

# House Study Bill 708

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 5697HC 82  
5 lh/rj/5

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1 1 DIVISION I  
1 2 MISCELLANEOUS CORRECTIONS  
1 3 Section 1. Section 2.28, Code 2007, is amended to read as  
1 4 follows:  
1 5 2.28 TELLERS.  
1 6 1. After the time for the meeting of the joint convention  
1 7 has been designated each house shall appoint three tellers,  
1 8 and the six shall act as judges of the election.  
1 9 2. Canvassing the votes for governor and lieutenant  
1 10 governor shall be conducted substantially according to the  
1 11 provisions of sections 2.25 ~~to 2.28~~ through 2.27 and this  
1 12 section.  
1 13 Sec. 2. Section 7K.1, subsection 2, paragraph i, Code  
1 14 2007, is amended to read as follows:  
1 15 i. Identify ways to reduce the achievement gap between  
1 16 white and ~~non-white~~ nonwhite, non-Asian students.  
1 17 Sec. 3. Section 12C.16, subsection 1, paragraph b, Code  
1 18 Supplement 2007, is amended to read as follows:  
1 19 b. (1) The credit union may deposit, maintain, pledge and  
1 20 assign for the benefit of the public officer in the manner  
1 21 provided in this chapter, securities approved by the public  
1 22 officer, the market value of which is not less than one  
1 23 hundred ten percent of the total deposits of public funds  
1 24 placed by that public officer in the credit union. The  
1 25 securities shall consist of any of the following:  
1 26 ~~(1)~~ (a) Direct obligations of, or obligations that are  
1 27 insured or fully guaranteed as to principal and interest by,  
1 28 the United States of America or an agency or instrumentality  
1 29 of the United States of America.  
1 30 ~~(2)~~ (b) Public bonds or obligations of this state or a  
1 31 political subdivision of this state.  
1 32 ~~(3)~~ (c) Public bonds or obligations of another state or a  
1 33 political subdivision of another state whose bonds are rated  
1 34 within the two highest classifications of prime as established  
1 35 by at least one of the standard rating services approved by  
2 1 the superintendent of banking pursuant to chapter 17A.  
2 2 ~~(4)~~ (d) To the extent of the guarantee, loans,  
2 3 obligations, or nontransferable letters of credit upon which  
2 4 the payment of principal and interest is fully secured or  
2 5 guaranteed by the United States of America or an agency or  
2 6 instrumentality of the United States of America or the United  
2 7 States central credit union, a corporate central credit union  
2 8 organized under section 533.213, or a corporate credit union  
2 9 organized under 12 C.F.R. } 704, and the rating of any one of  
2 10 such credit unions remains within the two highest  
2 11 classifications of prime established by at least one of the  
2 12 standard rating services approved by the superintendent of  
2 13 banking by rule pursuant to chapter 17A. The treasurer of  
2 14 state shall adopt rules pursuant to chapter 17A to implement  
2 15 this section.  
2 16 ~~(5)~~ (e) First lien mortgages which are valued according  
2 17 to practices acceptable to the treasurer of state.  
2 18 ~~(6)~~ (f) Investments in an open-end management investment

2 19 company registered with the federal securities and exchange  
2 20 commission under the federal Investment Company Act of 1940,  
2 21 15 U.S.C. } ~~80(a)~~ 80a, which is operated in accordance with 17  
2 22 C.F.R. } 270.2a=7.

2 23 (2) Direct obligations of, or obligations that are insured  
2 24 or fully guaranteed as to principal and interest by, the  
2 25 United States of America, which may be used to secure the  
2 26 deposit of public funds under subparagraph (1), subparagraph  
2 27 subdivision (a), include investments in an investment company  
2 28 or investment trust registered under the federal Investment  
2 29 Company Act of 1940, 15 U.S.C. } 80a, the portfolio of which  
2 30 is limited to the United States government obligations  
2 31 described in subparagraph (1), subparagraph subdivision (a),  
2 32 and to repurchase agreements fully collateralized by the  
2 33 United States government obligations described in subparagraph  
2 34 (1), subparagraph subdivision (a), if the investment company  
2 35 or investment trust takes delivery of the collateral either  
3 1 directly or through an authorized custodian.

3 2 Sec. 4. Section 15.393, subsection 1, unnumbered paragraph  
3 3 1, Code Supplement 2007, is amended to read as follows:

3 4 The department shall establish and administer a film,  
3 5 television, and video project promotion program that provides  
3 6 for the registration of projects to be shot on location in the  
3 7 state. A project that is registered under the program is  
3 8 entitled to the assistance provided in subsection 2. A fee  
3 9 shall not be charged for registering. The department shall  
3 10 not register a project unless the department determines that  
3 11 all of the following criteria are met:

3 12 Sec. 5. Section 15.393, subsection 2, paragraph a,  
3 13 subparagraph (2), Code Supplement 2007, is amended to read as  
3 14 follows:

3 15 (2) A qualified expenditure by a taxpayer is a payment to  
3 16 an Iowa resident or an Iowa-based business for the sale,  
3 17 rental, or furnishing of tangible personal property or for  
3 18 services directly related to the registered project including  
3 19 but not limited to aircraft, vehicles, equipment, materials,  
3 20 supplies, accounting, animals and animal care, artistic and  
3 21 design services, graphics, construction, data and information  
3 22 services, delivery and pickup services, ~~graphics~~, labor and  
3 23 personnel, lighting, makeup and hairdressing, film, music,  
3 24 photography, sound, video and related services, printing,  
3 25 research, site fees and rental, travel related to Iowa distant  
3 26 locations, trash removal and cleanup, and wardrobe. For the  
3 27 purposes of this subparagraph, "labor and personnel" does not  
3 28 include the director, producers, or cast members other than  
3 29 extras and stand-ins. The department of revenue, in  
3 30 consultation with the department of economic development,  
3 31 shall by rule establish a list of eligible expenditures.

3 32 Sec. 6. Section 16.181, subsection 1, paragraph b,  
3 33 subparagraph (1), Code Supplement 2007, is amended to read as  
3 34 follows:

3 35 (1) Any assets received by the authority from the former  
4 1 Iowa housing corporation.

4 2 Sec. 7. Section 35.9, subsection 1, paragraph a, Code  
4 3 2007, is amended to read as follows:

4 4 a. The department may expend not more than six hundred  
4 5 dollars per year for any one child who has lived in the state  
4 6 of Iowa for two years preceding application for state  
4 7 educational assistance, and who is the child of a person who  
4 8 died prior to September 11, 2001, during active federal  
4 9 military service while serving in the armed forces or during  
4 10 active federal military service in the Iowa national guard or  
4 11 other military component of the United States, to defray the  
4 12 expenses of tuition, matriculation, laboratory and similar  
4 13 fees, books and supplies, board, lodging, and any other  
4 14 reasonably necessary expense for the child or children  
4 15 incident to attendance in this state at an educational or  
4 16 training institution of college grade, or in a business or  
4 17 vocational training school with standards approved by the  
4 18 department ~~of veterans affairs~~.

4 19 Sec. 8. Section 42.4, subsection 8, paragraph b,  
4 20 subparagraph (2), Code Supplement 2007, is amended to read as  
4 21 follows:

4 22 (2) Each holdover senatorial district to which  
4 23 subparagraph (1) is not applicable shall elect a senator in  
4 24 the year ending in two for a two-year term commencing in  
4 25 January of the year ending in three. However, if more than  
4 26 one incumbent state senator is residing in a holdover  
4 27 senatorial district on the first Wednesday in February of the  
4 28 year ending in two, and, on or before the first Wednesday in  
4 29 February of the year ending in two, all but one of the

4 30 incumbent senators resigns from office effective no later than  
4 31 January of the year ending in three, the remaining incumbent  
4 32 senator shall represent the district in the senate for the  
4 33 general assembly commencing in January of the year ending in  
4 34 three. A copy of ~~the each~~ resignation must be filed in the  
4 35 office of the secretary of state no later than five p.m. on  
5 1 the third Wednesday in February of the year ending in two.

5 2 Sec. 9. Section 85.61, unnumbered paragraph 1, Code  
5 3 Supplement 2007, is amended to read as follows:

5 4 In this chapter and chapters 86 and 87, unless the context  
5 5 otherwise requires, the following definitions of terms shall  
5 6 prevail:

5 7 Sec. 10. Section 85.61, subsection 1, Code Supplement  
5 8 2007, is amended to read as follows:

5 9 1. The word "court" wherever used in this chapter and  
5 10 chapters 86 and 87, unless the context shows otherwise, shall  
5 11 be taken to mean the district court.

5 12 Sec. 11. Section 87.2, Code 2007, is amended to read as  
5 13 follows:

5 14 87.2 NOTICE OF FAILURE TO INSURE.

5 15 1. An employer who fails to insure the employer's  
5 16 liability as required by this chapter shall keep posted a sign  
5 17 of sufficient size and so placed as to be easily seen by the  
5 18 employer's employees in the immediate vicinity where working,  
5 19 which sign shall read as follows:

5 20 NOTICE TO EMPLOYEES

5 21 You are hereby notified that the undersigned employer has  
5 22 failed to insure the employer's liability to pay compensation  
5 23 as required by law, and that because of such failure the  
5 24 employer is liable to the employer's employees in damages for  
5 25 personal injuries sustained by the employer's employees.

5 26 (Signed) .....

5 27 2. An employer coming under the provisions of this chapter  
5 28 and chapters 85, 85A, 85B, and 86 who fails to comply with  
5 29 this section or to post and keep the above notice in the  
5 30 manner and form required, shall be guilty of a simple  
5 31 misdemeanor.

5 32 Sec. 12. Section 97D.4, subsection 1, Code 2007, is  
5 33 amended to read as follows:

5 34 1. A public retirement systems committee is established.

5 35 a. The committee consists of five members of the senate  
6 1 appointed by the majority leader of the senate in consultation  
6 2 with the minority leader and five members of the house of  
6 3 representatives appointed by the speaker of the house in  
6 4 consultation with the minority leader. ~~The committee shall~~  
~~6 5 elect a chairperson and vice chairperson. Meetings may be~~  
~~6 6 called by the chairperson or a majority of the members.~~

6 7 b. Members shall be appointed prior to January 31 of the  
6 8 first regular session of each general assembly and shall serve  
6 9 for terms ending upon the convening of the following general  
6 10 assembly or when their successors are appointed, whichever is  
6 11 later. A vacancy shall be filled in the same manner as the  
6 12 original appointment and shall be for the remainder of the  
6 13 unexpired term of the vacancy.

6 14 c. ~~The committee shall elect a chairperson and vice~~  
~~6 15 chairperson. Meetings may be called by the chairperson or a~~  
~~6 16 majority of the members.~~

6 17 Sec. 13. Section 97D.4, subsection 4, Code 2007, is  
6 18 amended to read as follows:

6 19 4. The committee may contract:

6 20 a. Contract for actuarial assistance deemed necessary, and  
6 21 the costs of actuarial studies are payable from funds  
6 22 appropriated in section 2.12, subject to the approval of the  
6 23 legislative council. ~~The committee may administer~~

6 24 b. Administer oaths, issue subpoenas, and cite for  
6 25 contempt with the approval of the general assembly when the  
6 26 general assembly is in session and with the approval of the  
6 27 legislative council when the general assembly is not in  
6 28 session.

6 29 5. Administrative assistance shall be provided by the  
6 30 legislative services agency.

6 31 Sec. 14. Section 99B.10B, subsection 3, paragraph b,  
6 32 subparagraph (1), Code Supplement 2007, is amended to read as  
6 33 follows:

6 34 (1) If a written request for a hearing is not received  
6 35 within thirty days after the mailing or service of the notice,  
7 1 the denial, suspension, or revocation of a ~~registrant~~  
7 2 registration shall become effective pending a final  
7 3 determination by the department. The proposed action in the  
7 4 notice may be affirmed, modified, or set aside by the  
7 5 department in a written decision.

7 6 Sec. 15. Section 99F.12, subsection 2, Code Supplement  
7 7 2007, is amended to read as follows:

7 8 2. The licensee shall furnish to the commission reports  
7 9 and information as the commission may require with respect to  
7 10 ~~its~~ the licensee's activities. The gross receipts and  
7 11 adjusted gross receipts from gambling shall be separately  
7 12 handled and accounted for from all other moneys received from  
7 13 operation of an excursion gambling boat or from operation of a  
7 14 racetrack enclosure or gambling structure licensed to conduct  
7 15 gambling games. The commission may designate a representative  
7 16 to board a licensed excursion gambling boat or to enter a  
7 17 racetrack enclosure or gambling structure licensed to conduct  
7 18 gambling games, ~~who~~. The representative shall have full  
7 19 access to all places within the enclosure of the boat, the  
7 20 gambling structure, or the racetrack enclosure, ~~who~~ and shall  
7 21 directly supervise the handling and accounting of all gross  
7 22 receipts and adjusted gross receipts from gambling, ~~and who~~.  
7 23 The representative shall supervise and check the admissions.

7 24 The compensation of a representative shall be fixed by the  
7 25 commission but shall be paid by the licensee.

7 26 Sec. 16. Section 99G.30A, subsection 2, paragraph b, Code  
7 27 2007, is amended to read as follows:

7 28 b. All powers and requirements of the director to  
7 29 administer the state sales and use tax law are applicable to  
7 30 the administration of the monitor vending machine excise tax,  
7 31 including but not limited to the provisions of section 422.25,  
7 32 subsection 4, sections 422.30, 422.67, and 422.68, section  
7 33 422.69, subsection 1, sections 422.70 ~~to~~ through 422.75,  
7 34 section 423.14, subsection 1 and subsection 2, paragraphs "b"  
7 35 through "e", and sections 423.15, 423.23, 423.24, 423.25,  
8 1 423.31 ~~to~~ through 423.35, 423.37 ~~to~~ through 423.42, 423.46,  
8 2 and 423.47.

8 3 Sec. 17. Section 100.18, subsection 3, Code 2007, is  
8 4 amended to read as follows:

8 5 3. This section does not require the following:

8 6 a. The installation of smoke detectors in multiple-unit  
8 7 residential buildings which, on July 1, 1981, are equipped  
8 8 with heat detection devices or a sprinkler system with alarms  
8 9 approved by the state fire marshal.

8 10 b. ~~This section does not require the~~ The installation of  
8 11 smoke detectors in hotels, motels, and dormitories equipped  
8 12 with an automatic smoke detection system approved by the state  
8 13 fire marshal.

8 14 Sec. 18. Section 101B.4, subsection 1, paragraph b, Code  
8 15 Supplement 2007, is amended to read as follows:

8 16 b. The department may adopt a subsequent ASTM  
8 17 international standard test method for measuring the ignition  
8 18 strength of cigarettes upon a finding that the subsequent  
8 19 method does not result in a change in the percentage of  
8 20 full-length burns exhibited by any tested cigarette when  
8 21 compared to the percentage of full-length burns the same  
8 22 cigarette would exhibit when tested in accordance with ASTM  
8 23 international standard E2187=04 and the performance standard  
8 24 in this section.

8 25 Sec. 19. Section 103.1, subsection 8, Code Supplement  
8 26 2007, is amended to read as follows:

8 27 8. "Electrical contractor" means a person affiliated with  
8 28 an electrical contracting firm or business who is licensed by  
8 29 the board as either a class A or class B master electrician  
8 30 and who is also registered with the state of Iowa as a  
8 31 contractor pursuant to chapter 91C.

8 32 Sec. 20. Section 103.6, Code Supplement 2007, is amended  
8 33 to read as follows:

8 34 103.6 POWERS AND DUTIES.

8 35 1. The board shall:

9 1 ~~1-~~ a. Adopt rules pursuant to chapter 17A and in doing so  
9 2 shall be governed by the minimum standards set forth in the  
9 3 most current publication of the national electrical code  
9 4 issued and adopted by the national fire protection  
9 5 association, and amendments to the code, which code and  
9 6 amendments shall be filed in the offices of the secretary of  
9 7 state and the board and shall be a public record. The board  
9 8 shall adopt rules reflecting updates to the code and  
9 9 amendments to the code. The board shall promulgate and adopt  
9 10 rules establishing wiring standards that protect public safety  
9 11 and health and property and that apply to all electrical  
9 12 wiring which is installed subject to this chapter.

9 13 ~~2-~~ b. Revoke, suspend, or refuse to renew any license  
9 14 granted pursuant to this chapter when the licensee:

9 15 ~~a-~~ (1) Fails or refuses to pay any examination, license,  
9 16 or renewal fee required by law.

9 17 ~~b-~~ (2) Is an electrical contractor and fails or refuses  
9 18 to provide and keep in force a public liability insurance  
9 19 policy and surety bond as required by the board.

9 20 ~~e-~~ (3) Violates any political subdivision's inspection  
9 21 ordinances.

9 22 ~~The board may, in its discretion, revoke, suspend, or~~  
~~9 23 refuse to renew any license granted pursuant to this chapter~~  
~~9 24 when the licensee violates any provision of the national~~  
~~9 25 electrical code as adopted pursuant to subsection 1, this~~  
~~9 26 chapter, or any rule adopted pursuant to this chapter.~~

9 27 ~~3-~~ c. Adopt rules for continuing education requirements  
9 28 for each classification of licensure established pursuant to  
9 29 this chapter, and adopt all rules, not inconsistent with the  
9 30 law, necessary for the proper performance of the duties of the  
9 31 board.

9 32 ~~4-~~ d. Provide for the amount and collection of fees for  
9 33 inspection and other services.

9 34 ~~2. The board may, in its discretion, revoke, suspend, or~~  
9 35 ~~refuse to renew any license granted pursuant to this chapter~~  
10 1 when the licensee violates any provision of the national  
10 2 electrical code as adopted pursuant to subsection 1, this  
10 3 chapter, or any rule adopted pursuant to this chapter.

10 4 Sec. 21. Section 103.9, subsection 1, Code Supplement  
10 5 2007, is amended to read as follows:

10 6 1. An applicant for an electrical contractor license shall  
10 7 either be or employ a licensed class A or class B master  
10 8 electrician, and be registered with the state of Iowa as a  
10 9 contractor pursuant to chapter 91C.

10 10 Sec. 22. Section 103.22, subsections 1 and 3, Code  
10 11 Supplement 2007, are amended to read as follows:

10 12 1. Apply to a person licensed as an engineer pursuant to  
10 13 chapter 542B, registered as an architect pursuant to chapter  
10 14 544A, licensed as a landscape architect pursuant to chapter  
10 15 544B, or designated as lighting certified by the national  
10 16 council on qualifications for the lighting professions who is  
10 17 providing consultations and developing plans concerning  
10 18 electrical installations and who is exclusively engaged in the  
10 19 practice of the person's profession.

10 20 3. Require any person doing work for which a license would  
10 21 otherwise be required under this chapter to hold a license  
10 22 issued under this chapter if the person is the holder of a  
10 23 valid license issued by any political subdivision, so long as  
10 24 the person makes electrical installations only in within the  
10 25 jurisdictional limits of such political subdivision and such  
10 26 license issued by the political subdivision meets the  
10 27 requirements of this chapter.

10 28 Sec. 23. Section 123A.2, subsection 9, Code Supplement  
10 29 2007, is amended to read as follows:

10 30 9. "Good faith" means honesty in fact and the observance  
10 31 of reasonable commercial standards of fair dealing in the  
10 32 trade and defined and interpreted under section ~~554.2103~~  
10 33 554.1201.

10 34 Sec. 24. Section 135N.5, subsection 1, Code Supplement  
10 35 2007, is amended to read as follows:

11 1 1. The committee shall meet no less than four times per  
11 2 year and is subject to chapters ~~20 and~~ 21 and 22 relating to  
11 3 open meetings and public records.

11 4 Sec. 25. Section 141A.9, subsection 2, paragraph i, Code  
11 5 Supplement 2007, is amended to read as follows:

11 6 i. Pursuant to section 915.43, to a convicted or alleged  
11 7 sexual assault offender; the physician or other health care  
11 8 provider who orders the test of a convicted or alleged  
11 9 offender; the victim; the parent, guardian, or custodian of  
11 10 the victim if the victim is a minor; the physician of the  
11 11 victim if requested by the victim; the victim counselor or  
11 12 person requested by the victim to provide counseling regarding  
11 13 the HIV-related test and results; the victim's spouse; persons  
11 14 with whom the victim has engaged in vaginal, anal, or oral  
11 15 intercourse subsequent to the sexual assault; members of the  
11 16 victim's family within the third degree of consanguinity; and  
11 17 the county attorney who may use the results as evidence in the  
11 18 prosecution of sexual assault under chapter 915, subchapter  
11 19 IV, or prosecution of the offense of criminal transmission of  
11 20 HIV under chapter 709C. For the purposes of this paragraph,  
11 21 "victim" means victim as defined in section 915.40.

11 22 Sec. 26. Section 147.14, subsection 23, Code Supplement  
11 23 2007, is amended to read as follows:

11 24 23. For nursing home administrators, a total of nine  
11 25 members: Four licensed nursing home administrators, one of  
11 26 whom is the administrator of a nonproprietary nursing home;  
11 27 three licensed members of any profession concerned with the

11 28 care and treatment of chronically ill or elderly patients who  
11 29 are not nursing home administrators or nursing home owners;  
11 30 and two members of the general public who are not licensed  
11 31 under this chapter ~~147~~, have no financial interest in any  
11 32 nursing home, and who shall represent the general public. A  
11 33 majority of the members of the board constitutes a quorum.  
11 34 Sec. 27. Section 147.37, Code Supplement 2007, is amended  
11 35 to read as follows:

12 1 147.37 IDENTITY OF CANDIDATE CONCEALED.  
12 2 All examinations ~~in~~ on theory shall be in writing, and the  
12 3 identity of the person taking the ~~same examination~~ shall not  
12 4 be disclosed upon the examination papers in such a way as to  
12 5 enable the members of the board to know ~~by whom written the~~  
12 6 ~~candidate's identity~~ until after the papers have been passed  
12 7 upon. In examinations ~~in~~ on practice the identity of the  
12 8 candidate shall also be concealed as far as possible.

12 9 Sec. 28. Section 148.3, subsection 1, unnumbered paragraph  
12 10 1, Code Supplement 2007, is amended to read as follows:  
12 11 Present a diploma issued by a medical college approved by  
12 12 the board, or present other evidence of equivalent medical  
12 13 education approved by the board. The board may accept, in  
12 14 lieu of a diploma from a medical college approved by ~~them~~ the  
12 15 board, all of the following:

12 16 Sec. 29. Section 159.20, Code 2007, is amended to read as  
12 17 follows:

12 18 159.20 POWERS OF DEPARTMENT.  
12 19 1. The department shall perform duties designed to lead to  
12 20 more advantageous marketing of Iowa agricultural commodities.  
12 21 The department may do any of the following:

- 12 22 ~~1- a.~~ Investigate the marketing of agricultural  
12 23 commodities.
- 12 24 ~~2- b.~~ Promote the sale, distribution, and merchandising  
12 25 of agricultural commodities.
- 12 26 ~~3- c.~~ Furnish information and assistance concerning  
12 27 agricultural commodities to the public.
- 12 28 ~~4- d.~~ Cooperate with the college of agriculture and life  
12 29 sciences of the Iowa state university of science and  
12 30 technology in encouraging agricultural marketing education and  
12 31 research.

12 32 ~~5- e.~~ Accumulate and diffuse information concerning the  
12 33 marketing of agricultural commodities in cooperation with  
12 34 persons, agencies, or the federal government.

12 35 ~~6- f.~~ Investigate methods and practices related to the  
13 1 processing, handling, grading, classifying, sorting, weighing,  
13 2 packing, transportation, storage, inspection, or merchandising  
13 3 of agricultural commodities within this state.

13 4 ~~7- g.~~ Ascertain sources of supply for Iowa agricultural  
13 5 commodities. The department shall prepare and periodically  
13 6 publish lists of names and addresses of producers and  
13 7 consignors of agricultural commodities.

13 8 ~~8- h.~~ Perform inspection or grading of an agricultural  
13 9 commodity if requested by a person engaged in the production,  
13 10 marketing, or processing of the agricultural commodity.  
13 11 However, the person must pay for the services as provided by  
13 12 rules adopted by the department.

13 13 ~~9- i.~~ Cooperate with the Iowa department of economic  
13 14 development to avoid duplication of efforts between the  
13 15 department and the agricultural marketing program operated by  
13 16 the Iowa department of economic development.

13 17 ~~10- j.~~ Assist the office of renewable fuels and  
13 18 coproducts and the renewable fuels and coproducts advisory  
13 19 committee in administering the provisions of chapter 159A.

13 20 2. As used in this subchapter, "agricultural commodity"  
13 21 means any unprocessed agricultural product, including animals,  
13 22 agricultural crops, and forestry products grown, raised,  
13 23 produced, or fed in Iowa for sale in commercial channels.  
13 24 "Commercial channels" means the processes of sale of an  
13 25 agricultural commodity or unprocessed product from the  
13 26 agricultural commodity to any person, public or private, who  
13 27 resells the agricultural commodity for breeding, processing,  
13 28 slaughter, or distribution.

13 29 Sec. 30. Section 175A.2, subsection 1, Code 2007, is  
13 30 amended to read as follows:

13 31 1. A grape and wine development commission is established  
13 32 within the department. The commission shall be composed of  
13 33 the following persons:

- 13 34 a. The following persons, or their designees, who shall  
13 35 serve as nonvoting, ex officio members:
  - 14 1 (1) The secretary of agriculture.
  - 14 2 (2) The dean of the college of agriculture and life  
14 3 sciences of Iowa state university of science and technology.

14 4 (3) The director of the department of economic  
14 5 development.

14 6 (4) The director of the department of natural resources.  
14 7 b. The following persons appointed by the secretary of  
14 8 agriculture, who shall serve as voting members:

14 9 (1) Two growers.  
14 10 (2) Two winemakers.  
14 11 (3) One retail seller.

14 12 c. The secretary of agriculture shall appoint the voting  
14 13 members based on a list of nominations submitted by  
14 14 organizations representing growers, winemakers, and retail  
14 15 sellers as certified by the department according to  
14 16 requirements of the department. Appointments of voting  
14 17 members are subject to the requirements of sections 69.16 and  
14 18 69.16A. In addition, the appointments shall be geographically  
14 19 balanced. Unless the secretary of agriculture determines that  
14 20 it is not feasible, at least one person appointed as a voting  
14 21 member shall reside in each of the state's congressional  
14 22 districts at the time of appointment. The secretary of  
14 23 agriculture's appointees shall be confirmed by the senate,  
14 24 pursuant to section 2.32.

14 25 Sec. 31. Section 178.3, subsection 2, Code 2007, is  
14 26 amended to read as follows:

14 27 2. The dean of the college of agriculture and life  
14 28 sciences of the Iowa state university of science and  
14 29 technology.

14 30 Sec. 32. Section 181.3, subsection 1, paragraph d, Code  
14 31 2007, is amended to read as follows:

14 32 d. The dean of the college of agriculture and life  
14 33 sciences of Iowa state university of science and technology or  
14 34 a designee, who shall serve as a voting ex officio member.

14 35 Sec. 33. Section 182.5, Code 2007, is amended to read as  
15 1 follows:

15 2 182.5 COMPOSITION OF BOARD.  
15 3 The Iowa sheep and wool promotion board established under  
15 4 this chapter shall be composed of nine producers, one from  
15 5 each district. The dean of the college of agriculture and  
15 6 life sciences of Iowa state university of science and  
15 7 technology or the dean's representative and the secretary or  
15 8 the secretary's designee shall serve as ex officio nonvoting  
15 9 members of the board. The board shall annually elect a  
15 10 chairperson from its membership.

15 11 Sec. 34. Section 183A.2, Code 2007, is amended to read as  
15 12 follows:

15 13 183A.2 IOWA PORK PRODUCERS COUNCIL.  
15 14 The Iowa pork producers council is created. The council  
15 15 consists of seven members, including two producers from each  
15 16 of three districts of the state designated by the secretary,  
15 17 and one producer from the state at large. The secretary shall  
15 18 appoint these members. The Iowa pork producers association  
15 19 may recommend the names of potential members, but the  
15 20 secretary is not bound by the recommendations. The secretary,  
15 21 the dean of the college of agriculture and life sciences of  
15 22 Iowa state university of science and technology, and the state  
15 23 veterinarian, or their designees, shall serve on the council  
15 24 as nonvoting ex officio members.

15 25 Sec. 35. Section 185.3, subsection 2, paragraph b, Code  
15 26 2007, is amended to read as follows:

15 27 b. The dean of the college of agriculture and life  
15 28 sciences of Iowa state university of science and technology or  
15 29 the dean's designee.

15 30 Sec. 36. Section 185C.10, subsection 2, Code 2007, is  
15 31 amended to read as follows:

15 32 2. The dean of the college of agriculture and life  
15 33 sciences of Iowa state university of science and technology or  
15 34 the dean's designee.

15 35 Sec. 37. Section 214A.2B, Code Supplement 2007, is amended  
16 1 to read as follows:

16 2 214A.2B LABORATORY FOR MOTOR FUEL AND BIOFUELS.  
16 3 A laboratory for motor fuel and biofuels is established at  
16 4 a merged area school which is engaged in biofuels testing on  
16 5 July 1, 2007, and which testing includes but is not limited to  
16 6 ~~B20~~ B=20 biodiesel testing for motor trucks and the ability of  
16 7 biofuels to meet A.S.T.M. international standards. The  
16 8 laboratory shall conduct testing of motor fuel sold in this  
16 9 state and biofuel which is blended in motor fuel in this state  
16 10 to ensure that the motor fuel or biofuels meet the  
16 11 requirements in section 214A.2.

16 12 Sec. 38. Section 216.9, subsection 2, Code Supplement  
16 13 2007, is amended to read as follows:

16 14 2. For the purpose of this section, "educational

16 15 institution" includes any preschool, elementary, ~~or~~ secondary  
16 16 school, ~~or~~ community college, area education agency, or  
16 17 postsecondary college or university and their governing  
16 18 boards. This section does not prohibit an educational  
16 19 institution from maintaining separate toilet facilities,  
16 20 locker rooms, or living facilities for the different sexes so  
16 21 long as comparable facilities are provided. Nothing in this  
16 22 section shall be construed as prohibiting any bona fide  
16 23 religious institution from imposing qualifications based on  
16 24 religion, sexual orientation, or gender identity when such  
16 25 qualifications are related to a bona fide religious purpose or  
16 26 any institution from admitting students of only one sex.

16 27 Sec. 39. Section 231D.5, Code Supplement 2007, is amended  
16 28 to read as follows:

16 29 231D.5 DENIAL, SUSPENSION, OR REVOCATION.

16 30 1. The department may deny, suspend, or revoke  
16 31 certification if the department finds that there has been a  
16 32 substantial or repeated failure on the part of the adult day  
16 33 services program to comply with this chapter or the rules or  
16 34 minimum standards adopted pursuant to this chapter, or for any  
16 35 of the following reasons:

17 1 a. Appropriation or conversion of the property of a  
17 2 participant without the participant's written consent or the  
17 3 written consent of the participant's legal representative.

17 4 b. Permitting, aiding, or abetting the commission of any  
17 5 illegal act in the adult day services program.

17 6 c. Obtaining or attempting to obtain or retain  
17 7 certification by fraudulent means, misrepresentation, or by  
17 8 submitting false information.

17 9 d. Habitual intoxication or addiction to the use of drugs  
17 10 by the applicant, owner, manager, or supervisor of the adult  
17 11 day services program.

17 12 e. Securing the devise or bequest of the property of a  
17 13 participant by undue influence.

17 14 f. Failure or neglect to maintain a required continuing  
17 15 education and training program for all personnel employed in  
17 16 the adult day services program.

17 17 g. Founded dependent adult abuse as defined in section  
17 18 235B.2.

17 19 h. In the case of any officer, member of the board of  
17 20 directors, trustee, or designated manager of the program or  
17 21 any stockholder, partner, or individual who has greater than a  
17 22 five percent equity interest in the program, having or having  
17 23 had an ownership interest in an adult day services program,  
17 24 assisted living program, elder group home, home health agency,  
17 25 residential care facility, or licensed nursing facility in any  
17 26 state which has been closed due to removal of program, agency,  
17 27 or facility licensure or certification or involuntary  
17 28 termination from participation in either the medical  
17 29 assistance or Medicare programs, or having been found to have  
17 30 failed to provide adequate protection or services for  
17 31 participants to prevent abuse or neglect.

17 32 i. In the case of a certificate applicant or an existing  
17 33 certified owner or operator who is an entity other than an  
17 34 individual, the person is in a position of control or is an  
17 35 officer of the entity and engages in any act or omission  
18 1 proscribed by this chapter.

18 2 ~~j. For any other reason as provided by law or~~  
18 3 ~~administrative rule.~~

18 4 ~~2- j.~~ In the case of an application by an existing  
18 5 certificate holder for a new or newly acquired adult day  
18 6 services program, continuing or repeated failure of the  
18 7 certificate holder to operate any previously certified adult  
18 8 day services program in compliance with this chapter or of the  
18 9 rules adopted pursuant to this chapter.

18 10 ~~k. For any other reason as provided by law or~~  
18 11 ~~administrative rule.~~

18 12 ~~3- 2.~~ In the case of a certificate applicant or existing  
18 13 certificate holder which is an entity other than an  
18 14 individual, the department may deny, suspend, or revoke a  
18 15 certificate if any individual who is in a position of control  
18 16 or is an officer of the entity engages in any act or omission  
18 17 proscribed by this section.

18 18 Sec. 40. Section 234.7, subsection 1, Code 2007, is  
18 19 amended to read as follows:

18 20 1. The department of human services shall comply with the  
18 21 ~~following requirement provision~~ provision associated with child foster  
18 22 care licensees under chapter 237+

18 23 ~~The department shall include that requires that a child's~~  
18 24 foster parent be included in, and provide be provided timely  
18 25 notice of, planning and review activities associated with the



18 26 child, including but not limited to permanency planning and  
18 27 placement review meetings, which shall include discussion of  
18 28 the child's rehabilitative treatment needs.

18 29 Sec. 41. Section 236.5, subsection 2, unnumbered paragraph  
18 30 1, Code 2007, is amended to read as follows:  
18 31 The court may grant a ~~protection~~ protective order or  
18 32 approve a consent agreement which may contain but is not  
18 33 limited to any of the following provisions:

18 34 Sec. 42. Section 236.5, subsection 2, unnumbered paragraph  
18 35 2, Code 2007, is amended to read as follows:  
19 1 An order for counseling, a ~~protection~~ protective order, or  
19 2 approved consent agreement shall be for a fixed period of time  
19 3 not to exceed one year. The court may amend or extend its  
19 4 order or a consent agreement at any time upon a petition filed  
19 5 by either party and after notice and hearing. The court may  
19 6 extend the order if the court, after hearing at which the  
19 7 defendant has the opportunity to be heard, finds that the  
19 8 defendant continues to pose a threat to the safety of the  
19 9 victim, persons residing with the victim, or members of the  
19 10 victim's immediate family. At the time of the extension, the  
19 11 parties need not meet the requirement in section 236.2,  
19 12 subsection 2, paragraph "d", that the parties lived together  
19 13 during the last year if the parties met the requirements of  
19 14 section 236.2, subsection 2, paragraph "d", at the time of the  
19 15 original order. The number of extensions that can be granted  
19 16 by the court is not limited.

19 17 Sec. 43. Section 249A.30A, Code Supplement 2007, is  
19 18 amended to read as follows:  
19 19 249A.30A MEDICAL ASSISTANCE == PERSONAL NEEDS ALLOWANCE.  
19 20 The personal needs allowance under the medical assistance  
19 21 program, which may be retained by a person who is a resident  
19 22 of a nursing facility, an intermediate care facility for  
19 23 persons with mental retardation, or an intermediate care  
19 24 facility for persons with mental illness, as defined in  
19 25 section 135C.1, or a person who is a resident of a psychiatric  
19 26 medical institution for children as defined in section 135H.1,  
19 27 shall be fifty dollars per month. A resident who has income  
19 28 of less than fifty dollars per month shall receive a  
19 29 supplement from the state in the amount necessary to receive a  
19 30 personal needs allowance of fifty dollars per month, if  
19 31 funding is specifically appropriated for this purpose.

