

House Study Bill 196

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and including
2 effective and retroactive applicability date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1585HC 82
5 lh/es/88

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1 1 Section 1. Section 6B.14, unnumbered paragraph 2, Code
1 2 2007, is amended to read as follows:
1 3 Prior to the meeting of the commission, the commission or a
1 4 commissioner shall not communicate with the applicant,
1 5 property owner, or tenant, or their agents, regarding the
1 6 condemnation proceedings. The commissioners shall meet in
1 7 open session to view the property and to receive evidence, but
1 8 may deliberate in closed session. When deliberating in closed
1 9 session, the meeting is closed to all persons who are not
1 10 commissioners except for personnel from the sheriff's office
1 11 if such personnel is requested by the commission. After
1 12 deliberations commence, the commission and each commissioner
1 13 is prohibited from communicating with any party to the
1 14 proceeding. However, if the commission is deliberating in
1 15 closed session, and after deliberations commence the
1 16 commission requires further information from a party or a
1 17 witness, the commission shall notify the property owner and
1 18 the acquiring agency that they are allowed to attend the
1 19 meeting at which such additional information shall be provided
1 20 but only for that period of time during which the additional
1 21 information is being provided. The property owner and the
1 22 acquiring agency shall be given a reasonable opportunity to
1 23 attend the meeting. The commission shall keep minutes of all
1 24 its meetings showing the date, time, and place, the members
1 25 present, and the action taken at each meeting. The minutes
1 26 shall show the results of each vote taken and information
1 27 sufficient to indicate the vote of each member present. The
1 28 vote of each member present shall be made public at the open
1 29 session. The minutes shall be public records open to public
1 30 inspection.

1 31 Sec. 2. Section 8.6, subsection 15, unnumbered paragraph
1 32 1, Code 2007, is amended to read as follows:
1 33 ~~Designate~~ To designate a position within the department to
1 34 serve as the executive branch's risk management coordinator.
1 35 The risk management coordinator shall have all of the
2 1 following responsibilities:

2 2 Sec. 3. Section 8A.415, subsection 2, unnumbered paragraph
2 3 1, Code 2007, is amended to read as follows:
2 4 A merit system employee, except an employee covered by a
2 5 collective bargaining agreement, who is discharged, suspended,
2 6 demoted, or otherwise ~~reduced~~ receives a reduction in pay,
2 7 except during the employee's probationary period, may bypass
2 8 steps one and two of the grievance procedure and appeal the
2 9 disciplinary action to the director within seven calendar days
2 10 following the effective date of the action. The director
2 11 shall respond within thirty calendar days following receipt of
2 12 the appeal.

2 13 Sec. 4. Section 11.36, Code 2007, is amended to read as
2 14 follows:

2 15 11.36 REVIEW OF ENTITIES RECEIVING PUBLIC MONEYS.

2 16 1. The auditor of state may, at the request of a
2 17 department, review, during normal business hours upon
2 18 reasonable notice of at least twenty-four hours, the audit

2 19 working papers prepared by a certified public accountant
2 20 covering the receipt and expenditure of state or federal funds
2 21 provided by the department to any other entity to determine if
2 22 the receipt and expenditure of those funds by the entity is
2 23 consistent with the laws, rules, regulations, and contractual
2 24 agreements governing those funds. Upon completion of the
2 25 review, the auditor of state shall report whether, in the
2 26 auditor of state's judgment, the auditor of state believes the
2 27 certified public accountant's working papers adequately
2 28 demonstrate that the laws, rules, regulations, and contractual
2 29 agreements governing the funds have been substantially
2 30 complied with. If the auditor of state does not believe the
2 31 certified public accountant's working papers adequately
2 32 demonstrate that the laws, rules, regulations, and contractual
2 33 agreements have been substantially complied with or believes a
2 34 complete or partial reaudit is necessary based on the
2 35 provisions of section 11.6, subsection 4, paragraph "a" or
3 1 "b", the auditor of state shall notify the certified public
3 2 accountant and the department of the actions the auditor of
3 3 state believes are necessary to determine ~~that whether~~ the
3 4 entity is in substantial compliance with those laws, rules,
3 5 regulations, and contractual agreements. The auditor of state
3 6 may assist departments with actions to determine ~~that whether~~
3 7 the entity is in substantial compliance. Departments
3 8 requesting the review shall reimburse the auditor of state for
3 9 the cost of the review and any subsequent assistance provided
3 10 by the auditor of state.

3 11 2. The auditor of state may, at the request of a
3 12 department, review the records covering the receipt and
3 13 expenditure of state or federal funds provided by the
3 14 department to any other entity which has not been audited by a
3 15 certified public accountant to determine if the receipt and
3 16 expenditure of those funds by the entity is consistent with
3 17 the laws, rules, regulations, and contractual agreements
3 18 governing those funds. Upon completion of the review, the
3 19 auditor of state shall report whether, in the auditor of
3 20 state's judgment, the auditor of state believes the entity
3 21 adequately demonstrated that the laws, rules, regulations, and
3 22 contractual agreements governing the funds have been
3 23 substantially complied with. If the auditor of state does not
3 24 believe the entity adequately demonstrated that the laws,
3 25 rules, regulations, and contractual agreements have been
3 26 substantially complied with, the auditor of state shall notify
3 27 the department of the actions the auditor of state believes
3 28 are necessary to determine ~~that whether~~ the entity is in
3 29 substantial compliance with those laws, rules, regulations,
3 30 and contractual agreements. The auditor of state may assist a
3 31 department with actions to determine ~~that whether~~ the entity
3 32 is in substantial compliance. Departments requesting the
3 33 review shall reimburse the auditor of state for the cost of
3 34 the review and any subsequent assistance provided by the
3 35 auditor of state.

4 1 3. When, in the auditor of state's judgment, the auditor
4 2 of state finds that sufficient information is available to
4 3 demonstrate that an entity receiving state or federal funds
4 4 from a department may not have substantially complied with the
4 5 laws, rules, regulations, and contractual agreements governing
4 6 those funds, the auditor of state shall notify the department
4 7 providing those funds to the entity of the auditor of state's
4 8 finding. The department shall cooperate with the auditor of
4 9 state to establish actions to be taken to determine whether
4 10 substantial compliance with those laws, rules, regulations,
4 11 and contractual agreements has been achieved by the entity
4 12 receiving the state or federal funds from the department.
4 13 Departments providing the state or federal funds shall
4 14 reimburse the auditor of state for any actions taken by the
4 15 auditor of state to determine whether the entity has
4 16 substantially complied with the laws, rules, regulations, and
4 17 contractual agreements governing the funds provided by the
4 18 department for costs expended after the date the auditor of
4 19 state notifies the department of an issue involving
4 20 substantial compliance pursuant to the requirements of this
4 21 subsection.

4 22 Sec. 5. Section 12.76, Code 2007, is amended to read as
4 23 follows:

4 24 12.76 LIMITATIONS.

4 25 Bonds or notes issued pursuant to section 12.71 are not
4 26 debts of the state, or of any political subdivision of the
4 27 state, and do not constitute a pledge of the faith and credit
4 28 of the state or a charge against the general credit or general
4 29 fund of the state. The issuance of any bonds or notes

4 30 pursuant to section 12.71 by the treasurer of state does not
4 31 directly, indirectly, or contingently obligate the state or a
4 32 political subdivision of the state to apply moneys from, or to
4 33 levy or pledge any form of taxation whatever, to, the payment
4 34 of the bonds or notes. Bonds and notes issued under section
4 35 12.71 are payable solely and only from the sources and special
5 1 fund provided in section 12.72.

5 2 Sec. 6. Section 12.91, subsection 16, Code 2007, is
5 3 amended to read as follows:

5 4 16. Bonds issued pursuant to this section are not debts of
5 5 the state, or of any political subdivision of the state, and
5 6 do not constitute a pledge of the faith and credit of the
5 7 state or a charge against the general credit or general fund
5 8 of the state. The issuance of any bonds pursuant to this
5 9 section by the treasurer of state does not directly,
5 10 indirectly, or contingently obligate the state or a political
5 11 subdivision of the state to apply moneys from, or to levy or
5 12 pledge any form of taxation whatever, to, the payment of the
5 13 bonds. Bonds issued under this section are payable solely and
5 14 only from the sources and special fund provided in this
5 15 section.

5 16 Sec. 7. Section 13B.4, subsection 4, paragraph d,
5 17 subparagraph (8), Code 2007, is amended to read as follows:

5 18 (8) ~~Any If the state public defender is not first notified~~
5 19 ~~and given an opportunity to be heard, any court order entered~~
5 20 ~~after the state public defender has taken action on a claim,~~
5 21 ~~which affects that claim, without first notifying the state~~
5 22 ~~public defender and permitting the state public defender an~~
5 23 ~~opportunity to be heard,~~ is void.

5 24 Sec. 8. Section 15.318, subsection 16, Code 2007, is
5 25 amended to read as follows:

5 26 16. In cases where projects being reviewed at the same
5 27 time are given equivalent ratings under subsections 1 through
5 28 15, preference in funding shall be given to the project which
5 29 is located in the county which has the highest percentage of
5 30 ~~low=~~ low=income and moderate=income individuals. If the
5 31 projects are located in the same county, preference in funding
5 32 shall be given to the project which is located in the city
5 33 which has the highest percentage of ~~low=~~ low=income and
5 34 moderate=income individuals.

5 35 Sec. 9. Section 15I.3, subsection 1, Code 2007, is amended
6 1 to read as follows:

6 2 1. In order for a ~~wage-benefit~~ wage=benefits tax credit to
6 3 be claimed, the business shall submit an application to the
6 4 department along with information on the qualified new job or
6 5 retained qualified new job and any other information required.
6 6 Applications for approval of the tax credit shall be on forms
6 7 approved by the department. Within forty=five days of receipt
6 8 of the application, the department shall either approve or
6 9 disapprove the application. After the forty=five=day limit,
6 10 the application is deemed approved.

6 11 Sec. 10. Section 16.2, Code 2007, is amended to read as
6 12 follows:

6 13 16.2 ESTABLISHMENT OF AUTHORITY == TITLE GUARANTY
6 14 DIVISION.

6 15 1. The Iowa finance authority is established, and
6 16 constituted a public instrumentality and agency of the state
6 17 exercising public and essential governmental functions, to
6 18 undertake programs which assist in attainment of adequate
6 19 housing for low or moderate income families, elderly families,
6 20 and families which include one or more persons with
6 21 disabilities, and to undertake the Iowa homesteading program,
6 22 the small business loan program, the export business finance
6 23 program, and other finance programs. The powers of the
6 24 authority are vested in and shall be exercised by a board of
6 25 nine members appointed by the governor subject to confirmation
6 26 by the senate. No more than five members shall belong to the
6 27 same political party. As far as possible, the governor shall
6 28 include within the membership persons who represent community
6 29 and housing development industries, housing finance
6 30 industries, the real estate sales industry, elderly families,
6 31 minorities, lower income families, very low income families,
6 32 families which include persons with disabilities, average
6 33 taxpayers, local government, business and international trade
6 34 interests, and any other person specially interested in
6 35 community housing, finance, small business, or export business
7 1 development.

7 2 2. A title guaranty division is created within the
7 3 authority. The powers of the division relating to the
7 4 issuance of title guaranties are vested in and shall be
7 5 exercised by a division board of five members appointed by the

7 6 governor subject to confirmation by the senate. The
7 7 membership of the board shall include an attorney, an
7 8 abstractor, a real estate broker, a representative of a
7 9 mortgage=lender, and a representative of the housing
7 10 development industry. The executive director of the authority
7 11 shall appoint an attorney as director of the title guaranty
7 12 division who shall serve as an ex officio member of the board.
7 13 The appointment of and compensation for the division director
7 14 are exempt from the merit system provisions of chapter 8A,
7 15 subchapter IV.

7 16 a. Members of the board of the division shall be appointed
7 17 by the governor for staggered terms of six years beginning and
7 18 ending as provided in section 69.19. A person shall not serve
7 19 on the division board while serving on the authority board. A
7 20 person appointed to fill a vacancy shall serve only for the
7 21 unexpired portion of the term. A member is eligible for
7 22 reappointment. A member of the division board may be removed
7 23 from office by the governor for misfeasance, malfeasance, or
7 24 willful neglect of duty or for other just cause, after notice
7 25 and hearing, unless notice and hearing is expressly waived in
7 26 writing.

7 27 b. Three members of the board shall constitute a quorum.
7 28 An affirmative vote of a majority of the appointed members is
7 29 necessary for any substantive action taken by the division.

7 30 c. Members of the board are entitled to receive a per diem
7 31 as specified in section 7E.6 for each day spent in performance
7 32 of duties as members and shall be reimbursed for all actual
7 33 and necessary expenses incurred in the performance of duties
7 34 as members.

7 35 d. Members of the board and the director shall give bond
8 1 as required for public officers in chapter 64.

8 2 e. Meetings of the board shall be held at the call of the
8 3 chair of the board or on written request of two members.

8 4 f. Members shall elect a chair and vice chair annually and
8 5 other officers as they determine. The director shall serve as
8 6 secretary to the board.

8 7 g. The net earnings of the division, beyond that necessary
8 8 for reserves, backing, guaranties issued or to otherwise
8 9 implement the public purposes and programs authorized, shall
8 10 not inure to the benefit of any person other than the state
8 11 and are subject to subsection ~~8~~ 9.

8 12 ~~2- 3.~~ Members of the authority shall be appointed by the
8 13 governor for staggered terms of six years beginning and ending
8 14 as provided in section 69.19. A person appointed to fill a
8 15 vacancy shall serve only for the unexpired portion of the
8 16 term. A member is eligible for reappointment. A member of
8 17 the authority may be removed from office by the governor for
8 18 misfeasance, malfeasance, or willful neglect of duty or other
8 19 just cause, after notice and hearing, unless the notice and
8 20 hearing is expressly waived in writing.

8 21 ~~3- 4.~~ Five members of the authority constitute a quorum
8 22 and the affirmative vote of a majority of the appointed
8 23 members is necessary for any substantive action taken by the
8 24 authority. The majority shall not include any member who has
8 25 a conflict of interest and a statement by a member of a
8 26 conflict of interest shall be conclusive for this purpose. A
8 27 vacancy in the membership does not impair the right of a
8 28 quorum to exercise all rights and perform all duties of the
8 29 authority.

8 30 ~~4- 5.~~ Members of the authority are entitled to receive a
8 31 per diem as specified in section 7E.6 for each day spent in
8 32 performance of duties as members, and shall be reimbursed for
8 33 all actual and necessary expenses incurred in the performance
8 34 of duties as members.

8 35 ~~5- 6.~~ Members of the authority and the executive director
9 1 shall give bond as required for public officers in chapter 64.

9 2 ~~6- 7.~~ Meetings of the authority shall be held at the call
9 3 of the chairperson or whenever two members so request.

9 4 ~~7- 8.~~ Members shall elect a chairperson and vice
9 5 chairperson annually, and other officers as they determine,
9 6 but the executive director shall serve as secretary to the
9 7 authority.

9 8 ~~8- 9.~~ The net earnings of the authority, beyond that
9 9 necessary for retirement of its notes, bonds or other
9 10 obligations, or to implement the public purposes and programs
9 11 herein authorized, shall not inure to the benefit of any
9 12 person other than the state. Upon termination of the
9 13 existence of the authority, title to all property owned by the
9 14 authority, including any such net earnings of the authority,
9 15 shall vest in the state. The state reserves the right at any
9 16 time to alter, amend, repeal, or otherwise change the

9 17 structure, organization, programs, or activities of the
9 18 authority, including the power to terminate the authority,
9 19 except that no law shall ever be passed impairing the
9 20 obligation of any contract or contracts entered into by the
9 21 authority to the extent that any such law would contravene
9 22 Article I, section 21, of the Constitution of the State of
9 23 Iowa or Article I, section 10, of the Constitution of the
9 24 United States.

9 25 Sec. 11. Section 21.8, subsection 1, paragraph c, Code
9 26 2007, is amended to read as follows:

9 27 c. Minutes are kept of the meeting. The minutes shall
9 28 include a statement explaining why a meeting in person was
9 29 impossible or impractical.

~~9 30 The minutes shall include a statement explaining why a~~
~~9 31 meeting in person was impossible or impractical.~~

9 32 Sec. 12. Section 29A.101A, subsection 5, Code 2007, is
9 33 amended to read as follows:

9 34 5. Rents or lease amounts unpaid for the period preceding
9 35 the effective date of the lease termination shall be paid on a
10 1 prorated basis. In the case of a vehicle lease, the lessor
10 2 ~~may shall~~ not impose an early termination charge, but any
10 3 taxes, summonses, and title and registration fees and any
10 4 other obligation and liability of the lessee in accordance
10 5 with the terms of the lease, including reasonable charges to
10 6 the lessee for excess wear, use, and mileage, that are due and
10 7 unpaid at the time of termination of the lease shall be paid
10 8 by the lessee.

