserve fund to reach its maximum balance and the amounts necessary to

eliminate Iowa's GAAP deficit, including elimination of the making of any appropriation in an incorrect fiscal year, the moneys shall be appropriated to the Iowa economic emergency fund.

~~5.~~ 4. As used in this section, "*GAAP*" means generally accepted accounting principles as established by the governmental accounting standards board.

~~6.~~ 5. *a.* A rebuild Iowa infrastructure fund is created under the authority of the department of management. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. The rebuild Iowa infrastructure fund shall be separate from the general fund of the state and the balance in the rebuild Iowa infrastructure fund shall not be considered part of the balance of the general fund of the state. However, the rebuild Iowa infrastructure fund shall be considered a special account for the purposes of section 8.53, relating to generally accepted accounting principles.

b. Moneys in the rebuild Iowa infrastructure fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the rebuild Iowa infrastructure fund shall be credited to the ~~infrastructure~~ fund. Moneys in the rebuild Iowa infrastructure fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the ~~infrastructure~~ fund by the end of that fiscal year.

c. Moneys in the rebuild Iowa infrastructure fund in a fiscal year shall be used as directed by the general assembly for public vertical infrastructure projects. For the purposes of this subsection, "*vertical infrastructure*" includes only land acquisition and construction; major renovation and major repair of buildings; all appurtenant structures; utilities; site development; recreational trails; and debt service payments on academic revenue bonds issued in accordance with chapter 262A for capital projects at board of regents institutions. "*Vertical infrastructure*" does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

d. The general assembly may provide that all or part of the moneys deposited in the GAAP deficit reduction account created in this section shall be transferred to the infrastructure fund

in lieu of appropriation of the moneys to the Iowa economic emergency fund.

e. (1) (a) (i) Notwithstanding provisions to the contrary in sections 99D.17 and 99F.11, for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter, not more than a total of sixty-six million dollars shall be deposited in the general fund of the state in any fiscal year pursuant to sections 99D.17 and 99F.11.

(ii) However, in lieu of the deposit in subparagraph subdivision (i), for the fiscal year beginning July 1, 2010, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, the first fifty-five million dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the revenue bonds debt service fund created in section 12.89, and the next three million seven hundred fifty thousand dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the revenue bonds federal subsidy holdback fund created in section 12.89A, and the next one million two hundred fifty thousand dollars of the moneys directed to be deposited in the general fund of the state under subparagraph subdivision (i) shall be deposited in the general fund of the state.

(b) The next fifteen million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the vision Iowa fund created in section 12.72 for the fiscal year beginning July 1, 2000, and for each fiscal year through the fiscal year beginning July 1, 2019.

(c) The next five million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the school infrastructure fund created in section 12.82 for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.81 are paid, as determined by the treasurer of state.

(d) (i) The total moneys in excess of the moneys deposited in the revenue bonds debt service fund, the revenue bonds federal 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.

(ii) However, in lieu of the deposit in subparagraph subdivision (i), for the fiscal year beginning July 1, 2010, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, sixty-four million seven hundred fifty thousand dollars of the excess moneys directed to be deposited in the rebuild Iowa infrastructure fund under subparagraph subdivision (i) shall be deposited in the general fund of the state.

(2) If the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in a fiscal year is less than the total amount of moneys directed to be deposited in the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund in the fiscal year pursuant to this paragraph *"e"*, the difference shall be paid from moneys deposited in the beer and liquor control fund created in section 123.53 in the manner provided in section 123.53, subsection 3.

(3) After the deposit of moneys directed to be deposited in the general fund of the state, the revenue bonds debt service fund, and the revenue bonds federal subsidy holdback fund, as provided in subparagraph (1), subparagraph division (a), if the total amount of moneys directed to be deposited in the general fund of the state under sections 99D.17 and 99F.11 in a fiscal year is less than the total amount of moneys directed to be deposited in the vision Iowa fund and the school infrastructure fund in the fiscal year pursuant to this paragraph *"e"*, the difference shall be paid from lottery revenues in the manner provided in section 99G.39, subsection 3.

f. There is appropriated from the rebuild Iowa infrastructure fund to the secure an advanced vision for education fund created in section 423F.2, for each fiscal year of the fiscal period beginning July 1, 2008, and ending June 30, 2010, the amount of the moneys in excess of the first forty-seven million dollars credited to the rebuild Iowa infrastructure fund during the fiscal year, not to exceed ten million dollars.

g. Notwithstanding any other provision to the contrary,

and prior to the appropriation of moneys from the rebuild Iowa infrastructure fund pursuant to paragraph *"c"*, and section 8.57A, subsection 4, moneys shall first be appropriated from the rebuild Iowa infrastructure fund to the vertical infrastructure fund as provided in section 8.57B, subsection 4.

h. Annually, on or before January 15 of each year, a state agency that received an appropriation from the rebuild Iowa infrastructure fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

i. Annually, on or before December 31 of each year, a recipient of moneys from the rebuild Iowa infrastructure fund for any purpose shall report to the state agency to which the moneys are appropriated the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 3. Section 8A.317, subsection 1, Code Supplement 2011, is amended to read as follows:

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

a. "Biobased material" means ~~the same as defined in section 469.31~~ a material in which carbon is derived in whole or in part from a renewable resource.

b. "Biobased product" means a product generated by blending or assembling of one or more biobased materials, either exclusively or in combination with nonbiobased materials, in which the biobased material is present as a quantifiable portion of the total mass of the product.

~~*b.*~~ *c. "Designated biobased product"* means a biobased product ~~as defined in section 469.31,~~ and includes a product determined by the United States department of agriculture to be a commercial or industrial product, other than food or

feed, that is composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials including plant, animal, and marine materials, or forestry materials as provided in 7 U.S.C. § 8102.

Sec. 4. Section 11.2, subsection 3, paragraph d, Code Supplement 2011, is amended to read as follows:

d. The review of the most recent annual report to shareholders of an open-end management investment company or an unincorporated investment company or investment trust registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. § 80a, pursuant to 17 C.F.R. § 270.30d-1 or the review, by the person performing the audit, of the most recent annual report to shareholders, call reports, or the findings pursuant to a regular examination under state or federal law, to the extent the findings are not confidential, of a bank, savings and loan association, or credit union shall satisfy the review requirements of this ~~paragraph~~ subsection.

Sec. 5. Section 11.5A, Code Supplement 2011, is amended to read as follows:

11.5A Audit or examination — costs.

When requested by the auditor of state, the department of management shall transfer from any unappropriated funds in the state treasury an amount not exceeding the expenses and prorated salary costs already paid to perform audits or examinations of state departments and agencies, the offices of the judicial branch, and federal financial assistance as defined in the federal Single Audit Act, 31 U.S.C. § 7501, et seq., received by all other departments, as listed in section 11.5B, for which payments by agencies have not been made. Upon payment by the departments, the auditor of state shall credit the payments to the state treasury.

Sec. 6. Section 15.107, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The authority shall establish the Iowa innovation corporation as a nonprofit corporation organized under chapter 504 and qualifying under section 501(c)(3) of the Internal Revenue Code as an organization exempt from taxation. Unless otherwise provided in this subchapter, the corporation is subject to the provisions of chapter 504. The corporation shall be established for the purpose of receiving and disbursing funds from public or private sources ~~to be used~~ to

further the overall development and economic well-being of the state.

Sec. 7. Section 15.202, Code Supplement 2011, is amended to read as follows:

15.202 Grants and gifts.

The authority may~~, with the approval of the director,~~ accept grants and allotments of funds from the federal government and enter into cooperative agreements with the secretary of agriculture of the United States for projects to effectuate any of the purposes of the agricultural marketing program; and may accept grants, gifts, or allotments of funds from any person for the purpose of carrying out the agricultural marketing program. The authority shall make an itemized accounting of such funds to the director at the end of each fiscal year.

Sec. 8. Section 15.272, Code Supplement 2011, is amended to read as follows:

15.272 Statewide welcome center program —— objectives and agency responsibilities —— pilot projects.

The state agencies, as indicated in this section, shall undertake certain specific functions to implement the goals of a statewide program, including the pilot projects, for welcome centers.

1. *a.* The department of economic development and the state department of transportation shall jointly establish a statewide long-range plan for developing and operating welcome centers throughout the state. The plan shall be submitted to the general assembly by January 15, 1988. The plan shall address, but not be limited to, the following:

(1) Integrating state, regional, and local tourism and recreation marketing and promotion plans.

(2) Recommending a wide range of centers, including state-developed and state-operated to privately managed facilities.

(3) Establishing design, service, and maintenance quality standards which all welcome centers will maintain. Included in the standards shall be a provision requiring that space or facilities be available for purposes of displaying and offering for sale Iowa-made products, crafts, and arts. The space or facilities may be operated by the department of economic development or leased to and operated by other persons.

(4) Making projections of increased tourist spending, indirect economic benefits, and direct revenue production which

are estimated to occur as a result of implementing a statewide welcome center program.

(5) Projecting estimated acquisition, construction, exhibit, staffing, and maintenance costs.

(6) Integrating electronic data telecommunications systems.

(7) Identifying sites for maintaining existing centers as well as locations for new centers.

b. The departments may enter into contracts for the preparation of the long-range plan. The departments shall involve the department of natural resources and the department of cultural affairs in the preparation of the plan. The recommendations and comments of organizations representing hospitality and tourism services, including but not limited to, the regional tourism councils, convention and visitors bureaus, and the Iowa travel council, and others with interests in this program will be considered for incorporation in the plan. Prior to submission of the plan to the general assembly, the plan shall be submitted to the regional tourism councils, the convention and visitors bureaus, and the Iowa travel council for their comments and criticisms which shall be submitted by the department of economic development along with the plan to the general assembly.

2. The responsibilities of the authority include the following:

a. Seeing to the acquisition of property and the construction of all new welcome centers including the pilot projects selected by the department of economic development pursuant to paragraph "*e*". In carrying out this responsibility the authority may~~,~~ but is not limited to~~,~~ the following:

(1) Arrange for the state department of transportation to acquire title to land and buildings for use as and undertake construction of state-owned welcome centers. In acquiring property and constructing the welcome centers, including any pilot projects, the state department of transportation may use any funds available to it, including but not limited to, the RISE fund, matching funds from local units of government or organizations, the primary road fund, federal grants, and moneys specifically appropriated for these purposes.

(2) Contract with other state agencies, local units of government, or private groups, organizations, or entities for the use of land, buildings, or facilities as state welcome centers or in connection with state welcome centers, whether or

not the property is actually owned by the state. If the local match required for pilot projects or which may be required for other welcome centers is met by providing land, buildings, or facilities, the entity providing the local match shall enter into an agreement with the authority to either transfer title of the property to the state or to dedicate the use of the property under the conditions and period of time set by the authority.

b. Providing for the operations, management, and maintenance of the state-owned and state-operated welcome centers, including the collection and distribution of tourism literature, telecommunication services, and other travel-related services, and the display and offering for sale of Iowa-made products, crafts, and arts.

c. Providing, at the discretion of the authority, financial assistance in the form of loans and grants to privately operated information centers to the extent the centers are consistent with the long-range plan.

d. Developing a common theme or graphic logo which will be identified with all welcome centers which meet the standards of operations established for those centers.

e. Selecting the sites for the pilot projects. In selecting the pilot project sites, the following apply:

(1) Up to three sites may be located in proximity to the interstates and up to three sites may be located in proximity to the other primary roads. The department of economic development shall select at least one site which is in proximity to a primary road which is not an interstate.