19 32 Sec. 44. Section 256C.3, subsection 4, paragraph d, Code  
19 33 Supplement 2007, is amended to read as follows:  
19 34 d. Career Professional development for school district  
19 35 preschool teachers shall be addressed in the school district's  
20 1 ~~career professional~~ development plan implemented in accordance  
20 2 with section 284.6.

20 3 Sec. 45. Section 257.11, subsection 6, paragraph c, Code  
20 4 Supplement 2007, is amended to read as follows:  
20 5 c. Supplementary weighting pursuant to this subsection  
20 6 shall be available to an area education agency for a maximum  
20 7 of five years during the period commencing with the budget  
20 8 year beginning July 1, 2008. The minimum amount of additional  
20 9 funding for which an area education agency shall be eligible  
20 10 is fifty thousand dollars, and the maximum amount of  
20 11 additional funding for which an area education agency shall be  
20 12 eligible is two hundred thousand dollars. The department of  
20 13 management shall annually set a weighting for each area  
20 14 education agency to generate the approved operational sharing  
20 15 expense using the area education agency's special education  
20 16 cost per pupil amount and foundation level. Receipt of  
20 17 supplementary weighting by an area education agency for more  
20 18 than one year shall be contingent upon the annual submission  
20 19 of information by the district to the department documenting  
20 20 cost savings directly attributable to the shared operational  
20 21 functions. Criteria for determining the number of years for  
20 22 which supplementary weighting shall be received pursuant to  
20 23 this subsection, subject to the five-year maximum, and the  
20 24 amount generated by the supplementary weighting, and for  
20 25 determining qualification of operational functions for  
20 26 supplementary weighting shall be determined by the department  
20 27 by rule, through consideration of long-term savings by the  
20 28 area ~~educational~~ education agency or increased student  
20 29 opportunities.

20 30 Sec. 46. Section 308.3, subsection 1, 4, and 5, Code 2007,  
20 31 are amended to read as follows:  
20 32 1. "Conservation area" means land in which the state  
20 33 department of transportation or the department of natural  
20 34 resources has acquired rights, other than that land necessary  
20 35 for a ~~right of way~~ right-of-way.

21 1 4. ~~"Right of way"~~ "Right-of-way" means land area dedicated

21 2 to public use for a highway and its maintenance, and includes  
21 3 land acquired in fee simple or by permanent easement for  
21 4 highway purposes, but does not include temporary easements or  
21 5 rights for supplementary highway appurtenances.

21 6 5. "A scenic and recreational highway" means a public  
21 7 highway designated to allow enjoyment of aesthetic and scenic  
21 8 views, points of historical, archaeological and scientific  
21 9 interest, state parks and other recreational areas and  
21 10 includes both the ~~right of way~~ right-of-way and conservation  
21 11 area.

21 12 Sec. 47. Section 308.4, subsection 3, paragraph b, Code  
21 13 2007, is amended to read as follows:

21 14 b. Accept and administer state, federal, and any other  
21 15 public or private funds made available for the acquisition of  
21 16 rights in land and for the planning and construction or  
21 17 reconstruction of any segment of the great river road, and  
21 18 state and federal funds for the maintenance of that part of  
21 19 the great river road constituting the ~~right of way~~  
21 20 right-of-way.

21 21 Sec. 48. Section 308.9, subsection 1, unnumbered paragraph  
21 22 2, Code 2007, is amended to read as follows:

21 23 The state transportation commission shall give notice and  
21 24 hold a public hearing on the matter in a convenient place in  
21 25 the area to be affected by the proposed improvement of the  
21 26 great river road. The state transportation commission shall  
21 27 consider and evaluate the testimony presented at the public  
21 28 hearing and shall make a study and prepare a map showing the  
21 29 location of the proposed new or reconstructed segment of the  
21 30 great river road and the approximate widths of ~~right of way~~  
21 31 right-of-way needed. The map shall show the existing roadway  
21 32 and the property lines and record owners of lands to be  
21 33 needed. The approval of the map shall be recorded by  
21 34 reference in the state transportation commission's minutes,  
21 35 and a notice of the action and a copy of the map showing the  
22 1 lands or interest in the lands needed in any county shall be  
22 2 filed in the office of the county recorder of that county.  
22 3 Notice of the action and of the filing shall be published once  
22 4 in a newspaper of general circulation in the county, and  
22 5 within sixty days following the filing, notice of the filing  
22 6 shall be served by registered mail on the owners of record on  
22 7 the date of filing. Using the same procedures for approval,  
22 8 notice and publications, and notice to the affected record  
22 9 owners, the state transportation commission may amend the map.

22 10 Sec. 49. Section 321.52, subsection 4, paragraph c, Code  
22 11 Supplement 2007, is amended to read as follows:

22 12 c. A salvage theft examination shall be made by a peace  
22 13 officer who has been specially certified and recertified when  
22 14 required by the Iowa law enforcement academy to do salvage  
22 15 theft examinations. The Iowa law enforcement academy shall  
22 16 determine standards for training and certification, conduct  
22 17 training, and may approve alternative training programs which  
22 18 satisfy the academy's standards for training and  
22 19 certification. The owner of the salvage vehicle shall make  
22 20 the vehicle available for examination at a time and location  
22 21 designated by the peace officer doing the examination. The  
22 22 owner may obtain a permit to drive the vehicle to and from the  
22 23 examination location by submitting a repair affidavit to the  
22 24 agency performing the examination stating that the vehicle is  
22 25 reasonably safe for operation and listing the repairs which  
22 26 have been made to the vehicle. The owner must be present for  
22 27 the examination and have available for inspection the salvage  
22 28 title, bills of sale for all essential parts changed, and the  
22 29 repair affidavit. The examination shall be for the purposes  
22 30 of determining whether the vehicle or repair components have  
22 31 been stolen. The examination is not a safety inspection and a  
22 32 signed salvage theft examination certificate shall not be  
22 33 construed by any court of law to be a certification that the  
22 34 vehicle is safe to be operated. There shall be no cause of  
22 35 action against the peace officer or the agency conducting the  
23 1 examination or the county treasurer for failure to discover or  
23 2 note safety defects. If the vehicle passes the theft  
23 3 examination, the peace officer shall indicate that the vehicle  
23 4 passed examination on the salvage theft examination  
23 5 certificate. The permit and salvage theft examination  
23 6 certificate shall be on controlled forms prescribed and  
23 7 furnished by the department. The owner shall pay a fee of  
23 8 thirty dollars upon completion of the examination. The agency  
23 9 performing the examinations shall retain twenty dollars of the  
23 10 fee and shall pay five dollars of the fee to the department  
23 11 and five dollars of the fee to the treasurer of state for  
23 12 deposit in the general fund of the state. Moneys deposited to

23 13 the general fund under this paragraph are subject to the  
23 14 requirements of section 8.60 and shall be used by the Iowa law  
23 15 enforcement academy to provide for the special training,  
23 16 certification, and recertification of officers as required by  
23 17 this subsection.

23 18 ~~The state department of transportation shall adopt rules in  
23 19 accordance with chapter 17A to carry out this section.~~

23 20 Sec. 50. Section 321.52, Code Supplement 2007, is amended  
23 21 by adding the following new subsection:

23 22 NEW SUBSECTION. 5. The state department of transportation  
23 23 shall adopt rules in accordance with chapter 17A to carry out  
23 24 this section.

23 25 Sec. 51. Section 321J.15, Code 2007, is amended to read as  
23 26 follows:

23 27 321J.15 EVIDENCE IN ANY ACTION.

23 28 Upon the trial of a civil or criminal action or proceeding  
23 29 arising out of acts alleged to have been committed by a person  
23 30 while operating a motor vehicle in violation of section 321J.2  
23 31 or 321J.2A, evidence of the alcohol concentration or the  
23 32 presence of a controlled substance or other drugs in the  
23 33 person's body ~~substances~~ at the time of the act alleged as  
23 34 shown by a chemical analysis of the person's blood, breath, or  
23 35 urine is admissible. If it is established at trial that an  
24 1 analysis of a breath specimen was performed by a certified  
24 2 operator using a device intended to determine alcohol  
24 3 concentration and methods approved by the commissioner of  
24 4 public safety, no further foundation is necessary for  
24 5 introduction of the evidence.

24 6 Sec. 52. Section 403A.6, Code 2007, is amended to read as  
24 7 follows:

24 8 403A.6 OPERATION OF HOUSING NOT FOR PROFIT.

24 9 It is hereby declared to be the policy of this state that  
24 10 each municipality shall manage and operate its housing  
24 11 projects in an efficient manner so as to enable it to fix the  
24 12 rentals or payments for dwelling accommodations at low rates  
24 13 consistent with its providing decent, safe and sanitary  
24 14 dwelling accommodations for persons of low income, and that no  
24 15 municipality shall construct or operate any housing project  
24 16 for profit, or as a source of revenue to the municipality. To  
24 17 this end the municipality shall fix the rentals or payments  
24 18 for dwellings in its projects at no higher rates than it shall  
24 19 find to be necessary in order to produce revenues which,  
24 20 ~~(together together~~ with all other available moneys, revenues,  
24 21 income and receipts in connection with or for such projects  
24 22 from whatever sources derived, including federal financial  
24 23 ~~assistance) assistance,~~ will be sufficient ~~(1) to do all of~~  
24 24 ~~the following:~~

24 25 ~~1. to To~~ pay, as the same become due, the principal and  
24 26 interest on the bonds issued pursuant to this chapter ~~;(2).~~

24 27 ~~2. to To~~ create and maintain such reserves as may be  
24 28 required to assure the payment of principal and interest as it  
24 29 becomes due on such bonds ~~;(3).~~

24 30 ~~3. to To~~ meet the cost of, and to provide for, maintaining  
24 31 and operating the projects ~~(including, including~~ necessary  
24 32 reserves therefor and the cost of any insurance, and of  
24 33 administrative ~~expenses); and (4) expenses.~~

24 34 ~~4. to To~~ make such payments in lieu of taxes and, after  
24 35 payment in full of all obligations for which federal annual  
25 1 contributions are pledged, to make such repayments of federal  
25 2 and local contributions as it determines are consistent with  
25 3 the maintenance of the low-rent character of projects.  
25 4 Rentals or payments for dwellings shall be established and the  
25 5 projects administered, insofar as possible, so as to assure  
25 6 that any federal financial assistance required shall be  
25 7 strictly limited to amounts and periods necessary to maintain  
25 8 the low-rent character of the projects.

25 9 Sec. 53. Section 403A.7, Code 2007, is amended to read as  
25 10 follows:

25 11 403A.7 HOUSING RENTALS AND TENANT ADMISSIONS.

25 12 1. A municipality shall do the following:

25 13 ~~1.~~ a. Rent or lease the dwelling accommodations in a  
25 14 housing project only to persons or families of low income and  
25 15 at rentals within their financial reach.

25 16 ~~2.~~ b. Rent or lease to a tenant such dwelling  
25 17 accommodations consisting of the number of rooms which it  
25 18 deems necessary to provide safe and sanitary accommodations to  
25 19 the proposed occupants without overcrowding.

25 20 ~~3.~~ c. (1) Fix income limits for occupancy and rents  
25 21 after taking into consideration the following:

25 22 ~~a.~~ (a) The family size, composition, age, physical  
25 23 disabilities, and other factors which might affect the

25 24 rent-paying ability of the person or family.  
25 25 ~~b.~~ (b) The economic factors which affect the financial  
25 26 stability and solvency of the project.  
25 27 (2) However, such determination of eligibility shall be  
25 28 within the limits of the income limits hereinbefore set out.  
25 29 2. Nothing contained in this section or ~~the preceding~~  
25 30 section 403A.6 shall be construed as limiting the power of a  
25 31 municipality with respect to a housing project, to vest in an  
25 32 obligee the right, in the event of a default by the  
25 33 municipality, to take possession or cause the appointment of a  
25 34 receiver for the housing project, free from all the  
25 35 restrictions imposed by this section or ~~the preceding~~ section  
26 1 403A.6.

26 2 Sec. 54. Section 423.4, subsection 8, paragraph d, Code  
26 3 Supplement 2007, is amended to read as follows:

26 4 d. In determining the amount to be refunded, if the dates  
26 5 of the utility billing or meter reading cycle for the sale or  
26 6 furnishing of metered gas and electricity ~~is~~ are on or after  
26 7 the first day of the first month through the last day of the  
26 8 last month of the refund year, the full amount of tax charged  
26 9 in the billings shall be refunded. In determining the amount  
26 10 to be refunded, if the dates of the sale or furnishing of fuel  
26 11 for purposes of commercial energy and the delivery of the fuel  
26 12 ~~is~~ are on or after the first day of the first month through  
26 13 the last day of the last month of the refund year, the full  
26 14 amount of tax charged in the billings shall be refunded.

26 15 Sec. 55. Section 423B.6, subsection 2, paragraph b, Code  
26 16 2007, is amended to read as follows:

26 17 b. The ordinance of a county board of supervisors imposing  
26 18 a local sales and services tax shall adopt by reference the  
26 19 applicable provisions of the appropriate sections of chapter  
26 20 423. All powers and requirements of the director to  
26 21 administer the state sales tax law and use tax law are  
26 22 applicable to the administration of a local sales and services  
26 23 tax law and the local excise tax, including but not limited to  
26 24 the provisions of section 422.25, subsection 4, sections  
26 25 422.30, 422.67, and 422.68, section 422.69, subsection 1,  
26 26 sections 422.70 ~~to~~ through 422.75, section 423.14, subsection  
26 27 1 and subsection 2, paragraphs "b" through "e", and sections  
26 28 423.15, 423.23, 423.24, 423.25, 423.31 ~~to~~ through 423.35,  
26 29 423.37 ~~to~~ through 423.42, 423.46, and 423.47. Local officials  
26 30 shall confer with the director of revenue for assistance in  
26 31 drafting the ordinance imposing a local sales and services  
26 32 tax. A certified copy of the ordinance shall be filed with  
26 33 the director as soon as possible after passage.

26 34 Sec. 56. Section 452A.53, Code 2007, is amended to read as  
26 35 follows:

27 1 452A.53 PERMIT OR LICENSE.

27 2 1. The advance arrangements referred to in ~~the preceding~~  
27 3 section 452A.52 shall include the procuring of a permanent  
27 4 international fuel tax agreement permit or license or ~~single~~  
27 5 ~~trip~~ ~~single=trip~~ interstate permit.

27 6 2. Persons choosing not to make advance arrangements with  
27 7 the state department of transportation by procuring a permit  
27 8 or license are not relieved of their responsibility to  
27 9 purchase motor fuel and special fuel commensurate with their  
27 10 use of the state's highway system. When there is reasonable  
27 11 cause to believe that there is evasion of the fuel tax on  
27 12 commercial motor vehicles, the state department of  
27 13 transportation may audit persons not holding a permit or  
27 14 license. Audits shall be conducted pursuant to section  
27 15 452A.55 and in accordance with international fuel tax  
27 16 agreement guidelines. The state department of transportation  
27 17 shall collect all taxes due and refund any overpayment.

27 18 3. A permanent international fuel tax agreement permit or  
27 19 license may be obtained upon application to the state  
27 20 department of transportation. A fee of ten dollars shall be  
27 21 charged for each permit or license issued. The holder of a  
27 22 permanent permit or license shall have the privilege of  
27 23 bringing into this state in the fuel supply tanks of  
27 24 commercial motor vehicles any amount of motor fuel or special  
27 25 fuel to be used in the operation of the vehicles and for that  
27 26 privilege shall pay Iowa motor fuel or special fuel taxes as  
27 27 provided in section 452A.54.

27 28 4. A ~~single-trip~~ ~~single=trip~~ interstate permit may be  
27 29 obtained from the state department of transportation. A fee  
27 30 of twenty dollars shall be charged for each individual ~~single~~  
27 31 ~~trip~~ ~~single=trip~~ interstate permit issued. A ~~single-trip~~  
27 32 ~~single=trip~~ interstate permit is subject to the following  
27 33 provisions and limitations:

27 34 ~~1.~~ a. The permit shall be issued and be valid for

27 35 seventy-two consecutive hours, except in emergencies, or until  
28 1 the time of leaving the state, whichever first occurs.  
28 2 ~~2-~~ b. The permit shall cover only one commercial motor  
28 3 vehicle and is not transferable.  
28 4 ~~3-~~ c. ~~Single-trip~~ Single-trip interstate fuel permits may  
28 5 be made available from sources other than indicated in this  
28 6 section at the discretion of the state department of  
28 7 transportation.

28 8 5. Each vehicle operated into or through Iowa in  
28 9 interstate operations using motor fuel or special fuel  
28 10 acquired in any other state shall carry in or on the vehicle a  
28 11 duplicate or evidence of the permit or license required in  
28 12 this section. A fee not to exceed fifty cents shall be  
28 13 charged for each duplicate or other evidence of a permit or  
28 14 license issued.

28 15 Sec. 57. Section 453A.31, subsection 2, paragraph c, Code  
28 16 Supplement 2007, is amended to read as follows:

28 17 c. A one thousand dollar penalty for a third or subsequent  
28 18 violation within three years of the first violation.

28 19 Sec. 58. Section 453A.50, subsection 3, paragraph a,  
28 20 subparagraph (3), Code Supplement 2007, is amended to read as  
28 21 follows:

28 22 (3) A one thousand dollar penalty for a third or  
28 23 subsequent violation within three years of the first  
28 24 violation.

28 25 Sec. 59. Section 455B.109, subsection 1, Code 2007, is  
28 26 amended to read as follows:

28 27 1. The commission shall establish, by rule, a schedule or  
28 28 range of civil penalties which may be administratively  
28 29 assessed. The schedule shall provide procedures and criteria  
28 30 for the administrative assessment of penalties of not more  
28 31 than ten thousand dollars for violations of this chapter or  
28 32 rules, permits or orders adopted or issued under this chapter.  
28 33 In adopting a schedule or range of penalties and in proposing  
28 34 or assessing a penalty, the commission and director shall  
28 35 consider among other relevant factors the following:

- 29 1 a. The costs saved or likely to be saved by noncompliance
- 29 2 by the violator.
- 29 3 b. The gravity of the violation.
- 29 4 c. The degree of culpability of the violator.
- 29 5 d. The maximum penalty authorized for that violation under
- 29 6 this chapter.

29 7 1A. Penalties may be administratively assessed only after  
29 8 an opportunity for a contested case hearing which may be  
29 9 combined with a hearing on the merits of the alleged  
29 10 violation. Violations not fitting within the schedule, or  
29 11 violations which the commission determines should be referred  
29 12 to the attorney general for legal action shall not be governed  
29 13 by the schedule established under ~~this~~ subsection 1.

29 14 Sec. 60. Section 455B.455, Code 2007, is amended to read  
29 15 as follows:

29 16 455B.455 SURCHARGE IMPOSED.

29 17 A land burial surcharge tax of two percent is imposed on  
29 18 the fee for land burial of a hazardous waste. The owner of  
29 19 the land burial facility shall remit the tax collected to the  
29 20 director of revenue after consultation with the director  
29 21 according to rules that the director shall adopt. The  
29 22 director shall forward a copy of the site license to the  
29 23 director of revenue which shall be the appropriate license for  
29 24 the collection of the land burial surcharge tax and shall be  
29 25 subject to suspension or revocation if the site license holder  
29 26 fails to collect or remit the tax collected under this  
29 27 section. The provisions of section 422.25, subsection 4,  
29 28 sections 422.30, 422.67, and 422.68, section 422.69,  
29 29 subsection 1, sections 422.70 ~~to~~ through 422.75, section  
29 30 423.14, subsection 1, and sections 423.23, 423.24, 423.25,  
29 31 423.31, 423.33, 423.35, 423.37 ~~to~~ through 423.42, and 423.47,  
29 32 consistent with the provisions of this part 6 of division IV,  
29 33 shall apply with respect to the taxes authorized under this  
29 34 part, in the same manner and with the same effect as if the  
29 35 land burial surcharge tax were sales taxes within the meaning  
30 1 of those statutes. Notwithstanding the provisions of this  
30 2 section, the director shall provide for only quarterly filing  
30 3 of returns as prescribed in section 423.31. Taxes collected  
30 4 by the director of revenue under this section shall be  
30 5 deposited in the general fund of the state.

30 6 Sec. 61. Section 459.102, subsection 18, Code 2007, is  
30 7 amended to read as follows:

30 8 18. "Covered" means organic or inorganic material placed  
30 9 upon an animal feeding operation structure used to store  
30 10 manure as provided by rules adopted by the department after

30 11 receiving recommendations which shall be submitted to the  
30 12 department by the college of agriculture and life sciences at  
30 13 Iowa state university of science and technology.

30 14 Sec. 62. Section 469.9, subsection 2, Code Supplement  
30 15 2007, is amended to read as follows:

30 16 2. The fund shall be used to further the goals of  
30 17 increasing the research, development, production, and use of  
30 18 biofuels and other sources of renewable energy, ~~improve~~  
30 19 improving energy efficiency, and ~~reduce~~ reducing greenhouse  
30 20 gas emissions, and shall encourage, support, and provide for  
30 21 research, development, commercialization, and the  
30 22 implementation of energy technologies and practices. The  
30 23 technologies and practices should reduce this state's  
30 24 dependence on foreign sources of energy and fossil fuels. The  
30 25 research, development, commercialization, implementation, and  
30 26 distribution of such technologies and practices are intended  
30 27 to sustain the environment and develop business in this state  
30 28 as Iowans market these technologies and practices to the  
30 29 world.

30 30 Sec. 63. Section 469.9, subsection 4, paragraph b,  
30 31 subparagraph (2), Code Supplement 2007, is amended to read as  
30 32 follows:

30 33 (2) Utilization of crops and products grown or produced in  
30 34 this state that ~~maximize~~ maximizes the value of crops used as  
30 35 feedstock in biomanufacturing products and as coproducts.

31 1 Sec. 64. Section 469.10, subsections 3 and 4, Code  
31 2 Supplement 2007, are amended to read as follows:

31 3 3. Of the moneys appropriated to the office and deposited  
31 4 in the fund, there shall be allocated on an annual basis two  
31 5 million five hundred thousand dollars to the department of  
31 6 economic development for deposit into the workforce training  
31 7 and economic development funds of the community colleges  
31 8 created pursuant to section 260C.18A. Of the funds so  
31 9 deposited into the workforce training and economic development  
31 10 funds of the community colleges, two million five hundred  
31 11 thousand dollars shall be used each year in the development  
31 12 and expansion of energy industry areas and for the  
31 13 department's north American ~~industrial~~ industry classification  
31 14 system for targeted industry areas established pursuant to  
31 15 section 260C.18A.

31 16 4. Notwithstanding section 8.33, amounts appropriated  
31 17 pursuant to this section shall not revert but shall remain  
31 18 available for the purposes designated for the following fiscal  
31 19 year. Notwithstanding section 12C.7, subsection 2, interest  
31 20 or earnings on moneys in the ~~funds~~ Iowa power fund shall be  
31 21 credited to the fund.

31 22 Sec. 65. Section 477.5, Code 2007, is amended to read as  
31 23 follows:

31 24 477.5 EQUAL FACILITIES == DELAY.

31 25 If the proprietor of any telegraph or telephone line within  
31 26 the state, or the person having the control and management  
31 27 thereof, refuses to furnish equal facilities to the public and  
31 28 to all connecting lines for the transmission of communications  
31 29 in accordance with the nature of the business which it  
31 30 undertakes to carry on, or to transmit the same with fidelity  
31 31 and without unreasonable delay, the law in relation to limited  
31 32 partnerships, corporations, and to the taking of private  
31 33 property for works of internal improvement, shall ~~not~~ no  
31 34 longer apply to them, and property taken for the use thereof  
31 35 without the consent of the owner may be recovered by the  
32 1 owner.

32 2 Sec. 66. Section 479.29, subsection 2, Code Supplement  
32 3 2007, is amended to read as follows:

32 4 2. The county board of supervisors shall cause an on-site  
32 5 inspection for compliance with the standards adopted under  
32 6 this section to be performed at any pipeline construction  
32 7 project in the county. A ~~licensed~~ professional engineer  
32 8 familiar with the standards adopted under this section and  
32 9 licensed under chapter 542B shall be responsible for the  
32 10 inspection. A county board of supervisors may contract for  
32 11 the services of a licensed professional engineer for the  
32 12 purposes of the inspection. The reasonable costs of the  
32 13 inspection shall be borne by the pipeline company.

32 14 Sec. 67. Section 483A.24, subsections 3 and 4, Code  
32 15 Supplement 2007, are amended to read as follows:

32 16 3. The director shall provide up to seventy-five  
32 17 nonresident deer hunting licenses for allocation as requested  
32 18 by a majority of a committee consisting of the majority leader  
32 19 of the senate, speaker of the house of representatives, and  
32 20 director of the department of economic development, or their  
32 21 designees. The licenses provided pursuant to ~~the~~ this

32 22 subsection shall be in addition to the number of nonresident  
32 23 licenses authorized pursuant to section 483A.8. The purpose  
32 24 of the special nonresident licenses is to allow state  
32 25 officials and local development groups to promote the state  
32 26 and its natural resources to nonresident guests and  
32 27 dignitaries. Photographs, videotapes, or any other form of  
32 28 media resulting from the hunting visitation shall not be used  
32 29 for political campaign purposes. The nonresident licenses  
32 30 shall be issued without application upon payment of the  
32 31 nonresident deer hunting license fee and the wildlife habitat  
32 32 fee. The licenses are valid in all zones open to deer  
32 33 hunting. The hunter safety and ethics education certificate  
32 34 requirement pursuant to section 483A.27 is waived for a  
32 35 nonresident issued a license pursuant to this subsection.

33 1 4. The director shall provide up to twenty-five  
33 2 nonresident wild turkey hunting licenses for allocation as  
33 3 requested by a majority of a committee consisting of the  
33 4 majority leader of the senate, speaker of the house of  
33 5 representatives, and director of the department of economic  
33 6 development, or their designees. The licenses provided  
33 7 pursuant to ~~the~~ this subsection shall be in addition to the  
33 8 number of nonresident licenses authorized pursuant to section  
33 9 483A.7. The purpose of the special nonresident licenses is to  
33 10 allow state officials and local development groups to promote  
33 11 the state and its natural resources to nonresident guests and  
33 12 dignitaries. Photographs, videotapes, or any other form of  
33 13 media resulting from the hunting visitation shall not be used  
33 14 for political campaign purposes. The nonresident licenses  
33 15 shall be issued without application upon payment of the  
33 16 nonresident wild turkey hunting license fee and the wildlife  
33 17 habitat fee. The licenses are valid in all zones open to wild  
33 18 turkey hunting. The hunter safety and ethics education  
33 19 certificate requirement pursuant to section 483A.27 is waived  
33 20 for a nonresident issued a license pursuant to this  
33 21 subsection.

33 22 Sec. 68. Section 512B.9, subsection 2, Code 2007, is  
33 23 amended to read as follows:

33 24 2. a. A person may be indemnified and reimbursed by a  
33 25 society for expenses reasonably incurred by, and liabilities  
33 26 imposed upon, the person in connection with or arising out of  
33 27 a proceeding, whether civil, criminal, administrative, or  
33 28 investigative, or a threat of action in which the person is or  
33 29 may be involved by reason of the person being a director,  
33 30 officer, employee, or agent of the society or of any other  
33 31 legal entity or position which the person served in any  
33 32 capacity at the request of the society.

33 33 b. However, a person shall not be so indemnified or  
33 34 reimbursed for either of the following:

33 35 a. (1) In relation to any matter to which the person is  
34 1 finally adjudged to be or have been guilty of breach of a duty  
34 2 as a director, officer, employee, or agent of the society.

34 3 b. (2) In relation to any matter which has been made the  
34 4 subject of a compromise settlement.

34 5 c. However, if the person acted in good faith for a  
34 6 purpose the person reasonably believed to be in or not opposed  
34 7 to the best interests of the society and, in addition, in a  
34 8 criminal proceeding, had no reasonable cause to believe that  
34 9 the conduct was unlawful, ~~paragraphs "a" and paragraph "b".~~

~~34 10 subparagraphs (1) and (2).~~ do not apply. The determination  
34 11 whether the conduct of the person met the standard required in  
34 12 order to justify indemnification and reimbursement in relation  
34 13 to any matter described in paragraph ~~"a" or "b"~~, subparagraph  
34 14 (1) or (2), may only be made by the supreme governing body by

34 15 a majority vote of a quorum consisting of persons who were not  
34 16 parties to the proceeding or by a court of competent  
34 17 jurisdiction. The termination of a proceeding by judgment,  
34 18 order, settlement, conviction, or upon a plea of no contest,  
34 19 as to a person, does not in itself create a conclusive  
34 20 presumption that the person met or did not meet the standard  
34 21 of conduct required in order to justify indemnification and  
34 22 reimbursement. The right of indemnification and reimbursement  
34 23 is not exclusive of other rights to which a person may be  
34 24 entitled as a matter of law and shall inure to the benefit of  
34 25 the person's heirs, executors, and administrators.

34 26 Sec. 69. Section 554.2315, Code 2007, is amended to read  
34 27 as follows:

34 28 554.2315 IMPLIED WARRANTY == FITNESS FOR PARTICULAR  
34 29 PURPOSE.

34 30 Where the seller at the time of contracting has reason to  
34 31 know any particular purpose for which the goods are required  
34 32 and that the buyer is relying on the seller's skill or

34 33 judgment to select or furnish suitable goods, there is unless  
34 34 excluded or modified under ~~the next~~ section 554.2316 an  
34 35 implied warranty that the goods shall be fit for such purpose.

35 1 Sec. 70. Section 554.2502, subsection 1, Code 2007, is  
35 2 amended to read as follows:

35 3 1. Subject to subsections 2 and 3 and even though the  
35 4 goods have not been shipped a buyer who has paid a part or all  
35 5 of the price of goods in which the buyer has a special  
35 6 property under the provisions of ~~the immediately preceding~~  
35 7 section 554.2501 may on making and keeping good a tender of  
35 8 any unpaid portion of their price recover them from the seller  
35 9 if:

35 10 a. in the case of goods bought for personal, family, or  
35 11 household purposes, the seller repudiates or fails to deliver  
35 12 as required by the contract; or

35 13 b. in all cases the seller becomes insolvent within ten  
35 14 days after receipt of the first installment on their price.  
35 15 Sec. 71. Section 554.2503, subsection 2, Code Supplement  
35 16 2007, is amended to read as follows:

35 17 2. Where the case is within ~~the next~~ section 554.2504  
35 18 respecting shipment tender requires that the seller comply  
35 19 with its provisions.

35 20 Sec. 72. Section 554.2604, Code 2007, is amended to read  
35 21 as follows:

35 22 554.2604 BUYER'S OPTIONS AS TO SALVAGE OF RIGHTFULLY  
35 23 REJECTED GOODS.

35 24 Subject to the provisions of ~~the immediately preceding~~  
35 25 section 554.2603 on perishables if the seller gives no  
35 26 instructions within a reasonable time after notification of  
35 27 rejection the buyer may store the rejected goods for the  
35 28 seller's account or reship them to the seller or resell them  
35 29 for the seller's account with reimbursement as provided in ~~the~~  
35 30 ~~preceding~~ section 554.2603. Such action is not acceptance or  
35 31 conversion.

35 32 Sec. 73. Section 554.2615, unnumbered paragraph 1, Code  
35 33 2007, is amended to read as follows:

35 34 Except so far as a seller may have assumed a greater  
35 35 obligation and subject to ~~the preceding~~ section 554.2614 on  
36 1 substituted performance:

36 2 Sec. 74. Section 554.2616, subsections 1 and 3, Code 2007,  
36 3 is amended to read as follows:

36 4 1. Where the buyer receives notification of a material or  
36 5 indefinite delay or an allocation justified under ~~the~~

36 6 ~~preceding~~ section 554.2615 the buyer may by written  
36 7 notification to the seller as to any delivery concerned, and  
36 8 where the prospective deficiency substantially impairs the  
36 9 value of the whole contract under the provisions of this  
36 10 Article relating to breach of installment contracts (section  
36 11 554.2612), then also as to the whole,

36 12 a. terminate and thereby discharge any unexecuted portion  
36 13 of the contract; or

36 14 b. modify the contract by agreeing to take the buyer's  
36 15 available quota in substitution.

36 16 3. The provisions of this section may not be negated by  
36 17 agreement except insofar as the seller has assumed a greater  
36 18 obligation under ~~the preceding~~ section 554.2615.

36 19 Sec. 75. Section 554.2703, Code 2007, is amended to read  
36 20 as follows:

36 21 554.2703 SELLER'S REMEDIES IN GENERAL.

36 22 Where the buyer wrongfully rejects or revokes acceptance of  
36 23 goods or fails to make a payment due on or before delivery or  
36 24 repudiates with respect to a part or the whole, then with  
36 25 respect to any goods directly affected and, if the breach is  
36 26 of the whole contract (section 554.2612), then also with  
36 27 respect to the whole undelivered balance, the aggrieved seller  
36 28 may:

36 29 a. 1. withhold delivery of such goods;

36 30 b. 2. stop delivery by any bailee as hereafter provided  
36 31 (section 554.2705);

36 32 c. 3. proceed under ~~the next~~ section 554.2704 respecting  
36 33 goods still unidentified to the contract;

36 34 d. 4. resell and recover damages as hereafter provided  
36 35 (section 554.2706);

37 1 e. 5. recover damages for nonacceptance (section  
37 2 554.2708) or in a proper case the price (section 554.2709);

37 3 f. 6. cancel.