10 9 Sec. 13. Section 29B.18, subsection 1, Code 2007, is
10 10 amended to read as follows:

10 11 1. a. Subject to section 29B.16, special courts=martial
10 12 have jurisdiction to try persons subject to this code for any
10 13 offense for which they may have been punished under this code
10 14 and may, under such limitations as the adjutant general may
10 15 impose by rule, adjudge any one or a combination of the
10 16 following punishments:

10 17 ~~a-~~ (1) A fine not exceeding one hundred dollars.
10 18 ~~b-~~ (2) Forfeiture of pay and allowances not exceeding one
10 19 thousand dollars.
10 20 ~~c-~~ (3) A reprimand.
10 21 ~~d-~~ (4) Dismissal or dishonorable discharge.
10 22 ~~e-~~ (5) Reduction of a noncommissioned officer to the
10 23 ranks.

10 24 b. A special courts=martial shall not try a commissioned
10 25 officer.

10 26 Sec. 14. Section 36.3, subsection 3 and unnumbered
10 27 paragraph 2, Code 2007, are amended to read as follows:

10 28 3. Conduct epidemiological investigations of veterans who
10 29 have cancer or other medical problems or who have children
10 30 born with birth defects associated with exposure to chemicals,
10 31 in consultation and cooperation with a certified medical
10 32 toxicologist selected by the department. The department shall
10 33 obtain consent from a veteran before conducting the
10 34 investigations. The department shall cooperate with local and
10 35 state agencies during the course of an investigation.

~~11 1 The department shall cooperate with local and state~~
~~11 2 agencies during the course of an investigation.~~

11 3 Sec. 15. Section 68B.37, subsections 1 and 2, Code 2007,
11 4 are amended to read as follows:

11 5 1. A lobbyist before the general assembly shall file with
11 6 the general assembly, on forms prescribed by each house of the
11 7 general assembly, a report disclosing all of the following:

11 8 a. The lobbyist's clients before the general assembly.
11 9 b. Contributions made to candidates for state office by
11 10 the lobbyist during calendar months during the reporting
11 11 period when the general assembly is not in session.
11 12 c. The recipient of the campaign contributions.
11 13 d. Expenditures made by the lobbyist for the purposes of
11 14 providing the services enumerated under section 68B.2,
11 15 subsection 13, paragraph "a", before the general assembly.

11 16 For purposes of this paragraph, "expenditures" does not
11 17 include expenditures made by any organization for publishing a
11 18 newsletter or other informational release for its members.

~~11 19 For purposes of this subsection, "expenditures" does not~~
~~11 20 include expenditures made by any organization for publishing a~~
~~11 21 newsletter or other informational release for its members.~~

11 22 2. A lobbyist before a state agency or the office of the
11 23 governor shall file with the board, on forms prescribed by the
11 24 board, a report disclosing all of the following:

11 25 a. The lobbyist's clients before the executive branch.
11 26 b. Contributions made to candidates for state office by
11 27 the lobbyist during calendar months during the reporting

11 28 period when the general assembly is not in session.
11 29 c. The recipient of the campaign contributions.
11 30 d. Expenditures made by the lobbyist for the purposes of
11 31 providing the services enumerated under section 68B.2,
11 32 subsection 13, paragraph "a", before the executive branch.
11 33 For purposes of this paragraph, "expenditures" does not
11 34 include expenditures made by any organization for publishing a
11 35 newsletter or other informational release for its members.

~~12 1 For purposes of this subsection, "expenditures" does not~~
~~12 2 include expenditures made by any organization for publishing a~~
~~12 3 newsletter or other informational release for its members.~~

12 4 Sec. 16. Section 69.15, Code 2007, is amended to read as
12 5 follows:

12 6 69.15 BOARD MEMBERS == NONATTENDANCE == VACANCY.

12 7 1. Any person who has been appointed by the governor to
12 8 any board under the laws of this state shall be deemed to have
12 9 submitted a resignation from such office if either of the
12 10 following events occurs:

12 11 ~~1-~~ a. The person does not attend three or more consecutive
12 12 regular meetings of such board. This paragraph does not apply
12 13 unless the first and last of the consecutive meetings counted
12 14 for this purpose are at least thirty days apart.

12 15 ~~2-~~ b. The person attends less than one-half of the regular
12 16 meetings of such board within any period of twelve calendar
12 17 months beginning on July 1 or January 1. This paragraph does
12 18 not apply unless such board holds at least four regular
12 19 meetings during such period. This paragraph applies only to
12 20 such a period beginning on or after the date when the person
12 21 takes office as a member of such board.

12 22 2. If such person received no notice and had no knowledge
12 23 of a regular meeting and gives the governor a sworn statement
12 24 to that effect within ten days after the person learns of the
12 25 meeting, such meeting shall not be counted for the purposes of
12 26 this section.

12 27 3. The governor in the governor's discretion may accept or
12 28 reject such resignation. If the governor accepts it, the
12 29 governor shall notify such person, in writing, that the
12 30 resignation is accepted pursuant to this section. The
12 31 governor shall then make another appointment to such office.
12 32 Such appointment shall be made in the same manner and for the
12 33 same term as in the case of other vacancies caused by
12 34 resignation from such office.

12 35 4. As used in this section, "board" includes any
13 1 commission, committee, agency, or governmental body which has
13 2 three or more members.

13 3 Sec. 17. Section 72.5, subsection 2, Code 2007, is amended
13 4 to read as follows:

13 5 2. The director of the department of natural resources in
13 6 consultation with the department of management, state building
13 7 code commissioner, and state fire marshal, shall develop
13 8 standards and methods to evaluate design development documents
13 9 and construction documents based upon life cycle cost factors,
13 10 to facilitate fair and uniform comparisons between design
13 11 proposals and informed decision making by public bodies.

13 12 Sec. 18. Section 80B.11, Code 2007, is amended to read as
13 13 follows:

13 14 80B.11 RULES.

13 15 1. The director of the academy, subject to the approval of
13 16 the council, shall promulgate rules in accordance with the
13 17 provisions of this chapter and chapter 17A, giving due
13 18 consideration to varying factors and special requirements of
13 19 law enforcement agencies relative to the following:

13 20 ~~1-~~ a. Minimum entrance requirements, course of study,
13 21 attendance requirements, and equipment and facilities required
13 22 at approved law enforcement training schools. Minimum age
13 23 requirements for entrance to approved law enforcement training
13 24 schools shall be eighteen years of age. Minimum course of
13 25 study requirements shall include a separate domestic abuse
13 26 curriculum, which may include, but is not limited to, outside
13 27 speakers from domestic abuse shelters and crime victim
13 28 assistance organizations. Minimum course of study
13 29 requirements shall also include a sexual assault curriculum.

13 30 ~~2-~~ b. Minimum basic training requirements law enforcement
13 31 officers employed after July 1, 1968, must complete in order
13 32 to remain eligible for continued employment and the time
13 33 within which such basic training must be completed. Minimum
13 34 requirements shall mandate training devoted to the topic of
13 35 domestic abuse and sexual assault. The council shall submit
14 1 an annual report to the general assembly by January 15 of each
14 2 year relating to the continuing education requirements devoted
14 3 to the topic of domestic abuse, including the number of hours

14 4 required, the substance of the classes offered, and other
14 5 related matters.

14 6 ~~3- c.~~ (1) Categories or classifications of advanced
14 7 in-service training program and minimum courses of study and
14 8 attendance requirements for such categories or
14 9 classifications.

14 10 (2) In-service training under this ~~subsection~~ paragraph
14 11 "c" shall include the requirement that by December 31, 1994,
14 12 all law enforcement officers complete a course on
14 13 investigation, identification, and reporting of public
14 14 offenses based on the race, color, religion, ancestry,
14 15 national origin, political affiliation, sex, sexual
14 16 orientation, age, or disability of the victim. The director
14 17 shall consult with the civil rights commission, the department
14 18 of public safety, and the prosecuting attorneys training
14 19 coordinator in developing the requirements for this course and
14 20 may contract with outside providers for this course.

14 21 ~~4- d.~~ Within the existing curriculum, expanded training
14 22 regarding racial and cultural awareness and dealing with
14 23 gang-affected youth.

14 24 ~~5- e.~~ Training standards on the subject of human
14 25 trafficking, to include curricula on cultural sensitivity and
14 26 the means to deal effectively and appropriately with
14 27 trafficking victims. Such training shall encourage law
14 28 enforcement personnel to communicate in the language of the
14 29 trafficking victims. The course of instruction and training
14 30 standards shall be developed by the director in consultation
14 31 with the appropriate national and state experts in the field
14 32 of human trafficking.

14 33 ~~6- f.~~ Minimum standards of physical, educational, and
14 34 moral fitness which shall govern the recruitment, selection,
14 35 and appointment of law enforcement officers.

15 1 ~~7- g.~~ Minimum standards of mental fitness which shall
15 2 govern the initial recruitment, selection, and appointment of
15 3 law enforcement officers. The rules shall include, but are
15 4 not limited to, providing a battery of psychological tests to
15 5 determine cognitive skills, personality characteristics, and
15 6 suitability of an applicant for a law enforcement career.
15 7 However, this battery of tests need only be given to
15 8 applicants being considered in the final selection process for
15 9 a law enforcement position. Notwithstanding any provision of
15 10 chapter 400, an applicant shall not be hired if the employer
15 11 determines from the tests that the applicant does not possess
15 12 sufficient cognitive skills, personality characteristics, or
15 13 suitability for a law enforcement career. The director of the
15 14 academy shall provide for the cognitive and psychological
15 15 examinations and their administration to the law enforcement
15 16 agencies or applicants, and shall identify and procure persons
15 17 who can be hired to interpret the examinations.

15 18 ~~8- h.~~ Grounds for revocation or suspension of a law
15 19 enforcement officer's certification.

15 20 ~~9- i.~~ Exemptions from particular provisions of this
15 21 chapter in case of any state, county, or city, if, in the
15 22 opinion of the council, the standards of law enforcement
15 23 training established and maintained by the governmental agency
15 24 are as high or higher than those established pursuant to this
15 25 chapter; or revocation in whole or in part of such exemption,
15 26 if in its opinion the standards of law enforcement training
15 27 established and maintained by the governmental agency are
15 28 lower than those established pursuant to this chapter.

15 29 ~~10- j.~~ Minimum qualifications for instructors in
15 30 telecommunicator training schools.

15 31 ~~11- k.~~ Minimum qualifications for instructors in law
15 32 enforcement and jailer training schools.

15 33 ~~12- l.~~ Certification through examination for individuals
15 34 who have successfully completed the federal bureau of
15 35 investigation national academy, have corrected Snellen vision
16 1 in both eyes of 20/20 or better, and were employed on or
16 2 before January 1, 1996, as chief of police of a city in this
16 3 state with a population of twenty thousand or more.

16 4 2. A certified course of instruction provided for under
16 5 this section which occurs at a location other than at the
16 6 central training facility of the Iowa law enforcement academy
16 7 shall not be eliminated by the Iowa law enforcement academy.

16 8 Sec. 19. Section 80B.13, subsection 8, unnumbered
16 9 paragraph 1, Code 2007, is amended to read as follows:

16 10 Revoke a law enforcement officer's certification for the
16 11 conviction of a felony or revoke or suspend a law enforcement
16 12 officer's certification for a violation of rules adopted
16 13 pursuant to section 80B.11, subsection ~~8~~ 1, paragraph "h". In
16 14 addition the council may consider revocation or suspension

16 15 proceedings when an employing agency recommends to the council
16 16 that revocation or suspension would be appropriate with regard
16 17 to a current or former employee. If a law enforcement officer
16 18 resigns, the employing agency shall notify the council that an
16 19 officer has resigned and state the reason for the resignation
16 20 if a substantial likelihood exists that the reason would
16 21 result in the revocation or suspension of an officer's
16 22 certification for a violation of the rules.

16 23 Sec. 20. Section 85.27, subsection 3, Code 2007, is
16 24 amended to read as follows:

16 25 3. Notwithstanding section 85.26, subsection 4, charges
16 26 believed to be excessive or unnecessary may be referred by the
16 27 employer, insurance carrier, or health service provider to the
16 28 workers' compensation commissioner for determination, and the
16 29 commissioner may utilize the procedures provided in sections
16 30 86.38 and 86.39, or set by rule, and conduct such inquiry as
16 31 the commissioner deems necessary. Any health service provider
16 32 charges not in dispute shall be paid directly to the health
16 33 service provider prior to utilization of procedures provided
16 34 in sections 86.38 and 86.39 or set by rule. A health service
16 35 provider rendering treatment to an employee whose injury is
17 1 compensable under this section agrees to be bound by such
17 2 charges as allowed by the workers' compensation commissioner
17 3 and shall not recover in law or equity any amount in excess of
17 4 charges set by the commissioner. When a dispute under this
17 5 chapter, ~~chapter 85~~, 85A, or ~~chapter~~ 85B regarding
17 6 reasonableness of a fee for medical services arises between a
17 7 health service provider and an employer or insurance carrier,
17 8 the health service provider, employer, or insurance carrier
17 9 shall not seek payment from the injured employee.

17 10 Sec. 21. Section 85.61, subsections 11, 12, and 13, Code
17 11 2007, are amended to read as follows:

17 12 11. a. "Worker" or "employee" means a person who has
17 13 entered into the employment of, or works under contract of
17 14 service, express or implied, or apprenticeship, for an
17 15 employer; an executive officer elected or appointed and
17 16 empowered under and in accordance with the charter and bylaws
17 17 of a corporation, including a person holding an official
17 18 position, or standing in a representative capacity of the
17 19 employer; an official elected or appointed by the state, or a
17 20 county, school district, area education agency, municipal
17 21 corporation, or city under any form of government; a member of
17 22 the state patrol; a conservation officer; and a proprietor,
17 23 limited liability company member, limited liability partner,
17 24 or partner who elects to be covered pursuant to section 85.1A,
17 25 except as specified in this chapter.

17 26 b. "Worker" or "employee" includes an inmate as defined in
17 27 section 85.59 and a person described in section 85.60.

17 28 c. "Worker" or "employee" includes an emergency medical
17 29 care provider as defined in section 147A.1, a volunteer
17 30 emergency rescue technician as defined in section 147A.1, a
17 31 volunteer ambulance driver, or an emergency medical technician
17 32 trainee, only if an agreement is reached between such worker
17 33 or employee and the employer for whom the volunteer services
17 34 are provided that workers' compensation coverage under this
17 35 chapter and ~~chapters 85~~, 85A, and 85B is to be provided by the

18 1 employer. An emergency medical care provider or volunteer
18 2 emergency rescue technician who is a worker or employee under
18 3 this paragraph is not a casual employee. "Volunteer ambulance
18 4 driver" means a person performing services as a volunteer
18 5 ambulance driver at the request of the person in charge of a
18 6 fire department or ambulance service of a municipality.
18 7 "Emergency medical technician trainee" means a person enrolled
18 8 in and training for emergency medical technician
18 9 certification.

18 10 d. "Worker" or "employee" includes a real estate agent who
18 11 does not provide the services of an independent contractor.
18 12 For the purposes of this paragraph "d", a real estate agent is
18 13 an independent contractor if the real estate agent is licensed
18 14 by the Iowa real estate commission as a salesperson and both
18 15 of the following apply:

18 16 ~~a-~~ (1) Seventy-five percent or more of the remuneration,
18 17 whether or not paid in cash, for the services performed by the
18 18 individual as a real estate salesperson is derived from one
18 19 company and is directly related to sales or other output,
18 20 including the performance of services, rather than to the
18 21 number of hours worked.

18 22 ~~b-~~ (2) The services performed by the individual are
18 23 performed pursuant to a written contract between the
18 24 individual and the person for whom the services are performed,
18 25 and the contract provides that the individual will not be

18 26 treated as an employee with respect to the services for state
18 27 tax purposes.

18 28 e. "Worker" or "employee" includes a student enrolled in a
18 29 public school corporation or accredited nonpublic school who
18 30 is participating in a school-to-work program that includes,
18 31 but is not limited to, the components provided for in section
18 32 258.10, subsection 2, paragraphs "a" through "f". "Worker" or
18 33 "employee" also includes a student enrolled in a community
18 34 college as defined in section 260C.2, who is participating in
18 35 a school-to-work program that includes, but is not limited to,
19 1 the components provided for in section 258.10, subsection 2,
19 2 paragraphs "a" through "f", and that is offered by the
19 3 community college pursuant to a contractual agreement with a
19 4 school corporation or accredited nonpublic school to provide
19 5 the program.

19 6 ~~12- f.~~ The term "worker" or "employee" shall include the
19 7 singular and plural. Any reference to a worker or employee
19 8 who has been injured shall, when such worker or employee is
19 9 dead, include the worker's or employee's dependents as herein
19 10 defined or the worker's or employee's legal representatives;
19 11 and where the worker or employee is a minor or incompetent, it
19 12 shall include the minor's or incompetent's guardian, next
19 13 friend, or trustee. Notwithstanding any law prohibiting the
19 14 employment of minors, all minor employees shall be entitled to
19 15 the benefits of this chapter and chapters 86 and 87 regardless
19 16 of the age of such minor employee.