(2) Proposals for the sites must be submitted prior to September 1, 1987, and shall contain a commitment of at least a one-dollar-per-dollar match of state financial assistance. The local match may be in terms of land, buildings, or other noncash items which are acceptable by the department of economic development.

(3) Priority shall be given to proposals that have the best local match, that are to be located where there is a very high number of travelers passing, and for which the department of economic development, after consultation with the departments of transportation, natural resources, and cultural affairs, considers the chances of success to be nearly perfect.

(4) The department of economic development shall select the sites by September 15, 1987.

Sec. 9. Section 15.292, subsection 6, Code Supplement 2011, is amended to read as follows:

6. The ~~board~~ authority may approve, deny, or defer each application for financial assistance from the brownfield redevelopment fund created in section 15.293.

Sec. 10. Section 15.293A, subsection 2, paragraph a, subparagraphs (1) and (2), Code Supplement 2011, are amended to read as follows:

(1) The authority shall accept and, in conjunction with the council ~~and the board~~, review applications for tax credits pursuant to this section.

(2) Upon review of an application, the authority may register the project under the program. If the authority registers the project, the authority shall, in conjunction with the council ~~and the board~~, make a preliminary determination as to the amount of tax credit for which the investor qualifies.

Sec. 11. Section 15.293A, subsection 8, Code Supplement 2011, is amended to read as follows:

8. A registered project shall be completed within thirty months of the project's approval unless the authority~~, with the approval of the board,~~ provides additional time to complete the project. A project shall not be provided more than twelve months of additional time. If the registered project is not completed within the time required, the project is not eligible to claim a tax credit pursuant to this section.

Sec. 12. Section 15.294, subsection 4, Code Supplement 2011, is amended to read as follows:

4. The council, in conjunction with the authority, shall consider applications for redevelopment tax credits as described in sections 15.293A and 15.293B, and may recommend to the ~~board~~ authority which applications to approve and the amount of such tax credits that each project is eligible to receive.

Sec. 13. Section 15.301, subsection 2, paragraph b, subparagraphs (1) and (4), Code Supplement 2011, are amended to read as follows:

(1) The department of economic development or the authority may designate an organization to administer the provisions of this section on the authority's behalf.

(4) An organization designated pursuant to subparagraph (1) may accept, evaluate, and approve applications for financial assistance from eligible small businesses pursuant to the

requirements of this section and may monitor the compliance of eligible businesses with the terms of an agreement entered into with the department or authority.

Sec. 14. Section 15.301, subsection 2, paragraph e, Code Supplement 2011, is amended to read as follows:

e. The department of economic development, under the terms of an agreement with the organization designated pursuant to paragraph *"b"*, shall begin to provide financial assistance from the fund not later than August 1, 2010, and shall to the extent practicable obligate all available moneys in the fund prior to March 31, 2011.

Sec. 15. Section 15.301, subsection 4, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

Upon approval of the application for financial assistance by the department of economic development, the authority, or an organization designated pursuant to subsection 2, paragraph *"b"*, the eligible business shall enter into an agreement with the department or authority which shall include but not be limited to all of the following provisions:

Sec. 16. Section 15.331A, subsection 2, paragraphs a and b, Code 2011, are amended to read as follows:

a. The contractor or subcontractor shall state under oath, on forms provided by the department of revenue, the amount of the sales of goods, wares, or merchandise or services rendered, furnished, or performed including water, sewer, gas, and electric utility services upon which sales or use tax has been paid prior to the project completion, and shall file the forms with the eligible business before final settlement is made.

b. The eligible business shall, not more than one year after project completion, make application to the department of revenue for any refund of the amount of the sales and use taxes paid pursuant to chapter 423 upon any goods, wares, or merchandise, or services rendered, furnished, or performed, including water, sewer, gas, and electric utility services. The application shall be made in the manner and upon forms to be provided by the department of revenue, and the department of revenue shall audit the claim and, if approved, issue a warrant to the eligible business in the amount of the sales or use tax which has been paid to the state of Iowa under a contract. A claim filed by the eligible business in accordance with this section shall not be denied by reason of a limitation provision set forth in chapter 421 or 423.

Sec. 17. Section 15.411, subsection 9, Code Supplement 2011, is amended to read as follows:

9. In each fiscal year, the authority may transfer additional moneys that become available to the authority from sources such as loan repayments or recaptures of awards from federal economic stimulus funds to the innovation and commercialization development fund created in section 15.412, provided the authority spends those moneys for the implementation of the recommendations included in the separate consultant reports on bioscience, advanced manufacturing, information technology, and entrepreneurship submitted to the department of economic development in calendar years 2004, 2005, and 2006.

Sec. 18. Section 15E.64, subsection 2, paragraph a, Code Supplement 2011, is amended to read as follows:

a. The chairperson of the economic development authority board or a designee of the chairperson.

Sec. 19. Section 15E.120, subsection 6, Code Supplement 2011, is amended to read as follows:

6. On July ~~18~~ 1, 2011, the economic development authority shall assume responsibility for the administration of this section.

Sec. 20. Section 15E.193, subsection 1, paragraph b, subparagraph (2), Code Supplement 2011, is amended to read as follows:

(2) The authority~~, upon the recommendation of the authority,~~ shall adopt rules determining what constitutes a sufficient package of benefits.

Sec. 21. Section 15E.208, subsection 3, paragraph b, subparagraph (2), subparagraph divisions (c) through (e), Code Supplement 2011, are amended to read as follows:

(c) Notwithstanding any provision of this division to the contrary, payments on the principal balance of the loan granted by the corporation to an eligible person and assigned to the department of economic development pursuant to this subparagraph during calendar year 2003 shall be deferred until October 1, 2007. The eligible person shall make principal payments to the department of economic development in the amount of one million dollars for each year on October 1, 2007, October 1, 2008, and October 1, 2009. The eligible person shall pay the department of economic development four hundred eighty-two thousand seven hundred sixty-one dollars

in interest, which shall be deemed to be the total amount of interest accruing on the principal amount of the loan. The eligible person shall pay the interest amount on October 1, 2010. Upon the payment of the principal balance of the loan and the accrued interest, the debt shall be retired.

(d) Notwithstanding any provision of this division to the contrary, the corporation shall repay the department of economic development, or its successor entity, the principal balance of the Iowa agricultural industry finance loan beginning on October 1, 2007. The principal balance of the loan equals twenty-one million five hundred seventeen thousand two hundred thirty-nine dollars. The corporation shall repay the department of economic development, or its successor entity, five hundred seventeen thousand two hundred thirty-nine dollars by October 1, 2007, and for each subsequent year the corporation shall repay the department, or its successor entity, at least one million dollars by October 1 until the total principal balance of the loan is repaid. This subparagraph shall not be construed to limit the authority of the department of economic development, or its successor entity, to negotiate the payment of interest accruing on the principal balance which shall be paid as provided by an agreement executed by the department of economic development, or its successor entity, and the corporation.

(e) Notwithstanding any provision of this division to the contrary, payments of principal and interest of the loan granted by the corporation to an eligible person and assigned to the department of economic development pursuant to this subparagraph during calendar year 2003 which were deferred pursuant to subparagraph division (c) shall be forgiven and the total debt, including interest, shall be retired.

Sec. 22. Section 15E.351, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The ~~economic development~~ authority shall establish and administer a business accelerator program to provide financial assistance for the establishment and operation of a business accelerator for technology-based, value-added agricultural, information solutions, alternative and renewable energy including the alternative and renewable energy sectors listed in section 476.42, subsection 1, paragraph *"a"*, subparagraph (1), or advanced manufacturing start-up businesses or for a satellite of an existing business accelerator. The program

shall be designed to foster the accelerated growth of new and existing businesses through the provision of technical assistance. The ~~economic development~~ authority may provide financial assistance under this section from moneys allocated for regional financial assistance pursuant to section 15G.111, subsection 9.

Sec. 23. Section 15E.351, subsection 2, paragraph h, Code Supplement 2011, is amended to read as follows:

h. The business accelerator must possess the willingness to accept referrals from the ~~economic development~~ authority.

Sec. 24. Section 15G.111, subsection 2, paragraphs c and d, Code Supplement 2011, are amended to read as follows:

c. Of the moneys accruing to the fund pursuant to subsection 1, paragraph *"c"*, the authority~~, with the approval of the authority,~~ may allocate an amount necessary to fund administrative and operations costs. An allocation pursuant to this paragraph may be made in addition to any allocations made pursuant to subsection 4, paragraph *"a"*.

d. Of the moneys transferred to the fund pursuant to 2009 Iowa Acts, chapter 123, section 9, the authority~~, with the approval of the authority,~~ may allocate an amount necessary to fund administrative and operations costs. An allocation pursuant to this paragraph may be made in addition to any allocations made pursuant to subsection 4, paragraph *"a"*.

Sec. 25. Section 15G.112, subsection 1, paragraph b, Code Supplement 2011, is amended to read as follows:

b. The program shall consist of the components described in subsections 4 through 9. Each fiscal year, the authority~~, with the approval of the authority,~~ shall allocate an amount of financial assistance from the fund that may be awarded under each component of the program to qualifying applicants.

Sec. 26. Section 15G.112, subsection 1, paragraph d, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

For each award of financial assistance under the program, the authority and the recipient of the financial assistance shall enter into an agreement describing the terms and obligations under which the financial assistance is being provided. The authority may negotiate~~, subject to approval by the authority,~~ the terms and obligations of the agreement. An agreement shall contain but need not be limited to all of the following terms and obligations:

Sec. 27. Section 15G.112, subsection 4, paragraph a, subparagraph (2), Code Supplement 2011, is amended to read as follows:

(2) The business shall provide a sufficient package of benefits to each employee holding a created or retained job. The authority~~, at the recommendation of the authority,~~ shall adopt rules determining what constitutes a sufficient package of benefits.

Sec. 28. Section 15G.112, subsection 5, paragraph b, Code Supplement 2011, is amended to read as follows:

b. The business shall provide a sufficient package of benefits to each employee holding a created or retained job. The authority~~, at the recommendation of the authority,~~ shall adopt rules determining what constitutes a sufficient package of benefits.

Sec. 29. Section 15G.113, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The authority~~, with the approval of the authority,~~ may award financial assistance from the fund to a business, an individual, a development corporation, a nonprofit organization, an organization established in section 28H.1, or a political subdivision of this state if, in the opinion of the authority, a project presents a unique opportunity for economic development in this state, or if the project addresses a situation constituting a threat to the continued economic prosperity of this state.

Sec. 30. Section 15G.114, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The authority~~, upon the recommendation of the authority,~~ shall adopt rules for the administration of this chapter in accordance with chapter 17A.

Sec. 31. Section 15G.115, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The authority shall accept and process applications for financial assistance under the economic development financial assistance program. After processing the applications, the authority shall prepare them for review by advisory committees and for final action ~~by the authority~~ as described in this section.

Sec. 32. Section 15G.115, subsection 3, paragraphs b and d, Code Supplement 2011, are amended to read as follows:

b. Consider the recommendation of the ~~due diligence~~

~~committee and the~~ technology commercialization committee on each application for financial assistance, as described in subsection 2, and take final action on each application.

d. Take final action on any rules ~~recommended by the authority~~ for the implementation of the provisions of this chapter.