37 4 Sec. 76. Section 554.2704, subsection 1, Code 2007, is  
37 5 amended to read as follows:

37 6 1. An aggrieved seller under ~~the preceding~~ section  
37 7 554.2703 may:

37 8 a. identify to the contract conforming goods not already



37 9 identified if at the time the seller learned of the breach  
37 10 they are in the seller's possession or control;  
37 11 b. treat as the subject of resale goods which have  
37 12 demonstrably been intended for the particular contract even  
37 13 though those goods are unfinished.  
37 14 Sec. 77. Section 554.2709, subsections 1 and 3, Code 2007,  
37 15 is amended to read as follows:  
37 16 1. When the buyer fails to pay the price as it becomes due  
37 17 the seller may recover, together with any incidental damages  
37 18 under the next section, the price:  
37 19 a. of goods accepted or of conforming goods lost or  
37 20 damaged within a commercially reasonable time after risk of  
37 21 their loss has passed to the buyer; and  
37 22 b. of goods identified to the contract if the seller is  
37 23 unable after reasonable effort to resell them at a reasonable  
37 24 price or the circumstances reasonably indicate that such  
37 25 effort will be unavailing.  
37 26 3. After the buyer has wrongfully rejected or revoked  
37 27 acceptance of the goods or has failed to make a payment due or  
37 28 has repudiated (section 554.2610), a seller who is held not  
37 29 entitled to the price under this section shall nevertheless be  
37 30 awarded damages for nonacceptance under ~~the preceding~~ section  
37 31 554.2708.  
37 32 Sec. 78. Section 554.2711, subsections 1 and 2, Code 2007,  
37 33 are amended to read as follows:  
37 34 1. Where the seller fails to make delivery or repudiates  
37 35 or the buyer rightfully rejects or justifiably revokes  
38 1 acceptance then with respect to any goods involved, and with  
38 2 respect to the whole if the breach goes to the whole contract  
38 3 (section 554.2612), the buyer may cancel and whether or not  
38 4 the buyer has done so may in addition to recovering so much of  
38 5 the price as has been paid:  
38 6 a. "cover" and have damages under ~~the next~~ section  
38 7 554.2712 as to all the goods affected whether or not they have  
38 8 been identified to the contract; or  
38 9 b. recover damages for nondelivery as provided in this  
38 10 Article (section 554.2713).  
38 11 2. Where the seller fails to deliver or repudiates the  
38 12 buyer may also:  
38 13 a. if the goods have been identified recover them as  
38 14 provided in this Article (section 554.2502); or  
38 15 b. in a proper case obtain specific performance or replevy  
38 16 the goods as provided in this Article (section 554.2716).  
38 17 Sec. 79. Section 554.2712, subsection 1, Code 2007, is  
38 18 amended to read as follows:  
38 19 1. After a breach within ~~the preceding~~ section 554.2711  
38 20 the buyer may "cover" by making in good faith and without  
38 21 unreasonable delay any reasonable purchase of or contract to  
38 22 purchase goods in substitution for those due from the seller.  
38 23 Sec. 80. Section 554.2714, subsection 3, Code 2007, is  
38 24 amended to read as follows:  
38 25 3. In a proper case any incidental and consequential  
38 26 damages under ~~the next~~ section 554.2715 may also be recovered.  
38 27 Sec. 81. Section 554.2719, subsection 1, Code 2007, is  
38 28 amended to read as follows:  
38 29 1. Subject to the provisions of subsections 2 and 3 of  
38 30 this section and of ~~the preceding~~ section 554.2718 on  
38 31 liquidation and limitation of damages,  
38 32 a. the agreement may provide for remedies in addition to  
38 33 or in substitution for those provided in this Article and may  
38 34 limit or alter the measure of damages recoverable under this  
38 35 Article, as by limiting the buyer's remedies to return of the  
39 1 goods and repayment of the price or to repair and replacement  
39 2 of nonconforming goods or parts; and  
39 3 b. resort to a remedy as provided is optional unless the  
39 4 remedy is expressly agreed to be exclusive, in which case it  
39 5 is the sole remedy.  
39 6 Sec. 82. Section 554.7601A, subsection 2, Code Supplement  
39 7 2007, is amended to read as follows:  
39 8 2. If a warehouse receipt has been lost, ~~stolen~~, or  
39 9 destroyed, the depositor may either remove the goods from the  
39 10 warehouse facility or sell the goods to the warehouse after  
39 11 executing a lost warehouse receipt release on a form  
39 12 prescribed by the department of agriculture and land  
39 13 stewardship. The form shall include an affidavit stating that  
39 14 the warehouse receipt has been lost or destroyed, and the  
39 15 depositor's undertaking to indemnify the warehouse for any  
39 16 loss incurred as a result of the loss or destruction of the  
39 17 warehouse receipt. The form shall be filed with the  
39 18 department of agriculture and land stewardship.  
39 19 Sec. 83. Section 554.13103, subsection 3, Code Supplement

39 20 2007, is amended to read as follows:

39 21 3. The following definitions in other Articles apply to  
39 22 this Article:

39 23	"Account"	Section 554.9102, subsection 1, paragraph "b"
39 24		
39 25	"Between merchants"	Section 554.2104, subsection 3
39 26	"Buyer"	Section 554.2103, subsection 1, paragraph "a"
39 27		
39 28	"Chattel paper"	Section 554.9102, subsection 1, paragraph "k"
39 29		
39 30	"Consumer goods"	Section 554.9102, subsection 1, paragraph "w"
39 31		
39 32	"Document"	Section 554.9102, subsection 1, paragraph "ad"
39 33		
39 34	"Entrusting"	Section 554.2403, subsection 3
39 35	"General intangible"	Section 554.9102, subsection 1, paragraph "ap"
40 1		
40 2	"Good faith"	<del>Section 554.2103, subsection 1, paragraph "b" 554.1201</del>
40 3		
40 4	"Instrument"	Section 554.9102, subsection 1, paragraph "au"
40 5		
40 6	"Merchant"	Section 554.2104, subsection 1
40 7	"Mortgage"	Section 554.9102, subsection 1, paragraph "bc"
40 8		
40 9	"Pursuant to commitment"	Section 554.9102, subsection 1, paragraph "bp"
40 10		
40 11	"Receipt"	Section 554.2103, subsection 1, paragraph "c"
40 12		
40 13	"Sale"	Section 554.2106, subsection 1
40 14	"Sale on approval"	Section 554.2326
40 15	"Sale or return"	Section 554.2326
40 16	"Seller"	Section 554.2103, subsection 1, paragraph "d"
40 17		

40 18 Sec. 84. Section 554.13309, subsection 7, Code 2007, is  
40 19 amended to read as follows:

40 20 7. In cases not within ~~the preceding~~ subsections 1 through  
40 21 6, priority between the interest of a lessor of fixtures,  
40 22 including the lessor's residual interest, and the conflicting  
40 23 interest of an encumbrancer or owner of the real estate who is  
40 24 not the lessee is determined by the priority rules governing  
40 25 conflicting interests in real estate.

40 26 Sec. 85. Section 614.1, subsection 5, Code Supplement  
40 27 2007, is amended to read as follows:

40 28 5. WRITTEN CONTRACTS == JUDGMENTS OF COURTS NOT OF RECORD  
40 29 == RECOVERY OF REAL PROPERTY. Those founded on written  
40 30 contracts, or on judgments of any courts except those provided  
40 31 for in ~~the next~~ subsection 6, and those brought for the  
40 32 recovery of real property, within ten years.

40 33 Sec. 86. Section 633.113, Code 2007, is amended to read as  
40 34 follows:

40 35 633.113 COMMITMENT.

41 1 If, upon being served with an order of the court requiring  
41 2 appearance for interrogation, as provided in ~~the preceding~~  
41 3 ~~sections hereof~~ section 633.112, any person fails to appear in  
41 4 accordance therewith, or if, having appeared, the person  
41 5 refuses to answer any question which the court thinks proper  
41 6 to be put to the person in the course of such examination, or  
41 7 if the person fails to comply with the order of the court  
41 8 requiring the delivery of the property to the fiduciary, the  
41 9 person may be committed to the jail of the county until the  
41 10 person does.

41 11 Sec. 87. Section 633.305, unnumbered paragraph 1, Code  
41 12 2007, is amended to read as follows:

41 13 On admission of a will to probate without administration of  
41 14 the estate, the proponent shall cause to be published, in the  
41 15 manner prescribed in ~~the preceding~~ section 633.304, a notice  
41 16 of the admission of the will to probate. As soon as  
41 17 practicable following the admission of the will to probate,  
41 18 the proponent shall give notice of the admission of the will  
41 19 to probate by ordinary mail addressed to the surviving spouse,  
41 20 each heir of the decedent, and each devisee under the will  
41 21 admitted to probate whose identities are reasonably  
41 22 ascertainable, at such persons' last known addresses. The  
41 23 notice of the admission of the will to probate shall include a  
41 24 notice that any action to set aside the will must be brought  
41 25 within the later to occur of four months from the date of the  
41 26 second publication of the notice or one month from the date of  
41 27 mailing of this notice, or thereafter be barred.

41 28 Sec. 88. Section 633.426, Code 2007, is amended to read as  
41 29 follows:

41 30 633.426 ORDER OF PAYMENT OF DEBTS AND CHARGES.

41 31 Payment of debts and charges of the estate shall be made in  
41 32 the order provided in ~~the preceding~~ section 633.425, without  
41 33 preference of any claim over another of the same class. If  
41 34 the assets of the estate are insufficient to pay in full all  
41 35 of the claims of a class, then such claims shall be paid on a  
42 1 pro rata basis, without preference between claims then due and  
42 2 those of the same class not due.

42 3 Sec. 89. Section 633.700, unnumbered paragraph 1, Code  
42 4 Supplement 2007, is amended to read as follows:

42 5 Unless specifically relieved from so doing, by the  
42 6 instrument creating the trust, or by order of the court, the  
42 7 trustee shall make a written report, under oath, to the court,  
42 8 once each year, within ninety days of the close of the  
42 9 reporting period, and more often, if required by the court.  
42 10 Such report shall state:

42 11 Sec. 90. Section 718A.1, unnumbered paragraph 1, Code  
42 12 Supplement 2007, is amended to read as follows:

42 13 As used in this ~~section~~ chapter:

42 14 Sec. 91. Section 729.1, Code 2007, is amended to read as  
42 15 follows:

42 16 729.1 RELIGIOUS TEST.

42 17 Any violation of ~~section 4~~, Article I, section 4, of the  
42 18 Constitution of the State of Iowa is hereby declared to be a  
42 19 simple misdemeanor unless a greater penalty is otherwise  
42 20 provided by law.

42 21 Sec. 92. Section 820.14, Code 2007, is amended to read as  
42 22 follows:

42 23 820.14 ARREST WITHOUT WARRANT.

42 24 The arrest of a person may be lawfully made also by any  
42 25 peace officer or a private person, without a warrant upon  
42 26 reasonable information that the accused stands charged in the  
42 27 courts of a state with a crime punishable by death or  
42 28 imprisonment for a term exceeding one year, but when so  
42 29 arrested the accused must be taken before a judge or  
42 30 magistrate with all practicable speed and complaint must be  
42 31 made against the accused under oath setting forth the ground  
42 32 for the arrest as in ~~the preceding~~ section 820.13; and  
42 33 thereafter the accused's answer shall be heard as if the  
42 34 accused had been arrested on a warrant.

42 35 Sec. 93. Section 820.15, Code 2007, is amended to read as  
43 1 follows:

43 2 820.15 HOLDING TO AWAIT REQUISITION.

43 3 If from the examination before the judge or magistrate it  
43 4 appears that the person held is the person charged with having  
43 5 committed the crime alleged and, except in cases arising under  
43 6 section 820.6, that the person has fled from justice, the  
43 7 judge or magistrate must, by a warrant reciting the  
43 8 accusation, commit the person to the county jail for such a  
43 9 time not exceeding thirty days and specified in the warrant,  
43 10 as will enable the arrest of the accused to be made under a  
43 11 warrant of the governor on a requisition of the executive  
43 12 authority of the state having jurisdiction of the offense,  
43 13 unless the accused give bail as provided in ~~the next~~ section  
43 14 820.16, or until the accused shall be legally discharged.

43 15 Sec. 94. Section 915.20A, subsection 1, paragraph d, Code  
43 16 2007, is amended to read as follows:

43 17 d. "Victim counselor" means a person who is engaged in a  
43 18 crime victim center, is certified as a counselor by the crime  
43 19 victim center, and is under the control of a direct services  
43 20 supervisor of a crime victim center, whose primary purpose is  
43 21 the rendering of advice, counseling, and assistance to the  
43 22 victims of crime. To qualify as a "victim counselor" under  
43 23 this section, the person must also have completed at least  
43 24 twenty hours of training provided by the center in which the  
43 25 person is engaged, by the Iowa organization of victim  
43 26 assistance, by the Iowa coalition against sexual ~~abuse~~  
43 27 assault, or by the Iowa coalition against domestic violence,  
43 28 which shall include but not be limited to, the dynamics of  
43 29 victimization, substantive laws relating to violent crime,  
43 30 sexual assault, and domestic violence, crisis intervention  
43 31 techniques, communication skills, working with diverse  
43 32 populations, an overview of the state criminal justice system,  
43 33 information regarding pertinent hospital procedures, and  
43 34 information regarding state and community resources for  
43 35 victims of crime.

44 1 Sec. 95. 2007 Iowa Acts, chapter 182, section 3,  
44 2 subsection 1, is amended to read as follows:

44 3 1. The Iowa propane education and research council is  
44 4 established. Members of the council shall be appointed by the  
44 5 governor from a list of nominees submitted by qualified  
44 6 propane industry organizations within thirty days after the

44 7 effective date of this section of this Act and by December 15  
44 8 of each year thereafter. The council shall consist of ten  
44 9 voting members, nine of whom represent retail propane  
44 10 marketers and one of whom shall be a public member. Qualified

44 11 propane industry organizations shall together nominate all  
44 12 members of the council. A vacancy in the unfinished term of a  
44 13 council member shall be filled for the remainder of the term  
44 14 in the same manner as the original appointment was made.  
44 15 Other than the public member, council members shall be  
44 16 full-time employees or owners of a propane industry business  
44 17 or representatives of an agricultural cooperative actively  
44 18 engaged in the propane industry. An employee of a qualified  
44 19 propane industry organization shall not serve as a member of  
44 20 the council. An officer of the board of directors of a  
44 21 qualified propane industry organization or propane industry  
44 22 trade association shall not serve concurrently as a member of  
44 23 the council. The fire marshal or a designee may serve as an  
44 24 ex officio, nonvoting member of the council.

44 25 Sec. 96. 2007 Iowa Acts, chapter 197, section 33,  
44 26 subsection 1, is amended to read as follows:

44 27 1. All new electrical installations for commercial or  
44 28 industrial applications, including installations both inside  
44 29 and outside of buildings, and for public use buildings and  
44 30 facilities and any installation at the request of the property  
44 31 owner.

44 32 Sec. 97. 2007 Iowa Acts, chapter 197, section 34,  
44 33 subsection 2, is amended to read as follows:

44 34 2. State inspection shall not apply within the  
44 35 jurisdiction of any political subdivision which, pursuant to  
45 1 section 103.29, provides by resolution or ordinance standards  
45 2 of electrical wiring and its installation that are not less  
45 3 stringent than those prescribed by the board or by this  
45 4 chapter and which further provides by resolution or ordinance  
45 5 for the inspection of electrical installations within the  
45 6 limits of such subdivision by a certified electrical  
45 7 inspector. A copy of the certificate of each electrical  
45 8 inspector shall be provided to the board by the political  
45 9 subdivision issuing the certificate.

45 10 Sec. 98. Section 103.25, as enacted by 2007 Iowa Acts,  
45 11 chapter 197, section 35, is amended to read as follows:

45 12 103.25 REQUEST FOR INSPECTION == FEES.

45 13 At or before commencement of any installation required to  
45 14 be inspected by the board, the licensee or property owner  
45 15 making such installation shall submit to the state fire  
45 16 marshal's office a request for inspection. The board shall  
45 17 prescribe the methods by which the request may be submitted,  
45 18 which may include electronic submission or through a form  
45 19 prescribed by the board that can be submitted either through  
45 20 the mail or by a fax transmission. The board shall also  
45 21 prescribe methods by which inspection fees can be paid, which  
45 22 may include electronic methods of payment. If the board or  
45 23 the state fire marshal's office becomes aware that a person  
45 24 has failed to file a necessary request for inspection, the  
45 25 board or the state fire marshal's office shall send a written  
45 26 notification by certified mail that the request must by be  
45 27 filed within fourteen days. Any person filing a late request  
45 28 for inspection shall pay a delinquency fee in an amount to be  
45 29 determined by the board. ~~Failure~~ A person who fails to file a  
45 30 late request within fourteen days shall be subject to a civil  
45 31 penalty to be determined by the board by rule.

45 32 Sec. 99. Section 103.26, as enacted by 2007 Iowa Acts,  
45 33 chapter 197, section 36, is amended to read as follows:

45 34 103.26 CONDEMNATION == DISCONNECTION == OPPORTUNITY TO  
45 35 CORRECT NONCOMPLIANCE.

46 1 If the inspector finds that any installation or portion of  
46 2 an installation is not in compliance with accepted standards  
46 3 of construction for health ~~safety to health~~ and property  
46 4 safety, based upon minimum standards set forth in the local  
46 5 electrical code or the national electrical code adopted by the  
46 6 board pursuant to section 103.6, the inspector shall by  
46 7 written order condemn the installation or noncomplying portion  
46 8 or order service to such installation disconnected and shall  
46 9 send a copy of such order to the board, the state fire  
46 10 marshal, and the electrical utility supplying power involved.  
46 11 If the installation or the noncomplying portion is such as to  
46 12 seriously and proximately endanger human health or property,  
46 13 the order of the inspector when approved by the inspector's  
46 14 superior shall require immediate condemnation and  
46 15 disconnection by the applicant. In all other cases, the order  
46 16 of the inspector shall establish a reasonable period of time  
46 17 for the installation to be brought into compliance with

46 18 accepted standards of construction for health safety ~~to health~~  
46 19 and property safety prior to the effective date established in  
46 20 such order for condemnation or disconnection.

46 21 Sec. 100. 2007 Iowa Acts, chapter 197, section 38,  
46 22 subsection 2, is amended to read as follows:

46 23 2. If the electrical inspector determines that an  
46 24 electrical installation subject to inspection by the board is  
46 25 not in compliance with accepted standards of construction for  
46 26 health safety ~~to health~~ and property safety, based upon  
46 27 minimum standards adopted by the board pursuant to this  
46 28 chapter, the inspector shall issue a correction order. A  
46 29 correction order made pursuant to this section shall be served  
46 30 personally or by United States mail only upon the licensee  
46 31 making the installation. The correction order shall order the  
46 32 licensee to make the installation comply with the standards,  
46 33 noting specifically what changes are required. The order  
46 34 shall specify a date, not more than seventeen calendar days  
46 35 from the date of the order, when a new inspection shall be  
47 1 made. When the installation is brought into compliance to the  
47 2 satisfaction of the inspector, the inspector shall file with  
47 3 the electrical utility supplying power a certificate stating  
47 4 that the electrical inspector has approved energization.

47 5 Sec. 101. 2007 Iowa Acts, chapter 197, section 41,  
47 6 subsection 4, is amended to read as follows:

47 7 4. Except when an inspection reveals that an installation  
47 8 or portion of an installation is not in compliance with  
47 9 accepted standards of construction for health safety ~~to health~~  
47 10 and property safety, based upon minimum standards set forth in  
47 11 the local electrical code or the national electrical code  
47 12 adopted by the board pursuant to section 103.6, such that an  
47 13 order of condemnation or disconnection is warranted pursuant  
47 14 to section 103.26, an inspector shall not add to, modify, or  
47 15 amend a construction plan as originally approved by the state  
47 16 fire marshal in the course of conducting an inspection.

47 17 Sec. 102. 2007 Iowa Acts, chapter 197, section 42,  
47 18 subsection 3, is amended to read as follows:

47 19 3. When an inspection is requested by ~~an~~ a property owner,  
47 20 the minimum fee shall be thirty dollars plus five dollars per  
47 21 branch circuit or feeder. The fee for fire and accident  
47 22 inspections shall be computed at the rate of forty-seven  
47 23 dollars per hour, and mileage and other expenses shall be  
47 24 reimbursed as provided by the office of the state fire  
47 25 marshal.

47 26 Sec. 103. 2007 Iowa Acts, chapter 197, section 43,  
47 27 subsection 1, is amended to read as follows:

47 28 1. Any person aggrieved by a condemnation or disconnection  
47 29 order issued by the state fire marshal's office may appeal  
47 30 from the order by filing a written notice of appeal with the  
47 31 board within ten days after the date the order was served upon  
47 32 the property owner or within ten days after the order was  
47 33 filed with the board, whichever is later.

47 34 Sec. 104. Section 104C.2, subsection 8, as enacted by 2007  
47 35 Iowa Acts, chapter 198, section 2, is amended to read as  
48 1 follows:

48 2 8. "Hydronic" means a heating or cooling system that  
48 3 transfers heating or cooling by circulating fluid through a  
48 4 closed system, including boilers, pressure vessels,  
48 5 refrigerated equipment in connection with chilled water  
48 6 systems, all steam piping, hot or chilled water piping  
48 7 together with all control devices and accessories, installed  
48 8 as part of, or in connection with, any comfort heating or  
48 9 comfort cooling system or appliance using a liquid, water, or  
48 10 steam as the heating or cooling media. "Hydronic" includes  
48 11 all low-pressure and high-pressure systems.

48 12 Sec. 105. 2007 Iowa Acts, chapter 198, section 10,  
48 13 subsection 3, is amended to read as follows:

48 14 3. The board may allow a two-year delay in implementing  
48 15 the licensure requirements for contractors who employ ~~less~~  
48 16 fewer than ten mechanical professionals.

48 17 Sec. 106. 2007 Iowa Acts, chapter 198, section 11,  
48 18 subsection 1, is amended to read as follows:

48 19 1. Apply to a person licensed as an engineer pursuant to  
48 20 chapter 542B, registered as an architect pursuant to chapter  
48 21 544A, or licensed as a landscape architect pursuant to chapter  
48 22 544B who provides consultations or develops plans or other  
48 23 work concerning plumbing, HVAC, refrigeration, or hydronic  
48 24 work and who is exclusively engaged in the practice of the  
48 25 person's profession.

48 26 Sec. 107. 2007 Iowa Acts, chapter 198, section 18,  
48 27 subsection 2, paragraph c, subparagraph (3), is amended to  
48 28 read as follows:

48 29 (3) Provide evidence to the examining board that the  
48 30 person has previously been a licensed journeyman in the  
48 31 applicable discipline or satisfies all requirements ~~required~~  
~~48 32 to be licensed for licensure~~ as a journeyman in the  
48 33 applicable discipline.

48 34 Sec. 108. Sections 99A.1, 177A.16, 321.1, 321A.1, 321H.2,  
48 35 322.2, 329.1, 428.28, 428.29, 433.12, 438.1, 438.2, 438.3,  
49 1 453A.1, 455B.131, 476.44, 484B.4, 536.4, 536.5, 536.19,  
49 2 536A.17, 543B.31, 589.8, 589.24, 624.27, 624.28, 727.2, and  
49 3 730.2, Code 2007, are amended by striking the word

49 4 "copartnership" and inserting the word "partnership".

49 5 Sec. 109. Sections 322.4 and 322.7, Code Supplement 2007,  
49 6 are amended by striking the word "copartnership" and inserting  
49 7 the word "partnership".

49 8 Sec. 110. Sections 214A.2B, 258.16, 260C.40, and 282.7,  
49 9 Code 2007, are amended by striking the words "merged area  
49 10 school" and "merged area schools" inserting the words  
49 11 "community college" and "community colleges".

49 12 DIVISION II  
49 13 VOLUME I RENUMBERING

49 14 Sec. 111. Section 1.18, Code 2007, is amended to read as  
49 15 follows:

49 16 1.18 IOWA ENGLISH LANGUAGE REAFFIRMATION.

49 17 1. The general assembly of the state of Iowa finds and  
49 18 declares the following:

49 19 a. The state of Iowa is comprised of individuals from  
49 20 different ethnic, cultural, and linguistic backgrounds. The  
49 21 state of Iowa encourages the assimilation of Iowans into  
49 22 Iowa's rich culture.

49 23 b. Throughout the history of Iowa and of the United  
49 24 States, the common thread binding individuals of differing  
49 25 backgrounds together has been the English language.

49 26 c. Among the powers reserved to each state is the power to  
49 27 establish the English language as the official language of the  
49 28 state, and otherwise to promote the English language within  
49 29 the state, subject to the prohibitions enumerated in the  
49 30 Constitution of the United States and in laws of the state.

49 31 2. In order to encourage every citizen of this state to  
49 32 become more proficient in the English language, thereby  
49 33 facilitating participation in the economic, political, and  
49 34 cultural activities of this state and of the United States,  
49 35 the English language is hereby declared to be the official  
50 1 language of the state of Iowa.

50 2 3. Except as otherwise provided for in subsections ~~4~~ 5 and  
50 3 ~~5~~ 6, the English language shall be the language of government  
50 4 in Iowa. All official documents, regulations, orders,  
50 5 transactions, proceedings, programs, meetings, publications,  
50 6 or actions taken or issued, which are conducted or regulated  
50 7 by, or on behalf of, or representing the state and all of its  
50 8 political subdivisions shall be in the English language.

50 9 4. For the purposes of this section, "official action"  
50 10 means any action taken by the government in Iowa or by an  
50 11 authorized officer or agent of the government in Iowa that  
50 12 does any of the following:

50 13 a. Binds the government.

50 14 b. Is required by law.

50 15 c. Is otherwise subject to scrutiny by either the press or  
50 16 the public.

50 17 ~~4.~~ 5. This section shall not apply to:

50 18 a. The teaching of languages.

50 19 b. Requirements under the federal Individuals with  
50 20 Disabilities Education Act.

50 21 c. Actions, documents, or policies necessary for trade,  
50 22 tourism, or commerce.

50 23 d. Actions or documents that protect the public health and  
50 24 safety.

50 25 e. Actions or documents that facilitate activities  
50 26 pertaining to compiling any census of populations.

50 27 f. Actions or documents that protect the rights of victims  
50 28 of crimes or criminal defendants.

50 29 g. Use of proper names, terms of art, or phrases from  
50 30 languages other than English.

50 31 h. Any language usage required by or necessary to secure  
50 32 the rights guaranteed by the Constitution and laws of the  
50 33 United States of America or the Constitution of the State of  
50 34 Iowa.

50 35 i. Any oral or written communications, examinations, or  
51 1 publications produced or utilized by a driver's license  
51 2 station, provided public safety is not jeopardized.

51 3 ~~5.~~ 6. Nothing in this section shall be construed to do  
51 4 any of the following:

51 5 a. Prohibit an individual member of the general assembly  
51 6 or officer of state government, while performing official  
51 7 business, from communicating through any medium with another  
51 8 person in a language other than English, if that member or  
51 9 officer deems it necessary or desirable to do so.  
51 10 b. Limit the preservation or use of Native American  
51 11 languages, as defined in the federal Native American Languages  
51 12 Act of 1992.  
51 13 c. Disparage any language other than English or discourage  
51 14 any person from learning or using a language other than  
51 15 English.  
51 16 Sec. 112. Section 2.10, subsection 4, Code 2007, is  
51 17 amended to read as follows:  
51 18 4. a. The director of the department of administrative  
51 19 services shall pay the travel and expenses of the members of  
51 20 the general assembly commencing with the first pay period  
51 21 after the names of such persons are officially certified. The  
51 22 salaries of the members of the general assembly shall be paid  
51 23 pursuant to any of the following alternative methods:  
51 24 ~~a.~~ (1) During each month of the year at the same time  
51 25 state employees are paid.  
51 26 ~~b.~~ (2) During each pay period during the first six months  
51 27 of each calendar year.  
51 28 ~~c.~~ (3) During the first six months of each calendar year  
51 29 by allocating two-thirds of the annual salary to the pay  
51 30 periods during those six months and one-third of the annual  
51 31 salary to the pay periods during the second six months of a  
51 32 calendar year.  
51 33 b. Each member of the general assembly shall file with the  
51 34 director of the department of administrative services a  
51 35 statement as to the method the member selects for receiving  
52 1 payment of salary. The presiding officers of the two houses  
52 2 of the general assembly shall jointly certify to the director  
52 3 of the department of administrative services the names of the  
52 4 members, officers, and employees of their respective houses  
52 5 and the salaries and mileage to which each is entitled.  
52 6 Travel and expense allowances shall be paid upon the  
52 7 submission of vouchers to the director of the department of  
52 8 administrative services indicating a claim for the same.  
52 9 Sec. 113. Section 2.15, Code 2007, is amended to read as  
52 10 follows:  
52 11 2.15 POWERS AND DUTIES OF STANDING COMMITTEES.  
52 12 1. The powers and duties of standing committees shall  
52 13 include, but shall not be limited to, the following:  
52 14 ~~1.~~ a. Introducing legislative bills and resolutions.  
52 15 ~~2.~~ b. Conducting investigations with the approval of  
52 16 either or both houses during the session, or the legislative  
52 17 council during the interim, with authority to call witnesses,  
52 18 administer oaths, issue subpoenas, and cite for contempt.  
52 19 ~~3.~~ c. Requiring reports and information from state  
52 20 agencies as well as the full ~~co-operation~~ cooperation of their  
52 21 personnel.  
52 22 ~~4.~~ d. Selecting nonlegislative members when conducting  
52 23 studies as provided in section 2.14.  
52 24 ~~5.~~ e. Undertaking in-depth studies of governmental  
52 25 matters within their assigned jurisdiction, not only for the  
52 26 purpose of evaluating proposed legislation, but also for  
52 27 studying existing laws and governmental operations and  
52 28 functions to determine their usefulness and effectiveness, as  
52 29 provided in section 2.14.  
52 30 ~~6.~~ f. Reviewing the operations of state agencies and  
52 31 departments.  
52 32 ~~7.~~ g. Giving thorough consideration to, establishing  
52 33 priorities for, and making recommendations on all bills  
52 34 assigned to committees.  
52 35 ~~8.~~ h. Preparing reports to be made available to members  
53 1 of the general assembly containing the committee's findings,  
53 2 recommendations, and proposed legislation.  
53 3 2. A standing committee may call upon any department,  
53 4 agency or office of the state, or any political subdivision of  
53 5 the state, for information and assistance as needed in the  
53 6 performance of its duties and the information and assistance  
53 7 shall be furnished to the extent that they are within the  
53 8 resources and authority of the department, agency, office or  
53 9 political subdivision. This ~~paragraph~~ subsection does not  
53 10 require the production or opening of any records which are  
53 11 required by law to be kept private or confidential.  
53 12 Sec. 114. Section 7K.1, subsection 3, Code 2007, is  
53 13 amended to read as follows:  
53 14 3. MEMBERSHIP.  
53 15 a. The board of directors of the foundation shall consist

53 16 of fifteen members serving staggered three-year terms  
53 17 beginning on May 1 of the year of appointment who shall be  
53 18 appointed as follows:  
53 19 ~~a-~~ (1) Five members shall be appointed by the governor as  
53 20 follows:  
53 21 ~~(1)~~ (a) A school district superintendent from a school  
53 22 district with enrollment of one thousand one hundred  
53 23 forty-nine or fewer pupils.  
53 24 ~~(2)~~ (b) An individual representing an Iowa business  
53 25 employing more than two hundred fifty employees.  
53 26 ~~(3)~~ (c) A community college president.  
53 27 ~~(4)~~ (d) An individual representing labor and workforce  
53 28 interests.  
53 29 ~~(5)~~ (e) An individual representing an Iowa agriculture  
53 30 association.  
53 31 ~~b-~~ (2) Five members shall be appointed by the speaker of  
53 32 the house of representatives as follows:  
53 33 ~~(1)~~ (a) An individual representing the area education  
53 34 agencies.  
53 35 ~~(2)~~ (b) The president of an accredited private  
54 1 institution as defined in section 261.9.  
54 2 ~~(3)~~ (c) An individual representing an Iowa business  
54 3 employing more than fifty employees but not more than two  
54 4 hundred fifty employees.  
54 5 ~~(4)~~ (d) An individual representing urban economic  
54 6 development interests.  
54 7 ~~(5)~~ (e) An individual from an association representing  
54 8 Iowa businesses.  
54 9 ~~c-~~ (3) Five members shall be appointed by the president  
54 10 of the senate as follows:  
54 11 ~~(1)~~ (a) A school district superintendent from a school  
54 12 district with an enrollment of more than one thousand one  
54 13 hundred forty-nine pupils.  
54 14 ~~(2)~~ (b) A president of an institution of higher education  
54 15 under the control of the state board of regents.  
54 16 ~~(3)~~ (c) An individual representing an Iowa business  
54 17 employing fifty or fewer employees.  
54 18 ~~(4)~~ (d) An individual representing rural economic  
54 19 development interests.  
54 20 ~~(5)~~ (e) An individual representing a business that  
54 21 established itself in Iowa on or after July 1, 1999.  
54 22 b. Members, except as provided in paragraph ~~"c"~~ "a",  
54 23 subparagraph ~~(2)~~ (3), subparagraph subdivision (c), shall not  
54 24 be employed by the state. One co-chairperson shall be  
54 25 appointed by the speaker of the house of representatives and  
54 26 one co-chairperson shall be appointed by the president of the  
54 27 senate.  
54 28 Sec. 115. Section 8A.204, subsection 1, paragraph a,  
54 29 unnumbered paragraphs 1 and 2, Code Supplement 2007, are  
54 30 amended to read as follows:  
54 31 "Agency" means a participating agency as defined in section  
54 32 8A.201. In addition, the following definitions shall also  
54 33 apply:  
~~In addition, the following definitions shall also apply:~~  
54 34 Sec. 116. Section 8A.502, subsection 14, Code 2007, is  
54 35 amended to read as follows:  
55 1 14. FEDERAL CASH MANAGEMENT AND IMPROVEMENT ACT  
55 2 ADMINISTRATOR.  
55 3 a. To serve as administrator for state actions relating to  
55 4 the federal Cash Management and Improvement Act of 1990, Pub.  
55 5 L. No. 101=453, as codified in 31 U.S.C. } 6503. The director  
55 6 shall perform the following duties relating to the federal  
55 7 law:  
55 8 ~~a-~~ (1) Act as the designated representative of the state  
55 9 in the negotiation and administration of contracts between the  
55 10 state and federal government relating to the federal law.  
55 11 ~~b-~~ (2) Modify the centralized statewide accounting system  
55 12 and develop, or require to be developed by the appropriate  
55 13 departments of state government, the reports and procedures  
55 14 necessary to complete the managerial and financial reports  
55 15 required to comply with the federal law.  
55 16 b. There is annually appropriated from the general fund of  
55 17 the state to the department an amount sufficient to pay  
55 18 interest costs that may be due the federal government as a  
55 19 result of implementation of the federal law. This paragraph  
55 20 does not authorize the payment of interest from the general  
55 21 fund of the state for any departmental revolving, trust, or  
55 22 special fund where monthly interest earnings accrue to the  
55 23 credit of the departmental revolving, trust, or special fund.  
55 24 For any departmental revolving, trust, or special fund where  
55 25 monthly interest is accrued to the credit of the fund, the  
55 26



55 27 director may authorize a supplemental expenditure to pay  
55 28 interest costs from the individual fund which are due the  
55 29 federal government as a result of implementation of the  
55 30 federal law.

55 31 Sec. 117. Section 9D.3, subsection 2, Code 2007, is  
55 32 amended to read as follows:

55 33 2. a. The bond shall be payable to the state for the use  
55 34 and benefit of either:

55 35 ~~a-~~ (1) A person who is injured by the fraud,  
56 1 misrepresentation, or financial failure of the travel agency  
56 2 or a travel agent employed by the travel agency.

56 3 ~~b-~~ (2) The state on behalf of a person or persons under  
56 4 ~~paragraph "a" subparagraph (1).~~

56 5 b. The bond shall be conditioned such that the registrant  
56 6 will pay any judgment recovered by a person in a court of this  
56 7 state in a suit for actual damages, including reasonable  
56 8 attorney's fees, or for rescission, resulting from a cause of  
56 9 action involving the sale or offer of sale of travel services.  
56 10 The bond shall be open to successive claims, but the aggregate  
56 11 amount of the claims paid shall not exceed the principal  
56 12 amount of the bond.

56 13 Sec. 118. Section 9H.4, Code 2007, is amended to read as  
56 14 follows:

56 15 9H.4 RESTRICTION ON INCREASE OF HOLDINGS == EXCEPTIONS ==  
56 16 PENALTY.

56 17 1. A corporation, limited liability company, or trust,  
56 18 other than a family farm corporation, authorized farm  
56 19 corporation, family farm limited liability company, authorized  
56 20 limited liability company, family trust, authorized trust,  
56 21 revocable trust, or testamentary trust shall not, either  
56 22 directly or indirectly, acquire or otherwise obtain or lease  
56 23 any agricultural land in this state. However, the  
56 24 restrictions provided in this section shall not apply to the  
56 25 following:

56 26 ~~1-~~ a. A bona fide encumbrance taken for purposes of  
56 27 security.

56 28 ~~2-~~ b. Agricultural land acquired for research or  
56 29 experimental purposes. Agricultural land is used for research  
56 30 or experimental purposes if any of the following apply:

56 31 ~~a-~~ (1) Research and experimental activities are  
56 32 undertaken on the agricultural land and commercial sales of  
56 33 products produced from farming the agricultural land do not  
56 34 occur or are incidental to the research or experimental  
56 35 purposes of the corporation or limited liability company.

57 1 Commercial sales are incidental to the research or  
57 2 experimental purposes of the corporation or limited liability  
57 3 company when such sales are less than twenty-five percent of  
57 4 the gross sales of the primary product of the research.

57 5 ~~b-~~ (2) The agricultural land is used for the primary  
57 6 purpose of testing, developing, or producing seeds or plants  
57 7 for sale or resale to farmers as seed stock. Grain which is  
57 8 not sold as seed stock is an incidental sale and must be less  
57 9 than twenty-five percent of the gross sales of the primary  
57 10 product of the research and experimental activities.