19 17 ~~13- g.~~ The following persons shall not be deemed "workers"
19 18 or "employees":

19 19 ~~a- (1)~~ A person whose employment is purely casual and not
19 20 for the purpose of the employer's trade or business except as
19 21 otherwise provided in section 85.1.

19 22 ~~b- (2)~~ An independent contractor.

19 23 ~~c- (3)~~ An owner-operator who, as an individual or partner,
19 24 or shareholder of a corporate owner-operator, owns a vehicle
19 25 licensed and registered as a truck, road tractor, or truck
19 26 tractor by a governmental agency, is an independent contractor
19 27 while performing services in the operation of the
19 28 owner-operator's vehicle if all of the following conditions
19 29 are substantially present:

19 30 ~~(1)~~ (a) The owner-operator is responsible for the
19 31 maintenance of the vehicle.

19 32 ~~(2)~~ (b) The owner-operator bears the principal burden of
19 33 the vehicle's operating costs, including fuel, repairs,
19 34 supplies, collision insurance, and personal expenses for the
19 35 operator while on the road.

20 1 ~~(3)~~ (c) The owner-operator is responsible for supplying
20 2 the necessary personnel to operate the vehicle, and the
20 3 personnel are considered the owner-operator's employees.

20 4 ~~(4)~~ (d) The owner-operator's compensation is based on
20 5 factors related to the work performed, including a percentage
20 6 of any schedule of rates or lawfully published tariff, and not
20 7 on the basis of the hours or time expended.

20 8 ~~(5)~~ (e) The owner-operator determines the details and
20 9 means of performing the services, in conformance with
20 10 regulatory requirements, operating procedures of the carrier,
20 11 and specifications of the shipper.

20 12 ~~(6)~~ (f) The owner-operator enters into a contract which
20 13 specifies the relationship to be that of an independent
20 14 contractor and not that of an employee.

20 15 ~~d- (4)~~ Directors of a corporation who are not at the same
20 16 time employees of the corporation; or directors, trustees,
20 17 officers, or other managing officials of a nonprofit
20 18 corporation or association who are not at the same time
20 19 full-time employees of the nonprofit corporation or
20 20 association.

20 21 ~~e- (5)~~ Proprietors, limited liability company members,
20 22 limited liability partners, and partners who have not elected
20 23 to be covered by the workers' compensation law of this state
20 24 pursuant to section 85.1A.

20 25 Sec. 22. Section 87.1, unnumbered paragraph 2, Code 2007,
20 26 is amended to read as follows:

20 27 A motor carrier who contracts with an owner-operator who is
20 28 acting as an independent contractor pursuant to section 85.61,
20 29 subsection ~~13~~ 11, paragraph "g", shall not be required to
20 30 insure the motor carrier's liability for the owner-operator.
20 31 A motor carrier may procure compensation liability insurance
20 32 coverage for these owner-operators, and may charge the
20 33 owner-operator for the costs of the premiums. A motor carrier
20 34 shall require the owner-operator to provide and maintain a
20 35 certificate of workers' compensation insurance covering the
21 1 owner-operator's employees. An owner-operator shall remain

21 2 responsible for providing compensation liability insurance for
21 3 the owner=operator's employees.

21 4 Sec. 23. Section 87.23, Code 2007, is amended to read as
21 5 follows:

21 6 87.23 COMPENSATION LIABILITY INSURANCE NOT REQUIRED.

21 7 A corporation, association, or organization approved by the
21 8 commissioner of insurance to provide compensation liability
21 9 insurance shall not require a motor carrier that contracts
21 10 with an owner=operator who is acting as an independent
21 11 contractor pursuant to section 85.61, subsection ~~13~~ 11,
21 12 paragraph "g", to purchase compensation liability insurance
21 13 for the employer's liability for the owner=operator or its
21 14 employees.

21 15 Sec. 24. Section 91.16, subsection 1, Code 2007, is
21 16 amended to read as follows:

21 17 1. Any owner, superintendent, manager, or person in charge
21 18 of any factory, mill, workshop, store, mine, hotel,
21 19 restaurant, cafe, railway, business house, public or private
21 20 work, who shall refuse to allow the labor commissioner ~~of~~
21 21 ~~labor~~ or any inspector or employee of the division of labor
21 22 services to enter the same, or who shall hinder or deter the
21 23 commissioner, inspector, or employee in collecting information
21 24 which it is that person's duty to collect shall be guilty of a
21 25 simple misdemeanor.

21 26 Sec. 25. Section 91E.1, subsection 1, Code 2007, is
21 27 amended to read as follows:

21 28 1. "Commissioner" means the ~~commissioner of the division~~
21 29 ~~of labor services of the department of workforce development~~
21 30 labor commissioner, appointed pursuant to section 91.2.

21 31 Sec. 26. Section 96.5, subsection 3, paragraph a, Code
21 32 2007, is amended to read as follows:

21 33 a. (1) In determining whether or not any work is suitable
21 34 for an individual, the department shall consider the degree of
21 35 risk involved to the individual's health, safety, and morals,
22 1 the individual's physical fitness, prior training, length of
22 2 unemployment, and prospects for securing local work in the
22 3 individual's customary occupation, the distance of the
22 4 available work from the individual's residence, and any other
22 5 factor which the department finds bears a reasonable relation
22 6 to the purposes of this paragraph. Work is suitable if the
22 7 work meets all the other criteria of this paragraph and if the
22 8 gross weekly wages for the work equal or exceed the following
22 9 percentages of the individual's average weekly wage for
22 10 insured work paid to the individual during that quarter of the
22 11 individual's base period in which the individual's wages were
22 12 highest:

22 13 ~~(1)~~ (a) One hundred percent, if the work is offered during
22 14 the first five weeks of unemployment.

22 15 ~~(2)~~ (b) Seventy=five percent, if the work is offered
22 16 during the sixth through the twelfth week of unemployment.

22 17 ~~(3)~~ (c) Seventy percent, if the work is offered during the
22 18 thirteenth through the eighteenth week of unemployment.

22 19 ~~(4)~~ (d) Sixty=five percent, if the work is offered after
22 20 the eighteenth week of unemployment.

22 21 (2) However, the provisions of this paragraph shall not
22 22 require an individual to accept employment below the federal
22 23 minimum wage.

22 24 Sec. 27. Section 96.5, subsections 4 and 5, Code 2007, are
22 25 amended to read as follows:

22 26 4. LABOR DISPUTES.

22 27 a. For any week with respect to which the department finds
22 28 that the individual's total or partial unemployment is due to
22 29 a stoppage of work which exists because of a labor dispute at
22 30 the factory, establishment, or other premises at which the
22 31 individual is or was last employed, provided that this
22 32 subsection shall not apply if it is shown to the satisfaction
22 33 of the department that:

22 34 ~~a-~~ (1) The individual is not participating in or financing
22 35 or directly interested in the labor dispute which caused the
23 1 stoppage of work; and

23 2 ~~b-~~ (2) The individual does not belong to a grade or class
23 3 of workers of which, immediately before the commencement of
23 4 the stoppage, there were members employed at the premises at
23 5 which the stoppage occurs, any of whom are participating in or
23 6 financing or directly interested in the dispute.

23 7 b. Provided, that if in any case separate branches of work
23 8 which are commonly conducted as separate businesses in
23 9 separate premises are conducted in separate departments of the
23 10 same premises, each such department shall, for the purposes of
23 11 this subsection, be deemed to be a separate factory,
23 12 establishment, or other premises.

23 13 5. OTHER COMPENSATION.

23 14 a. For any week with respect to which the individual is
23 15 receiving or has received payment in the form of any of the
23 16 following:

23 17 a- (1) Wages in lieu of notice, separation allowance,
23 18 severance pay, or dismissal pay.

23 19 b- (2) Compensation for temporary disability under the
23 20 workers' compensation law of any state or under a similar law
23 21 of the United States.

23 22 c- (3) A governmental or other pension, retirement or
23 23 retired pay, annuity, or any other similar periodic payment
23 24 made under a plan maintained or contributed to by a base
23 25 period or chargeable employer where, except for benefits under
23 26 the federal Social Security Act or the federal Railroad
23 27 Retirement Act of 1974 or the corresponding provisions of
23 28 prior law, the plan's eligibility requirements or benefit
23 29 payments are affected by the base period employment or the
23 30 remuneration for the base period employment. However, if an
23 31 individual's benefits are reduced due to the receipt of a
23 32 payment under this paragraph, the reduction shall be decreased
23 33 by the same percentage as the percentage contribution of the
23 34 individual to the plan under which the payment is made.

23 35 b. Provided, that if the remuneration is less than the
24 1 benefits which would otherwise be due under this chapter, the
24 2 individual is entitled to receive for the week, if otherwise
24 3 eligible, benefits reduced by the amount of the remuneration.
24 4 Provided further, if benefits were paid for any week under
24 5 this chapter for a period when benefits, remuneration or
24 6 compensation under paragraph "a", "~~b~~", or "~~c~~" subparagraph
24 7 (1), (2), or (3), were paid on a retroactive basis for the
24 8 same period, or any part thereof, the department shall recover
24 9 the excess amount of benefits paid by the department for the
24 10 period, and no employer's account shall be charged with
24 11 benefits so paid. However, compensation for service-connected
24 12 disabilities or compensation for accrued leave based on
24 13 military service by the beneficiary with the armed forces of
24 14 the United States, irrespective of the amount of the benefit,
24 15 does not disqualify any individual otherwise qualified from
24 16 any of the benefits contemplated herein. A deduction shall
24 17 not be made from the amount of benefits payable for a week for
24 18 individuals receiving federal social security pensions to take
24 19 into account the individuals' contributions to the pension
24 20 program.

24 21 Sec. 28. Section 96.14, subsection 2, Code 2007, is
24 22 amended to read as follows:

24 23 2. PENALTIES. Any employer who shall fail to file a
24 24 report of wages paid to each of the employer's employees for
24 25 any period in the manner and within the time required by this
24 26 chapter and the rules of the department or any employer who
24 27 the department finds has filed an insufficient report and
24 28 fails to file a sufficient report within thirty days after a
24 29 written request from the department to do so shall pay a
24 30 penalty to the department.

24 31 a. The penalty shall become effective with the first day
24 32 the report is delinquent or, where a report is insufficient,
24 33 with the thirty-first day following the written request for a
24 34 sufficient report.

24 35 b. ~~Penalty~~ The penalty for failing to file a sufficient
25 1 report shall be in addition to any penalty incurred for a
25 2 delinquent report where the delinquent report is also
25 3 insufficient.

25 4 c. The amount of the penalty for delinquent and
25 5 insufficient reports shall be computed based on total wages in
25 6 the period for which the report was due and shall be computed
25 7 as follows:

| 25 8 | Days Delinquent | |
|-------|-----------------|--------------|
| 25 9 | or Insufficient | Penalty Rate |
| 25 10 | 1==60 | 0.1% |
| 25 11 | 61==120 | 0.2% |
| 25 12 | 121==180 | 0.3% |
| 25 13 | 181==240 | 0.4% |
| 25 14 | 241 or over | 0.5% |

25 15 d. A penalty shall not be less than ten dollars for the
25 16 first delinquent report or the first insufficient report not
25 17 made sufficient within thirty days after a request to do so.
25 18 The penalty shall not be less than twenty-five dollars for the
25 19 second delinquent or insufficient report, and not less than
25 20 fifty dollars for each delinquent or insufficient report
25 21 thereafter, until four consecutive calendar quarters of
25 22 reports are timely and sufficiently filed. Interest,
25 23 penalties, and cost shall be collected by the department in

25 24 the same manner as provided by this chapter for contributions.
25 25 e. If the department finds that any employer has willfully
25 26 failed to pay any contribution or part thereof when required
25 27 by this chapter and the rules of the department, with intent
25 28 to defraud the department, then such employer shall in
25 29 addition to such contribution or part thereof, pay a
25 30 contribution equal to fifty percent of the amount of such
25 31 contribution or part thereof, as the case may be.

25 32 f. The department may cancel any interest or penalties if
25 33 it is shown to the satisfaction of the department that the
25 34 failure to pay a required contribution or to file a required
25 35 report was not the result of negligence, fraud, or intentional
26 1 disregard of the law or the rules of the department.

26 2 Sec. 29. Section 96.17, subsection 3, Code 2007, is
26 3 amended to read as follows:

26 4 3. INDEMNIFICATION. Any member of the department or any
26 5 employee of the department shall be indemnified for any
26 6 damages and legal expenses incurred as a result of the good
26 7 faith performance of their official duties, for any claim for
26 8 civil damages not specifically covered by the Iowa ~~Tort Claims~~
26 9 tort claims Act, chapter 669. Any payment described herein
26 10 shall be paid from the special employment security contingency
26 11 fund in section 96.13, subsection 3.

26 12 Sec. 30. Section 97.52, Code 2007, is amended to read as
26 13 follows:

26 14 97.52 ADMINISTRATION AGREEMENTS.

26 15 The Iowa public employees' retirement system created in
26 16 section 97B.1 may enter into agreements whereby services
26 17 performed by the system and its employees under this chapter
26 18 and chapters 97, 97B, and 97C shall be equitably apportioned
26 19 among the funds provided for the administration of those
26 20 chapters. The money spent for personnel, rentals, supplies,
26 21 and equipment used by the system in administering the chapters
26 22 shall be equitably apportioned and charged against the funds.

26 23 Sec. 31. Section 97C.19, Code 2007, is amended to read as
26 24 follows:

26 25 97C.19 APPORTIONMENT OF EXPENSE.

26 26 The money spent for personnel, rentals, supplies, and
26 27 equipment used by the state agency in administering this
26 28 chapter and chapters 97, and 97B, and 97C shall be equitably
26 29 apportioned and charged against the funds provided for the
26 30 administration of this chapter and those chapters.

26 31 Sec. 32. Section 103A.10, subsection 2, paragraph c, Code
26 32 2007, is amended to read as follows:

26 33 c. To all newly constructed buildings and structures the
26 34 construction of which is paid for in whole or in part with
26 35 moneys appropriated by the state but which are not wholly
27 1 owned by the state.

27 2 Sec. 33. Section 103A.10, subsection 3, Code 2007, is
27 3 amended to read as follows:

27 4 3. Provisions of the state building code relating to the
27 5 manufacture and installation of factory=~~built~~ structures shall
27 6 apply throughout the state. ~~Factory-built structures A~~
27 7 ~~factory-built structure~~ approved by the commissioner shall be
27 8 deemed to comply with all building regulations applicable to
27 9 its manufacture and installation and shall be exempt from any
27 10 other state or local building regulations.

27 11 Sec. 34. Section 103A.10A, subsection 3, Code 2007, is
27 12 amended to read as follows:

27 13 3. All newly constructed buildings and structures the
27 14 construction of which is paid for in whole or in part with
27 15 moneys appropriated by the state but which are not wholly
27 16 owned by the state are subject to the plan review and
27 17 inspection requirements as provided in this subsection. If a
27 18 governmental subdivision has adopted a building code,
27 19 electrical code, mechanical code, and plumbing code and
27 20 performs inspections pursuant to such codes, such buildings or
27 21 structures shall be built to comply with such codes. However,
27 22 if a governmental subdivision has not adopted a building code,
27 23 electrical code, mechanical code, and plumbing code, or does
27 24 not perform inspections pursuant to such codes, such buildings
27 25 or structures shall be built to comply with the state building
27 26 code and shall be subject to a plan review and inspection by
27 27 the commissioner or an independent building inspector
27 28 appointed by the commissioner. A fee shall be assessed for
27 29 the cost of plan review and the cost of inspection.

27 30 Sec. 35. Section 123.37, unnumbered paragraph 1, Code
27 31 2007, is amended to read as follows:

27 32 The power to establish licenses and permits and levy taxes
27 33 as imposed in this chapter 123 is vested exclusively with the
27 34 state. Unless specifically provided, a local authority shall

27 35 not require the obtaining of a special license or permit for
28 1 the sale of alcoholic beverages, wine, or beer at any
28 2 establishment, or require the obtaining of a license by any
28 3 person as a condition precedent to the person's employment in
28 4 the sale, serving, or handling of alcoholic beverages, wine,
28 5 or beer, within an establishment operating under a license or
28 6 permit.

28 7 Sec. 36. Section 123.186, subsection 2, Code 2007, is
28 8 amended to read as follows:

28 9 2. The division shall adopt as rules the substance of 27
28 10 C.F.R. } 6.88, to permit a manufacturer of alcoholic
28 11 beverages, wine, or beer, or an agent of such manufacturer, to
28 12 provide to a retailer without charge wine and beer coil
28 13 cleaning services, including carbon dioxide filters and other
28 14 necessary accessories to properly clean the coil and affix
28 15 carbon dioxide filters. The rules shall provide that the
28 16 manufacturer shall be responsible for paying the costs of any
28 17 filters provided.