Sec. 33. Section 15H.3, subsection 1, paragraph k, Code Supplement 2011, is amended to read as follows:

k. Additional ex officio, nonvoting members selected by the commission to the extent that they are not in conflict with the provisions of the National Community Service Trust Act of 1993 or any related state or federal legislation.

Sec. 34. Section 28N.2, subsection 2, paragraph e, Code Supplement 2011, is amended to read as follows:

e. Four voting members, each appointed by the heads of the following ~~departments~~ agencies:

(1) The department of agriculture and land stewardship.

(2) The department of natural resources.

(3) The economic development authority.

(4) The department of transportation.

Sec. 35. Section 29C.20B, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The homeland security and emergency management division shall work with the department of human services and nonprofit, voluntary, and faith-based organizations active in disaster recovery and response ~~in coordination with the department of human services~~ to establish a statewide system of disaster case management to be activated following the governor's proclamation of a disaster emergency or the declaration of a major disaster by the president of the United States for individual assistance purposes. Under the system, the homeland security and emergency management division shall coordinate case management services locally through local committees as established in each commission's emergency plan.

Sec. 36. Section 42.4, subsection 8, paragraph b, subparagraph (2), Code 2011, is amended to read as follows:

(2) Each holdover senatorial district to which subparagraph (1) is not applicable shall elect a senator in the year ending in two for a two-year term commencing in January of the year ending in three. However, if more than one incumbent state senator is residing in a holdover senatorial district on the first Wednesday in February of the year ending in two, and,

on or before the ~~first~~ third Wednesday in February of the year ending in two, all but one of the incumbent senators resigns from office effective no later than January of the year ending in three, the remaining incumbent senator shall represent the district in the senate for the general assembly commencing in January of the year ending in three. A copy of each resignation must be filed in the office of the secretary of state no later than five p.m. on the third Wednesday in February of the year ending in two.

Sec. 37. Section 46.2A, subsection 8, Code 2011, is amended by striking the subsection.

Sec. 38. Section 123.135, subsection 5, Code 2011, is amended to read as follows:

5. Notwithstanding any other penalties provided by this chapter, any holder of a certificate of compliance or any class "A" permit holder who violates this chapter or the rules adopted pursuant to this chapter is subject to a civil ~~fine~~ penalty not to exceed one thousand dollars or suspension of the holder's certificate or permit for a period not to exceed one year, or both such civil ~~fine~~ penalty and suspension. Civil ~~fines~~ penalties imposed under this section shall be collected and retained by the division.

Sec. 39. Section 123.180, subsection 6, Code 2011, is amended to read as follows:

6. Regardless of any other penalties provided by this chapter, any holder of a certificate of compliance relating to wine or a class "A" permittee who violates this chapter or the rules adopted pursuant to this chapter is subject to a civil ~~fine~~ penalty not to exceed one thousand dollars or subject to suspension of the certificate of compliance or permit for a period not to exceed one year, or to both civil ~~fine~~ penalty and suspension. Civil ~~fines~~ penalties imposed under this section shall be collected and retained by the division.

Sec. 40. Section 125.2, subsection 14, Code Supplement 2011, is amended to read as follows:

14. *"Psychiatric advanced registered nurse practitioner"* means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric mental health care and who is registered with the board of nursing as an advanced registered nurse practitioner.

Sec. 41. Section 125.10, subsections 3, 5, 9, and 17, Code 2011, as amended by 2011 Iowa Acts, chapter 121, section 30,

are amended to read as follows:

3. Coordinate the efforts and enlist the assistance of all public and private agencies, organizations and individuals interested in the prevention of substance ~~abuse~~ misuse and the treatment of persons with substance-related disorders.

5. Cooperate with the department of education, boards of education, schools, police departments, courts, and other public and private agencies, organizations, and individuals in establishing programs for the prevention of substance ~~abuse~~ misuse and the treatment of persons with substance-related disorders, and in preparing relevant curriculum materials for use at all levels of school education.

9. Sponsor and implement research in cooperation with local treatment programs into the causes and nature of substance misuse and treatment of persons with substance-related disorders, and serve as a clearing house for information relating to substance ~~abuse~~ misuse.

17. Review all state health, welfare, education and treatment proposals to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to substance ~~abuse~~ misuse, and persons with substance-related disorders.

Sec. 42. Section 125.43A, Code 2011, as amended by 2011 Iowa Acts, chapter 121, section 39, is amended to read as follows:

125.43A Prescreening —— exception.

Except in cases of medical emergency or court-ordered admissions, a person shall be admitted to a state mental health institute for ~~substance abuse~~ treatment of a substance-related disorder only after a preliminary intake and assessment by a department-licensed treatment facility or a hospital providing care or treatment for persons with substance-related disorders licensed under chapter 135B and accredited by the joint commission on the accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the board, or by a designee of a department-licensed treatment facility or a hospital other than a state mental health institute, which confirms that the admission is appropriate to the person's ~~substance abuse~~ substance-related disorder service needs. A county board of supervisors may seek an admission of a patient to a state mental health institute who has not been confirmed for appropriate admission and the county shall be responsible for

one hundred percent of the cost of treatment and services of the patient.

Sec. 43. Section 125.83, Code 2011, as amended by 2011 Iowa Acts, chapter 121, section 47, is amended to read as follows:

125.83 Placement for evaluation.

If upon completion of the commitment hearing, the court finds that the contention that the respondent is a person with a substance-related disorder has been sustained by clear and convincing evidence, the court shall order the respondent placed at a facility or under the care of a suitable facility on an outpatient basis as expeditiously as possible for a complete evaluation and appropriate treatment. The court shall furnish to the facility at the time of admission or outpatient placement, a written statement of facts setting forth the evidence on which the finding is based. The administrator of the facility shall report to the court no more than fifteen days after the individual is admitted to or placed under the care of the facility, which shall include the chief medical officer's recommendation concerning ~~substance abuse~~ treatment of a substance-related disorder. An extension of time may be granted for a period not to exceed seven days upon a showing of good cause. A copy of the report shall be sent to the respondent's attorney who may contest the need for an extension of time if one is requested. If the request is contested, the court shall make an inquiry as it deems appropriate and may either order the respondent released from the facility or grant extension of time for further evaluation. If the administrator fails to report to the court within fifteen days after the individual is admitted to the facility, and no extension of time has been requested, the administrator is guilty of contempt and shall be punished under chapter 665. The court shall order a rehearing on the application to determine whether the respondent should continue to be held at the facility.

Sec. 44. Section 125.91, subsections 2 and 3, Code 2011, as amended by 2011 Iowa Acts, chapter 121, section 50, are amended to read as follows:

2. *a.* A peace officer who has reasonable grounds to believe that the circumstances described in subsection 1 are applicable may, without a warrant, take or cause that person to be taken to the nearest available facility referred to in section 125.81, subsection 2, paragraph "*b*" or "*c*". Such a person with a substance-related disorder due to intoxication or substance-induced incapacitation who also demonstrates

a significant degree of distress or dysfunction may also be delivered to a facility by someone other than a peace officer upon a showing of reasonable grounds. Upon delivery of the person to a facility under this section, the ~~examining~~ attending physician may order treatment of the person, but only to the extent necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue. The peace officer or other person who delivered the person to the facility shall describe the circumstances of the matter to the ~~examining~~ attending physician. If the person is a peace officer, the peace officer may do so either in person or by written report. If the ~~examining~~ attending physician has reasonable grounds to believe that the circumstances in subsection 1 are applicable, the ~~examining~~ attending physician shall at once communicate with the nearest available magistrate as defined in section 801.4, subsection 10. The magistrate shall, based upon the circumstances described by the ~~examining~~ attending physician, give the ~~examining~~ attending physician oral instructions either directing that the person be released forthwith, or authorizing the person's detention in an appropriate facility. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

b. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 125.75. The order may be filed by facsimile if necessary. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility and the grounds supporting the finding of probable cause to believe that the person is a person with a substance-related disorder likely to result in physical injury to the person or others if not detained. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility. The clerk shall provide a copy of that order to the attending physician~~,~~ at the facility to which the person was originally taken, any subsequent facility to which the person was transported, and to any law enforcement department or ambulance service that transported the person pursuant to the magistrate's order.

3. The attending physician shall examine and may detain

the person pursuant to the magistrate's order for a period not to exceed forty-eight hours from the time the order is dated, excluding Saturdays, Sundays, and holidays, unless the order is dismissed by a magistrate. The facility may provide treatment which is necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue or is otherwise deemed medically necessary by the attending physician, but shall not otherwise provide treatment to the person without the person's consent. The person shall be discharged from the facility and released from detention no later than the expiration of the forty-eight-hour period, unless an application for involuntary commitment is filed with the clerk pursuant to section 125.75. The detention of a person by the procedure in this section, and not in excess of the period of time prescribed by this section, shall not render the peace officer, attending physician, or facility detaining the person liable in a criminal or civil action for false arrest or false imprisonment if the peace officer, attending physician, or facility had reasonable grounds to believe that the circumstances described in subsection 1 were applicable.

Sec. 45. Section 135.141, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. Coordinate with the homeland security and emergency management division of the department of public defense the administration of emergency planning matters which involve the public health, including development, administration, and execution of the public health components of the comprehensive emergency plan and emergency management program pursuant to section 29C.8.

Sec. 46. Section 142A.3, subsection 10, Code Supplement 2011, is amended to read as follows:

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. 47. Section 152.12, Code 2011, is amended to read as follows:

152.12 Examination information.

Notwithstanding section 147.21, individual pass or fail examination results made available from the authorized national testing agency may be disclosed to the appropriate licensing authority in another state, the District of Columbia, or a territory or ~~county~~ country, and the board-approved education program, for purposes of verifying accuracy of national data and determining program approval.

Sec. 48. Section 173.11, subsection 3, Code Supplement 2011, is amended to read as follows:

3. Administer the foundation fund under the control of the Iowa state fair foundation, ~~in its capacity as the board of the Iowa state fair foundation,~~ as directed by the board in its capacity as the board of the Iowa state fair foundation. The treasurer shall administer the fund in accordance with procedures of the treasurer of state, and maintain a correct account of receipts and disbursements of assets of the foundation fund.

Sec. 49. Section 226.9C, subsection 2, paragraph c, subparagraph (1), as enacted by 2011 Iowa Acts, chapter 121, section 51, is amended to read as follows:

(1) Prior to an individual's admission for dual diagnosis treatment, the individual shall have been prescreened. The person performing the prescreening shall be either the mental health professional, as defined in section 228.1, who is contracting with the county central-point-of-coordination process to provide the prescreening or a mental health professional with the requisite qualifications. A mental health professional with the requisite qualifications shall meet all of the following qualifications: is a mental health professional as defined in section 228.1, is ~~a certified~~ an alcohol and drug counselor certified by the nongovernmental Iowa board of substance abuse certification, and is employed by or providing services for a facility, as defined in section 125.2.

Sec. 50. Section 230A.106, subsection 2, paragraph c, as enacted by 2011 Iowa Acts, chapter 121, section 16, is amended to read as follows:

c. Day treatment, partial hospitalization, or psychosocial rehabilitation services. ~~Such~~ Day treatment, partial hospitalization, or psychosocial rehabilitation services shall be provided as structured day programs in segments of less than twenty-four hours using a multidisciplinary team approach to

develop treatment plans that vary in intensity of services and the frequency and duration of services based on the needs of the patient. These services may be provided directly by the center or in collaboration or affiliation with other appropriately accredited providers.