57 11 ~~c-~~ (3) (a) The agricultural land is used by a  
57 12 corporation or limited liability company, including any trade  
57 13 or business which is under common control, as provided in 26  
57 14 U.S.C. } 414 for the primary purpose of testing, developing,  
57 15 or producing animals for sale or resale to farmers as breeding  
57 16 stock. However, after July 1, 1989, to qualify under this  
57 17 ~~paragraph subparagraph subdivision,~~ the following conditions  
57 18 must be satisfied:

57 19 ~~(1)~~ (i) The corporation or limited liability company must  
57 20 not hold the agricultural land other than as a lessee. The  
57 21 term of the lease must be for not more than twelve years. The  
57 22 corporation or limited liability company shall not renew a  
57 23 lease. The corporation or limited liability company shall not  
57 24 enter into a lease under this ~~paragraph subparagraph~~

57 25 ~~subdivision part,~~ if the corporation or limited liability

57 26 company has ever entered into another lease under this  
57 27 ~~paragraph "c" subparagraph (3),~~ whether or not the lease is in  
57 28 effect. However, this subparagraph does not apply to a  
57 29 domestic corporation organized under chapter 504, Code 1989,  
57 30 or current chapter 504.

57 31 ~~(2)~~ (ii) A term or condition of sale, including resale,  
57 32 of breeding stock must not relate to the direct or indirect  
57 33 control by the corporation or limited liability company of the  
57 34 breeding stock or breeding stock progeny subsequent to the  
57 35 sale.

58 1 ~~(3)~~ (iii) The number of acres of agricultural land held  
58 2 by the corporation or limited liability company must not

58 3 exceed six hundred forty acres.  
58 4 ~~(4)~~ (iv) The corporation or limited liability company  
58 5 must deliver a copy of the lease to the secretary of state.  
58 6 The secretary of state shall notify the lessee of receipt of  
58 7 the copy of the lease. However, this subparagraph subdivision  
58 8 does not apply to a domestic corporation organized under  
58 9 chapter 504, Code 1989, or current chapter 504.

58 10 (b) Culls and test animals may be sold under this  
58 11 ~~paragraph "c"~~ subparagraph (3). For a three-year period  
58 12 beginning on the date that the corporation or limited  
58 13 liability company acquires an interest in the agricultural  
58 14 land, the gross sales for any year shall not be greater than  
58 15 five hundred thousand dollars. After the three-year period  
58 16 ends, the gross sales for any year shall not be greater than  
58 17 twenty-five percent of the gross sales for that year of the  
58 18 breeding stock, or five hundred thousand dollars, whichever is  
58 19 less.

58 20 ~~3-~~ c. Agricultural land, including leasehold interests,  
58 21 acquired by a nonprofit corporation organized under the  
58 22 provisions of chapter 504, Code 1989, and current chapter 504  
58 23 including land acquired and operated by or for a state  
58 24 university for research, experimental, demonstration,  
58 25 foundation seed increase or test purposes and land acquired  
58 26 and operated by or for nonprofit corporations organized  
58 27 specifically for research, experimental, demonstration,  
58 28 foundation seed increase or test purposes in support of or in  
58 29 conjunction with a state university.

58 30 ~~4-~~ d. Agricultural land acquired by a corporation or  
58 31 limited liability company for immediate or potential use in  
58 32 nonfarming purposes.

58 33 ~~5-~~ e. Agricultural land acquired by a corporation or  
58 34 limited liability company by process of law in the collection  
58 35 of debts, or pursuant to a contract for deed executed prior to  
59 1 August 15, 1975, or by any procedure for the enforcement of a  
59 2 lien or claim thereon, whether created by mortgage or  
59 3 otherwise.

59 4 ~~6-~~ f. A municipal corporation.

59 5 ~~7-~~ g. Agricultural land which is acquired by a trust  
59 6 company or bank in a fiduciary capacity or as trustee for a  
59 7 family trust, authorized trust or testamentary trust or for  
59 8 nonprofit corporations.

59 9 ~~8-~~ h. A corporation or its subsidiary organized under  
59 10 chapter 490 or a limited liability company organized under  
59 11 chapter 490A and to which section 312.8 is applicable.

59 12 ~~9-~~ i. Agricultural land held or leased by a corporation  
59 13 on July 1, 1975, as long as the corporation holding or leasing  
59 14 the land on this date continues to hold or lease such  
59 15 agricultural land.

59 16 ~~10-~~ j. Agricultural land held or leased by a trust on  
59 17 July 1, 1977, as long as the trust holding or leasing such  
59 18 land on this date continues to hold or lease such agricultural  
59 19 land.

59 20 ~~11-~~ k. Agricultural land acquired by a trust for  
59 21 immediate use in nonfarming purposes.

59 22 2. A corporation, limited liability company, or trust,  
59 23 other than a family farm corporation, authorized farm  
59 24 corporation, family farm limited liability company, authorized  
59 25 limited liability company, family trust, authorized trust,  
59 26 revocable trust, or testamentary trust, violating this section  
59 27 shall be assessed a civil penalty of not more than twenty-five  
59 28 thousand dollars and shall divest itself of any land held in  
59 29 violation of this section within one year after judgment. The  
59 30 courts of this state may prevent and restrain violations of  
59 31 this section through the issuance of an injunction. The  
59 32 attorney general or a county attorney shall institute suits on  
59 33 behalf of the state to prevent and restrain violations of this  
59 34 section.

59 35 Sec. 119. Section 11.4, Code 2007, is amended to read as  
60 1 follows:

60 2 11.4 REPORT OF AUDITS.

60 3 1. The auditor of state shall make or cause to be made and  
60 4 filed and kept in the auditor's office written reports of all  
60 5 audits and examinations, which reports shall set out in detail  
60 6 the following:

60 7 ~~1-~~ a. The actual condition of such department found to  
60 8 exist on every examination.

60 9 ~~2-~~ b. Whether, in the auditor's opinion,

60 10 ~~a-~~ (1) All funds have been expended for the purpose for  
60 11 which appropriated.

60 12 ~~b-~~ (2) The department so audited and examined is  
60 13 efficiently conducted, and if the maximum results for the

60 14 money expended are obtained.  
60 15 ~~e.~~ (3) The work of the departments so audited or examined  
60 16 needlessly conflicts with or duplicates the work done by any  
60 17 other department.  
60 18 ~~3.~~ c. All illegal or unbusinesslike practices.  
60 19 ~~4.~~ d. Any recommendations for greater simplicity,  
60 20 accuracy, efficiency, or economy in the operation of the  
60 21 business of the several departments and institutions.  
60 22 ~~5.~~ e. Comparisons of prices paid and terms obtained by  
60 23 the various departments for goods and services of like  
60 24 character and reasons for differences therein, if any.  
60 25 ~~6.~~ f. Any other information which, in the auditor's  
60 26 judgment, may be of value to the auditor.  
60 27 2. All such reports shall be filed and kept in the  
60 28 auditor's office.  
60 29 3. The state auditor is hereby authorized to obtain,  
60 30 maintain, and operate, under the auditor's exclusive control  
60 31 such machinery as may be necessary to print confidential  
60 32 reports and documents originating in the auditor's office.  
60 33 Sec. 120. Section 11.6, subsection 1, paragraph a, Code  
60 34 2007, is amended to read as follows:  
60 35 a. (1) The financial condition and transactions of all  
61 1 cities and city offices, counties, county hospitals organized  
61 2 under chapters 347 and 347A, memorial hospitals organized  
61 3 under chapter 37, entities organized under chapter 28E having  
61 4 gross receipts in excess of one hundred thousand dollars in a  
61 5 fiscal year, merged areas, area education agencies, and all  
61 6 school offices in school districts, shall be examined at least  
61 7 once each year, except that cities having a population of  
61 8 seven hundred or more but less than two thousand shall be  
61 9 examined at least once every four years, and cities having a  
61 10 population of less than seven hundred may be examined as  
61 11 otherwise provided in this section. The examination shall  
61 12 cover the fiscal year next preceding the year in which the  
61 13 audit is conducted. The examination of school offices shall  
61 14 include an audit of all school funds, the certified annual  
61 15 financial report, the certified enrollment as provided in  
61 16 section 257.6, and the revenues and expenditures of any  
61 17 nonprofit school organization established pursuant to section  
61 18 279.62. Differences in certified enrollment shall be reported  
61 19 to the department of management. The examination of a city  
61 20 that owns or operates a municipal utility providing local  
61 21 exchange services pursuant to chapter 476 shall include an  
61 22 audit of the city's compliance with section 388.10. The  
61 23 examination of a city that owns or operates a municipal  
61 24 utility providing telecommunications services pursuant to  
61 25 section 388.10 shall include an audit of the city's compliance  
61 26 with section 388.10.  
61 27 (2) Subject to the exceptions and requirements of  
61 28 subsection 2 and subsection 4, paragraph "e" "a", subparagraph  
61 29 (3), examinations shall be made as determined by the  
61 30 governmental subdivision either by the auditor of state or by  
61 31 certified public accountants, certified in the state of Iowa,  
61 32 and they shall be paid from the proper public funds of the  
61 33 governmental subdivision.  
61 34 Sec. 121. Section 11.6, subsection 1, paragraph b,  
61 35 subparagraph (2), Code 2007, is amended to read as follows:  
62 1 (2) (a) As part of its audit, the governmental  
62 2 subdivision is responsible for obtaining and providing to the  
62 3 person performing the audit the audited financial statements  
62 4 and related report on internal control structure of outside  
62 5 persons, performing any of the following during the period  
62 6 under audit for the governmental subdivision:  
62 7 ~~(a)~~ (i) Investing public funds.  
62 8 ~~(b)~~ (ii) Advising on the investment of public funds.  
62 9 ~~(c)~~ (iii) Directing the deposit or investment of public  
62 10 funds.  
62 11 ~~(d)~~ (iv) Acting in a fiduciary capacity for the  
62 12 governmental subdivision.  
62 13 (b) The audit under this section shall not be certified  
62 14 until all material information required by this subparagraph  
62 15 is reviewed by the person performing the audit.  
62 16 Sec. 122. Section 11.6, subsection 4, Code 2007, is  
62 17 amended to read as follows:  
62 18 4. a. In addition to the powers and duties under other  
62 19 provisions of the Code, the auditor of state may at any time  
62 20 cause to be made a complete or partial reaudit of the  
62 21 financial condition and transactions of any city, county,  
62 22 county hospital, memorial hospital, entity organized under  
62 23 chapter 28E, merged area, area education agency, school  
62 24 corporation, township, or other governmental subdivision, or

62 25 an office of any of these, if one of the following conditions  
62 26 exists:

62 27 ~~a-~~ (1) The auditor of state has probable cause to believe  
62 28 such action is necessary in the public interest because of a  
62 29 material deficiency in an audit of the governmental  
62 30 subdivision filed with the auditor of state or because of a  
62 31 substantial failure of the audit to comply with the standards  
62 32 and procedures established and published by the auditor of  
62 33 state.

62 34 ~~b-~~ (2) The auditor of state receives from an elected  
62 35 official or employee of the governmental subdivision a written  
63 1 request for a complete or partial reaudit of the governmental  
63 2 subdivision.

63 3 ~~c-~~ (3) The auditor of state receives a petition signed by  
63 4 at least fifty eligible electors of the governmental  
63 5 subdivision requesting a complete or partial reaudit of the  
63 6 governmental subdivision. If the governmental subdivision has  
63 7 not contracted with or employed a certified public accountant  
63 8 to perform an audit of the fiscal year in which the petition  
63 9 is received by the auditor of state, the auditor of state may  
63 10 perform an audit required by subsection 1 or 3.

63 11 b. The state audit shall be paid from the proper public  
63 12 funds available in the office of the auditor of state. In the  
63 13 event the audited governmental subdivision recovers damages  
63 14 from a person performing a previous audit due to negligent  
63 15 performance of that audit or breach of the audit contract, the  
63 16 auditor of state shall be entitled to reimbursement on an  
63 17 equitable basis for funds expended from any recovery made by  
63 18 the governmental subdivision.

63 19 c. An examination under this subsection shall include a  
63 20 determination of whether investments by the governmental  
63 21 subdivision are authorized by state law.

63 22 Sec. 123. Section 13.2, Code 2007, is amended to read as  
63 23 follows:

63 24 13.2 DUTIES.

63 25 1. It shall be the duty of the attorney general, except as  
63 26 otherwise provided by law to:

63 27 ~~1-~~ a. Prosecute and defend all causes in the appellate  
63 28 courts in which the state is a party or interested.

63 29 ~~2-~~ b. Prosecute and defend in any other court or  
63 30 tribunal, all actions and proceedings, civil or criminal, in  
63 31 which the state may be a party or interested, when, in the  
63 32 attorney general's judgment, the interest of the state  
63 33 requires such action, or when requested to do so by the  
63 34 governor, executive council, or general assembly.

63 35 ~~3-~~ c. Prosecute and defend all actions and proceedings  
64 1 brought by or against any state officer in the officer's  
64 2 official capacity.

64 3 ~~4-~~ d. Prosecute and defend all actions and proceedings  
64 4 brought by or against any employee of a judicial district  
64 5 department of correctional services in the performance of an  
64 6 assessment of risk pursuant to chapter 692A.

64 7 ~~5-~~ e. Give an opinion in writing, when requested, upon  
64 8 all questions of law submitted by the general assembly or by  
64 9 either house thereof, or by any state officer, elective or  
64 10 appointive. Questions submitted by state officers must be of a  
64 11 public nature and relate to the duties of such officer.

64 12 ~~6-~~ f. Prepare drafts for contracts, forms, and other  
64 13 writings which may be required for the use of the state.

64 14 ~~7-~~ g. Report to the governor, at the time provided by  
64 15 law, the condition of the attorney general's office, opinions  
64 16 rendered, and business transacted of public interest.

64 17 ~~8-~~ h. Supervise county attorneys in all matters  
64 18 pertaining to the duties of their offices, and from time to  
64 19 time to require of them reports as to the condition of public  
64 20 business entrusted to their charge.

64 21 ~~9-~~ i. Promptly account, to the treasurer of state, for  
64 22 all state funds received by the attorney general.

64 23 ~~10-~~ j. Keep in proper books a record of all official  
64 24 opinions, and a register of all actions, prosecuted and  
64 25 defended by the attorney general, and of all proceedings had  
64 26 in relation thereto, which books shall be delivered to the  
64 27 attorney general's successor.

64 28 ~~11-~~ k. Perform all other duties required by law.

64 29 ~~12-~~ l. Inform prosecuting attorneys and assistant  
64 30 prosecuting attorneys to the state of all changes in law and  
64 31 matters pertaining to their office and establish programs for  
64 32 the continuing education of prosecuting attorneys and  
64 33 assistant prosecuting attorneys. The attorney general may  
64 34 accept funds, grants and gifts from any public or private  
64 35 source which shall be used to defray the expenses incident to

65 1 implementing duties under this ~~subsection~~ paragraph.  
65 2 ~~13- m.~~ Establish and administer, in cooperation with the  
65 3 law schools of Drake university and the state university of  
65 4 Iowa, a prosecutor intern program incorporating the essential  
65 5 elements of the pilot program denominated "law student intern  
65 6 program in prosecutors' office" funded by the Iowa crime  
65 7 commission and participating counties. The attorney general  
65 8 shall consult with an advisory committee including  
65 9 representatives of each participating law school and the Iowa  
65 10 county attorneys association, inc. concerning development,  
65 11 administration, and critique of this program. The attorney  
65 12 general shall report on the program's operation annually to  
65 13 the general assembly and the supreme court.

65 14 ~~14- n.~~ Develop written procedures and policies to be  
65 15 followed by prosecuting attorneys in the prosecution of  
65 16 domestic abuse cases under chapters 236 and 708.

65 17 2. Executing the duties of this section shall not be  
65 18 deemed a violation of section 68B.6.

65 19 Sec. 124. Section 15.313, subsection 1, Code 2007, is  
65 20 amended to read as follows:

65 21 1. a. An Iowa strategic investment fund is created as a  
65 22 revolving fund consisting of any money appropriated by the  
65 23 general assembly for that purpose and any other moneys  
65 24 available to and obtained or accepted by the department from  
65 25 the federal government or private sources for placement in the  
65 26 fund. The fund shall also include all of the following:

65 27 ~~a-~~ (1) All unencumbered and unobligated funds from the  
65 28 special community economic betterment program fund created  
65 29 under 1990 Iowa Acts, chapter 1262, section 1, subsection 18,  
65 30 remaining on June 30, 1992, all repayments of loans or other  
65 31 awards made under the community economic betterment account or  
65 32 under the community economic betterment program during any  
65 33 fiscal year beginning on or after July 1, 1985, and recaptures  
65 34 of awards.

65 35 ~~b-~~ (2) All unencumbered and unobligated funds from the  
66 1 targeted small business financial assistance program, the  
66 2 financing rural economic development or successor loan  
66 3 program, and the value-added agricultural products and  
66 4 processes financial assistance fund remaining on June 30,  
66 5 1992, and all repayments of loans or other awards or  
66 6 recaptures of awards made under these programs.

66 7 b. Notwithstanding section 8.33, moneys in the strategic  
66 8 investment fund at the end of each fiscal year shall not  
66 9 revert to any other fund but shall remain in the strategic  
66 10 investment fund for expenditure for subsequent fiscal years.

66 11 Sec. 125. Section 15.331A, Code 2007, is amended to read  
66 12 as follows:

66 13 15.331A SALES AND USE TAX REFUND.

66 14 1. The eligible business shall be entitled to a refund of  
66 15 the sales and use taxes paid under chapter 423 for gas,  
66 16 electricity, water, or sewer utility services, goods, wares,  
66 17 or merchandise, or on services rendered, furnished, or  
66 18 performed to or for a contractor or subcontractor and used in  
66 19 the fulfillment of a written contract relating to the  
66 20 construction or equipping of a facility of the eligible  
66 21 business. Taxes attributable to intangible property and  
66 22 furniture and furnishings shall not be refunded. However, an  
66 23 eligible business shall be entitled to a refund for taxes  
66 24 attributable to racks, shelving, and conveyor equipment to be  
66 25 used in a warehouse or distribution center subject to section  
66 26 15.331C.

66 27 2. To receive the refund a claim shall be filed by the  
66 28 eligible business with the department of revenue as follows:

66 29 ~~i-~~ a. The contractor or subcontractor shall state under  
66 30 oath, on forms provided by the department, the amount of the  
66 31 sales of goods, wares, or merchandise or services rendered,  
66 32 furnished, or performed including water, sewer, gas, and  
66 33 electric utility services upon which sales or use tax has been  
66 34 paid prior to the project completion, and shall file the forms  
66 35 with the eligible business before final settlement is made.

67 1 ~~2-~~ b. The eligible business shall, not more than one year  
67 2 after project completion, make application to the department  
67 3 for any refund of the amount of the sales and use taxes paid  
67 4 pursuant to chapter 423 upon any goods, wares, or merchandise,  
67 5 or services rendered, furnished, or performed, including  
67 6 water, sewer, gas, and electric utility services. The  
67 7 application shall be made in the manner and upon forms to be  
67 8 provided by the department, and the department shall audit the  
67 9 claim and, if approved, issue a warrant to the eligible  
67 10 business in the amount of the sales or use tax which has been  
67 11 paid to the state of Iowa under a contract. A claim filed by

67 12 the eligible business in accordance with this section shall  
67 13 not be denied by reason of a limitation provision set forth in  
67 14 chapter 421 or 423.

67 15 3. A contractor or subcontractor who willfully makes a  
67 16 false report of tax paid under the provisions of this section  
67 17 is guilty of a simple misdemeanor and in addition is liable  
67 18 for the payment of the tax and any applicable penalty and  
67 19 interest.

67 20 Sec. 126. Section 15A.1, subsection 1, Code 2007, is  
67 21 amended to read as follows:

67 22 1. a. Economic development is a public purpose for which  
67 23 the state, a city, or a county may provide grants, loans,  
67 24 guarantees, tax incentives, and other financial assistance to  
67 25 or for the benefit of private persons.

67 26 b. For purposes of this chapter, "economic development"  
67 27 means private or joint public and private investment involving  
67 28 the creation of new jobs and income or the retention of  
67 29 existing jobs and income that would otherwise be lost.

67 30 Sec. 127. Section 15A.2, Code 2007, is amended to read as  
67 31 follows:

67 32 15A.2 CONFLICTS OF INTEREST.

67 33 1. a. If a member of the governing body of a city or  
67 34 county or an employee of a state, city, or county board,  
67 35 agency, commission, or other governmental entity of the state,  
68 1 city, or county has an interest, either direct or indirect, in  
68 2 a private person for which grants, loans, guarantees, tax  
68 3 incentives, or other financial assistance may be provided by  
68 4 the governing board or governmental entity, the interest shall  
68 5 be disclosed to that governing body or governmental entity in  
68 6 writing. The member or employee having the interest shall not  
68 7 participate in the decision-making process with regard to the  
68 8 providing of such financial assistance to the private person.

68 9 b. Employment by a public body, its agencies, or  
68 10 institutions or by any other person having such an interest  
68 11 shall not be deemed an indicia of an interest by the employee  
68 12 or of any ownership or control by the employee of interests of  
68 13 the employee's employer.

68 14 c. The word "participate" or "participation" shall be  
68 15 deemed not to include discussion or debate preliminary to a  
68 16 vote of a local governing body or agency upon proposed  
68 17 ordinances or resolutions relating to such a project or any  
68 18 abstention from such a vote.

68 19 d. The designation of a bank or trust company as  
68 20 depository, paying agent, or agent for investment of funds  
68 21 shall not be deemed a matter of interest or personal interest.

68 22 e. Stock ownership in a corporation having such an  
68 23 interest shall not be deemed an indicia of an interest or of  
68 24 ownership or control by the person owning the stocks when less  
68 25 than five percent of the outstanding stock of the corporation  
68 26 is owned or controlled directly or indirectly by that person.

68 27 f. The phrase "decision-making process" shall not be  
68 28 deemed to include resolutions advisory to the local governing  
68 29 body or agency by any citizens group, board, body, or  
68 30 commission designated to serve a purely advisory approving or  
68 31 recommending function for economic development.

68 32 2. A violation of a provision of this section is  
68 33 misconduct in office under section 721.2. However, a decision  
68 34 of the governing board or governmental entity is not invalid  
68 35 because of the participation of the member or employee in the  
69 1 decision-making process or because of a vote cast by a member  
69 2 or employee in violation of this section unless the  
69 3 participation or vote was decisive in the awarding of the  
69 4 financial assistance.

69 5 Sec. 128. Section 15A.9, subsection 8, paragraphs a, b,  
69 6 and e, Code Supplement 2007, are amended to read as follows:

69 7 a. (1) The credit equals the sum of the following:

69 8 ~~(1)~~ (a) Thirteen percent of the excess of qualified  
69 9 research expenses during the tax year over the base amount for  
69 10 the tax year based upon the state's apportioned share of the  
69 11 qualifying expenditures for increasing research activities.

69 12 ~~(2)~~ (b) Thirteen percent of the basic research payments  
69 13 determined under section 41(e)(1)(A) of the Internal Revenue  
69 14 Code during the tax year based upon the state's apportioned  
69 15 share of the qualifying expenditures for increasing research  
69 16 activities.

69 17 (2) The state's apportioned share of the qualifying  
69 18 expenditures for increasing research activities is a percent  
69 19 equal to the ratio of qualified research expenditures in this  
69 20 state within the zone to total qualified research  
69 21 expenditures.

69 22 b. In lieu of the credit amount computed in paragraph "a",

69 23 subparagraph (1), subparagraph subdivision (a), a business may  
69 24 elect to compute the credit amount for qualified research  
69 25 expenses incurred in this state within the zone in a manner  
69 26 consistent with the alternative incremental credit described  
69 27 in section 41(c)(4) of the Internal Revenue Code. The  
69 28 taxpayer may make this election regardless of the method used  
69 29 for the taxpayer's federal income tax. The election made  
69 30 under this paragraph is for the tax year and the taxpayer may  
69 31 use another or the same method for any subsequent year.

69 32 e. (1) For the purposes of this subsection, "base  
69 33 amount", "basic research payment", and "qualified research  
69 34 expense" mean the same as defined for the federal credit for  
69 35 increasing research activities under section 41 of the  
70 1 Internal Revenue Code, except that for the alternative  
70 2 incremental credit such amounts are for research conducted  
70 3 within this state within the zone.

70 4 (2) For purposes of this subsection, "Internal Revenue  
70 5 Code" means the Internal Revenue Code in effect on January 1,  
70 6 2007.

70 7 Sec. 129. Section 15F.204, subsection 8, paragraph b, Code  
70 8 2007, is amended to read as follows:

70 9 b. There is appropriated from the franchise tax revenues  
70 10 deposited in the general fund of the state to the community  
70 11 attraction and tourism fund, the following amounts:

70 12 (1) For the fiscal year beginning July 1, 2005, and ending  
70 13 June 30, 2006, the sum of seven million dollars.

70 14 (2) For the fiscal year beginning July 1, 2006, and ending  
70 15 June 30, 2007, the sum of seven million dollars.

70 16 (3) For the fiscal year beginning July 1, 2007, and ending  
70 17 June 30, 2008, the sum of seven million dollars.

70 18 (4) For the fiscal year beginning July 1, 2008, and ending  
70 19 June 30, 2009, the sum of seven million dollars.

70 20 (5) For the fiscal year beginning July 1, 2009, and ending  
70 21 June 30, 2010, the sum of seven million dollars.

70 22 9. Notwithstanding the allocation requirements in  
70 23 subsection 5, the board may make a multiyear commitment to an  
70 24 applicant of up to four million dollars in any one fiscal  
70 25 year.

70 26 Sec. 130. Section 15G.203, subsection 7, Code Supplement  
70 27 2007, is amended to read as follows:

70 28 7. a. An award of financial incentives to a participating  
70 29 person shall be in the form of a grant.

70 30 b. In order to participate in the program an eligible  
70 31 person must execute a cost-share agreement with the department  
70 32 as approved by the infrastructure board in which the person  
70 33 contributes a percentage of the total costs related to  
70 34 improving the retail motor fuel site.

70 35 ~~a.~~ (1) Except as provided in ~~paragraph "b"~~ subparagraph  
71 1 (2), a participating person may be awarded standard financial  
71 2 incentives. The standard financial incentives awarded to the  
71 3 participating person shall not exceed fifty percent of the  
71 4 actual cost of making the improvement or thirty thousand  
71 5 dollars, whichever is less. The infrastructure board may  
71 6 approve multiple awards to make improvements to a retail motor  
71 7 fuel site so long as the total amount of the awards does not  
71 8 exceed the limitations provided in this ~~paragraph~~  
71 9 subparagraph.

71 10 ~~b.~~ (2) In addition to any standard financial incentives  
71 11 awarded to a participating person under ~~paragraph "a"~~  
71 12 subparagraph (1), the participating person may be awarded  
71 13 supplemental financial incentives to upgrade or replace a  
71 14 dispenser which is part of gasoline storage and dispensing  
71 15 infrastructure used to store and dispense E=85 gasoline as  
71 16 provided in section 455G.31. The person is only eligible to  
71 17 receive the supplemental financial incentives if the person  
71 18 installed the dispenser not later than sixty days after the  
71 19 date of the publication in the Iowa administrative bulletin of  
71 20 the state fire marshal's order providing that a commercially  
71 21 available dispenser is listed as compatible for use with E=85  
71 22 gasoline by an independent testing laboratory as provided in  
71 23 section 455G.31. The supplemental financial incentives  
71 24 awarded to the participating person shall not exceed  
71 25 seventy=five percent of the actual cost of making the  
71 26 improvement or thirty thousand dollars, whichever is less.

71 27 Sec. 131. Section 15I.2, subsection 1, Code Supplement  
71 28 2007, is amended to read as follows:

71 29 1. ~~a.~~ Any nonretail, nonservice business may claim a tax  
71 30 credit equal to a percentage of the annual wages and benefits  
71 31 paid for a qualified new job created by the location or  
71 32 expansion of the business in the state.

71 33 a. (1) The tax credit shall be allowed against taxes

71 34 imposed under chapter 422, division II, III, or V, and chapter  
71 35 432 and against the moneys and credits tax imposed in section  
72 1 533.329. The percentage shall be equal to the amount provided  
72 2 in subsection 2.

72 3 (2) Any credit in excess of the tax liability shall be  
72 4 refunded. In lieu of claiming a refund, a taxpayer may elect  
72 5 to have the overpayment shown on the taxpayer's final,  
72 6 completed return credited to the tax liability for the  
72 7 following taxable year.

72 8 b. If the business is a partnership, S corporation,  
72 9 limited liability company, or estate or trust electing to have  
72 10 the income taxed directly to the individual, an individual may  
72 11 claim the tax credit allowed. The amount claimed by the  
72 12 individual shall be based upon the pro rata share of the  
72 13 individual's earnings of the partnership, S corporation,  
72 14 limited liability company, or estate or trust.

72 15 Sec. 132. Section 16.28, subsection 2, Code 2007, is  
72 16 amended to read as follows:

72 17 2. a. The authority or any trustee appointed under the  
72 18 indenture under which the bonds are issued may, and upon  
72 19 written request of the holders of twenty=five percent in  
72 20 aggregate principal amount of the issue of bonds or notes then  
72 21 outstanding shall:

72 22 ~~a-~~ (1) Enforce all rights of the bondholders or  
72 23 noteholders, including the right to require the authority to  
72 24 carry out its agreements with the holders and to perform its  
72 25 duties under this chapter.

72 26 ~~b-~~ (2) Bring suit upon the bonds or notes.

72 27 ~~c-~~ (3) By action require the authority to account as if  
72 28 it were the trustee of an express trust for the holders.

72 29 ~~d-~~ (4) By action enjoin any acts or things which are  
72 30 unlawful or in violation of the rights of the holders.

72 31 ~~e-~~ (5) Declare all the bonds or notes due and payable and  
72 32 if all defaults are made good then with the consent of the  
72 33 holders of twenty=five percent of the aggregate principal  
72 34 amount of the issue of bonds or notes then outstanding, annul  
72 35 the declaration and its consequences.

73 1 b. The bondholders or noteholders, to the extent provided  
73 2 in the resolution by which the bonds or notes were issued or  
73 3 in their agreement with the authority, may enforce any of the  
73 4 remedies in ~~paragraphs~~ paragraph "a" to "e", subparagraphs (1)  
73 5 to (5) or the remedies provided in those agreements for and on  
73 6 their own behalf.

73 7 Sec. 133. Section 16.52, subsections 2 and 3, Code 2007,  
73 8 are amended to read as follows:

73 9 2. The authority shall adopt rules and allocation  
73 10 procedures which will ensure the maximum use of available tax  
73 11 credits in order to encourage development of low=income  
73 12 housing in the state. The authority shall consider the  
73 13 following factors in the adoption and application of the  
73 14 allocation rules:

73 15 a. Timeliness of the application.

73 16 b. Location of the proposed housing project.

73 17 c. Relative need in the proposed area for low=income  
73 18 housing.

73 19 d. Availability of low=income housing in the proposed  
73 20 area.

73 21 e. Economic feasibility of the proposed project.

73 22 f. Ability of the applicant to proceed to completion of  
73 23 the project in the calendar year for which the credit is  
73 24 sought.

73 25 3. a. The authority shall adopt rules specifying the  
73 26 application procedure and the allowance of low=income housing  
73 27 credits under the state housing credit ceiling.

73 28 ~~3-~~ b. The authority shall not allow more than ninety  
73 29 percent of the low=income housing credits under the state  
73 30 housing credit ceiling to projects other than qualified  
73 31 low=income housing projects as defined in Internal Revenue  
73 32 Code } 42(h)(5)(B).

73 33 Sec. 134. Section 16.91, subsection 5, Code Supplement  
73 34 2007, is amended to read as follows:

73 35 5. The participation of abstractors and attorneys shall be  
74 1 in accordance with rules established by the division and  
74 2 adopted by the authority pursuant to chapter 17A.

74 3 a. (1) Each participant shall at all times maintain  
74 4 liability coverage in amounts approved by the division. Upon  
74 5 payment of a claim by the division, the division shall be  
74 6 subrogated to the rights of the claimant against all persons  
74 7 relating to the claim.

74 8 (2) Additionally, each participating abstractor is  
74 9 required to own or lease, and maintain and use in the



74 10 preparation of abstracts, an up-to-date abstract title plant  
74 11 including tract indices for real estate for each county in  
74 12 which abstracts are prepared for real property titles  
74 13 guaranteed by the division. The tract indices shall contain a  
74 14 reference to all instruments affecting the real estate which  
74 15 are recorded in the office of the county recorder, and shall  
74 16 commence not less than forty years prior to the date the  
74 17 abstractor commences participation in the title guaranty  
74 18 program. However, a participating attorney providing abstract  
74 19 services continuously from November 12, 1986, to the date of  
74 20 application, either personally or through persons under the  
74 21 attorney's supervision and control is exempt from the  
74 22 requirements of this ~~paragraph~~ ~~subparagraph~~.

74 23 b. The division may waive the requirements of this  
74 24 subsection pursuant to an application of an attorney or  
74 25 abstractor which shows that the requirements impose a hardship  
74 26 to the attorney or abstractor and that the waiver clearly is  
74 27 in the public interest or is absolutely necessary to ensure  
74 28 availability of title guaranties throughout the state.

74 29 Sec. 135. Section 16.100, subsection 2, paragraph c, Code  
74 30 2007, is amended to read as follows:

74 31 c. (1) A home ownership incentive program to help lower  
74 32 income and very low income families achieve single family home  
74 33 ownership. Funds provided under this program shall not be  
74 34 restricted to first-time home buyers but shall be limited to  
74 35 mortgages under fifty-five thousand dollars, except in those  
75 1 areas of the state where the median price of homes exceeds the  
75 2 state average. The assistance provided shall include at least  
75 3 one of the following kinds of assistance:

75 4 ~~(1)~~ (a) Closing costs assistance.  
75 5 ~~(2)~~ (b) Down payment assistance.  
75 6 ~~(3)~~ (c) Home maintenance and repair assistance.  
75 7 ~~(4)~~ (d) Loan processing assistance through a loan  
75 8 endorser review contractor who acts on behalf of the authority  
75 9 in assisting lenders in processing loans that will qualify for  
75 10 government insurance or guarantee or for financing under the  
75 11 authority's mortgage revenue bond program.

75 12 ~~(5)~~ (e) Mortgage insurance program.  
75 13 (2) Five percent of the moneys expended under this program  
75 14 shall be used to finance the purchase or acquisition, in  
75 15 communities with a population of less than ten thousand, of  
75 16 manufactured homes as defined in 42 U.S.C. } 5403. Moneys  
75 17 available for this purpose which are unencumbered or  
75 18 unobligated at the end of the fiscal year shall revert to the  
75 19 housing improvement fund for reallocation for the next fiscal  
75 20 year.

75 21 (3) Not more than fifty percent of the assistance provided  
75 22 under this program shall be provided under ~~subparagraphs (4)~~  
75 23 ~~subparagraph (1), subparagraph subdivisions (d) and (5) (e).~~  
75 24 So long as at least one of the kinds of assistance described  
75 25 in ~~subparagraphs subparagraph (1), subparagraph subdivisions~~  
75 26 ~~(a) through (5) (e)~~ (e) is provided, additional assistance not  
75 27 described in ~~subparagraphs subparagraph (1), subparagraph~~  
75 28 ~~subdivisions (a) through (5) (e)~~ may also be provided.

75 29 Sec. 136. Section 16A.10, subsection 2, Code 2007, is  
75 30 amended to read as follows:

75 31 2. a. The authority or any trustee appointed under the  
75 32 indenture under which the obligations are issued may, and upon  
75 33 written request of the holders of twenty-five percent in  
75 34 aggregate principal amount of the issue of obligations then  
75 35 outstanding shall:

76 1 ~~a-~~ (1) Enforce all rights of the holders of the  
76 2 obligations, including the right to require the authority to  
76 3 carry out its agreements with the holders and to perform its  
76 4 duties under this chapter.  
76 5 ~~b-~~ (2) Bring suit upon the obligations.  
76 6 ~~c-~~ (3) By action require the authority to account as if  
76 7 it were the trustee of an express trust for the holders.  
76 8 ~~d-~~ (4) By action enjoin any acts or things which are  
76 9 unlawful or in violation of the rights of the holders.  
76 10 ~~e-~~ (5) Declare all the obligations due and payable and if  
76 11 all defaults are made good then with the consent of the  
76 12 holders of twenty-five percent of the aggregate principal  
76 13 amount of the issue of obligations then outstanding, annul the  
76 14 declaration and its consequences.