28 18 Sec. 37. Section 152.7, Code 2007, is amended to read as
28 19 follows:

28 20 152.7 APPLICANT QUALIFICATIONS.

28 21 1. In addition to the provisions of section 147.3, an
28 22 applicant to be licensed for the practice of nursing shall
28 23 have the following qualifications:

28 24 ~~1-~~ a. Be a graduate of an accredited high school or the
28 25 equivalent.

28 26 ~~2-~~ b. Pass an examination as prescribed by the board.

28 27 ~~3-~~ c. Complete a course of study approved by the board
28 28 pursuant to section 152.5.

28 29 2. For purposes of licensure pursuant to the nurse
28 30 licensure compact contained in section 152E.1, the compact
28 31 administrator may refuse to accept a change in the
28 32 qualifications for licensure as a registered nurse or as a
28 33 licensed practical or vocational nurse by a licensing
28 34 authority in another state which is a party to the compact
28 35 which substantially modifies that state's qualifications for
29 1 licensure in effect on July 1, 2000. For purposes of
29 2 licensure pursuant to the advanced practice registered nurse
29 3 compact contained in section 152E.3, the compact administrator
29 4 may refuse to accept a change in the qualifications for
29 5 licensure as an advanced practice registered nurse by a
29 6 licensing authority in another state which is a party to the
29 7 compact which substantially modifies that state's
29 8 qualifications for licensure in effect on July 1, 2005. A
29 9 refusal to accept a change in a party state's qualifications
29 10 for licensure may result in submitting the issue to an
29 11 arbitration panel or in withdrawal from the respective
29 12 compact, at the discretion of the compact administrator.

29 13 Sec. 38. Section 152E.3, article II, paragraph j, Code
29 14 2007, is amended to read as follows:

29 15 j. "Licensing board" means a party state's regulatory body
29 16 responsible for ~~issuing~~ advanced practice registered nurse
29 17 licensure or authority to practice.

29 18 Sec. 39. Section 153.39, subsection 3, Code 2007, is
29 19 amended to read as follows:

29 20 ~~3. Individuals~~ A person employed as a dental assistant
29 21 after July 1, 2005, shall have a twelve-month period following
29 22 ~~their~~ the person's first date of employment after July 1,
29 23 2005, to comply with the provisions of subsection 1.

29 24 Sec. 40. Section 154B.6, Code 2007, is amended to read as
29 25 follows:

29 26 154B.6 REQUIREMENTS FOR LICENSURE.

29 27 1. Except as provided in this section, an applicant for
29 28 licensure as a psychologist shall meet the following
29 29 requirements in addition to those specified in chapter 147:

29 30 ~~1-~~ a. Except as provided in this section, after July 1,
29 31 1985, a new applicant for licensure as a psychologist shall
29 32 possess a doctoral degree in psychology from an institution
29 33 approved by the board and shall have completed at least one
29 34 year of supervised professional experience under the
29 35 supervision of a licensed psychologist.

30 1 ~~2-~~ b. Have passed an examination administered by the board
30 2 to assure the applicant's professional competence. The
30 3 examination of any of its divisions may be given by the board
30 4 at any time after the applicant has met the degree
30 5 requirements of this section.

30 6 ~~3-~~ c. Have not failed the examination required in
30 7 ~~subsection 2 paragraph "b"~~ within sixty days preceding the
30 8 date of the subsequent examination.

30 9 2. The examinations required in this section may, at the
30 10 discretion of the board, be waived for holders by examination

30 11 of licenses or certificates from states whose requirements are
30 12 substantially equivalent to those of this chapter, and for
30 13 holders by examination of specialty diplomas from the American
30 14 board of professional psychology.

30 15 Sec. 41. Section 154E.4, Code 2007, is amended to read as
30 16 follows:

30 17 154E.4 EXCEPTIONS.

30 18 1. A person shall not practice interpreting or
30 19 transliterating, or represent ~~oneself to be that the person is~~
30 20 an interpreter, unless the person is licensed under this
30 21 chapter.

30 22 2. This chapter does not prohibit any of the following:

30 23 a. Any person residing outside of the state of Iowa
30 24 holding a current license from another state that meets the
30 25 state of Iowa's requirements from providing interpreting or
30 26 transliterating services in this state for up to fourteen days
30 27 per calendar year without a license issued pursuant to this
30 28 chapter.

30 29 b. Any person ~~who interprets or transliterates from~~
30 30 ~~interpreting or transliterating~~ solely in a religious setting
30 31 with the exception of those working in schools that receive
30 32 government funding.

30 33 c. Volunteers working without compensation, including
30 34 emergency situations, until a licensed interpreter is
30 35 obtained.

31 1 d. Any person working as a substitute for a licensed
31 2 interpreter in an early childhood, elementary, or secondary
31 3 education setting for no more than thirty school days in a
31 4 calendar year.

31 5 e. Students enrolled in a school of interpreting ~~may~~
31 6 ~~interpret from interpreting~~ only under the direct supervision
31 7 of a permanently licensed interpreter as part of the student's
31 8 course of study.

31 9 Sec. 42. Section 155A.24, subsection 8, Code 2007, is
31 10 amended to read as follows:

31 11 8. A wholesaler who knowingly forges, counterfeits, or
31 12 falsely creates any pedigree, who falsely represents any
31 13 factual matter contained in any pedigree, or who knowingly
31 14 ~~omits fails~~ to record material information required to be
31 15 recorded in a pedigree is guilty of a class "C" felony.

31 16 Sec. 43. Section 161A.4, subsection 1, unnumbered
31 17 paragraph 1, Code 2007, is amended to read as follows:

31 18 The soil conservation division is established within the
31 19 department to perform the functions conferred upon it in ~~this~~
31 20 ~~chapter and~~ chapters ~~161A through~~ 161C, 161E, 161F, 207, and
31 21 208. The division shall be administered in accordance with
31 22 the policies of the state soil conservation committee, which
31 23 shall advise the division and which shall approve
31 24 administrative rules proposed by the division for the
31 25 administration of ~~this chapter and~~ chapters ~~161A through~~ 161C,
31 26 161E, 161F, 207, and 208 before the rules are adopted pursuant
31 27 to section 17A.5. If a difference exists between the
31 28 committee and secretary regarding the content of a proposed
31 29 rule, the secretary shall notify the chairperson of the
31 30 committee of the difference within thirty days from the
31 31 committee's action on the rule. The secretary and the
31 32 committee shall meet to resolve the difference within thirty
31 33 days after the secretary provides the committee with notice of
31 34 the difference.

31 35 Sec. 44. Section 165.18, subsection 1, paragraphs c and d,
32 1 Code 2007, are amended to read as follows:

32 2 c. The expenses of the inspection and testing program
32 3 provided in chapter 163A, but only to the extent that the
32 4 moneys in the fund are not required for expenses incurred
32 5 under chapter 164 or ~~165~~ this chapter.

32 6 d. Indemnities as provided in section 159.5, subsection
32 7 12, but only to the extent that the moneys in the fund are not
32 8 required to pay expenses under chapter 163A, chapter 164, or
32 9 ~~165~~ this chapter.

32 10 Sec. 45. Section 175.37, subsection 9, paragraph a, Code
32 11 2007, is amended to read as follows:

32 12 a. If the authority determines that the taxpayer is not at
32 13 fault for the termination, the authority shall not issue a tax
32 14 credit certificate to the taxpayer for a subsequent tax year
32 15 based on the approved application. Any prior tax credit is
32 16 allowed as provided in this section. The taxpayer may apply
32 17 for and be issued another tax credit certificate for the same
32 18 agricultural assets as provided in this section for any
32 19 remaining tax years for which a certificate was not issued.

32 20 Sec. 46. Section 191.6, Code 2007, is amended to read as
32 21 follows:

32 22 191.6 STANDARDS FOR OLEOMARGARINE.

32 23 The department may prescribe and establish standards for
32 24 oleo, oleomargarine, or margarine manufactured or sold in this
32 25 state and may adopt the standards set up by now existing
32 26 regulations of the federal security administration or agency
32 27 as found in 1949, Code of Federal Regulations, Title 21, Part
32 28 45, section 45.0, or any amendments thereto. Any standards so
32 29 established shall not be contrary to or inconsistent with the
32 30 provisions of section 190.1, subsection 6, entitled "~~Oleo,~~
~~oleomargarine or margarine~~" "Oleomargarine".

32 32 Sec. 47. Section 203.1, subsection 10, paragraph j,
32 33 subparagraph (2), Code 2007, is amended to read as follows:

32 34 (2) The purpose of the limited liability company is to
32 35 produce renewable fuel as defined in section ~~159A.2~~ 214A.1.

33 1 Sec. 48. Section 203.5, Code 2007, is amended to read as
33 2 follows:

33 3 203.5 LICENSE.

33 4 1. Upon the filing of the application and compliance with
33 5 the terms and conditions of this chapter and rules of the
33 6 department, the department shall issue a license to the
33 7 applicant. The license shall terminate at the end of the
33 8 third calendar month following the close of the grain dealer's
33 9 fiscal year. A grain dealer's license may be renewed annually
33 10 by the filing of a renewal fee and a renewal application on a
33 11 form prescribed by the department. An application for renewal
33 12 shall be received by the department on or before the end of
33 13 the third calendar month following the close of the grain
33 14 dealer's fiscal year. A grain dealer license which has
33 15 terminated may be reinstated by the department upon receipt of
33 16 a proper renewal application, the renewal fee, and the
33 17 reinstatement fee as provided in section 203.6 if filed within
33 18 thirty days from the date of termination of the grain dealer
33 19 license. The department may cancel a license upon request of
33 20 the licensee unless a complaint or information is filed
33 21 against the licensee alleging a violation of a provision of
33 22 this chapter. Fees for licenses issued for less than a full
33 23 year shall be prorated from the date of the application.

33 24 2. If an applicant has had a license under this chapter
33 25 ~~203~~ or chapter 203C revoked for cause within the past three
33 26 years, or has been convicted of a felony involving violations
33 27 of this chapter ~~203~~ or chapter 203C, or is owned or controlled
33 28 by a person who has had a license so revoked or who has been
33 29 so convicted, the department may deny a license to the
33 30 applicant.

33 31 3. The department may deny a license to an applicant if
33 32 any of the following apply:

33 33 ~~1-~~ a. The applicant has caused liability to the Iowa grain
33 34 depositories and sellers indemnity fund in regard to a license
33 35 issued under this chapter or chapter 203C, and the liability
34 1 has not been discharged, settled, or satisfied.

34 2 ~~2-~~ b. The applicant is owned or controlled by a person who
34 3 has caused liability to the fund through operations under a
34 4 license issued under this chapter or chapter 203C and the
34 5 liability has not been discharged, settled, or satisfied.

34 6 Sec. 49. Section 203C.6, subsection 7, Code 2007, is
34 7 amended to read as follows:

34 8 7. If an applicant has had a license under chapter 203 or
34 9 ~~203C~~ this chapter revoked for cause within the past three
34 10 years, or has been convicted of a felony involving violations
34 11 of chapter 203 or ~~203C~~ this chapter, or is owned or controlled
34 12 by a person who has had a license so revoked or who has been
34 13 so convicted, the department may deny a license to the
34 14 applicant.

34 15 Sec. 50. Section 214A.9, Code 2007, is amended to read as
34 16 follows:

34 17 214A.9 POSTER SHOWING ANALYSIS.

34 18 Any retail dealer who sells or holds for sale motor fuel,
34 19 as defined in section ~~214A.2~~ hereof 214A.1, may post upon any
34 20 container or pump from which such motor fuel is being sold, a
34 21 statement or notice in form to be prescribed by the
34 22 department, showing the results of the tests of such motor
34 23 fuel then being sold from such pumps or other containers.

34 24 Sec. 51. Section 216A.132, Code 2007, is amended to read
34 25 as follows:

34 26 216A.132 COUNCIL ESTABLISHED == TERMS == COMPENSATION.

34 27 1. A criminal and juvenile justice planning advisory
34 28 council is established consisting of twenty=two members.

34 29 a. The governor shall appoint seven members each for a
34 30 four-year term beginning and ending as provided in section
34 31 69.19 and subject to confirmation by the senate as follows:

34 32 ~~1-~~ (1) Three persons, each of whom is a county supervisor,

34 33 county sheriff, mayor, city chief of police, or county
34 34 attorney.

34 35 ~~2-~~ (2) Two persons who represent the general public and
35 1 are not employed in any law enforcement, judicial, or
35 2 corrections capacity.

35 3 ~~3-~~ (3) Two persons who are knowledgeable about Iowa's
35 4 juvenile justice system.

35 5 b. The departments of human services, corrections, and
35 6 public safety, the division on the status of
35 7 African-Americans, the Iowa department of public health, the
35 8 chairperson of the board of parole, the attorney general, the
35 9 state public defender, and the chief justice of the supreme
35 10 court shall each designate a person to serve on the council.
35 11 The person appointed by the Iowa department of public health
35 12 shall be from the departmental staff who administer the
35 13 comprehensive substance abuse program under chapter 125.

35 14 c. The chief justice of the supreme court shall appoint
35 15 two additional members currently serving as district judges.
35 16 Two members of the senate and two members of the house of
35 17 representatives shall be ex officio members and shall be
35 18 appointed by the majority and minority leaders of the senate
35 19 and the speaker and minority leader of the house of
35 20 representatives pursuant to section 69.16. Members appointed
35 21 pursuant to this paragraph shall serve for four-year terms
35 22 beginning and ending as provided in section 69.19 unless the
35 23 member ceases to serve as a district court judge or as a
35 24 member of the senate or of the house of representatives.

35 25 2. Members of the council shall receive reimbursement from
35 26 the state for actual and necessary expenses incurred in the
35 27 performance of their official duties. Members may also be
35 28 eligible to receive compensation as provided in section 7E.6.

35 29 Sec. 52. Section 216B.3, subsection 16, paragraph b,
35 30 subparagraph (1), unnumbered paragraph 1, Code 2007, is
35 31 amended to read as follows:

35 32 A flexible fuel which is ~~either~~ any of the following:

35 33 Sec. 53. Section 229.19, subsection 1, unnumbered
35 34 paragraph 1, Code 2007, is amended to read as follows:

35 35 The district court in each county with a population of
36 1 under three hundred thousand inhabitants and the board of
36 2 supervisors in each county with a population of three hundred
36 3 thousand or more inhabitants shall appoint an individual who
36 4 has demonstrated by prior activities an informed concern for
36 5 the welfare and rehabilitation of persons with mental illness,
36 6 and who is not an officer or employee of the department of
36 7 human services nor of any agency or facility providing care or
36 8 treatment to persons with mental illness, to act as an
36 9 advocate representing the interests of patients involuntarily
36 10 hospitalized by the court, in any matter relating to the
36 11 patients' hospitalization or treatment under section 229.14 or
36 12 229.15. The court or, if the advocate is appointed by the
36 13 county board of supervisors, the board shall assign the
36 14 advocate appointed from a patient's county of legal settlement
36 15 to represent the interests of the patient. If a patient has
36 16 no county of legal settlement, the court or, if the advocate
36 17 is appointed by the county board of supervisors, the board
36 18 shall assign the advocate appointed from the county where the
36 19 hospital or facility is located to represent the interests of
36 20 the patient. The advocate's responsibility with respect to
36 21 any patient shall begin at whatever time the attorney employed
36 22 or appointed to represent that patient as respondent in
36 23 hospitalization proceedings, conducted under sections 229.6 to
36 24 229.13, reports to the court that the attorney's services are
36 25 no longer required and requests the court's approval to
36 26 withdraw as counsel for that patient. However, if the patient
36 27 is found to be seriously mentally impaired at the
36 28 hospitalization hearing, the attorney representing the patient
36 29 shall automatically be relieved of responsibility in the case
36 30 and an advocate shall be assigned to the patient at the
36 31 conclusion of the hearing unless the attorney indicates an
36 32 intent to continue the attorney's services and the court so
36 33 directs. If the court directs the attorney to remain on the
36 34 case, the attorney shall assume all the duties of an advocate.
36 35 The clerk shall furnish the advocate with a copy of the
37 1 court's order approving the withdrawal and shall inform the
37 2 patient of the name of the patient's advocate. With regard to
37 3 each patient whose interests the advocate is required to
37 4 represent pursuant to this section, the advocate's duties
37 5 shall include all of the following:

37 6 Sec. 54. Section 229.19, subsection 1, paragraph c, Code
37 7 2007, is amended to read as follows:

37 8 c. To ~~make the advocate~~ be readily accessible to

37 9 communications from the patient and to originate
37 10 communications with the patient within five days of the
37 11 patient's commitment.

37 12 Sec. 55. Section 235A.15, subsection 2, paragraph c,
37 13 subparagraph (14), Code 2007, is amended to read as follows:
37 14 (14) ~~¶~~ To a nursing program that is approved by the state
37 15 board of nursing under section 152.5, if the data relates to a
37 16 record check performed pursuant to section 152.5.