Sec. 51. Section 232.103, subsection 3, Code 2011, is amended to read as follows:

3. A change in the level of care for a child who is subject to a dispositional order for out-of-home placement requires modification of the dispositional order. A hearing shall be held on a motion to terminate or modify a dispositional order except that a hearing on a motion to terminate or modify an order may be waived upon agreement by all parties. Reasonable notice of the hearing shall be given to the parties. The hearing shall be conducted in accordance with the ~~provisions of~~ procedure established for dispositional hearings under section 232.50, subsection 3.

Sec. 52. Section 236.18, Code 2011, is amended to read as follows:

236.18 Reference to certain criminal provisions.

In addition to the ~~criminal penalties~~ provisions contained in this chapter, certain criminal penalties and provisions pertaining to domestic abuse assaults are set forth in chapter 664A and sections 708.2A and 708.2B.

Sec. 53. Section 249H.3, subsection 10, Code 2011, is amended to read as follows:

10. *"Persons with disabilities"* means individuals eighteen years of age or older with ~~disabilities as disability is defined in section 225B.2~~ mental or physical impairments that result in significant functional limitation in one or more areas of major life activity and in the need for specialized care, treatment, or training services of extended duration.

Sec. 54. Section 252B.9, subsection 1, paragraph f, subparagraph (5), Code 2011, is amended to read as follows:

(5) If the person fails to comply with the request or subpoena, fails to request a conference, and fails to pay a ~~fine~~ penalty imposed under subparagraph (4), the unit may petition the district court to compel the person to comply with this paragraph. If the person objects to imposition of the ~~fine~~ penalty, the person may seek judicial review by the district court.

Sec. 55. Section 256.32, subsection 2, paragraph d, Code Supplement 2011, is amended by striking the paragraph.

Sec. 56. Section 256I.3, subsection 2, paragraph a, Code Supplement 2011, is amended to read as follows:

a. The board shall consist of twenty-one voting members with fifteen citizen members and six state agency members. The six state agency members shall be the directors or their designees of the following ~~departments~~ agencies: economic development authority, education, human rights, human services, public health, and workforce development. The designees of state agency directors shall be selected on an annual basis. The citizen members shall be appointed by the governor, subject to confirmation by the senate. The governor's appointments of citizen members shall be made in a manner so that each of the state's congressional districts is represented by at least two citizen members and so that all the appointments as a whole reflect the ethnic, cultural, social, and economic diversity of the state. A member of the state board shall not be a provider of services or other entity receiving funding through the early childhood Iowa initiative or be employed by such a provider or other entity.

Sec. 57. Section 256I.5, subsection 4, paragraph a, Code Supplement 2011, is amended to read as follows:

a. Enter into memoranda of agreement with the departments of education, human rights, human services, public health, and workforce development and the economic development authority to formalize the commitments of the respective ~~departments' commitments~~ departments and the authority to collaborating with and integrating a comprehensive early care, education, health, and human services system. Items addressed in the memoranda shall include but are not limited to data sharing and providing staffing to the technical assistance team.

Sec. 58. Section 260C.18A, subsection 2, paragraph e, Code Supplement 2011, is amended by striking the paragraph.

Sec. 59. Section 261E.8, subsection 3, Code Supplement 2011, is amended to read as follows:

3. A student may make application to a community college and the school district to allow the student to enroll for college credit in a nonsectarian course offered by the community college. A comparable course, as defined in rules adopted by the board of directors of the school district, must not be offered by the school district or accredited nonpublic school which the student attends. The school board shall annually approve courses to be made available for high school credit using locally developed criteria that establishes which courses

will provide the student with academic rigor and will prepare the student adequately for transition to a postsecondary institution. If ~~an eligible postsecondary institution~~ a community college accepts a student for enrollment under this section, the school district, in collaboration with the community college, shall send written notice to the student, the student's parent or legal guardian in the case of a minor child, and the student's school district. The notice shall list the course, the clock hours the student will be attending the course, and the number of hours of college credit that the student will receive from the community college upon successful completion of the course.

Sec. 60. Section 267A.2, Code Supplement 2011, is amended to read as follows:

267A.2 Definitions.

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

1. "*Coordinator*" means the local food and farm program coordinator created in section 267A.4.

2. "*Council*" means the local food and farm program council established in section 267A.3.

3. "*Department*" means the department of agriculture and land stewardship.

4. "*Fund*" means the local food and farm program fund created in section 267A.5.

Sec. 61. Section 282.1, subsection 1, Code 2011, is amended to read as follows:

1. Persons between five and twenty-one years of age are of school age. Nonresident children shall be charged the maximum tuition rate as determined in section 282.24, subsection 1, with the exception that those residing temporarily in a school corporation may attend school in the corporation upon terms prescribed by the board. A school district discontinuing grades under section 282.7, subsection 1 or ~~subsections 1 and~~ 3, shall be charged tuition as provided in section 282.24, subsection 1.

Sec. 62. Section 282.10, subsection 1, Code 2011, is amended to read as follows:

1. Whole grade sharing is a procedure used by school districts whereby all or a substantial portion of the pupils in any grade in two or more school districts share an educational program for all or a substantial portion of a school day under a written agreement pursuant to section 256.13, 280.15,

or 282.7, subsection 1 or ~~subsections 1 and~~ 3. Whole grade sharing may either be one-way or two-way sharing.

Sec. 63. Section 282.18, subsection 15, Code 2011, is amended to read as follows:

15. *a.* If a request under this section is for transfer to ~~a laboratory~~ the research and development school, as described in chapter 256G, the student who is the subject of the request shall be included in the basic enrollment of the student's district of residence and the board of directors of the district of residence shall pay to ~~a laboratory~~ the research and development school 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.

b. Notwithstanding subsection 7, a district of residence shall not be required to pay the state cost per pupil for a student attending ~~a laboratory~~ the research and development school during the school year beginning July 1, 2010, if the student was not included in the district of residence's enrollment count for funding purposes in the school year beginning July 1, 2009.

Sec. 64. Section 306D.2, subsection 1, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

The state department of transportation shall prepare a statewide, long-range plan for the protection, enhancement, and identification of highways and secondary roads which pass through unusually scenic areas of the state as identified in section 306D.1. The department of natural resources, department of economic development ~~authority~~, and department of cultural affairs, private organizations, county conservation boards, city park and recreation departments, and the federal agencies having jurisdiction over land in the state shall be encouraged to assist in preparing the plan. The plan shall be coordinated with the state's open space plan if a state open space plan has been approved by the general assembly. The plan shall include, but is not limited to, the following elements:

Sec. 65. Section 321.18, subsection 9, Code 2011, is amended by striking the subsection.

Sec. 66. Section 321.180B, subsection 1, paragraph c, Code Supplement 2011, is amended to read as follows:

c. Except as otherwise provided, a permittee who is less than eighteen years of age and who is operating a motor vehicle

must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent, guardian, or custodian of the permittee, a member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent, guardian, or custodian, and who is actually occupying a seat beside the driver. A permittee shall not operate a motor vehicle if the number of passengers in the motor vehicle exceeds the number of passenger safety belts in the motor vehicle. If the applicant for an instruction permit holds a driver's license issued in this state valid for the operation of a motorized bicycle or a motorcycle, the instruction permit shall be valid for such operation without the requirement of an accompanying person.

Sec. 67. Section 321.186, subsection 3, Code Supplement 2011, is amended to read as follows:

3. The examination shall include a screening of the applicant's eyesight, a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, a test of the applicant's knowledge of the traffic laws of this state, an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle, and other physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways. However, an applicant for a new driver's license ~~other than a commercial driver's license~~ need not pass a vision test administered by the department if the applicant files with the department a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.

Sec. 68. Section 331.427, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Expenses of a ~~joint~~ local emergency management commission under chapter 29C.

Sec. 69. Section 331.653, subsection 5, Code 2011, is amended to read as follows:

5. Serve as a member of the ~~joint~~ local emergency management commission as provided in section 29C.9.

Sec. 70. Section 331.756, subsection 4, Code Supplement 2011, is amended to read as follows:

4. Prosecute misdemeanors under chapter ~~236~~ 664A. The county attorney shall prosecute other misdemeanors when not otherwise engaged in the performance of other official duties.

Sec. 71. Section 419.4, subsection 2, Code 2011, is amended to read as follows:

2. *a.* The proceedings under which the bonds are authorized to be issued under the provisions of this chapter, and any mortgage given to secure the same, may contain any agreements and provisions customarily contained in instruments securing bonds, including~~,~~ but not limited to:

~~*a.*~~ (1) Provisions respecting custody of the proceeds from the sale of the bonds including their investment and reinvestment until used to defray the cost of the project.

~~*b.*~~ (2) Provisions respecting the fixing and collection of rents or payment with respect to any project covered by such proceedings or mortgage.

~~*c.*~~ (3) The terms to be incorporated in the lease, sale contract, or loan agreement with respect to such project.

~~*d.*~~ (4) The maintenance and insurance of such project.

~~*e.*~~ (5) The creation, maintenance, custody, investment and reinvestment and use of special funds from the revenues of such project, and

~~*f.*~~ (6) The rights and remedies available in case of a default to the bond holders or to any trustee under the lease, sale contract, loan agreement or mortgage.

b. A municipality shall have the power to provide that proceeds from the sale of bonds and special funds from the revenues of the project shall be invested and reinvested in such securities and other investments as shall be provided in the proceedings under which the bonds are authorized to be issued including:

(1) obligations issued or guaranteed by the United States;

(2) obligations issued or guaranteed by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States;

(3) obligations issued or guaranteed by any state of the United States, or the District of Columbia, or any political subdivision of any such state or district;

(4) prime commercial paper;

(5) prime finance company paper;

(6) bankers' acceptances drawn on and accepted by banks organized under the laws of any state or of the United States;

(7) repurchase agreements fully secured by obligations issued or guaranteed by the United States or by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States; and

(8) certificates of deposit issued by banks organized under the laws of any state or of the United States; whether or not such investment or reinvestment is authorized under any other law of this state. The municipality shall also have the power to provide that such proceeds or funds or investments and the amounts payable under the lease, sale contract, or loan agreement shall be received, held and disbursed by one or more banks or trust companies located in or out of the state of Iowa. A municipality shall also have the power to provide that the project and improvements shall be constructed by the municipality, lessee, the lessee's designee, the contracting party, or the contracting party's designee, or any one or more of them on real estate owned by the municipality, the lessee, the lessee's designee, the contracting party, or the contracting party's designee, as the case may be, that the bond proceeds shall be disbursed by the trustee bank or banks, trust company or trust companies, during construction upon the estimate, order or certificate of the lessee, the lessee's designee, the contracting party, or the contracting party's designee.

c. In making such agreements or provisions as provided in this subsection, a municipality shall not have the power to obligate itself, except with respect to the project and the application of the revenues therefrom, and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers.

Sec. 72. Section 422.5, subsection 3, paragraph b, Code Supplement 2011, is amended to read as follows:

b. In lieu of the computation in subsection 1~~,~~ or 2, or ~~3~~ in paragraph "*a*" of this subsection, 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.

Sec. 73. Section 422.7, subsection 51, Code Supplement 2011, is amended to read as follows:

51. Subtract, to the extent included, the amount of any Vietnam Conflict veterans bonus provided pursuant to section 35A.8, subsection 5~~, and section 35A.8A~~.