76 15 b. The holders of obligations, to the extent provided in  
76 16 the resolution by which the obligations were issued or in  
76 17 their agreement with the authority, may enforce any of the  
76 18 remedies in ~~paragraphs paragraph "a", subparagraphs (1) to "e"~~  
76 19 (5) or the remedies provided in those agreements for and on  
76 20 their own behalf.

76 21 Sec. 137. Section 17A.1, subsection 2, Code 2007, is  
76 22 amended to read as follows:

76 23 2. This chapter is intended to provide a minimum  
76 24 procedural code for the operation of all state agencies when  
76 25 they take action affecting the rights and duties of the  
76 26 public. Nothing in this chapter is meant to discourage  
76 27 agencies from adopting procedures providing greater  
76 28 protections to the public or conferring additional rights upon  
76 29 the public; and save for express provisions of this chapter to  
76 30 the contrary, nothing in this chapter is meant to abrogate in  
76 31 whole or in part any statute prescribing procedural duties for  
76 32 an agency which are greater than or in addition to those  
76 33 provided here. This chapter is meant to apply to all  
76 34 rulemaking and contested case proceedings and all suits for  
76 35 the judicial review of agency action that are not specifically  
77 1 excluded from this chapter or some portion thereof by its  
77 2 express terms or by the express terms of another chapter.

77 3 3. The purposes of this chapter are: To provide  
77 4 legislative oversight of powers and duties delegated to  
77 5 administrative agencies; to increase public accountability of  
77 6 administrative agencies; to simplify government by assuring a  
77 7 uniform minimum procedure to which all agencies will be held  
77 8 in the conduct of their most important functions; to increase  
77 9 public access to governmental information; to increase public  
77 10 participation in the formulation of administrative rules; to  
77 11 increase the fairness of agencies in their conduct of  
77 12 contested case proceedings; and to simplify the process of  
77 13 judicial review of agency action as well as increase its ease  
77 14 and availability.

77 15 4. In accomplishing its objectives, the intention of this  
77 16 chapter is to strike a fair balance between these purposes and  
77 17 the need for efficient, economical and effective government  
77 18 administration. The chapter is not meant to alter the  
77 19 substantive rights of any person or agency. Its impact is  
77 20 limited to procedural rights with the expectation that better  
77 21 substantive results will be achieved in the everyday conduct  
77 22 of state government by improving the process by which those  
77 23 results are attained.

77 24 Sec. 138. Section 17A.7, subsection 2, Code 2007, is  
77 25 amended to read as follows:

77 26 2. a. Any interested person, association, agency, or  
77 27 political subdivision may submit a written request to the  
77 28 administrative rules coordinator for an agency to conduct a  
77 29 formal review of a specified rule of that agency to determine  
77 30 whether the rule should be repealed or amended or a new rule  
77 31 adopted instead. The administrative rules coordinator shall  
77 32 determine whether the request is reasonable and does not place  
77 33 an unreasonable burden upon the agency.

77 34 b. If the agency has not conducted such a review of the  
77 35 specified rule within a period of five years prior to the  
78 1 filing of the written request, and upon a determination by the  
78 2 administrative rules coordinator that the request is  
78 3 reasonable and does not place an unreasonable burden upon the  
78 4 agency, the agency shall prepare within a reasonable time a  
78 5 written report with respect to the rule summarizing the  
78 6 agency's findings, its supporting reasons, and any proposed  
78 7 course of action. The report must include, for the specified  
78 8 rule, a concise statement of all of the following:

78 9 a. (1) The rule's effectiveness in achieving its  
78 10 objectives, including a summary of any available data  
78 11 supporting the conclusions reached.

78 12 b. (2) Written criticisms of the rule received during the  
78 13 previous five years, including a summary of any petitions for  
78 14 waiver of the rule tendered to the agency or granted by the  
78 15 agency.

78 16 c. (3) Alternative solutions regarding the subject matter  
78 17 of the criticisms and the reasons they were rejected or the  
78 18 changes made in the rule in response to those criticisms and  
78 19 the reasons for the changes.

78 20 c. A copy of the report shall be sent to the  
78 21 administrative rules review committee and the administrative  
78 22 rules coordinator and shall be made available for public  
78 23 inspection.

78 24 Sec. 139. Section 23A.2, subsection 10, paragraph 1,  
78 25 subparagraph (2), subparagraph subdivision (c), Code 2007, is  
78 26 amended to read as follows:

78 27 (c) A resident who cannot be placed in a community  
78 28 placement plan with a community-based provider of services may  
78 29 be placed by the state resource center in an on-campus or  
78 30 off-campus vocational or employment training program.

78 31 (i) However, prior to placing a resident in an on-campus

78 32 vocational or employment training program, the state resource  
78 33 center shall seek an off-campus vocational or employment  
78 34 training program offered by a community-based provider who  
78 35 serves the county in which the state resource center is based  
79 1 or the counties contiguous to the county, provided that the  
79 2 resident will not be required to travel for more than thirty  
79 3 minutes one way to obtain services.

79 4 (ii) If off-campus services cannot be provided by a  
79 5 community-based provider, the state resource center shall  
79 6 offer the resident an on-campus vocational or employment  
79 7 training program. The on-campus program shall be operated in  
79 8 compliance with the federal Fair Labor Standards Act. At  
79 9 least semiannually, the state resource center shall seek an  
79 10 off-campus community-based vocational or employment training  
79 11 option for each resident placed in an on-campus program.

79 12 (iii) The state resource center shall not place a resident  
79 13 in an off-campus program in which the cost to the state  
79 14 resource center would be in excess of the provider's actual  
79 15 cost as determined by purchase of service rules or if the  
79 16 service would not be reimbursed under the medical assistance  
79 17 program.

79 18 Sec. 140. Section 24.48, Code 2007, is amended to read as  
79 19 follows:

79 20 24.48 APPEAL TO STATE BOARD FOR SUSPENSION OF LIMITATIONS.

79 21 1. If the property tax valuations effective January 1,  
79 22 1979 and January 1 of any subsequent year, are reduced or  
79 23 there is an unusually low growth rate in the property tax base  
79 24 of a political subdivision, the political subdivision may  
79 25 appeal to the state appeal board to request suspension of the  
79 26 statutory property tax levy limitations to continue to fund  
79 27 the present services provided. A political subdivision may  
79 28 also appeal to the state appeal board where the property tax  
79 29 base of the political subdivision has been reduced or there is  
79 30 an unusually low growth rate for any of the following reasons:

79 31 ~~1-~~ a. Any unusual increase in population as determined by  
79 32 the preceding certified federal census.

79 33 ~~2-~~ b. Natural disasters or other emergencies.

79 34 ~~3-~~ c. Unusual problems relating to major new functions  
79 35 required by state law.

80 1 ~~4-~~ d. Unusual staffing problems.

80 2 ~~5-~~ e. Unusual need for additional funds to permit  
80 3 continuance of a program which provides substantial benefit to  
80 4 its residents.

80 5 ~~6-~~ f. Unusual need for a new program which will provide  
80 6 substantial benefit to residents, if the political subdivision  
80 7 establishes the need and the amount of the necessary increased  
80 8 cost.

80 9 2. The state appeal board may approve or modify the  
80 10 request of the political subdivision for suspension of the  
80 11 statutory property tax levy limitations.

80 12 3. Upon decision of the state appeal board, the department  
80 13 of management shall make the necessary changes in the total  
80 14 budget of the political subdivision and certify the total  
80 15 budget to the governing body of the political subdivision and  
80 16 the appropriate county auditors.

80 17 4. a. The city finance committee shall have officially  
80 18 notified any city of its approval, modification or rejection  
80 19 of the city's appeal of the decision of the director of the  
80 20 department of management regarding a city's request for a  
80 21 suspension of the statutory property tax levy limitation prior  
80 22 to thirty-five days before March 15.

80 23 b. The state appeals board shall have officially notified  
80 24 any county of its approval, modification or rejection of the  
80 25 county's request for a suspension of the statutory property  
80 26 tax levy limitation prior to thirty-five days before March 15.

80 27 5. a. For purposes of this section only, "political  
80 28 subdivision" means a city, school district, or any other  
80 29 special purpose district which certifies its budget to the  
80 30 county auditor and derives funds from a property tax levied  
80 31 against taxable property situated within the political  
80 32 subdivision.

80 33 b. For the purpose of this section, when the political  
80 34 subdivision is a city, the director of the department of  
80 35 management, and the city finance committee on appeal of the  
81 1 director's decision, shall be the state appeal board.

81 2 Sec. 141. Section 28A.18, subsections 1, 2, and 4, Code  
81 3 2007, are amended to read as follows:

81 4 1. a. The bonds issued by the board pursuant to this  
81 5 division shall be authorized by resolution of the board and  
81 6 shall be either term or serial bonds, shall bear the date,  
81 7 mature at the time, not exceeding forty years from their

81 8 respective dates, bear interest at the rate, not exceeding the  
81 9 rate permitted under chapter 74A or the rate authorized by  
81 10 another state within the greater metropolitan area, whichever  
81 11 rate is lower, payable monthly or semiannually, be in the  
81 12 denominations, be in the form, either coupon or fully  
81 13 registered, shall carry the registration, exchangeability and  
81 14 interchangeability privileges, be payable in the medium of  
81 15 payment and at the place, within or without the state, be  
81 16 subject to the terms of redemption and be entitled to the  
81 17 priorities on the revenues, rates, fees, rentals, or other  
81 18 charges or receipts of the authority as the resolution may  
81 19 provide. The bonds shall be executed either by manual or  
81 20 facsimile signature by the officers as the authority shall  
81 21 determine, provided that the bonds shall bear at least one  
81 22 signature which is manually executed on the bond, and the  
81 23 coupons attached to the bonds shall bear the facsimile  
81 24 signature of the officer as designated by the authority and  
81 25 the bonds shall have the seal of the authority, affixed,  
81 26 imprinted, reproduced, or lithographed on the bond, all as may  
81 27 be prescribed in a resolution.

81 28 b. The bonds shall be sold at public sale or private sale  
81 29 at the price as the authority shall determine to be in the  
81 30 best interests of the authority provided that the bonds shall  
81 31 not be sold at less than ninety-eight percent of the par value  
81 32 of the bond, plus accrued interest and provided that the net  
81 33 interest cost shall not exceed that permitted by applicable  
81 34 state law. Pending the preparation of definitive bonds,  
81 35 interim certificates or temporary bonds may be issued to the  
82 1 purchaser of the bonds, and may contain the terms and  
82 2 conditions as the board may determine.

82 3 2. a. The board, after the issuance of bonds, may borrow  
82 4 moneys for the purposes for which the bonds are to be issued  
82 5 in anticipation of the receipt of the proceeds of the sale of  
82 6 the bonds and within the authorized maximum amount of the bond  
82 7 issue. Any loan shall be paid within three years after the  
82 8 date of the initial loan. Bond anticipation notes shall be  
82 9 issued for all moneys so borrowed under this section, and the  
82 10 notes may be renewed, but all the renewal notes shall mature  
82 11 within the time above limited for the payment of the initial  
82 12 loan. The notes shall be authorized by resolution of the  
82 13 board and shall be in the denominations, shall bear interest  
82 14 at the rate not exceeding the maximum rate permitted by the  
82 15 resolution authorizing the issuance of the bonds, shall be in  
82 16 the form and shall be executed in the manner, all as the  
82 17 authority prescribes.

82 18 b. The notes shall be sold at public or private sale or,  
82 19 if the notes are renewal notes, they may be exchanged for  
82 20 notes outstanding on the terms as the board determines. The  
82 21 board may retire any notes from the revenues derived from its  
82 22 metropolitan facilities or from other moneys of the authority  
82 23 which are lawfully available or from a combination of revenues  
82 24 and other available moneys, in lieu of retiring them by means  
82 25 of bond proceeds. However, before the retirement of the notes  
82 26 by any means other than the issuance of bonds, the board shall  
82 27 amend or repeal the resolution authorizing the issuance of the  
82 28 bonds, in anticipation of the proceeds of the sale of the  
82 29 notes, so as to reduce the authorized amount of the bond issue  
82 30 by the amount of the notes so retired. The amendatory or  
82 31 repealing resolution shall take effect upon its passage.

82 32 4. The board of the authority may enter into any deeds of  
82 33 trust, mortgages, indentures, or other agreements, with any  
82 34 bank or trust company or any other lender within or without  
82 35 the state as security for the bonds, and may assign and pledge  
83 1 all or any of the revenues, rates, fees, rentals, or other  
83 2 charges or receipts of the authority. The deeds of trust,  
83 3 mortgages, indentures, or other agreements may contain the  
83 4 provisions as may be customary in the instruments, or, as the  
83 5 board may authorize, including, but without limitation,  
83 6 provisions as to:

83 7 a. The construction, improvement, operation, leasing,  
83 8 maintenance, and repair of the metropolitan facilities and  
83 9 duties of the board with reference to the facilities.

83 10 b. The application of funds and the safeguarding and  
83 11 investment of funds on hand or on deposit.

83 12 c. The appointment of consulting engineers or architects  
83 13 and approval by the holders of the bonds.

83 14 d. The rights and remedies of the trustee and the holders  
83 15 of the bonds.

83 16 e. The terms and provisions of the bonds or the resolution  
83 17 authorizing the issuance of the bonds.

83 18 5. Any of the bonds issued pursuant to this section are

83 19 negotiable instruments, and have all the qualities and  
83 20 incidents of negotiable instruments and are exempt from state  
83 21 taxation.

83 22 Sec. 142. Section 28E.17, subsection 3, Code 2007, is  
83 23 amended to read as follows:

83 24 3. a. A city which is a party to a joint transit agency  
83 25 may issue general corporate purpose bonds for the support of a  
83 26 capital program for the joint agency in the following manner:

83 27 ~~a.~~ (1) The council shall give notice and conduct a  
83 28 hearing on the proposal in the manner set forth in section  
83 29 384.25. However, the notice must be published at least ten  
83 30 days prior to the hearing, and if a petition valid under  
83 31 section 362.4 is filed with the clerk of the city prior to the  
83 32 hearing, asking that the question of issuing the bonds be  
83 33 submitted to the registered voters of the city, the council  
83 34 shall either by resolution declare the proposal abandoned or  
83 35 shall direct the county commissioner of elections to call a  
84 1 special election to vote upon the question of issuing the  
84 2 bonds. Notice of the election and its conduct shall be in the  
84 3 manner provided in section 384.26.

84 4 ~~b.~~ (2) If no petition is filed, or if a petition is filed  
84 5 and the proposition of issuing bonds is approved at the  
84 6 election, the council may proceed with the authorization and  
84 7 issuance of the bonds.

84 8 b. An agreement may provide for full or partial payment  
84 9 from transit revenues to the cities for meeting debt service  
84 10 on such bonds.

84 11 c. This subsection shall be construed as granting  
84 12 additional power without limiting the power already existing  
84 13 in cities, and as providing an alternative independent method  
84 14 for the carrying out of any project for the issuance and sale  
84 15 of bonds for the financing of a city's share of a capital  
84 16 expenditures project of a joint transit agency, and no further  
84 17 proceedings with respect to the authorization of the bonds  
84 18 shall be required.

84 19 Sec. 143. Section 28E.22, Code 2007, is amended to read as  
84 20 follows:

84 21 28E.22 REFERENDUM FOR TAX.

84 22 1. The board of supervisors, or the city councils of a  
84 23 district composed only of cities, may, and upon receipt of a  
84 24 petition signed by eligible electors residing in the district  
84 25 equal in number to at least five percent of the registered  
84 26 voters in the district shall, submit a proposition to the  
84 27 electorate residing in the district at any general election or  
84 28 at a special election held throughout the district. The  
84 29 proposition shall provide for the establishment of a public  
84 30 safety fund and the levy of a tax on taxable property located  
84 31 in the district at rates not exceeding the rates specified in  
84 32 this section for the purpose of providing additional moneys  
84 33 for the operation of the district.

84 34 2. The ballot for the election shall be prepared in  
84 35 substantially the form for submitting special questions at  
85 1 general elections and the form of the proposition shall be  
85 2 substantially as follows:  
85 3 ~~Shall~~ Shall an annual levy, the amount of which will not  
85 4 exceed a rate of one dollar and fifty cents per thousand  
85 5 dollars of assessed value of the taxable property in the  
85 6 unified law enforcement district be authorized for providing  
85 7 additional moneys needed for unified law enforcement services  
85 8 in the district?

85 9 Yes      No      "

85 10 3. If a majority of the registered voters in each city and  
85 11 the unincorporated area of the county voting on the  
85 12 proposition approve the proposition, the county board of  
85 13 supervisors for unincorporated area and city councils for  
85 14 cities are authorized to levy the tax as provided in section  
85 15 28E.23.

85 16 4. Such moneys collected pursuant to the tax levy shall be  
85 17 expended only for providing additional moneys needed for  
85 18 unified law enforcement services in the district and shall be  
85 19 in addition to the revenues raised in the county and cities in  
85 20 the district from their general funds which are based upon an  
85 21 average of revenues raised for law enforcement purposes by the  
85 22 county or city for the three previous years. The amount of  
85 23 revenues raised for law enforcement purposes by the county for  
85 24 the three previous years shall be computed separately for the  
85 25 unincorporated portion of the district and for each city in  
85 26 the district.

85 27 Sec. 144. Section 29B.117, Code 2007, is amended to read  
85 28 as follows:

85 29 29B.117 COURTS OF INQUIRY.

85 30 1. a. Courts of inquiry to investigate any matter may be  
85 31 convened by the adjutant general, the governor, or by any  
85 32 other person designated by the adjutant general or authorized  
85 33 to convene a general court-martial for that purpose, whether  
85 34 or not the persons involved have requested the inquiry.

85 35 b. A court of inquiry consists of three or more  
86 1 commissioned officers. For each court of inquiry the  
86 2 convening authority shall also appoint counsel for the court.

86 3 2. Any person subject to this code whose conduct is  
86 4 subject to inquiry shall be designated as a party. Any person  
86 5 subject to this code who has a direct interest in the subject  
86 6 of inquiry has the right to be designated as a party upon  
86 7 request to the court. Any person designated as a party shall  
86 8 be given due notice and has the right to be present, to be  
86 9 represented by counsel, to cross-examine witnesses, and to  
86 10 introduce evidence.

86 11 3. a. Members of a court of inquiry may be challenged by  
86 12 a party, but only for cause stated to the court.

86 13 b. The members, counsel, the reporter, and interpreters of  
86 14 courts of inquiry shall take an oath or affirmation to  
86 15 faithfully perform their duties.

86 16 c. Witnesses may be summoned to appear and testify and be  
86 17 examined before courts of inquiry, as provided for  
86 18 courts-martial.

86 19 d. Courts of inquiry shall make findings of fact but may  
86 20 not express opinions or make recommendations unless required  
86 21 to do so by the convening authority.

86 22 e. Each court of inquiry shall keep a record of its  
86 23 proceedings, which shall be authenticated by the signatures of  
86 24 the president and counsel for the court and forwarded to the  
86 25 convening authority. If the record cannot be authenticated by  
86 26 the president, it shall be signed by a member in lieu of the  
86 27 president. If the record cannot be authenticated by the  
86 28 counsel for the court, it shall be signed by a member in lieu  
86 29 of the counsel.

86 30 Sec. 145. Section 34A.3, subsection 3, Code 2007, is  
86 31 amended to read as follows:

86 32 3. CHAPTER 28E AGREEMENT == ALTERNATIVE TO JOINT E911  
86 33 SERVICE BOARD.

86 34 a. A legal entity created pursuant to chapter 28E by a  
86 35 county or counties, other political divisions, and public or  
87 1 private agencies to jointly plan, implement, and operate a  
87 2 countywide, or larger, enhanced 911 service system may be  
87 3 substituted for the joint E911 service board required under  
87 4 subsection 1. An alternative legal entity created pursuant to  
87 5 chapter 28E as a substitute for a joint E911 service board, as  
87 6 permitted by this subsection, may be created by either:

~~87 7 An alternative legal entity created pursuant to chapter 28E  
87 8 as a substitute for a joint E911 service board, as permitted  
87 9 by this subsection, may be created by either:~~

87 10 a. (1) Agreement of the parties entitled to voting  
87 11 membership on a joint E911 service board.

87 12 b. (2) Agreement of the members of a joint E911 service  
87 13 board.

87 14 b. An alternative chapter 28E entity has all of the powers  
87 15 of a joint E911 service board and any additional powers  
87 16 granted by the agreement. As used in this chapter, "joint  
87 17 E911 service board" includes an alternative chapter 28E entity  
87 18 created for that purpose, except as specifically limited by  
87 19 the chapter 28E agreement or unless clearly provided otherwise  
87 20 in this chapter. A chapter 28E agreement related to E911  
87 21 service shall permit the participation of a private safety  
87 22 agency or other persons allowed to participate in a joint E911  
87 23 service board, but the terms, scope, and conditions of  
87 24 participation are subject to the chapter 28E agreement.

87 25 Sec. 146. Section 34A.6, subsections 1 and 2, Code 2007,  
87 26 are amended to read as follows:

87 27 1. Before a joint E911 service board may request  
87 28 imposition of the surcharge by the program manager, the board  
87 29 shall submit the following question to voters, as provided in  
87 30 subsection 2, in the proposed E911 service area, and the  
87 31 question shall receive a favorable vote from a simple majority  
87 32 of persons submitting valid ballots on the following question  
87 33 within the proposed E911 service area:

87 34 ~~Shall~~ Shall the following public YES \_\_\_\_  
87 35 measure be adopted? NO \_\_\_\_

88 1 Enhanced 911 emergency telephone service shall be funded,  
88 2 in whole or in part, by a monthly surcharge of (an amount  
88 3 determined by the local joint E911 service board of up to one  
88 4 dollar) on each telephone access line collected as part of  
88 5 each telephone subscriber's monthly phone bill if provided

88 6 within (description of the proposed E911 service area)."

88 7 2. The referendum required as a condition of the surcharge

88 8 imposition in subsection 1 shall be conducted using the

88 9 following electoral mechanism:

88 10 a. At the request of the joint E911 service board a county

88 11 commissioner of elections shall include the question on the

88 12 next eligible general election ballot in each electoral

88 13 precinct to be served, in whole or in part, by the proposed

88 14 E911 service area, provided the request is timely submitted to

88 15 permit inclusion.

88 16 b. The question may be included in the next election in

88 17 which all of the voters in the proposed E911 service area will

88 18 be eligible to vote on the same day.

88 19 c. The county commissioner of elections shall report the

88 20 results to the joint E911 service board.

88 21 d. The joint E911 service board shall compile the results

88 22 if subscribers from more than one county are included within

88 23 the proposed service area. The joint E911 service board shall

88 24 announce whether a simple majority of the compiled votes

88 25 reported by the commissioner approved the referendum question.

88 26 Sec. 147. Section 47.6, subsection 1, Code 2007, is

88 27 amended to read as follows:

88 28 1. a. (1) The governing body of any political

88 29 subdivision which has authorized a special election to which

88 30 section 39.2 is applicable shall by written notice inform the

88 31 commissioner who will be responsible for conducting the

88 32 election of the proposed date of the special election.

88 33 (a) If a public measure will appear on the ballot at the

88 34 special election the governing body shall submit the complete

88 35 text of the public measure to the commissioner with the notice

89 1 of the proposed date of the special election.

89 2 (b) If the proposed date of the special election coincides

89 3 with the date of a regularly scheduled election or previously

89 4 scheduled special election, the notice shall be given no later

89 5 than five p.m. on the last day on which nomination papers may

89 6 be filed with the commissioner for the regularly scheduled

89 7 election or previously scheduled special election, but in no

89 8 case shall notice be less than thirty-two days before the

89 9 election. Otherwise, the notice shall be given at least

89 10 thirty-two days in advance of the date of the proposed special

89 11 election.

89 12 (2) Upon receiving the notice, the commissioner shall

89 13 promptly give written approval of the proposed date unless it

89 14 appears that the special election, if held on that date, would

89 15 conflict with a regular election or with another special

89 16 election previously scheduled for that date.

89 17 b. A public measure shall not be withdrawn from the ballot

89 18 at any election if the public measure was placed on the ballot

89 19 by a petition, or if the election is a special election called

89 20 specifically for the purpose of deciding one or more public

89 21 measures for a single political subdivision. However, a

89 22 public measure which was submitted to the county commissioner

89 23 of elections by the governing body of a political subdivision

89 24 may be withdrawn by the governing body which submitted the

89 25 public measure if the public measure was to be placed on the

89 26 ballot of a regularly scheduled election. The notice of

89 27 withdrawal must be made by resolution of the governing body

89 28 and must be filed with the commissioner no later than the last

89 29 day upon which a candidate may withdraw from the ballot.

89 30 Sec. 148. Section 47.8, subsections 1 and 3, Code 2007,

89 31 are amended to read as follows:

89 32 1. A state voter registration commission is established

89 33 which shall meet at least quarterly to make and review policy,

89 34 adopt rules, and establish procedures to be followed by the

89 35 registrar in discharging the duties of that office, and to

90 1 promote interagency cooperation and planning.

90 2 a. The commission shall consist of the state commissioner

90 3 of elections or the state commissioner's designee, the state

90 4 chairpersons of the two political parties whose candidates for

90 5 president of the United States or governor, as the case may

90 6 be, received the greatest and next greatest number of votes in

90 7 the most recent general election, or their respective

90 8 designees, and a county commissioner of registration appointed

90 9 by the president of the Iowa state association of county

90 10 auditors, or an employee of the commissioner.

90 11 b. The commission membership shall be balanced by

90 12 political party affiliation pursuant to section 69.16.

90 13 Members shall serve without additional salary or

90 14 reimbursement.

90 15 c. The state commissioner of elections, or the state

90 16 commissioner's designee, shall serve as chairperson of the

90 17 state voter registration commission.

90 18 3. a. The registrar shall provide staff services to the  
90 19 commission and shall make available to it all information  
90 20 relative to the activities of the registrar's office in  
90 21 connection with voter registration policy which may be  
90 22 requested by any commission member. The registrar shall also  
90 23 provide to the commission at no charge statistical reports for  
90 24 planning and analyzing voter registration services in the  
90 25 state.

90 26 b. The commission may authorize the registrar to employ  
90 27 such additional staff personnel as it deems necessary to  
90 28 permit the duties of the registrar's office to be adequately  
90 29 and promptly discharged. Such personnel shall be employed  
90 30 pursuant to chapter 8A, subchapter IV.

90 31 Sec. 149. Section 48A.27, subsection 4, paragraph c, Code  
90 32 2007, is amended to read as follows:

90 33 c. If the information provided by the vendor indicates  
90 34 that a registered voter has moved to an address outside the  
90 35 county, the commissioner shall make the registration record  
91 1 inactive, and shall mail a notice to the registered voter at  
91 2 both the former and new addresses.

91 3 (1) The notice shall be sent by forwardable mail, and  
91 4 shall include a postage paid preaddressed return card on which  
91 5 the registered voter may state the registered voter's current  
91 6 address.

91 7 (2) The notice shall contain a statement in substantially  
91 8 the following form:

91 9 PARAGRAPH DIVIDED. "Information received from the United  
91 10 States postal service indicates that you are no longer a  
91 11 resident of, and therefore not eligible to vote in (name of  
91 12 county) County, Iowa. If this information is not correct, and  
91 13 you still live in (name of county) County, please complete and  
91 14 mail the attached postage paid card at least ten days before  
91 15 the primary or general election and at least eleven days  
91 16 before any other election at which you wish to vote. If the  
91 17 information is correct and you have moved, please contact a  
91 18 local official in your new area for assistance in registering  
91 19 there. If you do not mail in the card, you may be required to  
91 20 show identification before being allowed to vote in (name of  
91 21 county) County. If you do not return the card, and you do not  
91 22 vote in an election in (name of county) County, Iowa, on or  
91 23 before (date of second general election following the date of  
91 24 the notice) your name will be removed from the list of voters  
91 25 in that county. To ensure you receive this notice, it is  
91 26 being sent to both your most recent registration address and  
91 27 to your new address as reported by the postal service."

91 28 Sec. 150. Section 48A.29, subsections 1 and 3, Code 2007,  
91 29 are amended to read as follows:

91 30 1. If a confirmation notice and return card sent pursuant  
91 31 to section 48A.28 is returned as undeliverable by the United  
91 32 States postal service, the commissioner shall make the  
91 33 registration record inactive and shall mail a notice to the  
91 34 registered voter at the registered voter's most recent mailing  
91 35 address, as shown by the registration records.

92 1 a. The notice shall be sent by forwardable mail, and shall  
92 2 include a postage paid preaddressed return card on which the  
92 3 registered voter may state the registered voter's current  
92 4 address.

92 5 b. The notice shall contain a statement in substantially  
92 6 the following form:

92 7 PARAGRAPH DIVIDED. "Information received from the United  
92 8 States postal service indicates that you are no longer a  
92 9 resident of (residence address) in (name of county) County,  
92 10 Iowa. If this information is not correct, and you still live  
92 11 in (name of county) County, please complete and mail the  
92 12 attached postage paid card at least ten days before the  
92 13 primary or general election and at least eleven days before  
92 14 any other election at which you wish to vote. If the  
92 15 information is correct, and you have moved, please contact a  
92 16 local official in your new area for assistance in registering  
92 17 there. If you do not mail in the card, you may be required to  
92 18 show identification before being allowed to vote in (name of  
92 19 county) County. If you do not return the card, and you do not  
92 20 vote in some election in (name of county) County, Iowa, on or  
92 21 before (date of second general election following the date of  
92 22 the notice) your name will be removed from the list of voters  
92 23 in that county."

92 24 3. When a detachable return card originally attached to a  
92 25 confirmation notice is returned by anyone other than the  
92 26 registered voter indicating that the registered voter is no  
92 27 longer a resident of the registration address, the



92 28 commissioner shall make the registration record inactive, and  
92 29 shall mail a notice to the registered voter at the registered  
92 30 voter's most recent mailing address, as shown by the  
92 31 registration records.

92 32 a. The notice shall be sent by forwardable mail, and shall  
92 33 include a postage paid preaddressed return card on which the  
92 34 registered voter may state the registered voter's current  
92 35 address.

93 1 b. The notice shall contain a statement in substantially  
93 2 the following form:

93 3 PARAGRAPH DIVIDED. "Information received by this office  
93 4 indicates that you are no longer a resident of (residence  
93 5 address) in (name of county) County, Iowa. If the information  
93 6 is not correct, and you still live at that address, please  
93 7 complete and mail the attached postage paid card at least ten  
93 8 days before the primary or general election and at least  
93 9 eleven days before any other election at which you wish to  
93 10 vote. If the information is correct, and you have moved  
93 11 within the county, you may update your registration by listing  
93 12 your new address on the card and mailing it back. If you have  
93 13 moved outside the county, please contact a local official in  
93 14 your new area for assistance in registering there. If you do  
93 15 not mail in the card, you may be required to show  
93 16 identification before being allowed to vote in (name of  
93 17 county) County. If you do not return the card, and you do not  
93 18 vote in some election in (name of county) County, Iowa, on or  
93 19 before (date of second general election following the date of  
93 20 the notice) your name will be removed from the list of  
93 21 registered voters in that county."

93 22 Sec. 151. Section 49.11, Code 2007, is amended to read as  
93 23 follows:

93 24 49.11 NOTICE OF BOUNDARIES OF PRECINCTS == MERGER OR  
93 25 DIVISION.

93 26 1. The board of supervisors or the temporary county  
93 27 redistricting commission or city council shall number or name  
93 28 the precincts established by the supervisors or council  
93 29 pursuant to sections 49.3, 49.4, and 49.5. The boundaries of  
93 30 the precincts shall be recorded in the records of the board of  
93 31 supervisors, temporary county redistricting commission, or  
93 32 city council, as the case may be.

93 33 2. The board of supervisors or city council shall publish  
93 34 notice of changes in the county or city precinct boundaries in  
93 35 a newspaper of general circulation published in the county or  
94 1 city once each week for three consecutive weeks. The series  
94 2 of publications shall be made after the changes in the  
94 3 precincts have been approved by the state commissioner of  
94 4 elections. The last of the three publications shall be made  
94 5 no later than thirty days before the next general election. A  
94 6 map showing the new boundaries may be used. No publication is  
94 7 necessary if no changes were made.

94 8 3. The precincts established pursuant to section 49.7  
94 9 shall not be changed except in the manner provided by law.  
94 10 However, for any election other than the primary or general  
94 11 election or any special election held under section 69.14, the  
94 12 county commissioner of elections may:

94 13 ~~1-~~ a. Consolidate two or more precincts into one.  
94 14 (1) However, the commissioner shall not do so if there is  
94 15 filed with the commissioner at least twenty days before the  
94 16 election a petition signed by twenty-five or more eligible  
94 17 electors of any precinct requesting that it not be merged with  
94 18 any other precinct. There shall be attached to the petition  
94 19 the affidavit of an eligible elector of the precinct that the  
94 20 signatures on the petition are genuine and that all of the  
94 21 signers are to the best of the affiant's knowledge and belief  
94 22 eligible electors of the precinct.

94 23 (2) If a special election is to be held in which only  
94 24 those registered voters residing in a specified portion of any  
94 25 established precinct are entitled to vote, that portion of the  
94 26 precinct may be merged by the commissioner with one or more  
94 27 other established precincts or portions of established  
94 28 precincts for the special election, and the right to petition  
94 29 against merger of a precinct shall not apply.

94 30 ~~2-~~ b. Divide any precinct permanently established under  
94 31 this section which contains all or any parts of two or more  
94 32 mutually exclusive political subdivisions, either or both of  
94 33 which is independently electing one or more officers or voting  
94 34 on one or more questions on the same date, into two or more  
94 35 temporary precincts and designate a polling place for each.

95 1 ~~3-~~ c. Notwithstanding the provisions of the first  
95 2 unnumbered paragraph of this section subsection 1 the  
95 3 commissioner may consolidate precincts for any election

95 4 including a primary and general election under any of the  
95 5 following circumstances:

95 6 a- (1) One of the precincts involved consists entirely of  
95 7 dormitories that are closed at the time the election is held.  
95 8 b- (2) The consolidated precincts, if established as a  
95 9 permanent precinct, would meet all requirements of section  
95 10 49.3, and a combined total of no more than three hundred fifty  
95 11 voters voted in the consolidated precincts at the last  
95 12 preceding similar election.

95 13 c- (3) The city council of a special charter city with a  
95 14 population of three thousand five hundred or less which is  
95 15 divided into council wards requests the commissioner to  
95 16 consolidate two or more precincts for any election.

95 17 Sec. 152. Section 49.31, subsections 1 and 2, Code 2007,  
95 18 are amended to read as follows:

95 19 1. a. All ballots shall be arranged with the names of  
95 20 candidates for each office listed below the office title. For  
95 21 partisan elections the name of the political party or  
95 22 organization which nominated each candidate shall be listed  
95 23 after or below each candidate's name.

95 24 b. The commissioner shall determine the order of political  
95 25 parties and nonparty political organizations on the ballot.  
95 26 The sequence shall be the same for each office on the ballot  
95 27 and for each precinct in the county voting in the election.

95 28 2. a. The commissioner shall prepare a list of the  
95 29 election precincts of the county, by arranging the various  
95 30 townships and cities in the county in alphabetical order, and  
95 31 the wards or precincts in each city or township in numerical  
95 32 order under the name of such city or township.

95 33 b. The commissioner shall then arrange the surnames of  
95 34 each political party's candidates for each office to which two  
95 35 or more persons are to be elected at large alphabetically for  
96 1 the respective offices for the first precinct on the list;  
96 2 thereafter, for each political party and for each succeeding  
96 3 precinct, the names appearing first for the respective offices  
96 4 in the last preceding precinct shall be placed last, so that  
96 5 the names that were second before the change shall be first  
96 6 after the change. The commissioner may also rotate the names  
96 7 of candidates of a political party in the reverse order of  
96 8 that provided in this subsection or alternate the rotation so  
96 9 that the candidates of different parties shall not be paired  
96 10 as they proceed through the rotation. The procedure for  
96 11 arrangement of names on ballots provided in this section shall  
96 12 likewise be substantially followed in elections in political  
96 13 subdivisions of less than a county.