37 17 Sec. 56. Section 249A.12, subsection 8, Code 2007, is
37 18 amended to read as follows:
37 19 8. If a person with mental retardation has no legal
37 20 settlement or the legal settlement is unknown so that the
37 21 person is deemed to be a state case and services associated
37 22 with the mental retardation can be covered under a medical
37 23 assistance home and community-based services waiver or other
37 24 medical assistance program provision, the nonfederal share of
37 25 the medical assistance program costs for such coverage shall
37 26 be paid from the appropriation made for the medical assistance
37 27 program.

37 28 Sec. 57. Section 252D.1, Code 2007, is amended to read as
37 29 follows:
37 30 252D.1 DELINQUENT SUPPORT PAYMENTS.
37 31 If support payments ordered under this chapter or chapter
37 32 232, 234, 252A, 252C, ~~252D~~, 252E, 252F, 598, 600B, or any
37 33 other applicable chapter, or under a comparable statute of a
37 34 foreign jurisdiction, as certified to the child support
37 35 recovery unit established in section 252B.2, are not paid to
38 1 the clerk of the district court or the collection services
38 2 center pursuant to section 598.22 and become delinquent in an
38 3 amount equal to the payment for one month, the child support
38 4 recovery unit may enter an ex parte order or, upon application
38 5 of a person entitled to receive the support payments, the
38 6 district court may enter an ex parte order, notifying the
38 7 person whose income is to be withheld, of the delinquent
38 8 amount, of the amount of income to be withheld, and of the
38 9 procedure to file a motion to quash the order for income
38 10 withholding, and ordering the withholding of specified sums to
38 11 be deducted from the delinquent person's income as defined in
38 12 section 252D.16 sufficient to pay the support obligation and,
38 13 except as provided in section 598.22, requiring the payment of
38 14 such sums to the clerk of the district court or the collection
38 15 services center. Beginning October 1, 1999, all income
38 16 withholding payments shall be paid to the collection services
38 17 center. Notification of income withholding shall be provided
38 18 to the obligor and to the payor of income pursuant to section
38 19 252D.17.

38 20 Sec. 58. Section 256A.2, Code 2007, is amended to read as
38 21 follows:
38 22 256A.2 CHILD DEVELOPMENT COORDINATING COUNCIL ESTABLISHED.
38 23 1. A child development coordinating council is established
38 24 to promote the provision of child development services to
38 25 at-risk ~~three-year~~ three-year-old and four-year-old children.
38 26 The council shall consist of the following members:
38 27 ~~1-~~ a. The administrator of the division of child and
38 28 family services of the department of human services or the
38 29 administrator's designee.
38 30 ~~2-~~ b. The director of the department of education or the
38 31 director's designee.
38 32 ~~3-~~ c. The director of human services or the director's
38 33 designee.
38 34 ~~4-~~ d. The director of the department of public health or
38 35 the director's designee.
39 1 ~~5-~~ e. An early childhood specialist of an area education
39 2 agency selected by the area education agency administrators.
39 3 ~~6-~~ f. The dean of the college of family and consumer
39 4 sciences at Iowa state university of science and technology or
39 5 the dean's designee.
39 6 ~~7-~~ g. The dean of the college of education from the
39 7 university of northern Iowa or the dean's designee.
39 8 ~~8-~~ h. The professor and head of the department of
39 9 pediatrics at the university of Iowa or the professor's
39 10 designee.
39 11 ~~9-~~ i. A resident of this state who is a parent of a child
39 12 who is or has been served by a federal head start program.
39 13 2. Staff assistance for the council shall be provided by
39 14 the department of education. Members of the council shall be
39 15 reimbursed for actual and necessary expenses incurred while
39 16 engaged in their official duties and shall receive per diem
39 17 compensation at the level authorized under section 7E.6,
39 18 subsection 1, paragraph "a".

39 19 Sec. 59. Section 257.6, subsection 1, Code 2007, is

39 20 amended to read as follows:

39 21 1. ACTUAL ENROLLMENT.

39 22 a. Actual enrollment is determined annually on October 1,
39 23 or the first Monday in October if October 1 falls on a
39 24 Saturday or Sunday, and includes all of the following:

39 25 a- (1) Resident pupils who were enrolled in public schools
39 26 within the district in grades kindergarten through twelve and
39 27 including prekindergarten pupils enrolled in special education
39 28 programs.

39 29 b- (2) Full-time equivalent resident pupils of high school
39 30 age for which the district pays tuition to attend an Iowa
39 31 community college.

39 32 c- (3) Shared-time and part-time pupils of school age
39 33 enrolled in public schools within the district, irrespective
39 34 of the districts in which the pupils reside, in the proportion
39 35 that the time for which they are enrolled or receive
40 1 instruction for the school year is to the time that full-time
40 2 pupils carrying a normal course schedule, at the same grade
40 3 level, in the same school district, for the same school year,
40 4 are enrolled and receive instruction. Tuition charges to the
40 5 parent or guardian of a shared-time or part-time nonresident
40 6 pupil shall be reduced by the amount of any increased state
40 7 aid received by the district by the counting of the pupil.

40 8 d- (4) Eleventh and twelfth grade nonresident pupils who
40 9 were residents of the district during the preceding school
40 10 year and are enrolled in the district until the pupils
40 11 graduate. Tuition for those pupils shall not be charged by
40 12 the district in which the pupils are enrolled and the
40 13 requirements of section 282.18 do not apply.

40 14 e- (5) Resident pupils receiving competent private
40 15 instruction from a licensed practitioner provided through a
40 16 public school district pursuant to chapter 299A shall be
40 17 counted as six-tenths of one pupil.

40 18 f- (6) Resident pupils receiving competent private
40 19 instruction under dual enrollment pursuant to chapter 299A
40 20 shall be counted as one-tenth of one pupil.

40 21 b. Pupils attending a university laboratory school are not
40 22 counted in the actual enrollment of a school district, but the
40 23 laboratory school shall report their enrollment directly to
40 24 the department of education.

40 25 c. A school district shall certify its actual enrollment
40 26 to the department of education by October 15 of each year, and
40 27 the department shall promptly forward the information to the
40 28 department of management.

40 29 d. The department of management shall adjust the
40 30 enrollment of the school district for the audit year based
40 31 upon reports filed under section 11.6, and shall further
40 32 adjust the budget of the second year succeeding the audit year
40 33 for the property tax and state aid portions of the reported
40 34 differences in enrollments for the year succeeding the audit
40 35 year.

41 1 Sec. 60. Section 257.40, subsection 1, Code 2007, is
41 2 amended to read as follows:

41 3 1. The board of directors of a school district requesting
41 4 to use modified allowable growth for programs for returning
41 5 dropouts and dropout prevention shall submit requests for
41 6 modified at-risk allowable growth, including budget ~~cost~~
41 7 costs, to the department not later than December 15 of the
41 8 year preceding the budget year during which the program will
41 9 be offered. The department shall review the request and shall
41 10 prior to January 15 either grant approval for the request or
41 11 return the request for approval with comments of the
41 12 department included. An unapproved request for a program may
41 13 be resubmitted with modifications to the department not later
41 14 than February 1. Not later than February 15, the department
41 15 shall notify the department of management and the school
41 16 budget review committee of the names of the school districts
41 17 for which programs using modified allowable growth for funding
41 18 have been approved and the approved budget of each program
41 19 listed separately for each school district having an approved
41 20 request.

41 21 Sec. 61. Section 260C.19A, subsection 2, paragraph a,
41 22 unnumbered paragraph 1, Code 2007, is amended to read as
41 23 follows:

41 24 A flexible fuel which is ~~either any~~ of the following:

41 25 Sec. 62. Section 261C.6, subsection 1, unnumbered
41 26 paragraph 1, Code 2007, is amended to read as follows:

41 27 Not later than June 30 of each year, a school district
41 28 shall pay a tuition reimbursement amount to an eligible
41 29 postsecondary institution that has enrolled its resident
41 30 eligible pupils under this chapter, unless the eligible pupil

41 31 is participating in open enrollment under section 282.18, in
41 32 which case, the tuition reimbursement amount shall be paid by
41 33 the receiving district. However, if a child's residency
41 34 changes during a school year, the tuition shall be paid by the
41 35 district in which the child was enrolled as of the date
42 1 specified in section 257.6, subsection 1, or the district in
42 2 which the child was counted under section 257.6, subsection 1,
42 3 paragraph ~~"f"~~ "a", subparagraph (6). For pupils enrolled at
42 4 the school for the deaf and the Iowa braille and sight saving
42 5 school, the state board of regents shall pay a tuition
42 6 reimbursement amount by June 30 of each year. The amount of
42 7 tuition reimbursement for each separate course shall equal the
42 8 lesser of:

42 9 Sec. 63. Section 262.25A, subsection 3, paragraph a,
42 10 unnumbered paragraph 1, Code 2007, is amended to read as
42 11 follows:

42 12 A flexible fuel which is ~~either~~ any of the following:

42 13 Sec. 64. Section 272.4, Code 2007, is amended to read as
42 14 follows:

42 15 272.4 TERMS OF OFFICE.

42 16 1. Members, except for the director of the department of
42 17 education, shall be appointed to serve staggered terms of four
42 18 years. A member shall not serve more than two consecutive
42 19 terms, except for the director of the department of education,
42 20 who shall serve until the director's term of office expires.
42 21 A member of the board, except for the two public members,
42 22 shall hold a valid practitioner's license during the member's
42 23 term of office. A vacancy exists when any of the following
42 24 occur:

42 25 ~~1- a.~~ A nonpublic member's license expires, is suspended,
42 26 or is revoked.

42 27 ~~2- b.~~ A nonpublic member retires or terminates employment
42 28 as a practitioner.

42 29 ~~3- c.~~ A member dies, resigns, is removed from office, or
42 30 is otherwise physically unable to perform the duties of
42 31 office.

42 32 ~~4- d.~~ A member's term of office expires.

42 33 2. Terms of office for regular appointments shall begin
42 34 and end as provided in section 69.19. Terms of office for
42 35 members appointed to fill vacancies shall begin on the date of
43 1 appointment and end as provided in section 69.19. Members may
43 2 be removed for cause by a state court with competent
43 3 jurisdiction after notice and opportunity for hearing. The
43 4 board may remove a member for three consecutive absences or
43 5 for cause.

43 6 Sec. 65. Section 279.17, Code 2007, is amended to read as
43 7 follows:

43 8 279.17 APPEAL BY TEACHER TO ADJUDICATOR.

43 9 1. If the teacher is no longer a probationary teacher, the
43 10 teacher may, within ten days, appeal the determination of the
43 11 board to an adjudicator by filing a notice of appeal with the
43 12 secretary of the board. The notice of appeal shall contain a
43 13 concise statement of the action which is the subject of the
43 14 appeal, the particular board action appealed from, the grounds
43 15 on which relief is sought and the relief sought.

43 16 2. Within five days following receipt by the secretary of
43 17 the notice of appeal, the board or the board's legal
43 18 representative, if any, and the teacher or the teacher's
43 19 representative, if any, may select an adjudicator who resides
43 20 within the boundaries of the merged area in which the school
43 21 district is located. If an adjudicator cannot be mutually
43 22 agreed upon within the five-day period, the secretary shall
43 23 notify the chairperson of the public employment relations
43 24 board by transmitting the notice of appeal, and the
43 25 chairperson of the public employment relations board shall
43 26 within five days provide a list of five adjudicators to the
43 27 parties. Within three days from receipt of the list of
43 28 adjudicators, the parties shall select an adjudicator by
43 29 alternately removing a name from the list until only one name
43 30 remains. The person whose name remains shall be the
43 31 adjudicator. The parties shall determine by lot which party
43 32 shall remove the first name from the list submitted by the
43 33 chairperson of the public employment relations board. The
43 34 secretary of the board shall inform the chairperson of the
43 35 public employee relations board of the name of the adjudicator
44 1 selected.

44 2 3. If the teacher does not timely request an appeal to an
44 3 adjudicator the decision, opinion, or conclusion of the board
44 4 shall become final and binding.

44 5 Within thirty days after filing the notice of appeal, or
44 6 within further time allowed by the adjudicator, the board

44 7 shall transmit to the adjudicator the original or a certified
44 8 copy of the entire record of the private hearing which may be
44 9 the subject of the petition. By stipulation of the parties to
44 10 review the proceedings, the record of the case may be
44 11 shortened. The adjudicator may require or permit subsequent
44 12 corrections or additions to the shortened record.

44 13 4. The record certified and filed by the board shall be
44 14 the record upon which the appeal shall be heard and no
44 15 additional evidence shall be heard by the adjudicator. In
44 16 such appeal to the adjudicator, especially when considering
44 17 the credibility of witnesses, the adjudicator shall give
44 18 weight to the fact findings of the board; but shall not be
44 19 bound by them.

44 20 5. Before the date set for hearing a petition for review
44 21 of board action, which shall be within ten days after receipt
44 22 of the record unless otherwise agreed or unless the
44 23 adjudicator orders additional evidence be taken before the
44 24 board, application may be made to the adjudicator for leave to
44 25 present evidence in addition to that found in the record of
44 26 the case. If it is shown to the adjudicator that the
44 27 additional evidence is material and that there were good
44 28 reasons for failure to present it in the private hearing
44 29 before the board, the adjudicator may order that the
44 30 additional evidence be taken before the board upon conditions
44 31 determined by the adjudicator. The board may modify its
44 32 findings and decision in the case by reason of the additional
44 33 evidence and shall file that evidence and any modifications,
44 34 new findings, or decisions, with the adjudicator and mail
44 35 copies of the new findings or decisions to the teacher.

45 1 6. The adjudicator may affirm board action or remand to
45 2 the board for further proceedings. The adjudicator shall
45 3 reverse, modify, or grant any appropriate relief from the
45 4 board action if substantial rights of the teacher have been
45 5 prejudiced because the board action is:

45 6 ~~1-~~ a. In violation of a board rule or policy or contract;
45 7 or

45 8 ~~2-~~ b. Unsupported by a preponderance of the competent
45 9 evidence in the record made before the board when that record
45 10 is viewed as a whole; or

45 11 ~~3-~~ c. Unreasonable, arbitrary or capricious or
45 12 characterized by an abuse of discretion or a clearly
45 13 unwarranted exercise of discretion.

45 14 7. The adjudicator shall, within fifteen days after the
45 15 hearing, make a decision and shall give a copy of the decision
45 16 to the teacher and the secretary of the board. The decision
45 17 of the adjudicator shall become the final and binding decision
45 18 of the board unless either party within ten days notifies the
45 19 secretary of the board that the decision is rejected. The
45 20 board may reject the decision by majority vote, by roll call,
45 21 in open meeting and entered into the minutes of the meeting.
45 22 The board shall immediately notify the teacher of its decision
45 23 by certified mail. The teacher may reject the adjudicator's
45 24 decision by notifying the board's secretary in writing within
45 25 ten days of the filing of such decision.

45 26 8. All costs of the adjudicator shall be shared equally by
45 27 the teacher and the board.

45 28 Sec. 66. Section 282.31, subsection 1, paragraph b,
45 29 unnumbered paragraph 2, Code 2007, is amended to read as
45 30 follows:

45 31 However, on June 30 of a school year, if the board of
45 32 directors of a school district determines that the number of
45 33 children under this paragraph who were counted in the basic
45 34 enrollment of the school district ~~of in~~ that school year in
45 35 accordance with section 257.6, subsection 1, is fewer than the
46 1 sum of the number of months all children were enrolled in the
46 2 school district under this paragraph during the school year
46 3 divided by nine, the secretary of the school district may
46 4 submit a claim to the department of education by August 1
46 5 following the school year for an amount equal to the district
46 6 cost per pupil of the district for the previous school year
46 7 multiplied by the difference between the number of children
46 8 counted and the number of children calculated by the number of
46 9 months of enrollment. The amount of the claim shall be paid
46 10 by the department of administrative services to the school
46 11 district by October 1. The department of administrative
46 12 services shall transfer the total amount of the approved claim
46 13 of a school district from the moneys appropriated under
46 14 section 257.16 and the amount paid shall be deducted monthly
46 15 from the state foundation aid paid to all school districts in
46 16 the state during the remainder of the subsequent fiscal year
46 17 in the manner provided in paragraph "a".

46 18 Sec. 67. Section 299A.8, Code 2007, is amended to read as
46 19 follows:

46 20 299A.8 DUAL ENROLLMENT.

46 21 If a parent, guardian, or legal custodian of a child who is
46 22 receiving competent private instruction under this chapter or
46 23 a child over compulsory age who is receiving private
46 24 instruction submits a request, the child shall also be
46 25 registered in a public school for dual enrollment purposes.
46 26 If the child is enrolled in a public school district for dual
46 27 enrollment purposes, the child shall be permitted to
46 28 participate in any academic activities in the district and
46 29 shall also be permitted to participate on the same basis as
46 30 public school children in any extracurricular activities
46 31 available to children in the child's grade or group, and the
46 32 parent, guardian, or legal custodian shall not be required to
46 33 pay the costs of any annual evaluation under this chapter. If
46 34 the child is enrolled for dual enrollment purposes, the child
46 35 shall be included in the public school's basic enrollment
47 1 under section 257.6. A pupil who is participating only in
47 2 extracurricular activities shall be counted under section
47 3 257.6, subsection 1, paragraph "~~f~~" "a", subparagraph (6). A
47 4 pupil enrolled in grades nine through twelve under this
47 5 section shall be counted in the same manner as a shared-time
47 6 pupil under section 257.6, subsection 1, paragraph "~~e~~" "a",
47 7 subparagraph (3).