Sec. 74. Section 422.11S, subsection 7, paragraph a, subparagraph (2), Code Supplement 2011, is amended to read as follows:

(2) *"Total approved tax credits"* means for the tax year beginning in the 2006 calendar year, two million five hundred thousand dollars, for the tax year beginning in the 2007 calendar year, five million dollars, and for tax years beginning on or after January 1, 2008, seven million five hundred thousand dollars. However, for tax years beginning on or after January 1, 2012, ~~and only if legislation is enacted by the Eighty-fourth General Assembly, 2011 session, amending section 257.8, subsections 1 and 2, to establish both the state percent of growth and the categorical state percent of growth for the budget year beginning July 1, 2012, at two percent,~~ *"total approved tax credits"* means eight million seven hundred fifty thousand dollars.

Sec. 75. Section 422.11T, Code 2011, is amended to read as follows:

422.11T Film qualified expenditure tax credit.

The taxes imposed under this division, less the ~~credit~~ credits allowed under section 422.12, shall be reduced by a qualified expenditure tax credit authorized pursuant to section 15.393, subsection 2, paragraph *"a"*.

Sec. 76. Section 422.11U, Code 2011, is amended to read as follows:

422.11U Film investment tax credit.

The taxes imposed under this division, less the ~~credit~~ credits allowed under section 422.12, shall be reduced by an investment tax credit authorized pursuant to section 15.393, subsection 2, paragraph *"b"*.

Sec. 77. Section 437A.14, subsection 3, Code Supplement

2011, is amended to read as follows:

3. Unless otherwise expressly permitted by a section referencing this chapter, the kilowatt-hours of electricity or therms of natural gas delivered by a taxpayer in a competitive service area shall not be divulged to any person or entity, other than the taxpayer, the department of revenue, or the internal revenue service for use in a matter unrelated to tax administration. This prohibition precludes persons or entities other than the taxpayer, the department of revenue, or the internal revenue service from obtaining such information from the department of revenue. A subpoena, order, or process which requires the department of revenue to produce such information to a person or entity, other than the taxpayer, the department of revenue, or internal revenue service, for use in a nontax proceeding is void.

Sec. 78. Section 445.5, subsection 6, Code Supplement 2011, is amended to read as follows:

6. The county treasurer shall deliver to the taxpayer a receipt stating the year of tax, date of payment, a description of the parcel, and the amount of taxes, interest, fees, and costs paid when payment is made by cash tender. A receipt for other payment tender types shall only be delivered upon request. The receipt shall be in full ~~of~~ for the first half, second half, or full year amounts unless a payment is made under section 445.36A or 435.24, subsection 6.

Sec. 79. Section 452A.3, subsection 5, Code 2011, is amended to read as follows:

5. *a.* The tax shall be paid by the following:

~~*a.*~~ (1) The supplier, upon the invoiced gross gallonage of all motor fuel or undyed special fuel withdrawn from a terminal for delivery in this state.

(2) Tax shall not be paid when the sale of alcohol occurs within a terminal from an alcohol manufacturer to an Iowa licensed supplier. The tax shall be paid by the Iowa licensed supplier when the invoiced gross gallonage of the alcohol or the alcohol part of ethanol blended gasoline is withdrawn from a terminal for delivery in this state.

~~*b.*~~ (3) The person who owns the fuel at the time it is brought into the state by a restrictive supplier or importer, upon the invoiced gross gallonage of motor fuel or undyed special fuel imported.

~~*c.*~~ (4) The blender on total invoiced gross gallonage of alcohol or other product sold to be blended with gasoline or

special fuel.

~~*d.*~~ (5) Any other person who possesses taxable fuel upon which the tax has not been paid to a licensee.

b. ~~However, the~~ The tax shall not be imposed or collected under this division with respect to motor fuel or special fuel sold for export or exported from this state to any other state, territory, or foreign country.

Sec. 80. Section 455B.487, Code 2011, is amended to read as follows:

455B.487 Facility acquisition and operation.

1. The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of facilities for the management of hazardous and low-level radioactive wastes. Upon request, the department shall assist in locating suitable sites for the location of a facility. The commission may purchase or condemn land to be leased or used for the operation of a facility subject to chapter 6A. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. The commission may lease land purchased under this section to any person including the state or a state agency. This section authorizes the state to own or operate hazardous waste facilities and low-level radioactive waste facilities, subject to the approval of the general assembly.

2. The purchase, condemnation, use, or lease of land for the management of wastes, shall be approved by the general assembly prior to the purchase, condemnation, use, or lease of the land.

3. *a.* The terms of the lease or contract shall establish responsibility for long-term monitoring and maintenance of the site. The commission shall require that the lessee or operator post bond or provide proof of sufficient insurance coverage, as determined by the commission to be reasonably necessary to protect the state against liabilities arising from the storage of wastes, abandonment of the facility, facility accidents, failure of the facility, or other liabilities which may arise.

b. The terms of the lease or contract shall also require that the lessee or operator of the facility pay an annual fee to the state, as established by the commission, to cover facility monitoring costs, and shall require that the lessee or operator establish a long-term monitoring and maintenance fund in which the lessee or operator shall deposit annually an amount specified by the commission. The fund shall be used

to pay closure, long-term monitoring and maintenance, and contingency costs.

4. The lease agreement or contract shall provide for a local review and monitoring committee established by the county or municipal entity governing the jurisdiction in which the facility is located. Prior to the approval of a lease agreement or contract the local committee shall review the application of the prospective lessee or operator and shall determine the suitability of the proposed site for the facility. The local committee may inspect the facility during operation and may make recommendations regarding the operation and closure of the facility. The commission shall establish a surtax paid by the lessee or operator of a facility to the local governmental entity, and retained by the local governmental entity in which the facility is located. The lessee or operator of the facility shall provide funding for the implementation of the duties of the local committee.

5. The lessee or operator is subject to all applicable permit and licensing requirements. The leasehold interest, including improvements made to the property, shall be listed, assessed, and valued as any other real property as provided by law.

6. *a.* Facilities acquired or operated pursuant to this section shall comply with applicable federal and state statutes, local ordinances, and regulations adopted by regulatory agencies to the extent required by law.

~~The purchase, condemnation, use, or lease of land for the management of wastes, shall be approved by the general assembly prior to the purchase, condemnation, use, or lease of the land.~~

b. Facilities acquired or operated pursuant to this section may be used for regional, statewide or multistate management of wastes.

c. Facilities acquired or operated pursuant to this section shall not be used for the purpose of shallow land burial of wastes as a means of disposal.

7. An operator of a facility acquired or operated pursuant to this section shall require that a person, prior to the use of the facility, submit proof that reasonable and good faith measures have been taken to reduce the generation of waste.

8. A hazardous waste facility acquired or operated pursuant to this section shall be operated in accordance with the following schedule:

~~1.~~ *a.* The initial fee paid by a person depositing hazardous

waste at the facility shall be increased by ten percent per ton upon receipt of twenty-five percent of the waste capacity of the facility.

~~2.~~ *b.* The initial fee paid by a person depositing hazardous waste at the facility shall be increased by twenty-five percent per ton upon receipt of fifty percent of the waste capacity of the facility.

~~3.~~ *c.* Upon receipt of fifty percent of the waste capacity of the facility, the receipt of waste shall be limited to hazardous waste generated within the state of Iowa. If an agreement has been established between the owner or operator of the hazardous waste facility and an out-of-state generator of hazardous waste, this limitation is null and void.

Sec. 81. Section 459.501, subsection 5, paragraph b, Code Supplement 2011, is amended to read as follows:

b. The department of natural resources shall credit an amount to the fund from which the expense authorized by the executive council as provided in paragraph *"a"* was appropriated which is equal to an amount ~~allocated~~ authorized for payment to support the livestock remediation fund by the executive council under paragraph *"a"*. However, the department shall only be required to credit the moneys to such fund if the moneys in the livestock remediation fund which are not obligated or encumbered, and not counting the department's estimate of the cost to the livestock remediation fund for pending or unsettled claims, the amount to be allocated to the department of agriculture and land stewardship, and any amount required to be transferred to the fund from which appropriated as described in this paragraph, are in excess of two million five hundred thousand dollars. The department is not required to credit the total amount to the fund from which appropriated as described in this paragraph during any one fiscal year.

Sec. 82. Section 459.502, subsection 2, Code Supplement 2011, is amended to read as follows:

2. The department shall deposit moneys collected from the fees into the livestock remediation fund according to procedures adopted by the department.

Sec. 83. Section 461A.80, Code Supplement 2011, is amended to read as follows:

461A.80 Public outdoor recreation and resources advisory council.

1. An advisory council for public outdoor recreation and resources appropriations made for the purposes of section

461A.79 is created. The council shall consist of a public member appointed by the governor from each congressional district, the chairperson of the commission, the director, and a designee of the economic development authority.

2. Each county conservation board of those counties which are located in a congressional district shall nominate one person from the congressional district for appointment to the advisory council. The commission shall compile a list of the nominations of the county conservation boards for each congressional district and shall provide this list to the governor. The governor shall appoint one member from each congressional district from the nominations as provided. Appointments shall be made for three-year terms beginning July 1 in the year of appointment. A person shall not serve more than two terms. A vacancy shall be filled for the unexpired term in the same manner as the original appointment was made.

3. No more than three public members shall belong to the same political party. The council shall elect a chairperson annually from among the council's members, and the director shall serve as council secretary. Persons already serving in an elected or appointed governmental capacity are not eligible to serve as council members.

~~2.~~ 4. The advisory council shall meet annually, in July, and upon the call of the chairperson of the advisory council. The advisory council shall make policy recommendations to the commission regarding the projects and programs to be funded from funds available for public outdoor recreation and resources from appropriations made for the purposes of section 461A.79.

~~3. Each county conservation board of those counties which are located in a congressional district shall nominate one person from the congressional district for appointment to the advisory council. The commission shall compile a list of the nominations of the county conservation boards for each congressional district and shall provide this list to the governor. The governor shall appoint one member from each congressional district from the nominations as provided. Appointments shall be made for three-year terms beginning July 1 in the year of appointment. A person shall not serve more than two terms. A vacancy shall be filled for the unexpired term in the same manner as the original appointment was made.~~

5. The public members of the advisory council shall be reimbursed for actual and necessary expenses for each day

employed in the official discharge of their duties. The expenses shall be paid from the administration fund of the commission. Each member of the council may also be eligible to receive compensation as provided in section 7E.6.

Sec. 84. Section 462A.2, subsection 24, Code Supplement 2011, is amended to read as follows:

24. *"Operate"* means to navigate or otherwise use a vessel or motorboat. For the purposes of section 462A.12, subsection 2, sections 462A.14, 462A.14A, 462A.14B, 462A.14C, 462A.14D, and 462A.14E, and section 462A.23, subsection 2, paragraph *"b"*, *"operate"*, when used in reference to a motorboat, means the motorboat is powered by a motor which is running, and when used in reference to a sailboat, means the sailboat is either powered by a motor which is running, or the sailboat is under way and has sails hoisted and is not propelled by a motor~~, and is under way~~.

Sec. 85. Section 465A.2, subsection 1, paragraph b, unnumbered paragraph 1, Code Supplement 2011, is amended to read as follows:

Prepare a statewide, long-range plan for the acquisition and protection of significant open space lands throughout the state as identified in section 465A.1. The department of transportation, department of economic development ~~authority~~, and department of cultural affairs, private organizations, county conservation boards, city park and recreation departments, and the federal agencies with lands in the state shall be directly involved in preparing the plan. The plan shall include, but is not limited to, the following elements:

Sec. 86. Section 466B.3, subsection 4, paragraph m, Code Supplement 2011, is amended by striking the paragraph.