96 14 c. On the general election ballot the names of candidates  
96 15 for the nonpartisan offices listed in section 39.21 shall be  
96 16 arranged by drawing lots for position. The commissioner shall  
96 17 hold the drawing on the first business day following the  
96 18 deadline for filing of nomination certificates or petitions  
96 19 with the commissioner for the general election pursuant to  
96 20 section 44.4. If a candidate withdraws, dies, or is removed  
96 21 from the ballot after the ballot position of names has been  
96 22 determined, such candidate's name shall be removed from the  
96 23 ballot, and the order of the remaining names shall not be  
96 24 changed.

96 25 Sec. 153. Section 49.37, subsection 1, Code 2007, is  
96 26 amended to read as follows:

96 27 1. For general elections, and for other elections in which  
96 28 more than one partisan office will be filled, the first  
96 29 section of the ballot shall be for straight party voting.

96 30 a. Each political party or organization which has  
96 31 nominated candidates for more than one office shall be listed.  
96 32 Instructions to the voter for straight party or organization  
96 33 voting shall be in substantially the following form:

96 34 PARAGRAPH DIVIDED. "To vote for all candidates from a  
96 35 single party or organization, mark the voting target next to  
97 1 the party or organization name. Not all parties or  
97 2 organizations have nominated candidates for all offices.  
97 3 Marking a straight party or organization vote does not include  
97 4 votes for nonpartisan offices, judges, or questions."

97 5 b. Political parties and nonparty political organizations  
97 6 which have nominated candidates for only one office shall be  
97 7 listed below the other political organizations under the  
97 8 following heading:

97 9 PARAGRAPH DIVIDED. "Other Political Organizations. The  
97 10 following organizations have nominated candidates for only one  
97 11 office:"

97 12 c. Offices shall be arranged in groups. Partisan offices,  
97 13 nonpartisan offices, judges, and public measures shall be  
97 14 separated by a distinct line appearing on the ballot.

97 15 Sec. 154. Section 49.77, subsections 1 and 3, Code  
97 16 Supplement 2007, are amended to read as follows:  
97 17 1. The board members of their respective precincts shall  
97 18 have charge of the ballots and furnish them to the voters.  
97 19 a. Any person desiring to vote shall sign a voter's  
97 20 declaration provided by the officials, in substantially the  
97 21 following form:

VOTER'S DECLARATION OF ELIGIBILITY

97 23 I do solemnly swear or affirm that I am a resident of the  
97 24 .... precinct, .... ward or township, city of ....., county  
97 25 of ....., Iowa.

97 26 I am a registered voter. I have not voted and will not  
97 27 vote in any other precinct in said election.

97 28 I understand that any false statement in this declaration  
97 29 is a criminal offense punishable as provided by law.

97 30 .....  
97 31 Signature of Voter  
97 32 .....  
97 33 Address  
97 34 .....  
97 35 Telephone

98 1 Approved:

98 2 .....  
98 3 Board Member

98 4 b. At the discretion of the commissioner, this declaration  
98 5 may be printed on each page of the election register and the  
98 6 voter shall sign the election register next to the voter's  
98 7 printed name. The voter's signature in the election register  
98 8 shall be considered the voter's signed declaration of  
98 9 eligibility affidavit. The state commissioner of elections  
98 10 shall prescribe by rule an alternate method for providing the  
98 11 information in subsection 2 for those counties where the  
98 12 declaration of eligibility is printed in the election  
98 13 register. The state voter registration system shall be  
98 14 designed to allow for the affidavit to be printed on each page  
98 15 of the election register and to allow sufficient space for the  
98 16 voter's signature.

98 17 3. a. A precinct election official shall require any  
98 18 person whose name does not appear on the election register as  
98 19 an active voter to show identification. Specific documents  
98 20 which are acceptable forms of identification shall be  
98 21 prescribed by the state commissioner.

98 22 b. A precinct election official may require of the voter  
98 23 unknown to the official, identification upon which the voter's  
98 24 signature or mark appears. If identification is established  
98 25 to the satisfaction of the precinct election officials, the  
98 26 person may then be allowed to vote.

98 27 Sec. 155. Section 50.48, subsections 1 through 4, Code  
98 28 Supplement 2007, are amended to read as follows:

98 29 1. a. The county board of canvassers shall order a  
98 30 recount of the votes cast for a particular office or  
98 31 nomination in one or more specified election precincts in that  
98 32 county if a written request therefor is made not later than  
98 33 ~~five o'clock~~ 5:00 p.m. on the third day following the county  
98 34 board's canvass of the election in question. The request  
98 35 shall be filed with the commissioner of that county, or with  
99 1 the commissioner responsible for conducting the election if  
99 2 section 47.2, subsection 2 is applicable, and shall be signed  
99 3 by either of the following:

99 4 a- (1) A candidate for that office or nomination whose  
99 5 name was printed on the ballot of the precinct or precincts  
99 6 where the recount is requested.

99 7 b- (2) Any other person who receives votes for that  
99 8 particular office or nomination in the precinct or precincts  
99 9 where the recount is requested and who is legally qualified to  
99 10 seek and to hold the office in question.

99 11 b. Immediately upon receipt of a request for a recount,  
99 12 the commissioner shall send a copy of the request to the  
99 13 apparent winner by certified mail. The commissioner shall  
99 14 also attempt to contact the apparent winner by telephone. If  
99 15 the apparent winner cannot be reached within four days, the  
99 16 chairperson of the political party or organization which  
99 17 nominated the apparent winner shall be contacted and shall act  
99 18 on behalf of the apparent winner, if necessary. For  
99 19 candidates for state or federal offices, the chairperson of  
99 20 the state party shall be contacted. For candidates for county  
99 21 offices, the county chairperson of the party shall be  
99 22 contacted.

99 23 2. a. The candidate requesting a recount under this  
99 24 section shall post a bond, unless the abstracts prepared  
99 25 pursuant to section 50.24, or section 43.49 in the case of a

99 26 primary election, indicate that the difference between the  
99 27 total number of votes cast for the apparent winner and the  
99 28 total number of votes cast for the candidate requesting the  
99 29 recount is less than the greater of fifty votes or one percent  
99 30 of the total number of votes cast for the office or nomination  
99 31 in question. If a recount is requested for an office to which  
99 32 more than one person was elected, the vote difference  
99 33 calculations shall be made using the difference between the  
99 34 number of votes received by the person requesting the recount  
99 35 and the number of votes received by the apparent winner who  
100 1 received the fewest votes. Where votes cast for that office  
100 2 or nomination were canvassed in more than one county, the  
100 3 abstracts prepared by the county boards in all of those  
100 4 counties shall be totaled for purposes of this subsection. If  
100 5 a bond is required, it shall be filed with the state  
100 6 commissioner for recounts involving a state office, including  
100 7 a seat in the general assembly, or a seat in the United States  
100 8 Congress, and with the commissioner responsible for conducting  
100 9 the election in all other cases, and shall be in the following  
100 10 amount:

- 100 11 a. (1) For an office filled by the electors of the entire  
100 12 state, one thousand dollars.
- 100 13 b. (2) For United States representative, five hundred  
100 14 dollars.
- 100 15 c. (3) For senator in the general assembly, three hundred  
100 16 dollars.
- 100 17 d. (4) For representative in the general assembly, one  
100 18 hundred fifty dollars.
- 100 19 e. (5) For an office filled by the electors of an entire  
100 20 county having a population of fifty thousand or more, two  
100 21 hundred dollars.
- 100 22 f. (6) For any elective office to which ~~paragraphs "a" to~~  
~~100 23 "e" of this subsection subparagraphs (1) to (5)~~ are not  
100 24 applicable, one hundred dollars.

100 25 b. After all recount proceedings for a particular office  
100 26 are completed and the official canvass of votes cast for that  
100 27 office is corrected or completed pursuant to subsections 5 and  
100 28 6, if necessary, any bond posted under this subsection shall  
100 29 be returned to the candidate who requested the recount if the  
100 30 apparent winner before the recount is not the winner as shown  
100 31 by the corrected or completed canvass. In all other cases,  
100 32 the bond shall be deposited in the general fund of the state  
100 33 if filed with the state commissioner or in the election fund  
100 34 of the county with whose commissioner it was filed.

100 35 3. a. The recount shall be conducted by a board which  
101 1 shall consist of:

- 101 2 a. (1) A designee of the candidate requesting the  
101 3 recount, who shall be named in the written request when it is  
101 4 filed.
- 101 5 b. (2) A designee of the apparent winning candidate, who  
101 6 shall be named by that candidate at or before the time the  
101 7 board is required to convene.
- 101 8 c. (3) A person chosen jointly by the members designated  
101 9 under ~~paragraphs "a" and "b" of this subsection subparagraphs~~  
~~101 10 (1) and (2)~~.

101 11 b. The commissioner shall convene the persons designated  
101 12 under ~~paragraphs paragraph "a" and "b" of this subsection,~~  
~~101 13 subparagraphs (1) and (2),~~ not later than ~~nine o'clock~~ 9:00  
101 14 a.m. on the seventh day following the county board's canvass  
101 15 of the election in question. If those two members cannot  
101 16 agree on the third member by ~~eight o'clock~~ 8:00 a.m. on the  
101 17 ninth day following the canvass, they shall immediately so  
101 18 notify the chief judge of the judicial district in which the  
101 19 canvass is occurring, who shall appoint the third member not  
101 20 later than ~~five o'clock~~ 5:00 p.m. on the eleventh day  
101 21 following the canvass.

101 22 4. a. When all members of the recount board have been  
101 23 selected, the board shall undertake and complete the required  
101 24 recount as expeditiously as reasonably possible. The  
101 25 commissioner or the commissioner's designee shall supervise  
101 26 the handling of ballots or voting machine documents to ensure  
101 27 that the ballots and other documents are protected from  
101 28 alteration or damage. The board shall open only the sealed  
101 29 ballot containers from the precincts specified to be recounted  
101 30 in the request or by the recount board. The board shall  
101 31 recount only the ballots which were voted and counted for the  
101 32 office in question, including any disputed ballots returned as  
101 33 required in section 50.5. If an electronic tabulating system  
101 34 was used to count the ballots, the recount board may request  
101 35 the commissioner to retabulate the ballots using the  
102 1 electronic tabulating system. The same program used for

102 2 tabulating the votes on election day shall be used at the  
102 3 recount unless the program is believed or known to be flawed.  
102 4 If a voting machine was used, the paper record required in  
102 5 section 52.7, subsection 2, shall be the official record used  
102 6 in the recount. However, if the commissioner believes or  
102 7 knows that the paper records produced from a machine have been  
102 8 compromised due to damage, mischief, malfunction, or other  
102 9 cause, the printed ballot images produced from the internal  
102 10 audit log for that machine shall be the official record used  
102 11 in the recount.

102 12 b. Any member of the recount board may at any time during  
102 13 the recount proceedings extend the recount of votes cast for  
102 14 the office or nomination in question to any other precinct or  
102 15 precincts in the same county, or from which the returns were  
102 16 reported to the commissioner responsible for conducting the  
102 17 election, without the necessity of posting additional bond.

102 18 c. The ballots or voting machine documents shall be  
102 19 resealed by the recount board before adjournment and shall be  
102 20 preserved as required by section 50.12. At the conclusion of  
102 21 the recount, the recount board shall make and file with the  
102 22 commissioner a written report of its findings, which shall be  
102 23 signed by at least two members of the recount board. The  
102 24 recount board shall complete the recount and file its report  
102 25 not later than the eighteenth day following the county board's  
102 26 canvass of the election in question.

102 27 Sec. 156. Section 50.49, Code 2007, is amended to read as  
102 28 follows:

102 29 50.49 RECOUNTS FOR PUBLIC MEASURES.

102 30 1. A recount for any public measure shall be ordered by  
102 31 the board of canvassers if a petition requesting a recount is  
102 32 filed with the county commissioner not later than three days  
102 33 after the completion of the canvass of votes for the election  
102 34 at which the question appeared on the ballot. The petition  
102 35 shall be signed by the greater of not less than ten eligible  
103 1 electors or a number of eligible electors equaling one percent  
103 2 of the total number of votes cast upon the public measure.  
103 3 Each petitioner must be a person who was entitled to vote on  
103 4 the public measure in question or would have been so entitled  
103 5 if registered to vote.

103 6 2. The recount shall be conducted by a board which shall  
103 7 consist of:

103 8 ~~1. a.~~ A designee named in the petition requesting the  
103 9 recount.

103 10 ~~2. b.~~ A designee named by the commissioner at or before  
103 11 the time the board is required to convene.

103 12 ~~3. c.~~ A person chosen jointly by the members designated  
103 13 under ~~subsections 1 and 2~~ paragraphs "a" and "b".

103 14 3. The commissioner shall convene the persons designated  
103 15 under ~~subsections 1 and subsection 2,~~ paragraphs "a" and "b",  
103 16 not later than ~~nine 9:00~~ nine 9:00 a.m. on the seventh day following the  
103 17 canvass of the election in question. If those two members  
103 18 cannot agree on the third member by ~~eight 8:00~~ nine 9:00 a.m. on the  
103 19 ninth day following the canvass, they shall immediately notify  
103 20 the chief judge of the judicial district in which the canvass  
103 21 is occurring, who shall appoint the third member not later  
103 22 than ~~five 5:00~~ nine 9:00 p.m. on the eleventh day following the canvass.

103 23 4. The petitioners requesting the recount shall post a  
103 24 bond as required by section 50.48, subsection 2. The amount  
103 25 of the bond shall be one thousand dollars for a public measure  
103 26 appearing on the ballot statewide or one hundred dollars for  
103 27 any other public measure. If the difference between the  
103 28 affirmative and negative votes cast on the public measure is  
103 29 less than the greater of fifty votes or one percent of the  
103 30 total number of votes cast for and against the question, a  
103 31 bond is not required. If approval by sixty percent of the  
103 32 votes cast is required for adoption of the public measure, no  
103 33 bond is required if the difference between sixty percent of  
103 34 the total votes cast for and against the question and the  
103 35 number of votes cast for the losing side is less than the  
104 1 greater of fifty votes or one percent of the total number of  
104 2 votes cast.

104 3 5. The procedure for the recount shall follow the  
104 4 provisions of section 50.48, subsections 4 through 7, as far  
104 5 as possible.

104 6 Sec. 157. Section 52.9, subsections 2 and 3, Code  
104 7 Supplement 2007, are amended to read as follows:

104 8 2. It shall be the duty of the commissioner or the  
104 9 commissioner's duly authorized agents to examine and test the  
104 10 voting machines to be used at any election, after the machines  
104 11 have been prepared for the election and not less than twelve  
104 12 hours before the opening of the polls on the morning of the

104 13 election. For any election to fill a partisan office, the  
104 14 county chairperson of each political party referred to in  
104 15 section 49.13 shall be notified in writing of the date, time,  
104 16 and place the machines shall be examined and tested so that  
104 17 they may be present, or have a representative present. For  
104 18 every election, the commissioner shall publish notice of the  
104 19 date, time, and place the examination and testing will be  
104 20 conducted. The commissioner may include such notice in the  
104 21 notice of the election published pursuant to section 49.53.

104 22 3. Those present for the examination and testing shall  
104 23 sign a certificate which shall read substantially as follows:

104 24 The Undersigned Hereby Certify that, having duly qualified,  
104 25 we were present and witnessed the testing and preparation of  
104 26 the following voting machines; that we believe the same to be  
104 27 in proper condition for use in the election of ..... (date);  
104 28 that each registering counter of the machine is set at 000;  
104 29 that the public counter is set at 000; that the seal numbers  
104 30 and the protective counter numbers are as indicated below.

104 31 Signed:  
104 32 .....  
104 33 Republican (if applicable)  
104 34 .....  
104 35 Democrat (if applicable)  
105 1 .....  
105 2 .....  
105 3 Voting machine custodian  
105 4 Dated .....

105 5 Machine	105 6 Protective	105 7 Seal
105 8 Number	105 9 Counter	105 10 Number
105 11	105 12	105 13
105 14 .....	105 15 .....	105 16 .....
105 17 .....	105 18 .....	105 19 .....
105 20 .....	105 21 .....	105 22 .....
105 23 .....	105 24 .....	105 25 .....

105 26 ~~3.~~ 4. On those voting machines presently equipped with an  
105 27 after-election latch and on all machines placed in use after  
105 28 January 1, 1961, in this state, the after-election latch shall  
105 29 be fully used by the election officials.

105 30 Sec. 158. Section 52.37, subsection 1, Code Supplement  
105 31 2007, is amended to read as follows:

105 32 1. a. If any ballot is found damaged or defective, so  
105 33 that it cannot be counted properly by the automatic tabulating  
105 34 equipment, a true duplicate shall be made by the resolution  
105 35 board team and substituted for the damaged or defective  
105 36 ballot, or, as an alternative, the valid votes on a defective  
105 37 ballot may be manually counted by the special precinct  
105 38 election board, whichever method is best suited to the system  
105 39 being used. All duplicate ballots shall be clearly labeled as  
105 40 such, and shall bear a serial number which shall also be  
105 41 recorded on the damaged or defective ballot.

105 42 b. The special precinct election board shall also tabulate  
105 43 any write-in votes which were cast. Write-in votes cast for a  
105 44 candidate whose name appears on the ballot for the same office  
105 45 shall be counted as a vote for the candidate indicated, if the  
105 46 vote is otherwise properly cast.

105 47 c. Ballots which are rejected by the tabulating equipment  
105 48 as blank because they have been marked with an unreadable  
105 49 marker shall be duplicated or tabulated as required by this  
106 1 subsection for damaged or defective ballots. The commissioner  
106 2 may instruct the special precinct election board to mark over  
106 3 voters' unreadable marks using a marker compatible with the  
106 4 tabulating equipment. The special precinct election board  
106 5 shall take care to leave part of the original mark made by the  
106 6 voter. If it is impossible to mark over the original marks  
106 7 made by the voter without completely obliterating them, the  
106 8 ballot shall be duplicated.

106 9 Sec. 159. Section 53.2, subsection 2, Code Supplement  
106 10 2007, is amended to read as follows:

106 11 2. The state commissioner shall prescribe a form for  
106 12 absentee ballot applications.

106 13 a. Absentee ballot applications may include instructions  
106 14 to send the application directly to the county commissioner of  
106 15 elections. However, no absentee ballot application shall be  
106 16 preaddressed or printed with instructions to send the  
106 17 applications to anyone other than the appropriate  
106 18 commissioner.

106 19 b. No absentee ballot application shall be preaddressed or  
106 20 printed with instructions to send the ballot to anyone other  
106 21 than the voter.

106 22 Sec. 160. Section 64.24, Code 2007, is amended to read as  
106 23 follows:

106 24 64.24 RECORDING.

106 25 1. a. The secretary of state, each county auditor,  
106 26 district court clerk, and each auditor or clerk of a city  
106 27 shall keep a book, to be known as the "Record of Official  
106 28 Bonds", and all official bonds shall be recorded therein in  
106 29 full as follows:

106 30 ~~1-~~ (1) In the record kept by the secretary of state, the  
106 31 official bonds of all state officers, elective or appointive,  
106 32 except the bonds of notaries public.

106 33 ~~2-~~ (2) In the record kept by the county auditor, the  
106 34 official bonds of all county officers, elective or appointive,  
106 35 and township clerks.

107 1 ~~3-~~ (3) In the record kept by the city auditor or clerk,  
107 2 the official bonds of all city officers, elective or  
107 3 appointive.

107 4 ~~4-~~ (4) In the record kept by the district court clerk,  
107 5 the official bonds of judicial magistrates.

107 6 b. The records shall have an index which, under the title  
107 7 of each office, shall show the name of each principal and the  
107 8 date of the filing of the bond.

107 9 2. A bond when recorded shall be returned to the officer  
107 10 charged with the custody thereof.

107 11 Sec. 161. Section 68A.402, subsection 2, paragraph b, Code  
107 12 Supplement 2007, is amended to read as follows:

107 13 b. SUPPLEMENTARY REPORT == STATEWIDE AND GENERAL ASSEMBLY  
107 14 ELECTIONS.

107 15 (1) A candidate's committee of a candidate for statewide  
107 16 office or the general assembly shall file a supplementary  
107 17 report in a year in which a primary, general, or special  
107 18 election for that office is held. The supplementary reports  
107 19 shall be filed if contributions are received after the close  
107 20 of the period covered by the last report filed prior to that  
107 21 primary, general, or special election if any of the following  
107 22 applies:

107 23 ~~(1)~~ (a) The committee of a candidate for governor  
107 24 receives ten thousand dollars or more.

107 25 ~~(2)~~ (b) The committee of a candidate for any other  
107 26 statewide office receives five thousand dollars or more.

107 27 ~~(3)~~ (c) The committee of a candidate for the general  
107 28 assembly receives one thousand dollars or more.

107 29 (2) The amount of any contribution causing a supplementary  
107 30 report under this paragraph "b" shall include the estimated  
107 31 fair market value of any in-kind contribution. The report  
107 32 shall be filed by the Friday immediately preceding the  
107 33 election and be current through the Tuesday immediately  
107 34 preceding the election.

107 35 Sec. 162. Section 68A.406, subsection 2, Code Supplement  
108 1 2007, is amended to read as follows:

108 2 2. a. Campaign signs shall not be placed on any of the  
108 3 following:

108 4 ~~a-~~ (1) Any property owned by the state or the governing  
108 5 body of a county, city, or other political subdivision of the  
108 6 state, including all property considered the public  
108 7 right-of-way. Upon a determination by the board that a sign  
108 8 has been improperly placed, the sign shall be removed by  
108 9 highway authorities as provided in section 318.5, or by county  
108 10 or city law enforcement authorities in a manner consistent  
108 11 with section 318.5.

108 12 ~~b-~~ (2) Property owned by a prohibited contributor under  
108 13 section 68A.503 unless the sign advocates the passage or  
108 14 defeat of a ballot issue or is exempted under subsection 1.

108 15 ~~c-~~ (3) On any property without the permission of the  
108 16 property owner.

108 17 ~~d-~~ (4) On election day either on the premises of any  
108 18 polling place or within three hundred feet of any outside door  
108 19 of any building affording access to any room where the polls  
108 20 are held, or of any outside door of any building affording  
108 21 access to any hallway, corridor, stairway, or other means of  
108 22 reaching the room where the polls are held.

108 23 ~~e-~~ (5) Within three hundred feet of an absentee voting  
108 24 site during the hours when absentee ballots are available in  
108 25 the office of the county commissioner of elections as provided  
108 26 in section 53.10.

108 27 ~~f-~~ (6) Within three hundred feet of a satellite absentee  
108 28 voting station during the hours when absentee ballots are  
108 29 available at the satellite absentee voting station as provided  
108 30 in section 53.11.

108 31 b. Paragraphs "d", "e", and "f" Paragraph "a",  
108 32 subparagraphs (4), (5), and (6) shall not apply to the posting  
108 33 of signs on private property not a polling place, except that  
108 34 the placement of a sign on a motor vehicle, trailer, or

108 35 semitrailer, or any attachment to a motor vehicle, trailer, or  
109 1 semitrailer parked on public property within three hundred  
109 2 feet of a polling place, which sign is more than ninety square  
109 3 inches in size, is prohibited.

109 4 Sec. 163. Section 69.8, subsection 5, Code 2007, is  
109 5 amended to read as follows:

109 6 5. ELECTED TOWNSHIP OFFICES.

109 7 a. When a vacancy occurs in the office of township clerk  
109 8 or township trustee, the vacancy shall be filled by  
109 9 appointment by the trustees. All appointments to fill  
109 10 vacancies in township offices shall be until a successor is  
109 11 elected at the next general election and qualifies by taking  
109 12 the oath of office. If the term of office in which the  
109 13 vacancy exists will expire within seventy days after the next  
109 14 general election, the person elected to the office for the  
109 15 succeeding term shall qualify by taking the oath of office  
109 16 within ten days after the election and shall serve for the  
109 17 remainder of the unexpired term, as well as for the next  
109 18 four-year term.

109 19 b. However, if the offices of two trustees are vacant the  
109 20 county board of supervisors shall fill the vacancies by  
109 21 appointment. If the offices of three trustees are vacant the  
109 22 board may fill the vacancies by appointment, or the board may  
109 23 adopt a resolution stating that the board will exercise all  
109 24 powers and duties assigned by law to the trustees of the  
109 25 township in which the vacancies exist until the vacancies are  
109 26 filled at the next general election. If a township office  
109 27 vacancy is not filled by the trustees within thirty days after  
109 28 the vacancy occurs, the board of supervisors may appoint a  
109 29 successor to fill the vacancy until the vacancy can be filled  
109 30 at the next general election.

109 31 Sec. 164. Section 69.14A, subsections 1 and 2, Code 2007,  
109 32 are amended to read as follows:

109 33 1. A vacancy on the board of supervisors shall be filled  
109 34 by one of the following procedures:

109 35 a. By appointment by the committee of county officers  
110 1 designated to fill the vacancy in section 69.8.

110 2 (1) The appointment shall be for the period until the next  
110 3 pending election as defined in section 69.12, and shall be  
110 4 made within forty days after the vacancy occurs. If the  
110 5 committee of county officers designated to fill the vacancy  
110 6 chooses to proceed under this paragraph, the committee shall  
110 7 publish notice in the manner prescribed by section 331.305  
110 8 stating that the committee intends to fill the vacancy by  
110 9 appointment but that the electors of the district or county,  
110 10 as the case may be, have the right to file a petition  
110 11 requiring that the vacancy be filled by special election. The  
110 12 committee may publish notice in advance if an elected official  
110 13 submits a resignation to take effect at a future date. The  
110 14 committee may make an appointment to fill the vacancy after  
110 15 the notice is published or after the vacancy occurs, whichever  
110 16 is later. A person appointed to an office under this  
110 17 subsection shall have actually resided in the county which the  
110 18 appointee represents sixty days prior to appointment.

110 19 (2) However, if within fourteen days after publication of  
110 20 the notice or within fourteen days after the appointment is  
110 21 made, a petition is filed with the county auditor requesting a  
110 22 special election to fill the vacancy, the appointment is  
110 23 temporary and a special election shall be called as provided  
110 24 in paragraph "b". The petition shall meet the requirements of  
110 25 section 331.306, except that in counties where supervisors are  
110 26 elected under plan "three", the number of signatures  
110 27 calculated according to the formula in section 331.306 shall  
110 28 be divided by the number of supervisor districts in the  
110 29 county.

110 30 b. By special election held to fill the office for the  
110 31 remaining balance of the unexpired term.

110 32 (1) The committee of county officers designated to fill  
110 33 the vacancy in section 69.8 may, on its own motion, or shall,  
110 34 upon receipt of a petition as provided in paragraph "a", call  
110 35 for a special election to fill the vacancy in lieu of  
111 1 appointment. The committee shall order the special election  
111 2 at the earliest practicable date, but giving at least  
111 3 thirty-two days' notice of the election. A special election  
111 4 called under this section shall be held on a Tuesday and shall  
111 5 not be held on the same day as a school election within the  
111 6 county.

111 7 (2) However, if a vacancy on the board of supervisors  
111 8 occurs after the date of the primary election and more than  
111 9 seventy-three days before the general election, a special  
111 10 election to fill the vacancy shall not be called by the



111 11 committee or by petition. If the term of office in which the  
111 12 vacancy exists will expire more than seventy days after the  
111 13 general election, the office shall be listed on the ballot, as  
111 14 "For Board of Supervisors, To Fill Vacancy". The person  
111 15 elected at the general election shall assume office as soon as  
111 16 a certificate of election is issued and the person has  
111 17 qualified by taking the oath of office. The person shall  
111 18 serve the balance of the unexpired term.

111 19 (3) If the term of office in which the vacancy exists will  
111 20 expire within seventy days after the general election, the  
111 21 person elected to the succeeding term shall also serve the  
111 22 balance of the unexpired term. The person elected at the  
111 23 general election shall assume office as soon as a certificate  
111 24 of election is issued and the person has qualified by taking  
111 25 the oath of office.

111 26 c. For a vacancy declared by the board pursuant to section  
111 27 331.214, subsection 2, by special election held to fill the  
111 28 office if the remaining balance of the unexpired term is two  
111 29 and one-half years or more. The committee of county officers  
111 30 designated to fill the vacancy in section 69.8 shall order the  
111 31 special election at the earliest practicable date, but giving  
111 32 at least thirty-two days' notice of the election. A special  
111 33 election called under this section shall be held on a Tuesday  
111 34 and shall not be held on the same day as a school election  
111 35 within the county. The office shall be listed on the ballot,  
112 1 as "For Board of Supervisors, To Fill Vacancy". The person  
112 2 elected at the special election shall serve the balance of the  
112 3 unexpired term.

112 4 2. A vacancy in any of the offices listed in section 39.17  
112 5 shall be filled by one of the two following procedures:

112 6 a. By appointment by the board of supervisors.

112 7 (1) The appointment shall be for the period until the next  
112 8 pending election as defined in section 69.12, and shall be  
112 9 made within forty days after the vacancy occurs. If the board  
112 10 of supervisors chooses to proceed under this paragraph, the  
112 11 board shall publish notice in the manner prescribed by section  
112 12 331.305 stating that the board intends to fill the vacancy by  
112 13 appointment but that the electors of the county have the right  
112 14 to file a petition requiring that the vacancy be filled by  
112 15 special election. The board may publish notice in advance if  
112 16 an elected official submits a resignation to take effect at a  
112 17 future date. The board may make an appointment to fill the  
112 18 vacancy after the notice is published or after the vacancy  
112 19 occurs, whichever is later. A person appointed to an office  
112 20 under this subsection, except for a county attorney, shall  
112 21 have actually resided in the county which the appointee  
112 22 represents sixty days prior to appointment. A person  
112 23 appointed to the office of county attorney shall be a resident  
112 24 of the county at the time of appointment.

112 25 (2) However, if within fourteen days after publication of  
112 26 the notice or within fourteen days after the appointment is  
112 27 made, a petition is filed with the county auditor requesting a  
112 28 special election to fill the vacancy, the appointment is  
112 29 temporary and a special election shall be called as provided  
112 30 in paragraph "b". The petition shall meet the requirements of  
112 31 section 331.306.

112 32 b. By special election held to fill the office for the  
112 33 remaining balance of the unexpired term.

112 34 (1) The board of supervisors may, on its own motion, or  
112 35 shall, upon receipt of a petition as provided in paragraph  
113 1 "a", call for a special election to fill the vacancy in lieu  
113 2 of appointment. The supervisors shall order the special  
113 3 election at the earliest practicable date, but giving at least  
113 4 thirty-two days' notice of the election. A special election  
113 5 called under this section shall be held on a Tuesday and shall  
113 6 not be held on the same day as a school election within the  
113 7 county.

113 8 (2) If a vacancy in an elective county office occurs after  
113 9 the date of the primary election and more than seventy-three  
113 10 days before the general election, a special election to fill  
113 11 the vacancy shall not be called by the board of supervisors or  
113 12 by petition. If the term of office in which the vacancy  
113 13 exists will expire more than seventy days after the general  
113 14 election, the office shall be listed on the ballot with the  
113 15 name of the office and the additional description, "To Fill  
113 16 Vacancy". The person elected at the general election shall  
113 17 assume office as soon as a certificate of election is issued  
113 18 and the person has qualified by taking the oath of office.  
113 19 The person shall serve the balance of the unexpired term.

113 20 (3) If the term of office in which the vacancy exists will  
113 21 expire within seventy days after the general election, the

113 22 person elected to the succeeding term shall also serve the  
113 23 balance of the unexpired term. The person elected at the  
113 24 general election shall assume office as soon as a certificate  
113 25 of election is issued and the person has qualified by taking  
113 26 the oath of office.

113 27 Sec. 165. Section 73.2, subsection 1, Code 2007, is  
113 28 amended to read as follows:

113 29 1. a. All requests hereafter made for bids and proposals  
113 30 for materials, products, supplies, provisions, and other  
113 31 needed articles to be purchased at public expense, shall be  
113 32 made in general terms and by general specifications and not by  
113 33 brand, trade name, or other individual mark.

113 34 b. All such requests and bids shall contain a paragraph in  
113 35 easily legible print, reading as follows:

114 1 By "By virtue of statutory authority, a preference will be  
114 2 given to products and provisions grown and coal produced  
114 3 within the state of Iowa."

114 4 Sec. 166. Section 73.16, subsection 2, Code Supplement  
114 5 2007, is amended to read as follows:

114 6 2. a. Prior to the commencement of a fiscal year, the  
114 7 director of each agency or department of state government  
114 8 having purchasing authority, in cooperation with the targeted  
114 9 small business marketing and compliance manager of the  
114 10 department of economic development, shall establish for that  
114 11 fiscal year a procurement goal from certified targeted small  
114 12 businesses identified pursuant to section 10A.104, subsection  
114 13 8.

114 14 (1) The procurement goal shall include the procurement of  
114 15 all goods and services, including construction, but not  
114 16 including utility services.

114 17 (2) A procurement goal shall be stated in terms of a  
114 18 dollar amount of certified purchases and shall be established  
114 19 at a level that exceeds the procurement levels from certified  
114 20 targeted small businesses during the previous fiscal year.

114 21 b. The director of an agency or department of state  
114 22 government that has established a procurement goal as required  
114 23 under this subsection shall provide a report within fifteen  
114 24 business days following the end of each calendar quarter to  
114 25 the targeted small business marketing and compliance manager  
114 26 of the department of economic development, providing the total  
114 27 dollar amount of certified purchases from certified targeted  
114 28 small businesses during the previous calendar quarter. The  
114 29 required report shall be made in a form approved by the  
114 30 targeted small business marketing and compliance manager. The  
114 31 first quarterly report shall be for the calendar quarter  
114 32 ending September 30, 2007.

114 33 c. (1) The director of each department and agency of  
114 34 state government shall cooperate with the director of the  
114 35 department of inspections and appeals, the director of the  
115 1 department of economic development, and the director of the  
115 2 department of management and do all acts necessary to carry  
115 3 out the provisions of this division.

115 4 (2) The director of each agency or department of state  
115 5 government having purchasing authority shall issue electronic  
115 6 bid notices for distribution to the targeted small business  
115 7 web page located at the department of economic development if  
115 8 the director releases a solicitation for bids for procurement  
115 9 of equipment, supplies, or services. The notices shall be  
115 10 provided to the targeted small business marketing manager  
115 11 forty-eight hours prior to the issuance of all bid notices.  
115 12 The notices shall contain a description of the subject of the  
115 13 bid, a point of contact for the bid, and any subcontract goals  
115 14 included in the bid.

115 15 (3) A community college, area education agency, or school  
115 16 district shall establish a procurement goal from certified  
115 17 targeted small businesses, identified pursuant to section  
115 18 10A.104, subsection 8, of at least ten percent of the value of  
115 19 anticipated procurements of goods and services including  
115 20 construction, but not including utility services, each fiscal  
115 21 year.

115 22 d. Of the total value of anticipated procurements of goods  
115 23 and services under this subsection, an additional goal shall  
115 24 be established to procure at least forty percent from  
115 25 minority-owned businesses, and forty percent from female-owned  
115 26 businesses.

115 27 Sec. 167. Section 74A.3, Code 2007, is amended to read as  
115 28 follows:

115 29 74A.3 INTEREST RATES FOR PUBLIC OBLIGATIONS.

115 30 1. Except as otherwise provided by law, the rates of  
115 31 interest on obligations issued by this state, or by a county,  
115 32 school district, city, special improvement district, or any

115 33 other governmental body or agency are as follows:  
115 34 ~~1-~~ a. General obligation bonds, warrants, or other  
115 35 evidences of indebtedness which are payable from general  
116 1 taxation or from the state's sinking fund for public deposits  
116 2 may bear interest at a rate to be set by the issuing  
116 3 governmental body or agency.  
116 4 ~~2-~~ b. Revenue bonds, warrants, pledge orders or other  
116 5 obligations, the principal and interest of which are to be  
116 6 paid solely from the revenue derived from the operations of  
116 7 the publicly owned enterprise or utility for which the bonds  
116 8 or obligations are issued, may bear interest at a rate to be  
116 9 set by the issuing governmental body or agency.  
116 10 ~~3-~~ c. Special assessment bonds, certificates, warrants or  
116 11 other obligations, the principal and interest of which are  
116 12 payable from special assessments levied against benefited  
116 13 property may bear interest at a rate to be set by the issuing  
116 14 governmental body or agency.