47 8 Sec. 68. Section 307.21, subsection 5, paragraph a,
47 9 unnumbered paragraph 1, Code 2007, is amended to read as
47 10 follows:

47 11 A flexible fuel which is ~~either~~ any of the following:

47 12 Sec. 69. Section 321G.13, subsection 1, paragraph g,
47 13 unnumbered paragraph 2, Code 2007, is amended to read as
47 14 follows:

47 15 This paragraph "g" does not prohibit the use of ford
47 16 crossings of public or private roads or any other ford
47 17 crossing when used for agricultural purposes; the operation of
47 18 construction vehicles engaged in lawful construction, repair,
47 19 or maintenance in a streambed; or the operation of snowmobiles
47 20 on ice.

47 21 Sec. 70. Section 327C.5, unnumbered paragraph 1, Code
47 22 2007, is amended to read as follows:

47 23 Violations of the provisions of this chapter and chapters
47 24 327D ~~to~~ through 327G shall be punished as a schedule "one"
47 25 penalty unless otherwise indicated. Violations of a
47 26 continuing nature shall constitute a separate offense for each
47 27 violation unless otherwise provided. The schedule of
47 28 violations shall be:

47 29 Sec. 71. Section 356.37, Code 2007, is amended to read as
47 30 follows:

47 31 356.37 CONFINEMENT AND DETENTION REPORT == DESIGN
47 32 PROPOSALS.

47 33 The division of criminal and juvenile justice planning of
47 34 the department of human rights, in consultation with the
47 35 department of corrections, the Iowa county attorneys
48 1 association, the Iowa state sheriff's association, the Iowa
48 2 association of chiefs of police and peace officers, a
48 3 statewide organization representing rural property taxpayers,
48 4 the Iowa league of cities, and the Iowa board of supervisors
48 5 association, shall prepare a report analyzing the confinement
48 6 and detention needs of jails and facilities established
48 7 pursuant to ~~chapters 356 and this chapter and chapter~~ chapter 356A.
48 8 The report for each type of jail or facility shall include but
48 9 is not limited to an inventory of prisoner space, daily
48 10 prisoner counts, options for detention of prisoners with
48 11 mental illness or substance abuse service needs, and the
48 12 compliance status under section 356.36 for each jail or
48 13 facility. The report shall contain an inventory of recent
48 14 jail or facility construction projects in which voters have
48 15 approved the issuance of general obligation bonds, essential
48 16 county purpose bonds, revenue bonds, or bonds issued pursuant
48 17 to chapter 423B. The report shall be revised periodically as
48 18 directed by the administrator of the division of criminal and
48 19 juvenile justice planning. The first submission of the report
48 20 shall include recommendations on offender data needed to
48 21 estimate jail space needs in the next two, three, and five
48 22 years, on a county, geographic region, and statewide basis,
48 23 which may be based upon information submitted pursuant to
48 24 section 356.49.

48 25 Sec. 72. Section 384.4, subsection 2, Code 2007, is
48 26 amended to read as follows:

48 27 2. Interest as it becomes due and the amount necessary to
48 28 pay, or to create a sinking fund to pay, the principal at

48 29 maturity of all general obligation bonds issued by the city or
48 30 to pay, or to create a sinking fund to pay, amounts as due on
48 31 loans received through the former Iowa community development
48 32 loan program pursuant to section 15E.120.

48 33 Sec. 73. Section 384.94, Code 2007, is amended to read as
48 34 follows:

48 35 384.94 PRIOR PROJECTS PRESERVED.

49 1 Projects and proceedings for the issuance of revenue bonds,
49 2 pledge orders, and other temporary obligations commenced
49 3 before the effective date of the city code may be consummated
49 4 and completed as required or permitted by any statute or other
49 5 law amended or repealed by ~~646A~~ 1972 Iowa Acts, chapter 1088,
49 6 as though such repeal or amendment had not occurred, and the
49 7 rights, duties, and interests flowing from such projects and
49 8 proceedings remain valid and enforceable. Without limiting
49 9 the foregoing, projects commenced prior to said effective date
49 10 may be financed by the issuance of revenue bonds, pledge
49 11 orders, and other temporary obligations under any such amended
49 12 or repealed law or by the issuance of revenue bonds and pledge
49 13 orders under the city code. For purposes of this section,
49 14 commencement of a project includes, but is not limited to,
49 15 action taken by the governing body or authorized officer to
49 16 fix a date for either a hearing or an election in connection
49 17 with any part of the project, and commencement of proceedings
49 18 for the issuance of revenue bonds, pledge orders, and other
49 19 temporary obligations includes, but is not limited to, action
49 20 taken by the governing body to fix a date for either a hearing
49 21 or a sale in connection with any part of such revenue bonds,
49 22 pledge orders, or other temporary obligations or to order any
49 23 part thereof to be issued.

49 24 Sec. 74. Section 423.3, subsection 56, Code 2007, is
49 25 amended to read as follows:

49 26 56. The sales price from the sale of motor fuel and
49 27 special fuel consumed for highway use or in watercraft or
49 28 aircraft where the fuel tax has been imposed and paid and no
49 29 refund has been or will be allowed and the sales price from
49 30 the sales of ethanol blended gasoline, as defined in section
49 31 ~~452A.2~~ 214A.1.

49 32 Sec. 75. Section 423.3, subsection 57, paragraph f,
49 33 subparagraph (3), subparagraph subdivision (b), Code 2007, is
49 34 amended to read as follows:

49 35 (b) Eggs, fish, meat, poultry, and foods containing these
50 1 raw animal foods requiring cooking by the consumer as
50 2 recommended by the United States food and drug administration
50 3 ~~in chapter, ch.~~ 3, part 401.11 of its food code, so as to
50 4 prevent foodborne illnesses.

50 5 Sec. 76. Section 423.9A, subsection 3, paragraph b, Code
50 6 2007, is amended to read as follows:

50 7 b. Three members representing small Iowa businesses, at
50 8 least one of whom ~~must~~ shall be a retailer, and at least one
50 9 of whom shall be a supplier.

50 10 Sec. 77. Section 446.17, Code 2007, is amended to read as
50 11 follows:

50 12 446.17 SALE CONTINUED.

50 13 The county treasurer shall continue the sale from day to
50 14 day as long as there are bidders or until all delinquent
50 15 parcels have been offered for sale.

50 16 If notice of annual tax sale has been published under
50 17 section 446.9, ~~as it appeared in the 1991~~ Code 1991, the
50 18 notice is valid and further notice is not required for an
50 19 adjourned sale held under this section, unless it is a public
50 20 bidder sale.

50 21 Sec. 78. Section 452A.31, subsection 6, paragraph b, Code
50 22 2007, is amended to read as follows:

50 23 b. The aggregate per gallon distribution percentage ~~which~~
50 24 is the aggregate ethanol blended gasoline gallonage expressed
50 25 as a percentage of the aggregate gasoline gallonage calculated
50 26 for a twelve-month period beginning January 1 and ending
50 27 December 31.

50 28 Sec. 79. Section 455B.197, Code 2007, is amended to read
50 29 as follows:

50 30 455B.197 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
50 31 PERMITS.

50 32 The department may issue a permit related to the
50 33 administration of the national pollutant discharge elimination
50 34 system (NPDES) permit program pursuant to the federal Water
50 35 Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40
51 1 C.F.R. pt. 124 including but not limited to storm water
51 2 discharge permits issued pursuant to section 455B.103A. The
51 3 department may provide for the receipt of applications and the
51 4 issuance of permits as provided by rules adopted by the

51 5 department which are consistent with this section. The
51 6 department shall assess and collect fees for the processing of
51 7 applications and the issuance of permits as provided in this
51 8 section. The department shall deposit the fees into the
51 9 national pollutant discharge elimination system permit fund
51 10 created in section 455B.196. The fees shall be established as
51 11 follows:

51 12 1. For a permit for the discharge from mining and
51 13 processing facilities, NPDES general permit no. 5, the
51 14 following fee schedule shall apply:
51 15 a. An annual permit, one hundred twenty-five dollars each
51 16 year.

51 17 b. For a multiyear permit, all of the following shall
51 18 apply:

51 19 (1) A three-year permit, three hundred dollars.

51 20 (2) A four-year permit, four hundred dollars.

51 21 (3) A five-year permit, five hundred dollars.

51 22 2. For coverage under ~~the national pollutant discharge~~
51 23 ~~elimination system (NPDES)~~ NPDES individual permits for storm
51 24 water, for a construction permit, an application fee of one
51 25 hundred dollars.

51 26 3. For coverage under ~~the national pollutant discharge~~
51 27 ~~elimination system (NPDES)~~ NPDES individual permits for
51 28 nonstorm water, the following annual fees apply:

51 29 a. For a major municipal facility, one thousand two
51 30 hundred seventy-five dollars.

51 31 b. For a minor municipal facility, two hundred ten
51 32 dollars.

51 33 c. For a semipublic facility, three hundred forty dollars.

51 34 d. For a facility that holds an operation permit, with no
51 35 wastewater discharge into surface waters, one hundred seventy
52 1 dollars.

52 2 e. For a municipal water treatment facility, a fee shall
52 3 not be charged.

52 4 f. For a major industrial facility, three thousand four
52 5 hundred dollars.

52 6 g. For a minor industrial facility, three hundred dollars.

52 7 h. For an open feedlot operation as provided in chapter
52 8 459A, an annual fee of three hundred forty dollars.

52 9 i. For a new facility that has not been issued a current
52 10 nonstorm water NPDES permit, a prorated amount which shall be
52 11 calculated by taking the annual fee amount multiplied by the
52 12 number of months remaining before the next annual fee due date
52 13 divided by twelve.

52 14 j. For a facility covered under an existing nonstorm water
52 15 NPDES permit, a prorated amount which shall be calculated by
52 16 taking the annual fee amount multiplied by the number of
52 17 months remaining before the next annual fee due date divided
52 18 by twelve.

52 19 k. For a nonstorm water permit as provided in this
52 20 subsection, a single application fee of eighty-five dollars.

52 21 Sec. 80. Section 455G.31, subsection 2, Code 2007, is
52 22 amended to read as follows:

52 23 2. A retail dealer may use gasoline storage and dispensing
52 24 infrastructure to store and dispense E=85 gasoline if all of
52 25 the following apply:

52 26 a. For gasoline storage and dispensing infrastructure
52 27 other than the dispenser, the department of natural resources
52 28 under this chapter or the state fire marshal under chapter 101
52 29 must determine that it is compatible with E=85 gasoline.

52 30 b. For a dispenser, the manufacturer must ~~state all of~~
52 31 provide a written statement that includes the following:

52 32 (1) That the dispenser is, in the opinion of the
52 33 manufacturer, not incompatible with E=85 gasoline.

52 34 (2) ~~The That the~~ manufacturer has initiated the process of
52 35 applying to an independent testing laboratory for listing of
53 1 the equipment for use in dispensing E=85 gasoline.

53 2 c. A manufacturer's statement under paragraph "b", must
53 3 also include a written statement, with reference to a
53 4 information regarding the particular type and model of
53 5 equipment for use in dispensing E=85 gasoline, be signed by a
53 6 responsible official on behalf of the manufacturer, and be
53 7 provided either to the retail dealer using the gasoline
53 8 storage and dispensing infrastructure or to the department of
53 9 natural resources or the state fire marshal. If the written
53 10 statement is provided to a retail dealer, the statement shall
53 11 be retained in the files on the premises of the retail dealer
53 12 and shall be available to personnel of the department of
53 13 natural resources or the state fire marshal upon request.

53 14 Sec. 81. Section 456A.33B, subsection 2, paragraph a, Code
53 15 2007, is amended to read as follows:

53 16 a. The department shall develop an initial list of not
53 17 more than thirty-five significant public lakes to be
53 18 considered for funding based on the feasibility of restoring
53 19 each lake ~~for restoration~~ and the use or potential use of the
53 20 lake, if restored. The list shall include lake projects under
53 21 active development that the department shall recommend be
53 22 given priority for funding so long as progress toward
53 23 completion of the projects remains consistent with the goals
53 24 of this section.

53 25 Sec. 82. Section 456A.33B, subsection 2, paragraph c,
53 26 subparagraph (4), subparagraph subdivision (d), Code 2007, is
53 27 amended to read as follows:

53 28 (d) Sustainability. The water quality benefits ~~of~~ from
53 29 the restoration efforts will be sustained for at least fifty
53 30 years.

53 31 Sec. 83. Section 460.304, subsection 2, paragraph a,
53 32 unnumbered paragraph 1, Code 2007, is amended to read as
53 33 follows:

53 34 Provide cost-share moneys to persons closing agricultural
53 35 drainage wells in accordance with the priority system
54 1 established pursuant to section 460.302. In conjunction with
54 2 closing agricultural drainage wells, the division shall award
54 3 cost-share moneys to carry out the following projects:

54 4 Sec. 84. Section 461C.1, Code 2007, is amended to read as
54 5 follows:

54 6 461C.1 PURPOSE.

54 7 The purpose of this chapter is to encourage private owners
54 8 of land to make land and water areas available to the public
54 9 for recreational purposes and for urban deer control by
54 10 limiting ~~their~~ an owner's liability toward persons entering
54 11 ~~thereon onto the owner's property~~ for such purposes.

54 12 Sec. 85. Section 499B.6, Code 2007, is amended to read as
54 13 follows:

54 14 499B.6 COPY OF THE FLOOR PLANS TO BE FILED.

54 15 There shall be attached to the declaration, at the time it
54 16 is filed, a full and an exact copy of the plans of the
54 17 building, which copy shall be entered of record along with the
54 18 declaration. The plans shall show graphically all particulars
54 19 of the building including, but not limited to, the dimensions,
54 20 area and location of common elements affording access to each
54 21 apartment. Other common elements, both limited and general,
54 22 shall be shown graphically insofar as possible and shall be
54 23 certified to by an engineer, architect, or land surveyor,
54 24 ~~either of which~~ who is registered or licensed to practice that
54 25 profession in this state.

54 26 Sec. 86. Section 514.1, unnumbered paragraph 2, Code 2007,
54 27 is amended to read as follows:

54 28 For the purposes of this chapter, "subscriber" means an
54 29 individual who enters into a contract for health care services
54 30 with a corporation subject to this chapter and includes a
54 31 person eligible for medical assistance or additional medical
54 32 assistance as defined under chapter 249A, with respect to whom
54 33 the department of human services has entered into a contract
54 34 with a firm operating under this chapter ~~514~~. For purposes of
54 35 this chapter, "provider" means a person as defined in section
55 1 4.1, subsection 20, which is licensed or authorized in this
55 2 state to furnish health care services. "Health care" means
55 3 that care necessary for the purpose of preventing,
55 4 alleviating, curing, or healing human physical or mental
55 5 illness, injury, or disability.

55 6 Sec. 87. Section 514.19, Code 2007, is amended to read as
55 7 follows:

55 8 514.19 COMBINED SERVICE CORPORATIONS.

55 9 A corporation subject to this chapter may combine with any
55 10 other corporation subject to this chapter as permitted under
55 11 chapter 504 and upon the approval by the commissioner of
55 12 insurance. Each corporation shall comply with chapter 504,
55 13 the corporation's articles of incorporation, and the
55 14 corporation's bylaws. The combined service corporation shall
55 15 continue the service benefits previously provided by each
55 16 corporation and may, subject to the approval of the
55 17 commissioner of insurance, offer other service benefits not
55 18 previously provided by the corporations before combining,
55 19 which are permitted under this chapter ~~514~~.

55 20 Sec. 88. Section 515.102, Code 2007, is amended to read as
55 21 follows:

55 22 515.102 CONDITIONS INVALIDATING POLICY.