Sec. 87. Section 468.221, subsection 2, paragraph b, Code Supplement 2011, is amended to read as follows:

b. If the written communication is to be delivered to a local government, it may be delivered to the governing body of the local government. The written communication may also be delivered to a person designated by the governing body. As used in this ~~paragraph~~ section, *"local government"* includes a county, city, township, or any special purpose district or authority.

Sec. 88. Section 473.1, subsections 1 and 6, Code Supplement 2011, are amended to read as follows:

1. *"Alternative and renewable energy"* means ~~the same as in section 469.31~~ energy sources including but not

limited to solar, wind turbine, waste management, resource recovery, recovered energy generation, refuse-derived fuel, hydroelectric, agricultural crops or residues, hydrogen produced using renewable fuel sources, and woodburning, or relating to renewable fuel development and distribution.

6. "*Renewable fuel*" means ~~the same as in section 469.31~~ a fuel that is all of the following:

a. A motor vehicle fuel that is any of the following:

(1) Produced from grain; starch; oilseed; vegetable, animal, or fish materials, including but not limited to fats, greases, and oil; sugar components, grasses, or potatoes; or other biomass.

(2) Natural gas produced from a biogas source including but not limited to a landfill, sewage waste treatment plant, animal feeding operation, or other place where decaying organic material is found.

b. Used to replace or reduce the quantity of fossil fuel present in a motor fuel mixture used to operate a motor vehicle.

Sec. 89. Section 473.7, subsection 2, Code Supplement 2011, is amended to read as follows:

2. ~~The authority shall collect~~ Collect and analyze data to use in forecasting future energy demand and supply for the state. A supplier is required to provide information pertaining to the supply, storage, distribution, and sale of energy sources in this state when requested by the authority. The information shall be of a nature which directly relates to the supply, storage, distribution, and sale of energy sources, and shall not include any records, documents, books, or other data which relate to the financial position of the supplier. The authority, prior to requiring any supplier to furnish it with such information, shall make every reasonable effort to determine if such information is available from any other governmental source. If it finds such information is available, the authority shall not require submission of the information from a supplier. Notwithstanding the provisions of chapter 22, information and reports obtained under this section shall be confidential except when used for statistical purposes without identifying a specific supplier and when release of the information will not give an advantage to competitors and serves a public purpose. The authority shall use this data to conduct energy forecasts.

Sec. 90. Section 473.10, subsection 4, Code Supplement

2011, is amended to read as follows:

4. The ~~director~~ authority shall adopt rules to implement this section.

Sec. 91. Section 476.1C, subsection 1, Code 2011, is amended to read as follows:

1. Gas public utilities having fewer than two thousand customers ~~are~~:

a. Are not subject to the regulation authority of the utilities board under this chapter unless otherwise specifically provided. Sections 476.10, 476.20, 476.21, and 476.51 apply to such gas utilities.

b. ~~Gas public utilities having fewer than two thousand customers shall~~ Shall be subject to the assessment of fees for the support of the Iowa energy center created in section 266.39C and the center for global and regional environmental research created by the state board of regents and shall file energy efficiency plans and energy efficiency results with the board. The energy efficiency plans as a whole shall be cost-effective. The board may waive all or part of the energy efficiency filing requirements if the gas utility demonstrates superior results with existing energy efficiency efforts.

c. ~~Gas public utilities having fewer than two thousand customers shall~~ Shall keep books, accounts, papers and records accurately and faithfully in the manner and form prescribed by the board. The board may inspect the accounts of the utility at any time.

d. (1) ~~A gas public utility having fewer than two thousand customers may~~ May make effective a new or changed rate, charge, schedule, or regulation after giving written notice of the proposed new or changed rate, charge, schedule, or regulation to all affected customers served by the public utility. The notice shall inform the customers of their right to petition for a review of the proposal to the utilities board within sixty days after notice is served if the petition contains the signatures of at least one hundred of the gas utility's customers. The notice shall state the address of the utilities board. The new or changed rate, charge, schedule, or regulation takes effect sixty days after such valid notice is served unless a petition for review of the new or changed rate, charge, schedule, or regulation signed by at least one hundred of the gas utility's customers is filed with the board prior to the expiration of the sixty-day period.

(2) If such a valid petition is filed with the board

within the sixty-day period, any new or changed rate, charge, schedule, or regulation shall take effect, under bond or corporate undertaking, subject to refund of all amounts collected in excess of those amounts which would have been collected under the rates or charges finally approved by the board. The board shall within five months of the date of filing make a determination of just and reasonable rates based on a review of the proposal, applying established regulatory principles. The board may call upon the gas public utility and its customers to furnish factual evidence in support of or opposition to the new or changed rate, charge, schedule, or regulation. If the gas public utility disputes the finding, the utility may within twenty days file for further review, and the board shall docket the case as a formal proceeding under section 476.6, subsection 4, and set the case for hearing. The gas public utility shall submit factual evidence and written argument in support of the filing.

e. ~~A gas public utility having fewer than two thousand customers shall~~ Shall not make effective a new or changed rate, charge, schedule, or regulation which relates to services for which a rate change is pending within twelve months following the date the petition to review the prior proposed rate, charge, schedule, or regulation was filed with the board or until the board has made its determination of just and reasonable rates, whichever date is earlier, unless the utility applies to the board for authority and receives authority to make a subsequent rate change at an earlier date.

f. ~~Gas public utilities having fewer than two thousand customers shall~~ Shall not make or grant any unreasonable preferences or advantages as to rates or services to any person or subject any person to any unreasonable prejudice or disadvantage. Rates charged by a gas public utility having less than two thousand customers for transportation of customer-owned gas shall not exceed the actual cost of such transportation services including a fair rate of return.

Sec. 92. Section 476C.4, subsection 4, paragraph b, subparagraph (2), Code Supplement 2011, is amended to read as follows:

(2) The applicant shall, in the application made under this section, identify the equity holders or beneficiaries that are to receive the tax credit certificates and the percentage of the tax credit that is allocable to each equity holder or beneficiary.

Sec. 93. Section 483A.24, subsection 1, Code Supplement 2011, is amended to read as follows:

1. Owners or tenants of land, and their ~~juvenile~~ minor children, may hunt, fish or trap upon such lands and may shoot by lawful means ground squirrels, gophers, or woodchucks upon adjacent roads without securing a license so to do; except, special licenses to hunt deer and wild turkey shall be required of owners and tenants but they shall not be required to have a special wild turkey hunting license to hunt wild turkey on a hunting preserve licensed under chapter 484B.

Sec. 94. Section 483A.24, subsection 2, paragraph a, subparagraph (3), subparagraph division (b), Code Supplement 2011, is amended to read as follows:

(b) An *"owner"* does not mean a person who owns a farm unit and who employs a farm manager or third party to operate the farm unit, or a person who owns a farm unit and who rents the entire farm unit to a tenant who is responsible for all farm operations. However, this ~~paragraph~~ subparagraph division does not apply to an owner who is a parent of the tenant and who resides in this state.

Sec. 95. Section 496B.12, Code Supplement 2011, is amended to read as follows:

496B.12 Articles amended.

1. The articles of incorporation of any development corporation may be amended by the votes of the shareholders and the members thereof voting separately by classes.

2. Any amendment shall require approval by the affirmative vote of two-thirds of the votes to which the shareholders shall be entitled and two-thirds of the votes to which the members shall be entitled. No amendment, however, shall be made which: ~~(1)~~

a. ~~is~~ Is inconsistent with this chapter~~;~~. ~~(2)~~

b. ~~authorizes~~ Authorizes any additional class or classes of shares of capital stock~~;~~. ~~(3)~~

c. ~~eliminates~~ Eliminates or curtails the authority of the authority with respect to the corporation.

3. Without the consent of each of the members affected, no amendment shall be made which does any of the following: ~~(1)~~

a. ~~increases~~ Increases the obligation of a member to make loans to the corporation~~;~~. ~~(2)~~

b. ~~makes~~ Makes any change in the principal amount, interest rate, maturity date, or in the security or credit position of any outstanding loan of a member to the corporation~~;~~. ~~(3)~~

c. ~~affects~~ Affects a member's right to withdraw from membership, as provided herein~~, or~~. ~~(4)~~

d. ~~affects~~ Affects a member's voting rights in the corporation.

4. Within thirty days after any meeting at which amendment of any such articles has been adopted, articles of amendment signed and sworn to by the president, secretary, and majority of the directors, setting forth such amendment and the due adoption thereof, shall be submitted to the director of the authority who shall examine them, and if the director finds that they conform to the requirements of this chapter, shall so certify and endorse the director's approval thereof. Thereupon, the articles of amendment shall be filed in the office of the secretary of state in the manner set forth and as provided in the Iowa business corporation Act, chapter 490, and no such amendment shall take effect until such articles of amendment shall have been approved and filed as aforesaid.

5. Within sixty days after the effective date of any legislative amendment affecting the rights and obligations of the members and shareholders or otherwise affecting the articles of incorporation, the approval of such legislative amendments shall be voted on by the shareholders and the members of the development corporation at a meeting duly called for that purpose. If such legislative amendment is not approved by the affirmative vote of two-thirds of the votes to which such shareholders shall be entitled and two-thirds of the votes to which such members shall be entitled, any such member voting against the approval of such legislative amendment shall have the right to withdraw from membership as provided in this chapter.

6. Within thirty days after any meeting at which a legislative amendment affecting the articles of incorporation of a development corporation has been voted on, a certificate filed and sworn to by the secretary or other recording officer of such corporation setting forth the action taken at such meeting with respect to such amendment shall be submitted to the director of the authority and upon receipt of such approval shall be filed in the office of the secretary of state.

Sec. 96. Section 501A.504, subsection 4, Code Supplement 2011, is amended to read as follows:

4. *Filing.* An amendment of the articles shall be filed with the secretary as required in section 501A.201. The amendment is effective as provided in subchapter II. After an amendment

to the articles of organization has been adopted and approved in the manner required by this chapter and by the articles of organization, the cooperative shall deliver to the secretary of state for filing articles of amendment which shall set forth all of the following:

a. The name of the cooperative.

b. The text of each amendment adopted.

c. The date of each amendment's adoption.

d. (1) If the amendment was adopted by the directors ~~or members~~, a statement that the amendment was duly adopted in the manner required by this chapter and by the articles of organization and that members' adoption was not required.

~~*e.*~~ (2) If an amendment required adoption by the members, a statement that the amendment was duly adopted by the members in the manner required by this chapter and by the articles of organization.

Sec. 97. Section 507B.7, subsection 1, paragraph a, Code Supplement 2011, is amended to read as follows:

a. Payment of a civil penalty of not more than one thousand dollars for each act or violation of this subtitle, but not to exceed an aggregate of ten thousand dollars, unless the person knew or reasonably should have known the person was in violation of this subtitle, in which case the penalty shall be not more than five thousand dollars for each act or violation, but not to exceed an aggregate penalty of fifty thousand dollars in any one six-month period. If the commissioner finds that a violation of this subtitle was directed, encouraged, condoned, ignored, or ratified by the employer of the person or by an insurer, the commissioner shall also assess a ~~fine~~ penalty to the employer or insurer.