116 15 2. The interest rates authorized by this section to be set  
116 16 by the issuing governmental body or agency shall be set in  
116 17 each instance by the governing body which, in accordance with  
116 18 applicable provisions of law then in effect, authorizes the  
116 19 issuance of the bonds, warrants, pledge orders, certificates,  
116 20 obligations, or other evidences of indebtedness.

116 21 Sec. 168. Section 80.8, Code 2007, is amended to read as  
116 22 follows:

116 23 80.8 EMPLOYEES AND PEACE OFFICERS == SALARIES AND  
116 24 COMPENSATION.

116 25 1. The commissioner shall employ personnel as may be  
116 26 required to properly discharge the duties of the department.

116 27 2. The commissioner may delegate to the peace officers of  
116 28 the department such additional duties in the enforcement of  
116 29 this chapter as the commissioner may deem proper and  
116 30 incidental to the duties now imposed upon them by law.

116 31 3. a. The salaries of peace officers and employees of the  
116 32 department and the expenses of the department shall be  
116 33 provided for by a legislative appropriation. The compensation  
116 34 of peace officers of the department shall be fixed according  
116 35 to grades as to rank and length of service by the commissioner  
117 1 with the approval of the department of administrative  
117 2 services, unless covered by a collective bargaining agreement  
117 3 that provides otherwise.

117 4 b. The peace officers shall be paid additional  
117 5 compensation in accordance with the following formula: When  
117 6 peace officers have served for a period of five years, their  
117 7 compensation then being paid shall be increased by the sum of  
117 8 twenty-five dollars per month beginning with the month  
117 9 succeeding the foregoing described five-year period; when  
117 10 peace officers have served for a period of ten years, their  
117 11 compensation then being paid shall be increased by the sum of  
117 12 twenty-five dollars per month beginning with the month  
117 13 succeeding the foregoing described ten-year period, such sums  
117 14 being in addition to the increase provided herein to be paid  
117 15 after five years of service; when peace officers have served  
117 16 for a period of fifteen years, their compensation then being  
117 17 paid shall be increased by the sum of twenty-five dollars per  
117 18 month beginning with the month succeeding the foregoing  
117 19 described fifteen-year period, such sums being in addition to  
117 20 the increases previously provided for herein; when peace  
117 21 officers have served for a period of twenty years, their  
117 22 compensation then being paid shall be increased by the sum of  
117 23 twenty-five dollars per month beginning with the month  
117 24 succeeding the foregoing described twenty-year period, such  
117 25 sums being in addition to the increases previously provided  
117 26 for herein.

117 27 c. While on active duty, each peace officer shall also  
117 28 receive a flat daily sum as fixed by the commissioner for  
117 29 meals unless the amount of the flat daily sum is covered by a  
117 30 collective bargaining agreement that provides otherwise.

117 31 d. A collective bargaining agreement entered into between  
117 32 the state and a state employee organization under chapter 20  
117 33 made final after July 1, 1977, shall not include any pay  
117 34 adjustment to longevity pay authorized under this section.

117 35 e. Peace officers of the department excluded from the  
118 1 provisions of chapter 20 who are injured in the line of duty  
118 2 shall receive paid time off in the same manner as provided to  
118 3 peace officers of the department covered by a collective  
118 4 bargaining agreement entered into between the state and the  
118 5 employee organization representing such covered peace officers  
118 6 under chapter 20.

118 7 Sec. 169. Section 80E.2, Code 2007, is amended to read as  
118 8 follows:

118 9 80E.2 DRUG POLICY ADVISORY COUNCIL == MEMBERSHIP ==  
118 10 DUTIES.  
118 11 1. An Iowa drug policy advisory council is established  
118 12 which shall consist of the following fifteen members:  
118 13 a. The drug policy coordinator, who shall serve as  
118 14 chairperson of the council.  
118 15 b. The director of the department of corrections, or the  
118 16 director's designee.  
118 17 c. The director of the department of education, or the  
118 18 director's designee.  
118 19 d. The director of the Iowa department of public health,  
118 20 or the director's designee.  
118 21 e. The commissioner of public safety, or the  
118 22 commissioner's designee.  
118 23 f. The director of the department of human services, or  
118 24 the director's designee.  
118 25 g. The director of the division of criminal and juvenile  
118 26 justice planning in the department of human rights, or the  
118 27 division director's designee.  
118 28 h. A prosecuting attorney.  
118 29 i. A licensed substance abuse treatment specialist.  
118 30 j. A certified substance abuse prevention specialist.  
118 31 k. A substance abuse treatment program director.  
118 32 l. A justice of the Iowa supreme court, or judge, as  
118 33 designated by the chief justice of the supreme court.  
118 34 m. A member representing the Iowa association of chiefs of  
118 35 police and peace officers.  
119 1 n. A member representing the Iowa state police  
119 2 association.  
119 3 o. A member representing the Iowa state sheriffs' and  
119 4 deputies' association.  
119 5 2. The prosecuting attorney, licensed substance abuse  
119 6 treatment specialist, certified substance abuse prevention  
119 7 specialist, substance abuse treatment program director, member  
119 8 representing the Iowa association of chiefs of police and  
119 9 peace officers, member representing the Iowa state police  
119 10 association, and the member representing the Iowa state  
119 11 sheriffs' and deputies' association shall be appointed by the  
119 12 governor, subject to senate confirmation, for four-year terms  
119 13 beginning and ending as provided in section 69.19. A vacancy  
119 14 on the council shall be filled for the unexpired term in the  
119 15 same manner as the original appointment was made.  
119 16 ~~2.~~ 3. The council shall make policy recommendations to  
119 17 the appropriate departments concerning the administration,  
119 18 development, and coordination of programs related to substance  
119 19 abuse education, prevention, treatment, and enforcement.  
119 20 ~~3.~~ 4. The members of the council shall be reimbursed for  
119 21 actual and necessary travel and related expenses incurred in  
119 22 the discharge of official duties. Each member of the council  
119 23 may also be eligible to receive compensation as provided in  
119 24 section 7E.6.  
119 25 ~~4.~~ 5. The council shall meet at least quarterly  
119 26 throughout the year.  
119 27 ~~5.~~ 6. A majority of the members of the council  
119 28 constitutes a quorum, and a majority of the total membership  
119 29 of the council is necessary to act in any matter within the  
119 30 jurisdiction of the council.  
119 31 Sec. 170. Section 84A.1, subsections 2 and 3, Code 2007,  
119 32 are amended to read as follows:  
119 33 2. The chief executive officer of the department of  
119 34 workforce development is the director who shall be appointed  
119 35 by the governor, subject to confirmation by the senate under  
120 1 the confirmation procedures of section 2.32.  
120 2 a. The director of the department of workforce development  
120 3 shall serve at the pleasure of the governor.  
120 4 b. The governor shall set the salary of the director  
120 5 within the applicable salary range established by the general  
120 6 assembly.  
120 7 c. The director shall be selected solely on the ability to  
120 8 administer the duties and functions granted to the director  
120 9 and the department and shall devote full time to the duties of  
120 10 the director.  
120 11 d. If the office of director becomes vacant, the vacancy  
120 12 shall be filled in the same manner as the original appointment  
120 13 was made.  
120 14 3. a. The director of the department of workforce  
120 15 development shall, subject to the requirements of section  
120 16 84A.1B, prepare, administer, and control the budget of the  
120 17 department and its divisions and shall approve the employment  
120 18 of all personnel of the department and its divisions.  
120 19 b. The director of the department of workforce development

120 20 shall direct the administrative and compliance functions and  
120 21 control the docket of the division of workers' compensation.

120 22 ~~3-~~ 4. The department of workforce development shall  
120 23 include the division of labor services, the division of  
120 24 workers' compensation, and other divisions as appropriate.

120 25 Sec. 171. Section 85.31, subsection 1, Code 2007, is  
120 26 amended to read as follows:

120 27 1. a. When death results from the injury, the employer  
120 28 shall pay the dependents who were wholly dependent on the  
120 29 earnings of the employee for support at the time of the  
120 30 injury, during their lifetime, compensation upon the basis of  
120 31 eighty percent per week of the employee's average weekly  
120 32 spendable earnings, commencing from the date of death as  
120 33 follows:

120 34 ~~a-~~ (1) To the surviving spouse for life or until  
120 35 remarriage, provided that upon remarriage two years' benefits  
121 1 shall be paid to the surviving spouse in a lump sum, if there  
121 2 are no children entitled to benefits.

121 3 ~~b-~~ (2) To any child of the deceased until the child shall  
121 4 reach the age of eighteen, provided that a child beyond  
121 5 eighteen years of age shall receive benefits to the age of  
121 6 twenty-five if actually dependent, and the fact that a child  
121 7 is under twenty-five years of age and is enrolled as a  
121 8 full-time student in any accredited educational institution  
121 9 shall be a prima facie showing of actual dependency.

121 10 ~~c-~~ (3) To any child who was physically or mentally  
121 11 incapacitated from earning at the time of the injury causing  
121 12 death for the duration of the incapacity from earning.

121 13 ~~d-~~ (4) To all other dependents as defined in section  
121 14 85.44 for the duration of the incapacity from earning.

121 15 b. The weekly benefit amount shall not exceed a weekly  
121 16 benefit amount, rounded to the nearest dollar, equal to two  
121 17 hundred percent of the statewide average weekly wage paid  
121 18 employees as determined by the department of workforce  
121 19 development under section 96.19, subsection 36, and in effect  
121 20 at the time of the injury. The minimum weekly benefit amount  
121 21 shall be equal to the weekly benefit amount of a person whose  
121 22 gross weekly earnings are thirty-five percent of the statewide  
121 23 average weekly wage. Such compensation shall be in addition  
121 24 to the benefits provided by sections 85.27 and 85.28.

121 25 Sec. 172. Section 85.34, subsection 3, Code 2007, is  
121 26 amended to read as follows:

121 27 3. PERMANENT TOTAL DISABILITY.

121 28 a. Compensation for an injury causing permanent total  
121 29 disability shall be upon the basis of eighty percent per week  
121 30 of the employee's average spendable weekly earnings, but not  
121 31 more than a weekly benefit amount, rounded to the nearest  
121 32 dollar, equal to two hundred percent of the statewide average  
121 33 weekly wage paid employees as determined by the department of  
121 34 workforce development under section 96.19, subsection 36, and  
121 35 in effect at the time of the injury. The minimum weekly  
122 1 benefit amount is equal to the weekly benefit amount of a  
122 2 person whose gross weekly earnings are thirty-five percent of  
122 3 the statewide average weekly wage. The weekly compensation is  
122 4 payable during the period of the employee's disability.

122 5 b. Such compensation shall be in addition to the benefits  
122 6 provided in sections 85.27 and 85.28. No compensation shall  
122 7 be payable under this subsection for any injury for which  
122 8 compensation is payable under subsection 2 of this section.  
122 9 In the event compensation has been paid to any person under  
122 10 any provision of this chapter, chapter 85A or chapter 85B for  
122 11 the same injury producing a total permanent disability, any  
122 12 such amounts so paid shall be deducted from the total amount  
122 13 of compensation payable for such permanent total disability.

122 14 Sec. 173. Section 85.45, Code 2007, is amended to read as  
122 15 follows:

122 16 85.45 COMMUTATION.

122 17 1. Future payments of compensation may be commuted to a  
122 18 present worth lump sum payment on the following conditions:

122 19 ~~1-~~ a. When the period during which compensation is  
122 20 payable can be definitely determined.

122 21 ~~2-~~ b. When it shall be shown to the satisfaction of the  
122 22 workers' compensation commissioner that such commutation will  
122 23 be for the best interest of the person or persons entitled to  
122 24 the compensation, or that periodical payments as compared with  
122 25 a lump sum payment will entail undue expense, hardship, or  
122 26 inconvenience upon the employer liable therefor.

122 27 ~~3-~~ c. When the recipient of commuted benefits is a minor  
122 28 employee, the workers' compensation commissioner may order  
122 29 that such benefits be paid to a trustee as provided in section  
122 30 85.49.

122 31 ~~4-~~ d. When a person seeking a commutation is a surviving  
122 32 spouse, an employee with a permanent and total disability, or  
122 33 a dependent who is entitled to benefits as provided in section  
122 34 85.31, subsection 1, ~~paragraphs "c" and "d"~~ paragraph "a",  
122 35 subparagraphs (3) and (4), the future payments which may be  
123 1 commuted shall not exceed the number of weeks which shall be  
123 2 indicated by probability tables designated by the workers'  
123 3 compensation commissioner for death and remarriage, subject to  
123 4 the provisions of chapter 17A.

123 5 2. Future payments of compensation shall not be commuted  
123 6 to a present worth lump sum payment when the employee is an  
123 7 inmate as set forth in section 85.59.

123 8 Sec. 174. Section 86.8, Code 2007, is amended to read as  
123 9 follows:

123 10 86.8 DUTIES.

123 11 1. The commissioner shall:

123 12 ~~1-~~ a. Adopt and enforce rules necessary to implement this  
123 13 chapter and chapters 85, 85A, 85B, and 87.

123 14 ~~2-~~ b. Prepare and distribute the necessary blanks  
123 15 relating to computation, adjustment, and settlement of  
123 16 compensation.

123 17 ~~3-~~ c. Prepare and publish statistical reports and  
123 18 analyses regarding the cost, occurrence, and sources of  
123 19 employment injuries.

123 20 ~~4-~~ d. Administer oaths and examine books and records of  
123 21 parties subject to the workers' compensation laws.

123 22 ~~5-~~ e. Provide a seal for the authentication of orders and  
123 23 records and for other purposes as required.

123 24 2. Subject to the approval of the director of the  
123 25 department of workforce development, the commissioner may  
123 26 enter into contracts with any state agency, with or without  
123 27 reimbursement, for the purpose of obtaining the services,  
123 28 facilities, and personnel of the agency and with the consent  
123 29 of any state agency or political subdivision of the state,  
123 30 accept and use the services, facilities, and personnel of the  
123 31 agency or political subdivision, and employ experts and  
123 32 consultants or organizations in order to expeditiously,  
123 33 efficiently, and economically effectuate the purposes of this  
123 34 chapter. The agreements under this ~~paragraph~~ subsection are  
123 35 subject to approval by the executive council if approval is  
124 1 required by law.

124 2 Sec. 175. Section 88.6, subsection 8, Code 2007, is  
124 3 amended to read as follows:

124 4 8. CONFIDENTIALITY. Notwithstanding chapter 22, records  
124 5 prepared or obtained by the commissioner relating to an  
124 6 enforcement action conducted pursuant to this chapter shall be  
124 7 kept confidential until the enforcement action is complete.

124 8 a. For purposes of this subsection, an enforcement action  
124 9 is complete when any of the following occurs:

124 10 ~~a-~~ (1) An inspection file is closed without the issuance  
124 11 of a citation.

124 12 ~~b-~~ (2) A citation or noncompliance notice resulting from  
124 13 an inspection becomes a final order of the employment appeal  
124 14 board and all applicable courts pursuant to sections 88.8 and  
124 15 88.9, and abatement is verified.

124 16 ~~c-~~ (3) A determination and any subsequent action is final  
124 17 in an occupational safety and health discrimination case.

124 18 b. A citation or noncompliance notice shall remain a  
124 19 confidential record until received by the appropriate  
124 20 employer.

124 21 c. This subsection shall not affect the discovery rights  
124 22 of any party to a contested case.

124 23 Sec. 176. Section 88.9, subsections 1 and 3, Code 2007,  
124 24 are amended to read as follows:

124 25 1. AGGRIEVED PERSONS.

124 26 a. Judicial review of any order of the appeal board issued  
124 27 under section 88.8, subsection 3, may be sought in accordance  
124 28 with the terms of the Iowa administrative procedure Act,  
124 29 chapter 17A. Notwithstanding the terms of the Iowa  
124 30 administrative procedure Act, chapter 17A, petitions for  
124 31 judicial review may be filed in the district court of the  
124 32 county in which the violation is alleged to have occurred or  
124 33 where the employer has its principal office and may be filed  
124 34 within sixty days following the issuance of such order. The  
124 35 appeal board's copy of the testimony shall be available to all  
125 1 parties for examination at all reasonable times, without cost,  
125 2 and for the purpose of judicial review of the appeal board's  
125 3 orders.

125 4 b. The commissioner may obtain judicial review or  
125 5 enforcement of any final order or decision of the appeal board  
125 6 by filing a petition in the district court of the county in

125 7 which the alleged violation occurred or in which the employer  
125 8 has its principal office. The judicial review provisions of  
125 9 chapter 17A shall govern such proceedings to the extent  
125 10 applicable.

125 11 c. Notwithstanding section 10A.601, subsection 7, and  
125 12 chapter 17A, the commissioner has the exclusive right to  
125 13 represent the appeal board in any judicial review of an appeal  
125 14 board decision under this chapter in which the commissioner  
125 15 does not appeal the appeal board decision, except as provided  
125 16 by section 88.17.

125 17 3. DISCRIMINATION AND DISCHARGE.

125 18 a. (1) A person shall not discharge or in any manner  
125 19 discriminate against an employee because the employee has  
125 20 filed a complaint or instituted or caused to be instituted a  
125 21 proceeding under or related to this chapter or has testified  
125 22 or is about to testify in any such proceeding or because of  
125 23 the exercise by the employee on behalf of the employee or  
125 24 others of a right afforded by this chapter.

125 25 (2) A person shall not discharge or in any manner  
125 26 discriminate against an employee because the employee, who  
125 27 with no reasonable alternative, refuses in good faith to  
125 28 expose the employee's self to a dangerous condition of a  
125 29 nature that a reasonable person, under the circumstances then  
125 30 confronting the employee, would conclude that there is a real  
125 31 danger of death or serious injury; provided the employee,  
125 32 where possible, has first sought through resort to regular  
125 33 statutory enforcement channels, unless there has been  
125 34 insufficient time due to the urgency of the situation, or the  
125 35 employee has sought and been unable to obtain from the person,  
126 1 a correction of the dangerous condition.

126 2 b. (1) An employee who believes that the employee has  
126 3 been discharged or otherwise discriminated against by a person  
126 4 in violation of this subsection may, within thirty days after  
126 5 the violation occurs, file a complaint with the commissioner  
126 6 alleging discrimination.

126 7 (2) Upon receipt of the complaint, the commissioner shall  
126 8 conduct an investigation as the commissioner deems  
126 9 appropriate. If, upon investigation, the commissioner  
126 10 determines that the provisions of this subsection have been  
126 11 violated, the commissioner shall bring an action in the  
126 12 appropriate district court against the person. In any such  
126 13 action, the district court has jurisdiction to restrain  
126 14 violations of this subsection and order all appropriate relief  
126 15 including rehiring or reinstatement of the employee to the  
126 16 employee's former position with back pay.

126 17 (3) Within ninety days of the receipt of a complaint filed  
126 18 under this subsection, the commissioner shall notify the  
126 19 complainant of the commissioner's determination under this  
126 20 subsection.

126 21 Sec. 177. Section 96.3, subsection 7, Code 2007, is  
126 22 amended to read as follows:

126 23 7. RECOVERY OF OVERPAYMENT OF BENEFITS.

126 24 a. If an individual receives benefits for which the  
126 25 individual is subsequently determined to be ineligible, even  
126 26 though the individual acts in good faith and is not otherwise  
126 27 at fault, the benefits shall be recovered. The department in  
126 28 its discretion may recover the overpayment of benefits either  
126 29 by having a sum equal to the overpayment deducted from any  
126 30 future benefits payable to the individual or by having the  
126 31 individual pay to the department a sum equal to the  
126 32 overpayment.

126 33 b. If the department determines that an overpayment has  
126 34 been made, the charge for the overpayment against the  
126 35 employer's account shall be removed and the account shall be  
127 1 credited with an amount equal to the overpayment from the  
127 2 unemployment compensation trust fund and this credit shall  
127 3 include both contributory and reimbursable employers,  
127 4 notwithstanding section 96.8, subsection 5.

127 5 Sec. 178. Section 96.4, subsections 4 and 6, Code 2007,  
127 6 are amended to read as follows:

127 7 4. a. The individual has been paid wages for insured work  
127 8 during the individual's base period in an amount at least one  
127 9 and one-quarter times the wages paid to the individual during  
127 10 that quarter of the individual's base period in which the  
127 11 individual's wages were highest; provided that the individual  
127 12 has been paid wages for insured work totaling at least three  
127 13 and five-tenths percent of the statewide average annual wage  
127 14 for insured work, computed for the preceding calendar year if  
127 15 the individual's benefit year begins on or after the first  
127 16 full week in July and computed for the second preceding  
127 17 calendar year if the individual's benefit year begins before

127 18 the first full week in July, in that calendar quarter in the  
127 19 individual's base period in which the individual's wages were  
127 20 highest, and the individual has been paid wages for insured  
127 21 work totaling at least one-half of the amount of wages  
127 22 required under this subsection in the calendar quarter of the  
127 23 base period in which the individual's wages were highest, in a  
127 24 calendar quarter in the individual's base period other than  
127 25 the calendar quarter in which the individual's wages were  
127 26 highest. The calendar quarter wage requirements shall be  
127 27 rounded to the nearest multiple of ten dollars.

127 28 b. If the individual has drawn benefits in any benefit  
127 29 year, the individual must during or subsequent to that year,  
127 30 work in and be paid wages for insured work totaling at least  
127 31 two hundred fifty dollars, as a condition to receive benefits  
127 32 in the next benefit year.

127 33 6. a. An otherwise eligible individual shall not be  
127 34 denied benefits for any week because the individual is in  
127 35 training with the approval of the director, nor shall the  
128 1 individual be denied benefits with respect to any week in  
128 2 which the individual is in training with the approval of the  
128 3 director by reason of the application of the provision in  
128 4 subsection 3 of this section relating to availability for  
128 5 work, and an active search for work or the provision of  
128 6 section 96.5, subsection 3, relating to failure to apply for  
128 7 or a refusal to accept suitable work. However, an employer's  
128 8 account shall not be charged with benefits so paid.

128 9 b. (1) An otherwise eligible individual shall not be  
128 10 denied benefits for a week because the individual is in  
128 11 training approved under 19 U.S.C. } 2296(a), as amended by  
128 12 section 2506 of the federal Omnibus Budget Reconciliation Act  
128 13 of 1981, because the individual leaves work which is not  
128 14 suitable employment to enter the approved training, or because  
128 15 of the application of subsection 3 of this section or section  
128 16 96.5, subsection 3, or a federal unemployment insurance law  
128 17 administered by the department relating to availability for  
128 18 work, active search for work, or refusal to accept work.

128 19 (2) For purposes of this paragraph, "suitable employment"  
128 20 means work of a substantially equal or higher skill level than  
128 21 an individual's past adversely affected employment, as defined  
128 22 in 19 U.S.C. } 2319(1), if weekly wages for the work are not  
128 23 less than eighty percent of the individual's average weekly  
128 24 wage.

128 25 Sec. 179. Section 96.6, subsection 3, Code 2007, is  
128 26 amended to read as follows:

128 27 3. APPEALS.

128 28 a. Unless the appeal is withdrawn, an administrative law  
128 29 judge, after affording the parties reasonable opportunity for  
128 30 fair hearing, shall affirm or modify the findings of fact and  
128 31 decision of the representative. The hearing shall be  
128 32 conducted pursuant to the provisions of chapter 17A relating  
128 33 to hearings for contested cases. Before the hearing is  
128 34 scheduled, the parties shall be afforded the opportunity to  
128 35 choose either a telephone hearing or an in-person hearing. A  
129 1 request for an in-person hearing shall be approved unless the  
129 2 in-person hearing would be impractical because of the distance  
129 3 between the parties to the hearing. A telephone or in-person  
129 4 hearing shall not be scheduled before the seventh calendar day  
129 5 after the parties receive notice of the hearing. Reasonable  
129 6 requests for the postponement of a hearing shall be granted.  
129 7 The parties shall be duly notified of the administrative law  
129 8 judge's decision, together with the administrative law judge's  
129 9 reasons for the decision, which is the final decision of the  
129 10 department, unless within fifteen days after the date of  
129 11 notification or mailing of the decision, further appeal is  
129 12 initiated pursuant to this section.

129 13 b. Appeals from the initial determination shall be heard  
129 14 by an administrative law judge employed by the department. An  
129 15 administrative law judge's decision may be appealed by any  
129 16 party to the employment appeal board created in section  
129 17 10A.601. The decision of the appeal board is final agency  
129 18 action and an appeal of the decision shall be made directly to  
129 19 the district court.

129 20 Sec. 180. Section 96.9, subsection 2, Code Supplement  
129 21 2007, is amended to read as follows:

129 22 2. ACCOUNTS AND DEPOSITS.

129 23 a. The state treasurer shall be ex officio treasurer and  
129 24 custodian of the fund and shall administer such fund in  
129 25 accordance with the directions of the department. The  
129 26 director of the department of administrative services shall  
129 27 issue warrants upon the fund pursuant to the order of the  
129 28 department and such warrants shall be paid from the fund by



129 29 the treasurer.  
129 30 b. The treasurer shall maintain within the fund three  
129 31 separate accounts:  
129 32 a. (1) A clearing account.  
129 33 b. (2) An unemployment trust fund account.  
129 34 c. (3) A benefit account.  
129 35 c. All moneys payable to the unemployment compensation  
130 1 fund and all interest and penalties on delinquent  
130 2 contributions and reports shall, upon receipt thereof by the  
130 3 department, be forwarded to the treasurer who shall  
130 4 immediately deposit them in the clearing account, but the  
130 5 interest and penalties on delinquent contributions and reports  
130 6 shall not be deemed to be a part of the fund. Refunds of  
130 7 contributions payable pursuant to section 96.14 shall be paid  
130 8 by the treasurer from the clearing account upon warrants  
130 9 issued by the director of the department of administrative  
130 10 services under the direction of the department. After  
130 11 clearance thereof, all other moneys in the clearing account,  
130 12 except interest and penalties on delinquent contributions and  
130 13 reports, shall be immediately deposited with the secretary of  
130 14 the treasury of the United States to the credit of the account  
130 15 of this state in the unemployment trust fund, established and  
130 16 maintained pursuant to section 904 of the Social Security Act  
130 17 as amended, any provisions of law in this state relating to  
130 18 the deposit, administration, release or disbursement of moneys  
130 19 in the possession or custody of this state to the contrary  
130 20 notwithstanding. Interest and penalties on delinquent  
130 21 contributions and reports collected from employers shall be  
130 22 transferred from the clearing account to the special  
130 23 employment security contingency fund. The benefit account  
130 24 shall consist of all moneys requisitioned from this state's  
130 25 account in the unemployment trust fund for the payment of  
130 26 benefits. Except as herein otherwise provided, moneys in the  
130 27 clearing and benefit account may be deposited by the  
130 28 treasurer, under the direction of the department, in any bank  
130 29 or public depository in which general funds of the state may  
130 30 be deposited, but no public deposit insurance charge or  
130 31 premium shall be paid out of the fund. The treasurer shall  
130 32 give a separate bond conditioned upon the faithful performance  
130 33 of the treasurer's duties as custodian of the fund in an  
130 34 amount fixed by the governor and in form and manner prescribed  
130 35 by law. Premiums for said bond shall be paid from the

131 1 administration fund.  
131 2 d. Interest paid upon the moneys deposited with the  
131 3 secretary of the treasury of the United States shall be  
131 4 credited to the unemployment compensation fund.  
131 5 Sec. 181. Section 96.11, subsections 3 and 10, Code  
131 6 Supplement 2007, are amended to read as follows:

131 7 3. PUBLICATIONS.  
131 8 a. The director shall cause to be printed for distribution  
131 9 to the public the text of this chapter, the department's  
131 10 general rules, its annual reports to the governor, and any  
131 11 other material the director deems relevant and suitable and  
131 12 shall furnish the same to any person upon application  
131 13 therefor.

131 14 b. The department shall prepare and distribute to the  
131 15 public as labor force data, only that data adjusted according  
131 16 to the current population survey and other nonlabor force  
131 17 statistics which the department determines are of interest to  
131 18 the public.

131 19 10. STATE=FEDERAL COOPERATION.

131 20 a. In the administration of this chapter, the department  
131 21 shall cooperate with the United States department of labor to  
131 22 the fullest extent consistent with the provisions of this  
131 23 chapter, and shall take such action, through the adoption of  
131 24 appropriate rules, regulations, administrative methods and  
131 25 standards, as may be necessary to secure to this state and its  
131 26 citizens all advantages available under the provisions of the  
131 27 Social Security Act that relate to unemployment compensation,  
131 28 the federal Unemployment Tax Act, the Wagner=Peysner Act, and  
131 29 the Federal=State Extended Unemployment Compensation Act of  
131 30 1970.

131 31 b. In the administration of the provisions of section  
131 32 96.29 which are enacted to conform with the requirements of  
131 33 the Federal=State Extended Unemployment Compensation Act of  
131 34 1970, the department shall take such action as may be  
131 35 necessary to insure that the provisions are so interpreted and  
132 1 applied as to meet the requirements of such federal Act as  
132 2 interpreted by the United States department of labor, and to  
132 3 secure to this state the full reimbursement of the federal  
132 4 share of extended benefits paid under this chapter that are

132 5 reimbursable under the federal Act.  
132 6 c. The department shall make such reports, in such form  
132 7 and containing such information as the United States  
132 8 department of labor may from time to time require, and shall  
132 9 comply with such provisions as the United States department of  
132 10 labor may from time to time find necessary to assure the  
132 11 correctness and verification of such reports; and shall comply  
132 12 with the regulations prescribed by the United States  
132 13 department of labor governing the expenditures of such sums as  
132 14 may be allotted and paid to this state under Title III of the  
132 15 Social Security Act for the purpose of assisting in  
132 16 administration of this chapter.

132 17 d. The department may make its records relating to the  
132 18 administration of this chapter available to the railroad  
132 19 retirement board, and may furnish the railroad retirement  
132 20 board such copies thereof as the railroad retirement board  
132 21 deems necessary for its purposes. The department may afford  
132 22 reasonable cooperation with every agency of the United States  
132 23 charged with the administration of any unemployment insurance  
132 24 law. The railroad retirement board or any other agency  
132 25 requiring such services and reports from the department shall  
132 26 pay the department such compensation therefor as the  
132 27 department determines to be fair and reasonable.

132 28 Sec. 182. Section 96.14, subsection 3, Code Supplement  
132 29 2007, is amended to read as follows:

132 30 3. LIEN OF CONTRIBUTIONS == COLLECTION.

132 31 a. Whenever any employer liable to pay contributions  
132 32 refuses or neglects to pay the same, the amount, including any  
132 33 interest, together with the costs that may accrue in addition  
132 34 thereto, shall be a lien in favor of the state upon all  
132 35 property and rights to property, whether real or personal,  
133 1 belonging to said employer. An assessment of the unpaid  
133 2 contributions, interest and penalty shall be applied as  
133 3 provided in section 96.7, subsection 3, paragraphs "a" and  
133 4 "b", and the lien shall attach as of the date the assessment  
133 5 is mailed or personally served upon the employer and shall  
133 6 continue for ten years, or until the liability for the amount  
133 7 is satisfied, unless sooner released or otherwise discharged.  
133 8 The lien may, within ten years from the date the lien  
133 9 attaches, be extended for up to an additional ten years by  
133 10 filing a notice during the ninth year with the appropriate  
133 11 county official of any county. However, the department may  
133 12 release any lien, when after diligent investigation and effort  
133 13 it determines that the amount due is not collectible.

133 14 b. In order to preserve the aforesaid lien against  
133 15 subsequent mortgagees, purchasers or judgment creditors, for  
133 16 value and without notice of the lien, on any property situated  
133 17 in a county, the department shall file with the recorder of  
133 18 the county, in which said property is located, a notice of  
133 19 said lien.

133 20 c. The county recorder of each county shall prepare and  
133 21 keep in the recorder's office an index to show the following  
133 22 data, under the names of employers, arranged alphabetically:

- 133 23 a. (1) The name of the employer.
- 133 24 b. (2) The name "State of Iowa" as claimant.
- 133 25 c. (3) Time notice of lien was received.
- 133 26 d. (4) Date of notice.
- 133 27 e. (5) Amount of lien then due.
- 133 28 f. (6) When satisfied.

133 29 d. The recorder shall endorse on each notice of lien the  
133 30 day, hour, and minute when received and shall index the notice  
133 31 in the index and shall record the lien in the manner provided  
133 32 for recording real estate mortgages, and the lien shall be  
133 33 effective from the time of the indexing of the lien.

133 34 e. The department shall pay a recording fee as provided in  
133 35 section 331.604, for the recording of the lien, or for its  
134 1 satisfaction.

134 2 f. Upon the payment of contributions as to which the  
134 3 department has filed notice with a county recorder, the  
134 4 department shall forthwith file with said recorder a  
134 5 satisfaction of said contributions and the recorder shall  
134 6 enter said satisfaction on the notice on file in the  
134 7 recorder's office and indicate said fact on the index  
134 8 aforesaid.

134 9 g. The department shall, substantially as provided in this  
134 10 chapter and chapter 626, proceed to collect all contributions  
134 11 as soon as practicable after they become delinquent, except  
134 12 that no property of the employer is exempt from payment of the  
134 13 contributions.

134 14 h. If, after due notice, any employer defaults in any  
134 15 payment of contributions or interest thereon, the amount due

134 16 may be collected by civil action in the name of the department  
134 17 and the employer adjudged in default shall pay the costs of  
134 18 such action. Civil actions brought under this section to  
134 19 collect contributions or interest thereon from an employer  
134 20 shall be heard by the court at the earliest possible date and  
134 21 shall be entitled to preference upon the calendar of the court  
134 22 over all other civil actions except petitions for judicial  
134 23 review under this chapter and cases arising under the workers'  
134 24 compensation law of this state.

134 25 i. It is expressly provided that the foregoing remedies of  
134 26 the state shall be cumulative and that no action taken by the  
134 27 department shall be construed to be an election on the part of  
134 28 the state or any of its officers to pursue any remedy  
134 29 hereunder to the exclusion of any other remedy provided by  
134 30 law.

134 31 j. The courts of this state shall recognize and enforce  
134 32 liabilities for unemployment contributions, penalties,  
134 33 interest, and benefit overpayments imposed by other states  
134 34 which extend a like comity to this state. The department may  
134 35 sue in the courts of any other jurisdiction which extends such  
135 1 comity to collect unemployment contributions, penalties,  
135 2 interest, and benefit overpayments due this state. The  
135 3 officials of other states which, by statute or otherwise,  
135 4 extend a like comity to this state may sue in the district  
135 5 court to collect for such contributions, penalties, interest,  
135 6 and benefit overpayments. In any such case the director, as  
135 7 agent for and on behalf of any other state, may institute and  
135 8 conduct such suit for such other state. Venue of such  
135 9 proceedings shall be the same as for actions to collect  
135 10 delinquent contributions, penalties, interest, and benefit  
135 11 overpayments due under this chapter. A certificate by the  
135 12 secretary of any such state attesting the authority of such  
135 13 official to collect the contributions, penalties, interest,  
135 14 and benefit overpayments, is conclusive evidence of such  
135 15 authority. The requesting state shall pay the court costs.

135 16 k. If a political subdivision or a political subdivision  
135 17 instrumentality becomes delinquent in the payment of  
135 18 contributions, any payments owed as a government employer,  
135 19 penalty, interest and costs for more than two calendar  
135 20 quarters, the amount of such delinquency shall be deducted  
135 21 from any further moneys due the employer by the state. Such  
135 22 deduction shall be made by the director of the department of  
135 23 administrative services upon certification of the amount due.  
135 24 A copy of the certification will be mailed to the employer.

135 25 l. If an amount due from a governmental entity of this  
135 26 state remains due and unpaid for a period of one hundred  
135 27 twenty days after the due date, the director shall take action  
135 28 as necessary to collect the amount and shall levy against any  
135 29 funds due the governmental entity from the state treasurer,  
135 30 director of the department of administrative services, or any  
135 31 other official or agency of this state, or against an account  
135 32 established by the entity in any bank. The official, agency,  
135 33 or bank shall deduct the amount certified by the director from  
135 34 any accounts or deposits or any funds due the delinquent  
135 35 governmental entity without regard to any prior claim and  
136 1 shall promptly forward the amount to the director for the  
136 2 fund. However, the director shall notify the delinquent  
136 3 entity of the director's intent to file a levy by certified  
136 4 mail at least ten days prior to filing the levy on any funds  
136 5 due the entity from any state official or agency.