55 23 Any condition or stipulation referring to any of the
55 24 following shall not be changed or affected by the provisions
55 25 of section 515.101:

55 26 1. To any other insurance, valid or invalid, ~~or,~~

- 55 27 2. To vacancy of the insured premises,~~or.~~
55 28 3. To the title or ownership of the property insured,~~or.~~
55 29 4. To lien, or encumbrances thereon created by voluntary
55 30 act of the insured and within the insured's control,~~or.~~
55 31 5. To the suspension or forfeiture of the policy during
55 32 default or failure to pay any written obligation given to the
55 33 insurance company for the premium,~~or.~~
55 34 6. To the assignment or transfer of such policy of
55 35 insurance before loss without the consent of the insurance
56 1 company,~~or.~~
56 2 7. To the removal of the property insured,~~or.~~
56 3 8. To a change in the occupancy or use of the property
56 4 insured, if such change or use makes the risk more hazardous,
~~56 5 or.~~
56 6 9. To the fraud of the insured in the procurement of the
56 7 contract of insurance == shall not be changed or affected by
~~56 8 the provision of section 515.101.~~

56 9 Sec. 89. Section 515A.6, subsection 1, paragraph a,
56 10 unnumbered paragraph 1, Code 2007, is amended to read as
56 11 follows:

56 12 A corporation, an unincorporated association, a
56 13 partnership, or an individual, whether located within or
56 14 outside this state, may make application to the commissioner
56 15 for a license as a rating organization for such kinds of
56 16 insurance, or subdivision or class of risk or a part or
56 17 combination thereof as are specified in its application and
56 18 shall file with the application all of the following:

56 19 Sec. 90. Section 515A.9, Code 2007, is amended to read as
56 20 follows:

56 21 515A.9 INFORMATION TO BE FURNISHED INSUREDS == HEARINGS
56 22 AND APPEALS OF INSUREDS.

56 23 Every rating organization and every insurer which makes its
56 24 own rate shall, within a reasonable time after receiving
56 25 written request therefor and upon payment of such reasonable
56 26 charge as it may make, furnish to any insured affected by a
56 27 rate made by it, or to the authorized representative of such
56 28 insured, all pertinent information as to such rate. Every
56 29 rating organization and every insurer which makes its own
56 30 rates shall provide within this state reasonable means whereby
56 31 any person aggrieved by the application of its rating system
56 32 may be heard, in person or by the person's authorized
56 33 representative, on the person's written request to review the
56 34 manner in which such rating system has been applied in
56 35 connection with the insurance afforded the person. Such
57 1 review of the manner in which a rating system has been applied
57 2 is not a contested case under chapter 17A. If the rating
57 3 organization or insurer fails to grant or reject such request
57 4 within thirty days after it is made, the applicant may proceed
57 5 in the same manner as if the application had been rejected.
57 6 Any party affected by the action of such rating organization
57 7 or such insurer on such request may, within thirty days after
57 8 written notice of such action, appeal to the commissioner,
57 9 who, after a hearing held upon not less than ten days' written
57 10 notice to the appellant and to such rating organization or
57 11 insurer, may affirm or reverse such action. Such appeal to
57 12 the commissioner of the manner in which a rating system has
57 13 been applied is not a contested case under chapter 17A.

57 14 Sec. 91. Section 521.1, subsection 4, Code 2007, is
57 15 amended to read as follows:

57 16 4. "Company" ~~when used in this chapter~~ means a company or
57 17 association organized under chapter 508, 511, 515, 518, 518A,
57 18 or 520, and includes a mutual insurance holding company
57 19 organized pursuant to section 521A.14.

57 20 Sec. 92. Section 521.6, Code 2007, is amended to read as
57 21 follows:

57 22 521.6 EXAMINATION.

57 23 The commission may examine the affairs and condition of any
57 24 company as it deems proper,~~and.~~ The commission shall have
57 25 the power to summon and compel the attendance and testimony of
57 26 witnesses,~~and.~~ The commission shall have the power to compel
57 27 the production of books and papers before the commission, and
57 28 may administer oaths.

57 29 Sec. 93. Section 524.1601, subsection 1, unnumbered
57 30 paragraph 1, Code 2007, is amended to read as follows:

57 31 A director, officer, or employee of a state bank or bank
57 32 holding company who willfully violates any of the provisions
57 33 of subsection 4 of section 524.612, section 524.613,
57 34 subsection 2 of section 524.706, insofar as such subsection
57 35 incorporates subsection 4 of section 524.612, or section
58 1 524.710, shall be guilty of a serious misdemeanor, ~~plus and,~~
58 2 in the following circumstances, shall pay an additional fine

58 3 or fines equal to:

58 4 Sec. 94. Section 533D.6, subsection 1, Code 2007, is
58 5 amended to read as follows:

58 6 1. The prior written approval of the superintendent is
58 7 required for the continued operation of a delayed deposit
58 8 services business whenever a change in control of a licensee
58 9 is proposed. The person requesting such approval shall pay to
58 10 the superintendent a fee of one hundred dollars. Control in
58 11 the case of a corporation means direct or indirect ownership
58 12 of, or the right to control, ten percent or more of the voting
58 13 shares of the corporation, or the ability of a person to elect
58 14 a majority of the directors or otherwise effect a change in
58 15 policy. Control in the case of any other entity means any
58 16 change in the principals of the organization, whether active
58 17 or passive. The superintendent may require information deemed
58 18 necessary to determine whether a new application is required.
58 19 Costs incurred by the superintendent in investigating a change
58 20 of control request shall be paid by the person requesting such
58 21 approval.

58 22 Sec. 95. Section 535B.4, subsection 7, Code 2007, is
58 23 amended to read as follows:

58 24 7. Applications for renewals of licenses and individual
58 25 registrations under this chapter must be filed with the
58 26 administrator before June 1 of the year of expiration on forms
58 27 prescribed by the administrator. A renewal application must
58 28 be accompanied by a fee of two hundred dollars for a license
58 29 to transact business solely as a mortgage broker, and four
58 30 hundred dollars for a license to transact business as a
58 31 mortgage banker. The fee to renew an individual registration
58 32 shall be the fee determined pursuant to ~~2005 Iowa Acts, ch.~~
~~58 33 83, section 6 535B.4A.~~ The administrator may assess a late
58 34 fee of ten dollars per day for applications or registrations
58 35 accepted for processing after June 1.

59 1 Sec. 96. Section 535B.17, Code 2007, is amended to read as
59 2 follows:

59 3 535B.17 POWERS AND DUTIES OF THE ADMINISTRATOR == WAIVER
59 4 AUTHORITY.

59 5 In addition to any other duties imposed upon the
59 6 administrator by law, the administrator may participate in a
59 7 multistate automated licensing system for mortgage bankers,
59 8 mortgage brokers, and individual registrants. For this
59 9 purpose, the administrator may establish by rule or order new
59 10 requirements as necessary, including but not limited to
59 11 requirements that license applicants and individual
59 12 registrants submit to fingerprinting, and criminal history
59 13 checks, and pay fees therefor.

59 14 Sec. 97. Section 536.13, subsection 1, unnumbered
59 15 paragraph 1, Code 2007, is amended to read as follows:

59 16 The superintendent may investigate the conditions and find
59 17 the facts with reference to the business of making regulated
59 18 loans, as described in section 536.1 and after making the
59 19 investigation, report in writing ~~its~~ any findings to the next
59 20 regular session of the general assembly, and upon the basis of
59 21 the facts:

59 22 Sec. 98. Section 537.6203, subsection 5, Code 2007, is
59 23 amended to read as follows:

59 24 5. Moneys collected under this section shall be deposited
59 25 in a consumer credit administration fund in the state treasury
59 26 and shall be used for the administration of this chapter ~~537~~.
59 27 The moneys are subject to warrant upon certification of the
59 28 administrator and are appropriated for these purposes.
59 29 Notwithstanding section 8.33, the moneys in the fund do not
59 30 revert at the end of a fiscal period.

59 31 Sec. 99. Section 558.70, subsection 4, Code 2007, is
59 32 amended to read as follows:

59 33 4. This section applies to a contract seller who entered
59 34 into four or more residential real estate contracts in the
59 35 three hundred sixty-five days previous to the contract seller
60 1 signing the contract disclosure statement. For purposes of
60 2 this subsection, two or more entities sharing a common owner
60 3 or manager are considered a single contract seller. This
60 4 section does not apply to ~~an~~ a person or organization listed
60 5 in section 535B.2, subsections 1 through 7.

60 6 Sec. 100. Section 579B.1, subsection 4, Code 2007, is
60 7 amended to read as follows:

60 8 4. "Contract livestock facility" means an animal feeding
60 9 operation as defined in section 459.102, in which livestock or
60 10 raw milk is produced according to a production contract
60 11 executed pursuant to section 579B.2 by a contract producer who
60 12 owns or leases the animal feeding operation. "Contract
60 13 livestock facility" includes a confinement feeding operation

60 14 as defined in section 459.102, an open feedlot as defined in
60 15 section 459A.102, or an area which is used for the raising of
60 16 crops or other vegetation and upon which livestock is fed for
60 17 slaughter or is allowed to graze or feed.

60 18 Sec. 101. Section 579B.1, subsection 12, Code 2007, is
60 19 amended by striking the subsection.

60 20 Sec. 102. Section 602.9116, subsection 1, Code 2007, is
60 21 amended to read as follows:

60 22 1. The court administrator shall cause an actuarial
60 23 valuation to be made of the assets and liabilities of the
60 24 judicial retirement fund at least once every four years
60 25 commencing with the fiscal year beginning July 1, 1981. For
60 26 each fiscal year in which an actuarial valuation is not
60 27 conducted, the court administrator shall cause an annual
60 28 actuarial update to be prepared for the purpose of determining
60 29 the adequacy of the contribution rates specified in section
60 30 602.9104. The court administrator shall adopt mortality
60 31 tables and other necessary factors for use in the actuarial
60 32 calculations required for the valuation upon the
60 33 recommendation of the actuary. Following the actuarial
60 34 valuation or annual actuarial update, the court administrator
60 35 shall determine the condition of the system and shall report
61 1 ~~its~~ any findings and recommendations to the general assembly.

61 2 Sec. 103. Section 614.24, unnumbered paragraph 1, Code
61 3 2007, is amended to read as follows:

61 4 No action based upon any claim arising or existing by
61 5 reason of the provisions of any deed or conveyance or contract
61 6 or will reserving or providing for any reversion, reverted
61 7 interests or use restrictions in and to the land therein
61 8 described shall be maintained either at law or in equity in
61 9 any court to recover real estate in this state or to recover
61 10 or establish any interest therein or claim thereto, legal or
61 11 equitable, against the holder of the record title to such real
61 12 estate in possession after twenty-one years from the recording
61 13 of such deed of conveyance or contract or after twenty-one
61 14 years from the admission of said will to probate unless the
61 15 claimant shall, personally, or by the claimant's attorney or
61 16 agent, or if the claimant is a minor or under legal
61 17 disability, by the claimant's guardian, trustee, or either
61 18 parent or next friend, ~~shall~~ file a verified claim with the
61 19 recorder of the county wherein said real estate is located
61 20 within said twenty-one year period. In the event said deed
61 21 was recorded or will was admitted to probate more than twenty
61 22 years prior to July 4, 1965, then said claim may be filed on
61 23 or before one year after July 4, 1965. Such claims shall set
61 24 forth the nature thereof, also the time and manner in which
61 25 such interest was acquired. For the purposes of this section,
61 26 the claimant shall be any person or persons claiming any
61 27 interest in and to said land or in and to such reversion,
61 28 reverter interest or use restriction, whether the same is a
61 29 present interest or an interest which would come into
61 30 existence if the happening or contingency provided in said
61 31 deed or will were to happen at once. Said claimant further
61 32 shall include any member of a class of persons entitled to or
61 33 claiming such rights or interests.

61 34 Sec. 104. Section 680.8, Code 2007, is amended to read as
61 35 follows:

62 1 680.8 NONAPPLICABILITY.

62 2 The provisions of section 680.7 shall not apply to the
62 3 receivership of state banks, as defined in section 524.105,
62 4 trust companies, or private banks, ~~and~~. In addition, in the
62 5 receivership of such state banks and trust companies, or
62 6 private banks, no ~~such~~ preference or priority shall be allowed
62 7 as is provided in ~~the~~ section 680.7 except for labor or wage
62 8 claims as provided by statute.

62 9 Sec. 105. Section 692.8A, subsection 4, Code 2007, is
62 10 amended to read as follows:

62 11 4. An intelligence assessment and intelligence data shall
62 12 be deemed a confidential record of the department under
62 13 section 22.7, subsection 55, except as otherwise provided in
62 14 this subsection. This section shall not be construed to
62 15 prohibit the dissemination of an intelligence assessment to
62 16 any agency or organization if necessary for carrying out the
62 17 official duties of the agency or organization, or to a person
62 18 if disseminated for an official purpose, and to a person if
62 19 necessary to protect a person or property from a threat of
62 20 imminent serious harm. This section shall also not be
62 21 construed to prohibit the department from disseminating a
62 22 public health and safety threat advisory or alert by press
62 23 release or other method ~~or~~ of public communication.

62 24 Sec. 106. Section 815.11, Code 2007, is amended to read as

62 25 follows:
62 26 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE == FUND
62 27 CREATED.
62 28 Costs incurred under chapter 229A, 665, 822, or 908, or
62 29 section 232.141, subsection 3, paragraph "d", or section
62 30 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or
62 31 815.10 on behalf of an indigent shall be paid from moneys
62 32 appropriated by the general assembly to the office of the
62 33 state public defender in the department of inspections and
62 34 appeals and deposited in an account to be known as the
62 35 indigent defense fund. Costs incurred representing an
63 1 indigent defendant in a contempt action, or representing an
63 2 indigent juvenile in a juvenile court proceeding under chapter
63 3 600, are also payable from the fund. However, costs incurred
63 4 in any administrative proceeding or in any other proceeding
63 5 under this chapter or chapter 598, 600, 600A, 633, 633A, 814,
63 6 ~~815~~, or 915 or other provisions of the Code or administrative
63 7 rules are not payable from the fund.
63 8 Sec. 107. Section 904.312A, subsection 2, paragraph a,
63 9 unnumbered paragraph 1, Code 2007, is amended to read as
63 10 follows:
63 11 A flexible fuel which is ~~either any~~ of the following:
63 12 Sec. 108. Section 910.10, subsection 3, unnumbered
63 13 paragraph 1, Code 2007, is amended to read as follows:
63 14 A restitution lien may be filed by ~~either any~~ of the
63 15 following:
63 16 Sec. 109. Section 910.15, subsection 2, paragraph d,
63 17 subparagraph (2), Code 2007, is amended to read as follows:
63 18 (2) It is more probable than not that there are victims
63 19 who may recover a money judgment against the felon for
63 20 physical, mental, or emotional injury or pecuniary loss
63 21 proximately caused by the convicted felon as a result of the
63 22 felony for which the felon was convicted or there is an unpaid
63 23 order of restitution under this chapter ~~910~~ against the
63 24 convicted felon for the felony for which the felon was
63 25 convicted.
63 26 Sec. 110. Section 910.15, subsection 5, Code 2007, is
63 27 amended to read as follows:
63 28 5. PAYMENT OF ESCROW FUNDS TO VICTIMS. The remaining
63 29 proceeds in escrow may be levied upon to satisfy an order for
63 30 restitution under this chapter ~~910~~ or a money judgment entered
63 31 against the convicted felon, by a court of competent
63 32 jurisdiction, for physical, mental, or emotional injury, or
63 33 pecuniary loss proximately caused by the convicted felon as a
63 34 result of the felony for which the felon was convicted.
63 35 Sec. 111. Section 915.94, Code 2007, is amended to read as
64 1 follows:
64 2 915.94 VICTIM COMPENSATION FUND.
64 3 A victim compensation fund is established as a separate
64 4 fund in the state treasury. Moneys deposited in the fund
64 5 shall be administered by the department and dedicated to and
64 6 used for the purposes of section 915.41 and this subchapter.
64 7 In addition, the department may use moneys from the fund for
64 8 the purpose of the department's prosecutor-based victim
64 9 service coordination, including the duties defined in sections
64 10 910.3 and 910.6 and this chapter, and for the award of funds
64 11 to programs that provide services and support to victims of
64 12 domestic abuse or sexual assault as provided in chapter 236,
64 13 and to victims ~~of~~ under section 710A.2. The department may
64 14 also use up to one hundred thousand dollars from the fund to
64 15 provide training for victim service providers.
64 16 Notwithstanding section 8.33, any balance in the fund on June
64 17 30 of any fiscal year shall not revert to the general fund of
64 18 the state.
64 19 Sec. 112. 2006 Iowa Acts, chapter 1106, section 1,
64 20 subsection 5, paragraph c, is amended to read as follows:
64 21 c. Grants for veterans injured after September 11, 2001,
64 22 but prior to the effective date of this section of this Act
64 23 shall be payable, upon a showing that the veteran would have
64 24 been eligible for payment had the injury occurred on or after
64 25 the effective date of this Act.
64 26 Sec. 113. 2006 Iowa Acts, chapter 1153, section 3,
64 27 subsection 1, paragraph c, subparagraph (4), is amended to
64 28 read as follows:
64 29 (4) Information regarding adopted ethical and professional
64 30 standards of operation for the governing body and employees of
64 31 the recipient entity and information concerning the
64 32 implementation of these standards and the training of
64 33 employees and members of the governing body on the standards.
64 34 The standards shall include but not be limited to a nepotism
64 35 policy which shall provide, at a minimum, for disclosure of

65 1 familial relationships among employees and between employees
65 2 and members of the governing body, and policies regarding
65 3 conflicts of interest, standards of responsibility and
65 4 obedience to law, fairness, and honesty.