Sec. 98. Section 509.3, subsection 1, paragraph d, Code 2011, is amended to read as follows:

d. A provision that if the insurance on a person or insurance on a person and the person's dependents covered by the policy ceases because of termination of employment or of membership in the class, the person and the person's dependents may continue their accident or health insurance under the group policy ~~and may subsequently apply for a converted policy without evidence of insurability, as provided in chapter 509B~~.

Sec. 99. Section 514J.108, subsection 1, paragraph c, Code Supplement 2011, is amended to read as follows:

c. A final adverse determination that concerns an admission, availability of care, continued stay, or health care service

for which the covered person received emergency services, and the covered person has not been discharged from a facility.

Sec. 100. Section 515C.2, subsection 1, Code 2011, is amended to read as follows:

1. An insurer, in order to qualify for writing mortgage guaranty insurance, must have the same surplus to policyholders as that required of a multiple line company by section ~~515.49, subsection 8~~ 515.8.

Sec. 101. Section 523C.13, subsection 1, Code Supplement 2011, is amended to read as follows:

1. Payment of a civil penalty of not more than one thousand dollars for each and every act or violation, but not to exceed an aggregate of ten thousand dollars, unless the person knew or reasonably should have known the person was in violation of this section, in which case the penalty shall be not more than five thousand dollars for each and every act or violation, but not to exceed an aggregate penalty of fifty thousand dollars in any one six-month period. The commissioner shall, if it finds the violations of this section were directed, encouraged, condoned, ignored, or ratified by the employer of such person, assess such ~~fine~~ penalty to the employer and not such person. Any civil penalties collected under this subsection shall be deposited as provided in section 505.7.

Sec. 102. Section 524.904, subsection 3, paragraph c, Code Supplement 2011, is amended to read as follows:

c. Shipping documents or instruments that secure title to or give a first lien on livestock. At inception, the current value of the livestock securing the loans must equal at least one hundred percent of the amount of the outstanding loans and extensions of credit. For purposes of this section, *"livestock"* includes dairy and beef cattle, hogs, sheep, and poultry, whether or not held for resale. For livestock held for resale, current value means the price listed for livestock in a regularly published listing or actual purchase price established by invoice. For livestock not held for resale, the value shall be determined by the local slaughter price. The state bank must maintain in its files evidence of purchase or an inspection and valuation for the livestock pledged that is reasonably current, taking into account the nature and frequency of turnover of the livestock to which the documents relate.

Sec. 103. Section 524.904, subsection 5, paragraph c, Code Supplement 2011, is amended to read as follows:

c. To demonstrate compliance with this subsection, a state bank shall maintain in its files, at a minimum, all of the following:

(1) Documentation demonstrating the current ownership of the borrowing entity.

(2) Documentation identifying the persons who have voting rights in the borrowing entity.

(3) Documentation identifying the board of directors and senior management of the borrowing entity.

(4) The state bank's assessment of the borrowing entity's means of servicing the loan or extension of credit, including specific reasons in support of that assessment. The assessment shall include an analysis of the borrowing entity's financial history, its present and projected economic and financial performance, and the significance of any financial support provided to the borrowing entity by members of the borrowing group and third parties.

Sec. 104. Section 524.904, subsection 7, paragraph m, Code Supplement 2011, is amended to read as follows:

m. A renewal or restructuring of a loan as a new loan or extension of credit following the exercise by a state bank of reasonable efforts, consistent with safe and sound banking practices, to bring the loan into conformance with the lending limit, unless new funds are advanced by the state bank to the borrower or unless a new borrower replaces the original borrower or unless the superintendent determines that the renewal or restructuring was undertaken as a means to evade the state bank's lending limit.

Sec. 105. Section 568.16, Code Supplement 2011, is amended to read as follows:

568.16 Purchase money refunded.

If the grantee of the state, or the grantee's successors, administrators, or assigns, shall be deprived of the land conveyed by the state under this chapter by the final decree of a court of record for the reason that the conveyance by the state did not pass title to the land described, because title to the land had previously for any reason been vested in others, then the money paid ~~by~~ to the state for the land shall be refunded by the state to the person or persons entitled to the refund, provided the grantee, or the grantee's successors, administrators, or assigns, shall file a certified copy of the transcript of the final decree with the executive council within one year from the date of the issuance of

such decree, and shall also file satisfactory proof with the executive council that the action over the title to the land was commenced within ten years from the date of the issuance of patent or deed by the state. The amount of money to be refunded under the provisions of this section shall be authorized and paid by the executive council as an expense from the appropriations addressed in section 7D.29.

Sec. 106. Section 602.9202, subsection 4, Code 2011, is amended to read as follows:

4. *"Senior judge retirement age"* means seventy-eight years of age or, if the senior judge is reappointed as a senior judge for an additional ~~two-year~~ one-year term upon attaining seventy-eight years of age pursuant to section 602.9203, eighty years of age.

Sec. 107. Section 631.17, subsection 4, Code Supplement 2011, is amended to read as follows:

4. The district court shall dismiss any case subsequently brought directly or indirectly by a person subject to a bar pursuant to subsection 1 in violation of that subsection and shall assess all costs to that person, and the court shall assess a further civil ~~fine~~ penalty of one hundred dollars against that person for each such case dismissed.

Sec. 108. Section 633.3, subsection 8, Code Supplement 2011, is amended to read as follows:

8. *Costs of administration* — includes court costs, fiduciary's fees, attorney fees, all appraisers' fees, premiums on corporate surety bonds, statutory allowance for support of surviving spouse and children, cost of continuation of abstracts of title, recording fees, transfer fees, transfer taxes, agents' fees allowed by order of court, interest expense, including, but not limited to, interest payable on extension of federal and state estate tax, and all other fees and expenses allowed by order of court in connection with the administration of the estate. Court costs shall include expenses of selling property.

Sec. 109. Section 633A.3106, subsection 2, Code Supplement 2011, is amended to read as follows:

2. For the purposes of this section, a child born after the death of the settlor who would have been entitled to a share of the settlor's probate estate pursuant to section 633.267 shall be treated as a child of the settlor ~~for purposes of this section~~.

Sec. 110. Section 655A.3, subsection 1, paragraph b, Code

2011, is amended to read as follows:

b. The notice shall contain the following in capital letters of the same type or print size as the rest of the notice:

WITHIN THIRTY DAYS AFTER YOUR RECEIPT OF THIS NOTICE, YOU MUST EITHER CURE THE DEFAULTS DESCRIBED IN THIS NOTICE OR FILE WITH THE RECORDER OF THE COUNTY WHERE THE MORTGAGED PROPERTY IS LOCATED A REJECTION OF THIS NOTICE AND SERVE A COPY OF YOUR REJECTION ON THE MORTGAGEE IN THE MANNER PROVIDED ~~BY THE RULES OF CIVIL PROCEDURE FOR SERVICE OF ORIGINAL NOTICES~~ IN SECTION 655A.4. IF YOU WISH TO REJECT THIS NOTICE, YOU SHOULD CONSULT AN ATTORNEY AS TO THE PROPER MANNER TO MAKE THE REJECTION.

IF YOU DO NOT TAKE EITHER OF THE ACTIONS DESCRIBED ABOVE WITHIN THE THIRTY-DAY PERIOD, THE FORECLOSURE WILL BE COMPLETE AND YOU WILL LOSE TITLE TO THE MORTGAGED PROPERTY. AFTER THE FORECLOSURE IS COMPLETE THE DEBT SECURED BY THE MORTGAGED PROPERTY WILL BE EXTINGUISHED.

Sec. 111. Section 692A.118, subsections 11 and 12, Code Supplement 2011, are amended to read as follows:

11. When the department has a reasonable basis to believe that a sex offender has changed residence to an unknown location, has become a fugitive from justice, or has otherwise taken flight, ~~the department shall~~ make a reasonable effort to ascertain the whereabouts of the offender, and if such effort fails to identify the location of the offender, an appropriate notice shall be made on the sex offender registry internet site of this state and shall be transmitted to the national sex offender registry. The department shall notify other law enforcement agencies as deemed appropriate.

12. ~~The department shall notify~~ Notify appropriate law enforcement agencies including the United States marshal service to investigate and verify possible violations. The department shall ensure any warrants for arrest are entered into the Iowa online warrant and articles system and the national crime information center and pursue prosecution of stated violations through state or federal court.

Sec. 112. Section 714.27, subsection 2, paragraph a, Code Supplement 2011, is amended to read as follows:

a. ~~The identity of~~ Identifying information for the person from whom the salvaged material was received or purchased, including name and address; date of birth; Iowa driver's license number, Iowa nonoperator's identification card number, or social security number in conjunction with photo identification; sex, age, height, and race.

Sec. 113. Section 717F.1, subsection 5, paragraph a, subparagraph (9), Code Supplement 2011, is amended by striking the subparagraph.

Sec. 114. Section 717F.1, subsection 5, paragraph a, subparagraph (10), subparagraph division (d), Code Supplement 2011, is amended to read as follows:

(d) A member of the family elapidae, ~~voperidae~~ viperidae, crotalidae, atractaspidae, or hydrophidae which are venomous, including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit vipers, keelbacks, cottonmouths, and sea snakes.

Sec. 115. Section 717F.8, subsection 2, paragraph j, Code 2011, is amended to read as follows:

j. Fifty dollars for a member of the family elapidae, ~~voperidae~~ viperidae, crotalidae, atractaspidae, or hydrophidae which are venomous, including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit vipers, keelbacks, cottonmouths, and sea snakes.

Sec. 116. Section 805.8A, subsection 13, paragraph f, Code Supplement 2011, is amended to read as follows:

f. For violations of section 327B.1, subsection 1 or ~~2~~ 3, the scheduled fine is two hundred fifty dollars.

Sec. 117. Section 811.1, subsection 1, Code Supplement 2011, is amended to read as follows:

1. A defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of a class "A" felony~~,~~; forcible felony as defined in section 702.11~~,~~; any class "B" felony included in section 462A.14 or 707.6A; any felony included in section 124.401, subsection 1, paragraph "*a*" or "*b*"; ~~or~~ a second or subsequent offense under section 124.401, subsection 1, paragraph "*c*"; any felony punishable under section 902.9, subsection 1; any public offense committed while detained pursuant to section 229A.5; or any public offense committed while subject to an order of commitment pursuant to chapter 229A.

Sec. 118. Section 907.5, Code Supplement 2011, is amended to read as follows:

907.5 Standards for release on probation — written reasons.

1. Before deferring judgment, deferring sentence, or suspending sentence, the court first shall determine which option, if available, will provide maximum opportunity for the rehabilitation of the defendant and protection of the

community from further offenses by the defendant and others. In making this determination, the court shall consider all of the following:

a. The age of the defendant~~; the~~.

b. The defendant's prior record of convictions and prior record of deferments of judgment if any~~; the~~.

c. The defendant's employment circumstances~~; the~~.

d. The defendant's family circumstances~~; the~~.

e. The defendant's mental health and substance abuse history and treatment options available in the community and the correctional system~~; the~~.

f. The nature of the offense committed~~; and such~~.

g. Such other factors as are appropriate.

2. The court shall file a specific written statement of its reasons for and the facts supporting its decision to defer judgment, to defer sentence, or to suspend sentence, and its decision on the length of probation.

Sec. 119. REPEAL. Section 15.103, Code Supplement 2011, is repealed.

Sec. 120. REPEAL. Section 135.160, Code 2011, is repealed.