65 5 Sec. 114. 2006 Iowa Acts, chapter 1179, section 33,
65 6 unnumbered paragraph 1, is amended to read as follows:

65 7 Section 8.57, subsection 6, Code Supplement 2005, is
65 8 amended by adding the following new paragraph:

65 9 Sec. 115. 2006 Iowa Acts, chapter 1179, section 57,
65 10 subsection 1, is amended to read as follows:

65 11 1. A state aviation fund is created under the authority of
65 12 the department. The fund shall consist of moneys deposited in
65 13 the fund pursuant to sections ~~328.21~~ 328.36 and 452A.82 and
65 14 other moneys appropriated to the fund.

65 15 Sec. 116. RETROACTIVE APPLICABILITY. The following
65 16 sections of this Act are retroactively applicable as follows:

65 17 1. The section amending 2006 Iowa Acts, chapter 1106,
65 18 section 1, is retroactively applicable to May 8, 2006, and is
65 19 applicable on and after that date.

65 20 2. The section amending 2006 Iowa Acts, chapter 1153,
65 21 section 3, is retroactively applicable to service contracts
65 22 entered into or renewed by an oversight agency on and after
65 23 October 1, 2006.

65 24 3. The section amending 2006 Iowa Acts, chapter 1179,
65 25 section 33, is retroactively applicable to July 1, 2006, and
65 26 is applicable on and after that date.

65 27 EXPLANATION

65 28 This bill makes Code changes and corrections that are
65 29 considered to be nonsubstantive and noncontroversial, in
65 30 addition to style changes. Changes made include updating or
65 31 correcting various names of and references to public and
65 32 private entities and funds, correcting internal Code and
65 33 subject matter references, and making various grammatical
65 34 corrections. The Code sections in which the technical,
65 35 grammatical, and other nonsubstantive changes are made include

66 1 all of the following:

66 2 Code section 6B.14: Corrects the grammatical structure of
66 3 a sentence necessitated by the inadvertent strike of the word
66 4 "but".

66 5 Code section 8.6(15), 229.19(1)(c), 235A.15: Conforms
66 6 language to follow grammatically from the applicable lead-in
66 7 language.

66 8 Code section 8A.415(2): Makes a grammatical change in a
66 9 discipline resolution provision relating to reductions in pay
66 10 received by employees under the merit system.

66 11 Code section 11.36: Revises language relating to reviews
66 12 by the auditor of state of entities receiving public moneys to
66 13 agree with the language used throughout the Code section.

66 14 Code sections 12.76 and 12.91(16): Makes grammatical
66 15 corrections in provisions relating to payment of bonds or
66 16 notes issued for purposes of the vision Iowa program or a
66 17 utilities board and consumer advocate building project. The
66 18 changes mirror language in Code section 12.85 relating to
66 19 school infrastructure bonds.

66 20 Code section 13B.4(4)(d)(8): Corrects the grammatical
66 21 structure of a provision relating to a motion seeking review
66 22 of an action denying or reducing a claim for payment of
66 23 indigent defense costs.

66 24 Code sections 15.318(16), 15I.3(1), 175.37, 249A.12,
66 25 460.304(2)(a): Makes changes in terms used to conform with
66 26 other usages in the Code and the style of the Code.

66 27 Code sections 16.2, 29B.18, 69.15, 80B.11, 80B.13, 85.61,
66 28 87.1, 87.23, 96.14(2), 152.7, 154B.6, 272.4: Organizes or
66 29 reorganizes the Code section into designated parts consistent
66 30 with the substantive language and intent of the Code section
66 31 and makes internal reference changes consistent with such
66 32 designations. An internal reference to Code chapter 85 is
66 33 also changed to "this chapter" in Code section 85.61.

66 34 Code sections 21.8(1)(c), 36.3(3), and 68B.37(1) and (2):
66 35 Combines dangling unnumbered paragraphs with the preceding
67 1 lettered paragraph or subsection in a provision relating to
67 2 the minutes of an electronic meeting of a government body, in
67 3 a provision relating to epidemiological investigations of
67 4 veterans, and in provisions defining the term "expenditures"
67 5 for purposes of lobbyists' reports.

67 6 Code section 29A.101A(5): Replaces the phrase "may not"
67 7 with "shall not" in a provision prohibiting a vehicle lessor
67 8 from imposing an early termination charge, to conform to the
67 9 style of the Code.

67 10 Code sections 72.5 and 521.6: Makes punctuation and other
67 11 technical changes for readability in provisions directing the

67 12 department of natural resources to develop standards and
67 13 methods to evaluate design development and construction
67 14 documents based upon life cycle cost factors and allowing the
67 15 commission made up of the commissioner of insurance and the
67 16 attorney general to summon and compel witnesses and compel the
67 17 production of books and papers.
67 18 Code sections 85.27(3), 85.61(11), 97.52, 97C.19, 123.37,
67 19 161A.4, 165.18, 203C.6, 252D.1, 356.37, 514.1, 514.19, and
67 20 537.6203: Eliminates chapter self=references by substituting
67 21 the words "this chapter" for numerical references the chapters
67 22 in sections that are contained within the Code chapters
67 23 referenced.
67 24 Code sections 91.16(1) and 91E.1(1): Substitutes
67 25 references to the "labor commissioner" and to Code section
67 26 91.2, under which the labor commissioner is appointed, for
67 27 references to the commissioner of labor and the commissioner
67 28 of the division of labor services of the department of
67 29 workforce development in provisions relating to inspections by
67 30 the labor commissioner and defining the term "commissioner".
67 31 Code section 96.5: Renumbers several subsections within
67 32 this provision relating to unemployment compensation to
67 33 eliminate dangling unnumbered paragraphs.
67 34 Code section 96.17(3): Adds a numeric reference to Code
67 35 chapter 669 where the Iowa Tort Claims Act is referred to by
68 1 name to facilitate electronic hypertext linkage to that Code
68 2 chapter.
68 3 Code sections 103A.10(2)(c) and 103A.10A(3): Makes
68 4 grammatical corrections in provisions relating to the
68 5 applicability of the state building code and of state building
68 6 code commissioner plan review and inspection requirements to
68 7 new buildings and structures paid for with state moneys but
68 8 which are not wholly owned by the state.
68 9 Code section 103A.10(3): Substitutes the singular "A
68 10 factory-built structure" for the plural to agree with the
68 11 singular format of the rest of the provision relating to such
68 12 structures' deemed compliance with all applicable building
68 13 regulations if approved by the state building code
68 14 commissioner.
68 15 Code sections 123.186(2), 229.19(1), and 515A.9: Inserts
68 16 the appropriate articles preceding nouns for grammatical
68 17 correctness and readability.
68 18 Code section 152E.3: Strikes the word "issuing" to conform
68 19 grammatically to the usage reflected in this provision
68 20 defining the term used to describe the body responsible for
68 21 advance practiced registered nurse licensure and authority to
68 22 practice.
68 23 Code section 153.39: Changes a reference to certain dental
68 24 assistants from the plural to the singular to agree with the
68 25 phrase "employed as a dental assistant" and replaces a
68 26 possessive pronoun with the words "the person's" to conform to
68 27 current Code style.
68 28 Code section 154E.4: Makes grammatical changes to conform
68 29 a provision relating to interpreting for the hearing impaired
68 30 to the style of the Code section itself and to current Code
68 31 style.
68 32 Code section 155A.24: Changes the word "omits" to "fails"
68 33 to agree with the use of the infinitive of the verb "to
68 34 record" in a provision prohibiting wholesalers from creating
68 35 false pharmaceutical pedigrees.
69 1 Code section 191.6: Substitutes the appropriate subsection
69 2 headnote ("Oleomargarine") for an incorrect reference to the
69 3 headnote ("Oleo, oleomargarine or margarine") for Code section
69 4 190.1, subsection 6.
69 5 Code sections 203.1(10)(j)(2), 214A.9, and 423.3(56):
69 6 Substitutes a reference to Code section 214A.1 for references
69 7 to Code provisions directing the reader to Code section 214A.1
69 8 to provide direct access to the definitions referenced. Also,
69 9 substitutes a reference to Code section 214A.1 for 214A.2 in a
69 10 provision referencing the definition of "motor fuel".
69 11 Code section 203.5: Renumbers this section to eliminate
69 12 preliminary unnumbered paragraphs. References to chapter 203
69 13 are also replaced with the words "this chapter", because this
69 14 section is contained within chapter 203.
69 15 Code section 216A.132: Renumbers the enabling statute for
69 16 the criminal and juvenile justice planning advisory council to
69 17 eliminate unnumbered paragraphs and to group like subjects
69 18 together.
69 19 Code sections 216B.3(16)(b)(1), 260C.19A(2)(a),
69 20 262.25A(3)(a), 307.21(5)(a), 904.312A(2)(a), and 910.10(3):
69 21 Substitutes the indefinite pronoun "any" for "either" to agree
69 22 with the number of items in the succeeding lists.

69 23 Code section 256A.2: Adds the word "old" to eliminate a
69 24 dangling hyphen in the phrase "three-year-old" and renumbers
69 25 the enabling statute for the child development coordinating
69 26 council to eliminate dangling unnumbered paragraphs.
69 27 Code sections 257.6, 261C.6, and 299A.8: Renumbers a
69 28 provision relating to calculation of actual public school
69 29 enrollment to eliminate dangling unnumbered paragraphs and
69 30 changes internal references to that provision in Code sections
69 31 261C.6 and 299A.8 to reflect the renumbering.
69 32 Code section 257.40(1): Changes the singular "budget cost"
69 33 to the plural "budget costs" to conform to other uses of the
69 34 term within the chapter relating to financing of school
69 35 programs.
70 1 Code section 279.17: Renumbers a provision relating to
70 2 appeals of school board decisions by teachers to special
70 3 adjudicators to eliminate dangling unnumbered paragraphs.
70 4 Code section 282.31: Changes the word "of" to "in" in a
70 5 provision relating to determinations by school boards of basic
70 6 enrollment counts in a given school year in order to obtain
70 7 funding for special programs.
70 8 Code section 321G.13(1)(g): Inserts "lettered" preceding
70 9 "paragraph" to correctly identify the language being described
70 10 in a provision relating to limitations on the operation of
70 11 snowmobiles.
70 12 Code section 327C.5: Changes a reference to several Code
70 13 chapters to a "through" reference, in accord with the
70 14 substantive intent, in a provision relating to violations of
70 15 various regulations relating to transportation carriers, to
70 16 conform to the style of the Code.
70 17 Code section 384.4(2): Adds "former" to a reference to the
70 18 Iowa community development loan program, which was eliminated
70 19 in 1986, in a provision relating to a city's payments on loans
70 20 received pursuant to the program. The bill also inserts a
70 21 reference to Code section 15E.120, which prescribes that such
70 22 loan repayments are to be made to the department of economic
70 23 development.
70 24 Code section 384.94: Updates a citation to a 1972 Iowa Act
70 25 to eliminate future electronic hypertext linkage problems.
70 26 Code section 423.3(57)(f)(3): Changes the word "chapter"
70 27 to "ch." to avoid hypertext linkage problems in a sales and
70 28 use tax provision reference to the United States food and drug
70 29 administration food code.
70 30 Code section 423.9A(3)(b): Substitutes "shall" for "must"
70 31 in a provision relating to members of the Iowa streamlined
70 32 sales tax advisory council to agree with other provisions
70 33 relating to such members.
70 34 Code section 446.17: Updates a citation to Code section
70 35 446.9, as it appeared in Code 1991, to facilitate proper
71 1 electronic hypertext linkage.
71 2 Code section 452A.31(6)(b): Corrects a grammatical
71 3 drafting error in a provision relating to the use of the term
71 4 "aggregate per gallon distribution percentage" in the Code
71 5 chapter.
71 6 Code section 455B.197: Standardizes the use of the term
71 7 "national pollutant discharge elimination system" and the
71 8 acronym for the term (NPDES) throughout the Code section.
71 9 Code section 455G.31: Reorganizes language regarding a
71 10 manufacturer's written statement relating to E=85 dispensing
71 11 equipment to eliminate a dangling unnumbered paragraph and
71 12 improve the readability of the written statement requirements.
71 13 Code section 456A.33B: Makes grammatical changes in
71 14 language pertaining to lake water quality restoration efforts
71 15 to improve readability.
71 16 Code section 461C.1: Replaces a pronoun and outdated
71 17 language with language specifying the persons and property
71 18 referred to in this provision regarding use of privately owned
71 19 property for public recreational purposes.
71 20 Code section 499B.6: Replaces the words "either of which"
71 21 with "who" to correct the relative pronoun use in relation to
71 22 language regarding the three professionals required to certify
71 23 condominium building plans under chapter 499B.
71 24 Code section 515.102: Reformats this Code section relating
71 25 to conditions in a life insurance policy which would
71 26 invalidate the policy, to conform to the modern style of the
71 27 Code.
71 28 Code section 515A.6: Adds the indefinite article "a"
71 29 before the word "license" to improve the grammar of a
71 30 provision relating to applications for a license as a rating
71 31 organization.
71 32 Code section 515A.9: Adds the definite article "the"
71 33 before the word "applicant" to improve the grammar of a

71 34 provision relating to procedures associated with review of
71 35 rate information by rating organizations and insurers.

72 1 Code section 521.1(4): Eliminates redundant language in
72 2 this Code section providing definitions for Code chapter 521,
72 3 relating to consolidation and merger of insurance companies.

72 4 Code section 524.1601(1): Makes a grammatical correction
72 5 to clarify that a bank director, officer, or employee who
72 6 commits a certain type of violation shall pay a fine as
72 7 provided therein, in addition to being subject to the criminal
72 8 penalty.

72 9 Code section 533D.6(1): Makes a grammatical correction in
72 10 a provision defining the term "control" for purposes of
72 11 approval of a change in control of a corporate delayed deposit
72 12 services business licensee.

72 13 Code section 535B.4(7): Updates a citation to a 2005 Iowa
72 14 Acts provision with the codified citation.

72 15 Code section 535B.17: Makes a grammatical correction in a
72 16 series of items that may be required of mortgage banker and
72 17 mortgage broker licensees to conform to the verbs used in the
72 18 series.

72 19 Code sections 536.13(1) and 602.9116(1): Substitutes "any"
72 20 for "its" in provisions relating to findings made by the
72 21 superintendent of banking and the court administrator, both of
72 22 whom are individuals.

72 23 Code section 558.70(4): Adds "person or" in a provision
72 24 referencing an organization listed in Code section 535B.2,
72 25 subsections 1 through 7, to agree with the inclusion of
72 26 individuals in such list.

72 27 Code section 579B.1(4) and (12): Strikes the definition of
72 28 "open feedlot" and refers to the definition of open feedlot in
72 29 Code section 459A.102 in the only use of that term in Code
72 30 chapter 579B.

72 31 Code section 614.24: Strikes a redundant "shall" in a
72 32 provision requiring the preservation of certain claimed
72 33 reversionary interests in or use restrictions on land prior to
72 34 maintaining an action in regard to such interest or
72 35 restriction.

73 1 Code section 680.8: Substitutes a reference to Code
73 2 section 680.7 for "the section" to agree with other language
73 3 used in Code section 680.8.

73 4 Code section 692.8A(4): Makes a grammatical correction
73 5 clarifying that the department of public safety is not
73 6 prohibited from disseminating a public health and safety
73 7 threat advisory or alert by press release or other method of
73 8 public communication.

73 9 Code sections 815.11 and 910.15(2)(d)(2) and (5):
73 10 Substitutes "this chapter" for internal references to the
73 11 applicable Code chapter.

73 12 Code section 915.94: Makes a grammatical correction by
73 13 providing that human trafficking victims are victims "under",
73 14 rather than "of", Code section 710A.2.

73 15 2006 Iowa Acts, chapter 1106, section 1: Corrects a
73 16 reference to the "effective date of this Act" in an Acts
73 17 provision enacting Code section 35A.14, by referring to the
73 18 section of the Act, which had an effective date of May 8,
73 19 2006, rather than the general July 1, 2006, effective date for
73 20 the Act.

73 21 2006 Iowa Acts, chapter 1153(3)(1)(c): Makes a grammatical
73 22 correction in an Acts provision enacting Code section 8F.3,
73 23 relating to recipient entity contractual requirements under
73 24 service contracts with oversight agencies, by inserting "and"
73 25 at the end of a series of items to be included in a nepotism
73 26 policy.

73 27 2006 Iowa Acts, chapter 1179(33): Corrects a lead-in in a
73 28 provision amending Code section 8.57, subsection 5, by adding
73 29 the word "Supplement" after the word "Code". Code section
73 30 8.57 was amended in 2005 and was republished in the 2005 Code
73 31 Supplement.

73 32 2006 Iowa Acts, chapter 1179(57): Corrects a reference to
73 33 a Code section pursuant to which moneys are deposited in the
73 34 new state aviation fund created by this Act in Code section
73 35 328.56, to take effect July 1, 2007. The appropriate
74 1 reference is Code section 328.36 rather than Code section
74 2 328.21.

74 3 LSB 1585HC 82
74 4 lh:rj/es/88