Sec. 121. 2011 Iowa Acts, chapter 113, section 45, is amended by striking the section and inserting in lieu thereof the following:

SEC. 45. Section 159.20, subsection 1, paragraph j, Code 2011, is amended to read as follows:

j. Provide for the promotion and expansion of renewable fuels and coproducts, by doing all of the following:

~~*j.*~~ (1) Assist the office of renewable fuels and coproducts in administering the provisions of chapter 159A, subchapter II.

(2) Assist the renewable fuel infrastructure board, provide for the administration of the renewable fuel infrastructure programs, and provide for the management of the renewable fuel infrastructure fund, as provided in chapter 159A, subchapter III.

Sec. 122. 2011 Iowa Acts, chapter 131, section 134, is amended to read as follows:

SEC. 134. 2011 Iowa Acts, Senate File 510, section ~~28~~ 27, if enacted, is amended to read as follows:

~~SEC. 28.~~ SEC. 27. EFFECTIVE DATE. The following provision of this division of this Act takes effect thirty days after enactment~~, notwithstanding section 3.7~~ of this Act or thirty days after the enactment of 2011 Iowa Acts, Senate File 533, if enacted, whichever is later:

The section of this division of this Act ~~amending~~ enacting section 124.204, subsection 4, paragraph "ai", subparagraphs (1) through (4).

Sec. 123. 2011 Iowa Acts, chapter 131, section 135, is amended to read as follows:

SEC. 135. 2011 Iowa Acts, Senate File 510, section ~~29~~ 28, if enacted, is amended to read as follows:

~~SEC. 29.~~ SEC. 28. EFFECTIVE UPON ENACTMENT. The following provision of this division of this Act, being deemed of immediate importance, ~~and notwithstanding section 3.7~~ takes effect upon enactment of this Act or upon enactment of 2011 Iowa Acts, Senate File 533, if enacted, whichever is later:

The section of this Act ~~amending~~ enacting section 124.204, subsection 4, paragraph "ai", subparagraph (5).

DIVISION II

INTERNAL REFERENCES

Sec. 124. Section 7E.5A, subsection 4, Code 2011, is amended to read as follows:

4. As used in this section, *"vertical infrastructure"* means the same as defined in section 8.57, subsection ~~6~~ 5, paragraph *"c"*.

Sec. 125. Section 8.22A, subsection 5, paragraph b, Code Supplement 2011, is amended to read as follows:

b. The amount of revenue for the following fiscal year from gambling revenues and from interest earned on the cash reserve fund and the economic emergency fund to be deposited in the rebuild Iowa infrastructure fund under section 8.57, subsection ~~6~~ 5, paragraph *"e"*.

Sec. 126. Section 8.57A, subsection 4, Code Supplement 2011, is amended to read as follows:

4. *a.* There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2013, and for each fiscal year thereafter, the sum of forty-two million dollars to the environment first fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph *"c"*.

b. There is appropriated from the rebuild Iowa infrastructure fund each fiscal year for the period beginning July 1, 2010, and ending June 30, 2012, the sum of thirty-three million dollars to the environment first fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph *"c"*.

c. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the sum of thirty-five million

dollars to the environment first fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph "c".

Sec. 127. Section 8.57C, subsection 3, paragraphs b through d, Code Supplement 2011, are amended to read as follows:

b. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of seventeen million five hundred thousand dollars, and for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of fourteen million five hundred twenty-five thousand dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph "c".

c. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the sum of ten million dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph "c".

d. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the sum of fifteen million, five hundred forty-one thousand dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph "c".

Sec. 128. Section 8A.123, subsection 1, Code 2011, is amended to read as follows:

1. Activities of the department shall be accounted for within the general fund of the state, except that the director may establish and maintain internal service funds in accordance with generally accepted accounting principles, as defined in section 8.57, subsection ~~5~~ 4, for activities of the department which are primarily funded from billings to governmental entities for services rendered by the department. The establishment of an internal service fund is subject to the approval of the director of the department of management and the concurrence of the auditor of state. At least ninety days prior to the establishment of an internal service fund pursuant to this section, the director shall notify in writing the general assembly, including the legislative council, legislative fiscal committee, and the legislative services agency.

Sec. 129. Section 12.87, subsection 1, paragraph b, subparagraph (1), Code Supplement 2011, is amended to read 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~~ 5, paragraph *"c"*, to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures.

Sec. 130. Section 12.89, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. The revenues required to be deposited into the fund pursuant to section 8.57, subsection ~~6~~ 5, paragraph *"e"*, subparagraphs (1) and (2).

Sec. 131. Section 12.89A, subsection 2, paragraph a, Code Supplement 2011, is amended to read as follows:

a. The revenues required to be deposited in the fund pursuant to section 8.57, subsection ~~6~~ 5, paragraph *"e"*, subparagraphs (1) and (2).

Sec. 132. Section 12E.12, subsection 1, paragraph b, subparagraphs (1) and (2), Code 2011, are amended to read as follows:

(1) The tax-exempt bond proceeds restricted capital funds account. The net proceeds of tax-exempt bonds issued to provide funds for capital projects, certain debt service, and attorney fees related to the master settlement agreement which the state treasurer is authorized and directed to deposit on behalf of the state shall be deposited in the account and shall be used to fund capital projects, certain debt service, and the payment of attorney fees related to the master settlement agreement. With respect to capital projects, it is the intent of the general assembly to fund capital projects that qualify as vertical infrastructure projects as defined in section 8.57, subsection ~~6~~ 5, paragraph *"c"*, to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures considered and approved by a constitutional majority of each house of the general assembly and the governor.

(2) The FY 2009 tax-exempt bond proceeds restricted capital funds account. The net proceeds of tax-exempt bonds issued after July 1, 2008, as a result of the securitization of any remaining tobacco settlement payments to provide funds for capital projects which the treasurer of state is authorized and directed to deposit on behalf of the state shall be deposited in the account and shall be used to fund

capital projects. With respect to capital projects, it is the intent of the general assembly to fund capital projects that qualify as vertical infrastructure projects as defined in section 8.57, subsection ~~6~~ 5, paragraph "c", to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures considered and approved by a constitutional majority of each house of the general assembly and the governor.

Sec. 133. Section 15G.110, Code Supplement 2011, is amended to read as follows:

15G.110 Appropriation.

For the fiscal year beginning July 1, 2011, and ending June 30, 2012, there is appropriated to the economic development authority fifteen million dollars from the rebuild Iowa infrastructure fund for deposit in the economic development fund, notwithstanding section 8.57, subsection ~~6~~ 5, paragraph "c".

Sec. 134. Section 16.193, subsection 2, Code Supplement 2011, is amended to read as follows:

2. For the period beginning July 1, 2009, and ending June 30, 2011, 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~~ 5, paragraph "c".

Sec. 135. Section 99G.39, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Notwithstanding subsection 1, if gaming revenues under sections 99D.17 and 99F.11 are insufficient in a fiscal year to meet the total amount of such revenues directed to be deposited in the vision Iowa fund and the school infrastructure fund during the fiscal year pursuant to section 8.57, subsection ~~6~~ 5, paragraph "e", the difference shall be paid from lottery revenues prior to deposit of the lottery revenues in the general fund. If lottery revenues are insufficient during the fiscal year to pay the difference, the remaining difference shall be paid from lottery revenues in subsequent fiscal years as such revenues become available.

Sec. 136. Section 123.53, subsection 3, Code Supplement 2011, is amended to read as follows:

3. Notwithstanding subsection 2, if gaming revenues under sections 99D.17 and 99F.11 are insufficient in a fiscal year to meet the total amount of such revenues directed to be deposited

in the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during the fiscal year pursuant to section 8.57, subsection ~~6~~ 5, paragraph *"e"*, the difference shall be paid from moneys deposited in the beer and liquor control fund prior to transfer of such moneys to the general fund pursuant to subsection 2 and prior to the transfer of such moneys pursuant to subsections 5 and 6. If moneys deposited in the beer and liquor control fund are insufficient during the fiscal year to pay the difference, the remaining difference shall be paid from moneys deposited in the beer and liquor control fund in subsequent fiscal years as such moneys become available.

Sec. 137. Section 260G.6, subsection 2, Code Supplement 2011, is amended to read as follows:

2. Projects funded pursuant to this section shall be for vertical infrastructure as defined in section 8.57, subsection ~~6~~ 5, paragraph *"c"*.

Sec. 138. Section 324A.6A, Code 2011, is amended to read as follows:

324A.6A Public transit infrastructure grant fund.

A public transit infrastructure grant fund is established within the department. Moneys in the fund shall be awarded to public transit systems within the state for construction and infrastructure projects that meet the definition of *"vertical infrastructure"* in section 8.57, subsection ~~6~~ 5, paragraph *"c"*. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. In awarding grant assistance, the office of public transit within the department shall, by rule, specify certain criteria that must be included in a grant application, which shall include but not be limited to information on the feasibility of completion of an individual infrastructure project. Notwithstanding section 8.33, moneys in the public transit infrastructure grant fund shall not revert to the fund from which they are appropriated but shall remain available indefinitely for expenditure under this section.

Sec. 139. Section 461A.3A, subsection 1, Code Supplement 2011, is amended to read as follows:

1. The department shall establish a restore the outdoors program. The purpose of the program is to provide funding for projects involving existing vertical infrastructure as defined in section 8.57, subsection ~~6~~ 5, paragraph *"c"*, or the construction of new vertical infrastructure if the new

construction is required due to increased demand for facilities at the park or if it is not cost-effective to repair or renovate the existing vertical infrastructure. Projects shall be limited to existing state parks and other public facilities managed by the department.

Sec. 140. Section 473.19A, subsection 3, Code Supplement 2011, is amended to read as follows:

3. The building energy management fund shall be limited to a maximum of one million dollars. Amounts in excess of this maximum limitation shall be transferred to and deposited in the rebuild Iowa infrastructure fund created in section 8.57, subsection ~~6~~ 5.

DIVISION III

EFFECTIVE DATE AND APPLICABILITY PROVISIONS

Sec. 141. EFFECTIVE UPON ENACTMENT. The provisions in division I of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 42.4, subsection 8.

2. The section of this Act amending section 15E.120.

3. The section of this Act amending 2011 Iowa Acts, chapter 113, section 45.

4. The section of this Act amending 2011 Iowa Acts, chapter 131, section 134.

5. The section of this Act amending 2011 Iowa Acts, chapter 131, section 135.

Sec. 142. EFFECTIVE DATE —— CONTINGENT REPEAL. The section of this Act amending section 321.18, Code 2011, by striking subsection 9, takes effect on June 30, 2012, or on the date that chapter 322E is repealed, whichever date is the latest.

Sec. 143. RETROACTIVE APPLICABILITY. The section of this Act amending section 42.4, subsection 8, applies retroactively to January 1, 2011.

Sec. 144. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to July 1, 2011:

1. The section of this Act amending 15E.120.

2. The section of this Act amending 2011 Iowa Acts, chapter 113, section 45.

Sec. 145. RETROACTIVE APPLICABILITY. The provision in division I of this Act amending 2011 Iowa Acts, chapter 131, section 134, applies retroactively to the date which is 30 days after July 29, 2011.

Sec. 146. RETROACTIVE APPLICABILITY. The provision in division I of this Act amending 2011 Iowa Acts, chapter 131, section 135, applies retroactively to July 29, 2011.

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JOHN P. KIBBIE
President of the Senate

_____

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2285, Eighty-fourth General Assembly.

_____

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2012

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TERRY E. BRANSTAD
Governor