136 6 Sec. 183. Section 96.16, subsection 5, Code 2007, is  
136 7 amended to read as follows:

136 8 5. EXPERIENCE AND TAX RATE AVOIDANCE.

136 9 a. If a person knowingly violates or attempts to violate  
136 10 section 96.7, subsection 2, paragraph "b", subparagraph (2) or  
136 11 (3), with respect to a transfer of unemployment experience, or  
136 12 if a person knowingly advises another person in a way that  
136 13 results in a violation of such subparagraph, the person shall  
136 14 be subject to the penalties established in this subsection.  
136 15 If the person is an employer, the employer shall be assigned a  
136 16 penalty rate of contribution of two percent of taxable wages  
136 17 in addition to the regular contribution rate assigned for the  
136 18 year during which such violation or attempted violation  
136 19 occurred and for the two rate years immediately following. If  
136 20 the person is not an employer, the person shall be subject to  
136 21 a civil penalty of not more than five thousand dollars for  
136 22 each violation which shall be deposited in the unemployment  
136 23 trust fund, and shall be used for payment of unemployment  
136 24 benefits. In addition to any other penalty imposed in this  
136 25 subsection, violations described in this subsection shall also  
136 26 constitute an aggravated misdemeanor.

136 27 b. For purposes of this subsection, ~~"knowingly":~~  
136 28 (1) "Knowingly" means having actual knowledge of or acting  
136 29 with deliberate ignorance of or reckless disregard for the  
136 30 requirement or prohibition involved. ~~For purposes of this~~  
~~136 31 subsection, "violates"~~  
136 32 (2) "Violates or attempts to violate" includes, but is not  
136 33 limited to, the intent to evade, misrepresentation, and  
136 34 willful nondisclosure.  
136 35 Sec. 184. Section 96.19, subsection 18, paragraph a,  
137 1 subparagraphs (3) and (7), Code 2007, are amended to read as  
137 2 follows:  
137 3 (3) (a) Any individual other than an individual who is an  
137 4 employee under subparagraphs (1) or (2) who performs services  
137 5 for remuneration for any person as an agent driver or  
137 6 commission driver engaged in distributing meat products,  
137 7 vegetable products, fruit products, bakery products, beverages  
137 8 (other than milk), or laundry or dry cleaning services for the  
137 9 individual's principal; as a traveling or city salesperson,  
137 10 other than as an agent driver or commission driver, engaged  
137 11 upon a full-time basis in the solicitation on behalf of, and  
137 12 the transmission to, the individual's principal (except for  
137 13 sideline sales activities on behalf of some other person) of  
137 14 orders from wholesalers, retailers, contractors, or operators  
137 15 of hotels, restaurants, or other similar establishments for  
137 16 merchandise for resale or supplies for use in their business  
137 17 operations.  
137 18 (b) Provided, that for purposes of ~~paragraph "a", this~~  
137 19 subparagraph (3), the term "employment" shall include services  
137 20 performed after December 31, 1971, only if:  
137 21 ~~(a)~~ (i) The contract of service contemplates that  
137 22 substantially all of the services are to be performed  
137 23 personally by such individual;  
137 24 ~~(b)~~ (ii) The individual does not have a substantial  
137 25 investment in facilities used in connection with the  
137 26 performance of the services (other than in facilities for  
137 27 transportation); and  
137 28 ~~(c)~~ (iii) The services are not in the nature of single  
137 29 transaction that is not part of a continuing relationship with  
137 30 the person for whom the services are performed.  
137 31 (7) (a) A person in agricultural labor when such labor is  
137 32 performed for an employing unit which during any calendar  
137 33 quarter in the calendar year or the preceding calendar year  
137 34 paid remuneration in cash of twenty thousand dollars or more  
137 35 to individuals employed in agricultural labor excluding labor  
138 1 performed before January 1, 1980, by an alien referred to in  
138 2 this subparagraph; or on each of some twenty days during the  
138 3 calendar year or the preceding calendar year, each day being  
138 4 in a different calendar week, employed in agricultural labor  
138 5 for some portion of the day ten or more individuals, excluding  
138 6 labor performed before January 1, 1980, by an alien referred  
138 7 to in this subparagraph; and such labor is not agricultural  
138 8 labor performed before January 1, 1980, by an individual who  
138 9 is an alien admitted to the United States to perform  
138 10 agricultural labor pursuant to sections 214(c) and  
138 11 101(a)(15)(H) of the Immigration and Nationality Act, 8 U.S.C.  
138 12 } 1184(c), 1101(a)(15)(H) (1976). For purposes of this  
138 13 subparagraph subdivision, "employed" shall not include  
138 14 services performed by agricultural workers who are aliens  
138 15 admitted to the United States to perform labor pursuant to  
138 16 section 101(a)(15)(H)(ii)(a) of the Immigration and  
138 17 Nationality Act and who are not covered under the Federal  
138 18 Unemployment Tax Act.  
138 19 (b) For purposes of this subparagraph, any individual who  
138 20 is a member of a crew furnished by a crew leader to perform  
138 21 agricultural labor for any other employing unit shall be  
138 22 treated as an employee of such crew leader if such crew leader  
138 23 holds a valid certificate of registration under the Farm Labor  
138 24 Contractor Registration Act of 1963; or substantially all the  
138 25 members of such crew operate or maintain tractors, mechanized  
138 26 harvesting or cropdusting equipment, or any other mechanized  
138 27 equipment, which is provided by such crew leader; and if such  
138 28 individual is not otherwise in employment as defined in this  
138 29 subsection.  
138 30 (c) For purposes of this subparagraph (7), in the case of  
138 31 any individual who is furnished by a crew leader to perform  
138 32 agricultural labor for any other employing unit and who is not  
138 33 treated as an employee of such crew leader as described above,  
138 34 such other employing unit and not the crew leader shall be  
138 35 treated as the employer of such individual; and such other  
139 1 employing unit shall be treated as having paid cash  
139 2 remuneration to such individual in an amount equal to the

139 3 amount of cash remuneration paid to such individual by the  
139 4 crew leader either on the crew leader's behalf or on behalf of  
139 5 such other employing unit for the agricultural labor performed  
139 6 for such other employing unit.

139 7 (d) For purposes of this ~~subsection~~ subparagraph (7), the  
139 8 term "crew leader" means an employing unit which furnishes  
139 9 individuals to perform agricultural labor for any other  
139 10 employing unit; pays, either on the crew leader's behalf or on  
139 11 behalf of such other employing unit, the individuals so  
139 12 furnished by the crew leader for the agricultural labor  
139 13 performed by them; and has not entered into a written  
139 14 agreement with such other employing unit under which such  
139 15 individual is designated as an employee of such other  
139 16 employing unit.

139 17 Sec. 185. Section 96.19, subsection 38, paragraph b, Code  
139 18 2007, is amended to read as follows:

139 19 b. An individual shall be deemed partially unemployed in  
139 20 any week in which, ~~while either of the following apply:~~

139 21 (1) While employed at the individual's then regular job,  
139 22 the individual works less than the regular full-time week and  
139 23 in which the individual earns less than the individual's  
139 24 weekly benefit amount plus fifteen dollars.

139 25 ~~(2) An individual shall be deemed partially unemployed in~~  
139 26 ~~any week in which the~~ The individual, having been separated  
139 27 from the individual's regular job, earns at odd jobs less than  
139 28 the individual's weekly benefit amount plus fifteen dollars.

139 29 Sec. 186. Section 97A.8, subsection 3, Code 2007, is  
139 30 amended to read as follows:

139 31 3. EXPENSE FUND.

139 32 a. The expense fund shall be the fund to which shall be  
139 33 credited all money provided by the state of Iowa to pay the  
139 34 administration expenses of the system and from which shall be  
139 35 paid all the expenses necessary in connection with the  
140 1 administration and operation of the system. Biennially the  
140 2 board of trustees shall estimate the amount of money necessary  
140 3 to be paid into the expense fund during the ensuing biennium  
140 4 to provide for the expense of operation of the system.  
140 5 Investment management expenses shall be charged to the  
140 6 investment income of the system and there is appropriated from  
140 7 the system an amount required for the investment management  
140 8 expenses. The board of trustees shall report the investment  
140 9 management expenses for the fiscal year as a percent of the  
140 10 market value of the system.

140 11 b. For purposes of this subsection, investment management  
140 12 expenses are limited to the following:

140 13 ~~a-~~ (1) Fees for investment advisors, consultants, and  
140 14 investment management and benefit consultant firms hired by  
140 15 the board of trustees in administering this chapter.

140 16 ~~b-~~ (2) Fees and costs for safekeeping fund assets.

140 17 ~~c-~~ (3) Costs for performance and compliance monitoring,  
140 18 and accounting for fund investments.

140 19 ~~d-~~ (4) Any other costs necessary to prudently invest or  
140 20 protect the assets of the fund.

140 21 Sec. 187. Section 97B.1A, subsection 8, paragraph a,  
140 22 subparagraph (2), Code 2007, is amended to read as follows:

140 23 (2) Members of the general assembly of Iowa and temporary  
140 24 employees of the general assembly of Iowa.

140 25 (a) A member of the general assembly covered under this  
140 26 chapter may terminate membership under this chapter by  
140 27 informing the system in writing of the member's intent to  
140 28 terminate membership.

140 29 (b) Temporary employees of the general assembly covered  
140 30 under this chapter may terminate membership by sending written  
140 31 notification to the system of their separation from service.

140 32 Sec. 188. Section 97B.70, subsection 1, paragraph b, Code  
140 33 2007, is amended to read as follows:

140 34 b. The interest dividend shall be determined within sixty  
140 35 days after the end of each calendar year as follows:

141 1 (1) The dividend rate for a calendar year shall be the  
141 2 excess of the average rate of interest earned for the year  
141 3 over the statutory two percent rate plus twenty-five  
141 4 hundredths of one percent.

141 5 (2) The average rate of interest earned and the interest  
141 6 dividend rate in percent shall be calculated to the nearest  
141 7 one hundredth, that is, to two decimal places.

141 8 (3) Interest and interest dividends calculated pursuant to  
141 9 this subsection shall be compounded annually.

141 10 Sec. 189. Section 99B.1, subsection 13, Code Supplement  
141 11 2007, is amended to read as follows:

141 12 13. a. "Eligible applicant" means an applicant who meets  
141 13 all of the following requirements:

141 14 a. (1) The applicant's financial standing and good  
141 15 reputation are within the standards established by the  
141 16 department by rule under chapter 17A so as to satisfy the  
141 17 director of the department that the applicant will comply with  
141 18 this chapter and the rules applicable to operations under it.  
141 19 b. (2) The applicant is a citizen of the United States  
141 20 and a resident of this state, or a corporation licensed to do  
141 21 business in this state, or a business that has an established  
141 22 place of business in this state or that is doing business in  
141 23 this state.  
141 24 c. (3) The applicant has not been convicted of a felony.  
141 25 However, if the applicant's conviction occurred more than five  
141 26 years before the date of the application for a license, and if  
141 27 the applicant's rights of citizenship have been restored by  
141 28 the governor, the director of the department may determine  
141 29 that the applicant is an eligible applicant.  
141 30 b. If the applicant is an organization, then the  
141 31 requirements of ~~paragraphs~~ paragraph "a", "b", and "c"  
141 32 subparagraphs (1) through (3), apply to ~~its~~ the officers,  
141 33 directors, partners and controlling shareholders of the  
141 34 organization.

141 35 Sec. 190. Section 99B.7, subsection 3, paragraphs b and c,  
142 1 Code 2007, are amended to read as follows:

142 2 b. (1) A person or the agent of a person submitting  
142 3 application to conduct games pursuant to this section as a  
142 4 qualified organization shall certify that the receipts of all  
142 5 games, less reasonable expenses, charges, fees, taxes, and  
142 6 deductions allowed by this chapter, either will be distributed  
142 7 as prizes to participants or will be dedicated and distributed  
142 8 to educational, civic, public, charitable, patriotic or  
142 9 religious uses in this state and that the amount dedicated and  
142 10 distributed will equal at least seventy-five percent of the  
142 11 net receipts.

142 12 (2) (a) "Educational, civic, public, charitable,  
142 13 patriotic, or religious uses" means uses benefiting a society  
142 14 for the prevention of cruelty to animals or animal rescue  
142 15 league, or uses benefiting an indefinite number of persons  
142 16 either by bringing them under the influence of education or  
142 17 religion or relieving them from disease, suffering, or  
142 18 constraint, or by erecting or maintaining public buildings or  
142 19 works, or otherwise lessening the burden of government, or  
142 20 uses benefiting any bona fide nationally chartered fraternal  
142 21 or military veterans' corporation or organization which  
142 22 operates in Iowa a clubroom, post, dining room, or dance hall,  
142 23 but does not include the erection, acquisition, improvement,  
142 24 maintenance, or repair of real, personal or mixed property  
142 25 unless it is used for one or more of the uses stated.

142 26 (b) "Public uses" specifically includes dedication of net  
142 27 receipts to political parties as defined in section 43.2.

142 28 (c) "Charitable uses" includes uses benefiting a definite  
142 29 number of persons who are the victims of loss of home or  
142 30 household possessions through explosion, fire, flood, or storm  
142 31 when the loss is uncompensated by insurance, and uses  
142 32 benefiting a definite number of persons suffering from a  
142 33 seriously disabling disease or injury, causing severe loss of  
142 34 income or incurring extraordinary medical expense when the  
142 35 loss is uncompensated by insurance.

143 1 (3) Proceeds given to another charitable organization to  
143 2 satisfy the seventy-five percent dedication requirement shall  
143 3 not be used by the donee to pay any expenses in connection  
143 4 with the conducting of bingo by the donor organization, or for  
143 5 any cause, deed, or activity that would not constitute a valid  
143 6 dedication under this section.

143 7 c. (1) A qualified organization shall distribute amounts  
143 8 awarded as prizes on the day they are won. A qualified  
143 9 organization shall dedicate and distribute the balance of the  
143 10 net receipts received within a quarter and remaining after  
143 11 deduction of reasonable expenses, charges, fees, taxes, and  
143 12 deductions allowed by this chapter, before the quarterly  
143 13 report required for that quarter under section 99B.2,  
143 14 subsection 4, is due. The amount dedicated and distributed  
143 15 must equal at least seventy-five percent of the net receipts.  
143 16 A person desiring to hold the net receipts for a period longer  
143 17 than permitted under this paragraph shall apply to the  
143 18 department for special permission and upon good cause shown  
143 19 the department may grant the request.

143 20 (2) If permission is granted to hold the net receipts, the  
143 21 person shall, as a part of the quarterly report required by  
143 22 section 99B.2, report the amount of money currently being held  
143 23 and all expenditures of the funds. This report shall be filed  
143 24 even if the person no longer holds a gambling license.

143 25 Sec. 191. Section 99D.25, subsection 10, Code Supplement  
143 26 2007, is amended to read as follows:  
143 27 10. Veterinarians must submit daily to the commission  
143 28 veterinarian on a prescribed form a report of all medications  
143 29 and other substances which the veterinarian prescribed,  
143 30 administered, or dispensed for horses registered at a current  
143 31 race meeting. A logbook detailing other professional services  
143 32 performed while on the grounds of a racetrack shall be kept by  
143 33 veterinarians and shall be made immediately available to the  
143 34 commission veterinarian or the stewards upon request.

143 35 11. A person who violates this section is guilty of a  
144 1 class "D" felony.

144 2 Sec. 192. Section 100.1, unnumbered paragraphs 1 and 2,  
144 3 Code Supplement 2007, are amended to read as follows:

144 4 The chief officer of the division of state fire marshal in  
144 5 the department of public safety shall be known as the state  
144 6 fire marshal. The fire marshal's duties shall be as follows:

144 7 ~~The fire marshal's duties shall be as follows:~~

144 8 Sec. 193. Section 101.22, subsection 7, Code 2007, is  
144 9 amended to read as follows:

144 10 7. It is unlawful to deposit petroleum in an aboveground  
144 11 petroleum storage tank which has not been registered pursuant  
144 12 to subsections 1 through 4.

144 13 8. The state fire marshal shall furnish the owner or  
144 14 operator of an aboveground petroleum storage tank with a  
144 15 registration tag for each aboveground petroleum storage tank  
144 16 registered with the state fire marshal. The owner or operator  
144 17 shall affix the tag to the fill pipe of each registered  
144 18 aboveground petroleum storage tank. A person who conveys or  
144 19 deposits petroleum shall inspect the aboveground petroleum  
144 20 storage tank to determine the existence or absence of the  
144 21 registration tag. If a registration tag is not affixed to the  
144 22 aboveground petroleum storage tank fill pipe, the person  
144 23 conveying or depositing the petroleum may deposit the  
144 24 petroleum in the unregistered tank. However, the deposit is  
144 25 allowed only in the single instance, that the person provides  
144 26 the owner or operator with another notice as required by  
144 27 subsection 5, and that the person provides the owner or  
144 28 operator with an aboveground petroleum storage tank  
144 29 registration form. It is the owner or operator's duty to  
144 30 comply with registration requirements. A late registration  
144 31 penalty of twenty-five dollars is imposed in addition to the  
144 32 registration fee for a tank registered after the required  
144 33 date.

#### 144 34 DIVISION III

##### 144 35 CONFORMING AMENDMENTS TO VOLUME I RENUMBERING

145 1 Sec. 194. Section 10B.7, unnumbered paragraph 1, Code  
145 2 Supplement 2007, is amended to read as follows:

145 3 Lessees of agricultural land under section 9H.4, subsection  
145 4 ~~2~~ 1, paragraph ~~"c"~~ "b", subparagraph (3), for research or  
145 5 experimental purposes, shall file a biennial report with the  
145 6 secretary of state on or before March 31 of each odd-numbered  
145 7 year on forms adopted pursuant to chapter 17A and supplied by  
145 8 the secretary of state. However, a lessee required to file a  
145 9 biennial report pursuant to chapter 490, 490A, 496C, 497, 498,  
145 10 499, 501, 501A, or 504 shall file the report required by this  
145 11 section in the same year as required by that chapter. The  
145 12 lessee may file the report required by this section together  
145 13 with the biennial report required to be filed by one of the  
145 14 other chapters referred to in this paragraph. The report  
145 15 shall contain the following information for the reporting  
145 16 period:

145 17 Sec. 195. Section 11.36, subsection 1, Code Supplement  
145 18 2007, is amended to read as follows:

145 19 1. The auditor of state may, at the request of a  
145 20 department, review, during normal business hours upon  
145 21 reasonable notice of at least twenty-four hours, the audit  
145 22 working papers prepared by a certified public accountant  
145 23 covering the receipt and expenditure of state or federal funds  
145 24 provided by the department to any other entity to determine if  
145 25 the receipt and expenditure of those funds by the entity is  
145 26 consistent with the laws, rules, regulations, and contractual  
145 27 agreements governing those funds. Upon completion of the  
145 28 review, the auditor of state shall report whether, in the  
145 29 auditor of state's judgment, the auditor of state believes the  
145 30 certified public accountant's working papers adequately  
145 31 demonstrate that the laws, rules, regulations, and contractual  
145 32 agreements governing the funds have been substantially  
145 33 complied with. If the auditor of state does not believe the  
145 34 certified public accountant's working papers adequately  
145 35 demonstrate that the laws, rules, regulations, and contractual

146 1 agreements have been substantially complied with or believes a  
146 2 complete or partial reaudit is necessary based on the  
146 3 provisions of section 11.6, subsection 4, paragraph "a" ~~or~~  
~~146 4 "b", subparagraph (1) or (2),~~ the auditor of state shall  
146 5 notify the certified public accountant and the department of  
146 6 the actions the auditor of state believes are necessary to  
146 7 determine whether the entity is in substantial compliance with  
146 8 those laws, rules, regulations, and contractual agreements.  
146 9 The auditor of state may assist departments with actions to  
146 10 determine whether the entity is in substantial compliance.  
146 11 Departments requesting the review shall reimburse the auditor  
146 12 of state for the cost of the review and any subsequent  
146 13 assistance provided by the auditor of state.

146 14 Sec. 196. Section 49.13, subsection 1, Code Supplement  
146 15 2007, is amended to read as follows:

146 16 1. The membership of each precinct election board shall be  
146 17 appointed by the commissioner, not less than fifteen days  
146 18 before each election held in the precinct, from the election  
146 19 board panel drawn up as provided in section 49.15. Precinct  
146 20 election officials shall be registered voters of the county,  
146 21 or other political subdivision within which precincts have  
146 22 been merged across county lines pursuant to section 49.11,  
146 23 subsection ~~† 3,~~ paragraph "a", in which they are appointed.  
146 24 Preference shall be given to appointment of residents of a  
146 25 precinct to serve as precinct election officials for that  
146 26 precinct, but the commissioner may appoint other residents of  
146 27 the county where necessary.

146 28 Sec. 197. Section 49.16, subsection 2, Code 2007, is  
146 29 amended to read as follows:

146 30 2. When all or portions of two or more precincts are  
146 31 merged for any election as permitted by section 49.11,  
146 32 subsection ~~† 3,~~ paragraph "a", the commissioner may appoint  
146 33 the election board for the merged precinct from the election  
146 34 board panels of any of the precincts so merged. When any  
146 35 permanent precinct is divided as permitted by section 49.11,  
147 1 subsection ~~‡ 3,~~ paragraph "b", the commissioner shall so far  
147 2 as possible appoint the election board for each of the  
147 3 temporary precincts so created from the election board panel  
147 4 of the permanent precinct.

147 5 Sec. 198. Section 87.11, subsection 4, Code Supplement  
147 6 2007, is amended to read as follows:

147 7 4. Notwithstanding contrary provisions of section 85.45,  
147 8 any future payment of medical expenses, weekly compensation  
147 9 benefits, or other payments by the commissioner of insurance  
147 10 from the security given under this section, pursuant to this  
147 11 chapter or chapter 85, 85A, 85B, or 86, shall be deemed an  
147 12 undue expense, hardship, or inconvenience upon the employer  
147 13 for purposes of a full commutation pursuant to section 85.45,  
147 14 subsection ~~‡ 1,~~ paragraph "b".

147 15 Sec. 199. Section 96.4, subsection 3, Code 2007, is  
147 16 amended to read as follows:

147 17 3. The individual is able to work, is available for work,  
147 18 and is earnestly and actively seeking work. This subsection  
147 19 is waived if the individual is deemed partially unemployed,  
147 20 while employed at the individual's regular job, as defined in  
147 21 section 96.19, subsection 38, paragraph "b", ~~unnumbered~~  
~~147 22 paragraph † subparagraph (1),~~ or temporarily unemployed as  
147 23 defined in section 96.19, subsection 38, paragraph "c". The  
147 24 work search requirements of this subsection and the  
147 25 disqualification requirement for failure to apply for, or to  
147 26 accept suitable work of section 96.5, subsection 3 are waived  
147 27 if the individual is not disqualified for benefits under  
147 28 section 96.5, subsection 1, paragraph "h".

147 29 Sec. 200. Section 279.48, subsection 1, paragraph b, Code  
147 30 2007, is amended to read as follows:

147 31 b. The note may bear interest at a rate to be determined  
147 32 by the board of directors in the manner provided in section  
147 33 74A.3, subsection 1, paragraph "a". Chapter 75 is not  
147 34 applicable.

147 35 Sec. 201. Section 331.756, subsection 12, Code Supplement  
148 1 2007, is amended to read as follows:

148 2 12. Submit reports as to the condition and operation of  
148 3 the county attorney's office when required by the attorney  
148 4 general as provided in section 13.2, subsection ~~‡ 1,~~ paragraph  
148 5 "h".

148 6 Sec. 202. Section 515B.5, subsection 2, paragraph h, Code  
148 7 2007, is amended to read as follows:

148 8 h. Request that all future payments of workers'  
148 9 compensation weekly benefits, medical expenses, or other  
148 10 payments under chapter 85, 85A, 85B, 86, or 87 be commuted to  
148 11 a present lump sum and upon the payment of which, either to



148 12 the claimant or to a licensed insurer for purchase of an  
148 13 annuity or other periodic payment plan for the benefit of the  
148 14 claimant, the employer and the association shall be discharged  
148 15 from all further liability for the workers' compensation  
148 16 claim. Notwithstanding the provisions of section 85.45, any  
148 17 future payment of medical expenses, weekly compensation  
148 18 benefits, or other payment by the association under this  
148 19 chapter pursuant to chapter 85, 85A, 85B, 86, or 87, is deemed  
148 20 an undue expense, hardship, or inconvenience upon the employer  
148 21 for purposes of a full commutation pursuant to section 85.45,  
148 22 subsection ~~2~~ 1, paragraph "b", and the workers' compensation  
148 23 commissioner shall fix the lump sum of the probable future  
148 24 medical expenses and weekly compensation benefits capitalized  
148 25 at their present value upon the basis of interest at the rate  
148 26 provided in section 535.3 for court judgments and decrees.

#### DIVISION IV

##### Sec. 203. CODE EDITOR DIRECTIVE.

148 29 1. The Code editor is directed to renumber the following  
148 30 Code sections in accordance with established Code section  
148 31 hierarchy and correct internal references as necessary:

148 32 a. Sections 8.22, 15D.1, 28A.1, 28K.1, 29C.21, 29C.22,  
148 33 152E.1, 221.1, 232.158, 232.171, 256.70, 261D.2, 272A.1,  
148 34 272B.1, 307C.1, 321C.1, 321D.1, 457B.1, 473A.1, 505A.1,  
148 35 692B.2, 818.1, 821.1, 907B.2, and 913.2, Code 2007.

149 1 b. Sections 152E.3 and 327K.1, Code Supplement 2007.

149 2 2. The Code editor is directed to number or renumber  
149 3 provisions within the following Code sections to eliminate  
149 4 unnumbered paragraphs and correct internal references as  
149 5 necessary:

149 6 a. Sections 2.45, 2C.12, 6A.4, 6A.22, 6B.2, 6B.3, 6B.54,  
149 7 6B.56, 7C.4A, 7D.1, 7D.6, 8A.502, 8A.504, 9C.8, 9E.6A, 9H.5,  
149 8 10A.106, 12B.10C, 12C.6, 12D.1, 12D.8, 15.272, 15.329, 15.343,  
149 9 15E.61, 15E.111, 15E.195, 15E.207, 16.105, 17A.6, 17A.9,  
149 10 17A.17, 20.1, 20.22, 21.4, 25B.2, 28.4, 28A.10, 28B.1, 28E.23,  
149 11 29B.15, 29B.28, 29B.31, 29B.40, 29B.47, 29B.50, 29B.51,  
149 12 29B.53, 29B.55, 29B.63, 29B.65, 29B.91, 34A.2, 34A.8, 35C.1,  
149 13 37.18, 39.2, 43.24, 43.49, 43.56, 43.67, 44.4, 47.2, 48A.19,  
149 14 48A.28, 49.4, 49.47, 50.29, 50.30, 53.1, 53.3, 53.45, 68B.31,  
149 15 70A.1, 70A.15, 70A.25, 80.37, 85.3, 85.35, 85A.11, 85B.8,  
149 16 87.4, 89.2, 89A.8, 89B.17, 91B.1, 91C.3, 91C.7, 91E.2, 92.2,  
149 17 92.6, 96.3, 96.7, 96.7A, 96.13, 96.19, 96.23, 96.29, 96.40,  
149 18 97.51, 97A.6, 97A.6B, 97A.8, 97A.10, 97B.1A, 97B.8A, 97B.34A,  
149 19 97B.42A, 97B.48A, 97B.49G, 97B.52, 97B.53B, 99B.2, 99B.7,  
149 20 99D.13, 99F.4A, 100.39, 103A.7, 103A.9, and 103A.20, Code  
149 21 2007.

149 22 b. Sections 8A.311, 8A.321, 8A.376, 8A.415, 11.2, 12C.23,  
149 23 15.335, 15A.9, 15E.194, 15E.305, 22.7, 39.22, 45.1, 49.8,  
149 24 52.25, 68A.402, 72.5, 80B.13, 80D.3, 96.5, 99D.5, and 103A.19,  
149 25 Code Supplement 2007.

#### DIVISION V

##### EFFECTIVE DATES == APPLICABILITY

##### Sec. 204. EFFECTIVE DATES == APPLICABILITY.

149 29 1. The section of this Act, amending 2007 Iowa Acts,  
149 30 chapter 182, section 3, being deemed of immediate importance,  
149 31 takes effect upon enactment and applies retroactively to May  
149 32 24, 2007.

149 33 2. The sections of this Act, amending 2007 Iowa Acts,  
149 34 chapter 197, sections 33, 34, 35, 36, 38, 41, 42, and 43,  
149 35 being deemed of immediate importance, take effect upon  
150 1 enactment and apply effective January 1, 2009.

150 2 3. The section of this Act, amending section 104C.2,  
150 3 subsection 8, as enacted by 2007 Iowa Acts, chapter 198,  
150 4 section 2, takes effect July 1, 2008.

150 5 4. The sections of this Act, amending 2007 Iowa Acts,  
150 6 chapter 198, sections 10, 11, and 18, take effect July 1,  
150 7 2008.

#### EXPLANATION

150 9 This bill makes Code changes and corrections that are  
150 10 considered to be nonsubstantive and noncontroversial, in  
150 11 addition to style changes. Changes made include updating or  
150 12 correcting various names of and references to public and  
150 13 private entities and funds, correcting internal Code and  
150 14 subject matter references, and making various grammatical  
150 15 corrections. The Code sections in which the technical,  
150 16 grammatical, and other nonsubstantive changes are made include  
150 17 all of the following:

150 18 DIVISION I. Code section 2.28: Eliminates a section  
150 19 self-reference in a reference to several Code sections by  
150 20 substituting the words "this section" for a numerical  
150 21 reference to the Code section and including the other  
150 22 referenced sections in a through reference.

150 23 Code section 7K.1(2)(i): Corrects the spelling of the word  
150 24 "nonwhite" by eliminating a hyphen.

150 25 Code section 12C.16: Renumbers and corrects a United  
150 26 States Code citation to the federal Investment Company Act in  
150 27 this provision relating to the deposit of public funds.

150 28 Code section 15.393(1) and (2)(a)(2): In a provision  
150 29 providing for registration of projects for purposes of  
150 30 receiving assistance pursuant to the film, television, and  
150 31 video project promotion program, inserts "criteria" for  
150 32 grammatical correctness and to agree with a provision  
150 33 referring to other criteria. This bill also strikes a  
150 34 redundant reference to "graphics" in a provision defining  
150 35 "qualified expenditure" for purposes of receiving assistance  
151 1 under the program.

151 2 Code section 16.181(1)(b)(1): Adds "former" to a reference  
151 3 to the Iowa housing corporation in a provision establishing  
151 4 the housing trust fund. Code sections 16.5A and 16.5B  
151 5 providing for the Iowa housing corporation were repealed in  
151 6 2007.

151 7 Code section 35.9: Deletes the words "of veterans affairs"  
151 8 which appear after the word "department". The term  
151 9 "department" is defined for purposes of Code chapter 35,  
151 10 entitled "Veterans Affairs", as meaning the "Iowa department  
151 11 of veterans affairs".

151 12 Code section 42.4(8)(b)(2): Specifies that a copy of each  
151 13 resignation by an incumbent senator shall be filed with the  
151 14 secretary of state if more than one incumbent senator in a  
151 15 holdover senatorial district resigns in a provision relating  
151 16 to redistricting plans.

151 17 Code section 85.61: Adds the word "chapter" after the word  
151 18 "this" to clarify that the provisions of Code chapter 85 are  
151 19 included within the list of Code chapters referenced.

151 20 Code section 87.2: Numbers the first and last unnumbered  
151 21 paragraphs and adds the word "chapter" after the word "this"  
151 22 to clarify that the provisions of Code chapter 87 are included  
151 23 within the list of Code chapters referenced.

151 24 Code section 97D.4(1) and (4): Rearranges and designates  
151 25 unnumbered paragraphs in subsection 1 that describe the  
151 26 membership and meetings of the public retirement systems  
151 27 committee and restructures language in subsection 4 describing  
151 28 acts which may be performed by that committee.

151 29 Code section 99B.10B(3)(b)(1): Substitutes "registration"  
151 30 for "registrant" in a provision relating to the denial,  
151 31 suspension, or revocation of the registration for an  
151 32 electrical or mechanical amusement device.

151 33 Code section 99F.12(2): Breaks a very long sentence into  
151 34 smaller sentences in a provision describing regulation of  
151 35 racetracks by the racing and gaming commission of the  
152 1 department of inspections and appeals.

152 2 Code sections 99G.30A(2)(b), 423B.6(2)(b), and 455B.455:  
152 3 Substitutes "through" for "to" in order to indicate inclusive  
152 4 references to Code sections in Code chapters 422 and 423 for  
152 5 purposes of referencing the provisions of those Code chapters  
152 6 applicable to the administration of the monitor vending  
152 7 machine excise tax, local sales and services taxes, and land  
152 8 burial surcharge tax.

152 9 Code section 100.18: Renumbers this Code section relating  
152 10 to the installation of smoke detectors and redesignates the  
152 11 two unnumbered paragraphs of subsection 3 as lettered  
152 12 paragraphs.

152 13 Code section 101B.4(1)(b): Corrects the name of the  
152 14 American society of testing and materials international in  
152 15 this provision relating to testing of cigarette ignition  
152 16 strength.

152 17 Code sections 103.1(8) and 103.9(1): Adds a numeric  
152 18 reference to Code chapter 91C, relating to construction  
152 19 contractors, where there are references to being registered  
152 20 with the state as a contractor to facilitate electronic  
152 21 hypertext linkage to that Code chapter.

152 22 Code section 103.6: Renumbers and moves language in this  
152 23 provision describing the powers and duties of the electrical  
152 24 examining board.

152 25 Code section 103.22(1) and (3): Makes grammatical changes  
152 26 for readability in provisions providing for the  
152 27 inapplicability of the Code chapter relating to electricians  
152 28 and electrical contractors.

152 29 Code sections 123A.2(9) and 554.13103(3): Substitutes a  
152 30 reference to Code section 554.1201 for a reference to Code  
152 31 section 554.2103 in definitions of good faith for purposes of  
152 32 the beer brewers and wholesalers Code chapter and for purpose  
152 33 of article 13 of the uniform commercial code, relating to

152 34 leases. The definition of good faith was stricken from Code  
152 35 section 554.2103 in 2007.

153 1 Code section 135N.5(1): Corrects an incorrect reference to  
153 2 Code chapter 20 in a provision stating that the hemophilia  
153 3 advisory committee is subject to the Code chapter regulating  
153 4 public records. Code chapter 22 regulates public records.  
153 5 Code section 141A.9(2)(i): Inserts "if requested by the  
153 6 victim" in a provision directing HIV-related test results to  
153 7 be made available for release, pursuant to Code section  
153 8 915.43, to the physician of a victim to agree with the  
153 9 provision in Code section 915.43.

153 10 Code section 147.14(23): Eliminates a Code chapter  
153 11 self-reference by substituting the words "this chapter" for  
153 12 the numeric reference to the Code chapter.

153 13 Code section 147.37: Updates language relating to the  
153 14 testing of certain candidates for licensure as health care  
153 15 professionals.

153 16 Code section 148.3(1): Substitutes "the board" for "them"  
153 17 in a reference to the board of medicine.

153 18 Code sections 159.20, 175A.2, 178.3, 181.3, 182.5, 183A.2,  
153 19 185.3, 185C.10, and 459.102: Updates references to the name  
153 20 of the college of agriculture and life sciences at Iowa state  
153 21 university of science and technology.

153 22 Code section 214A.2B: Corrects a reference to an American  
153 23 society for testing and materials international standard for  
153 24 biodiesel testing that is to be conducted in a merged area  
153 25 school laboratory.

153 26 Code section 216.9(2): Adds the noun "school" to agree  
153 27 with the adjectives elementary and secondary in a list of  
153 28 educational institutions subject to certain prohibitions on  
153 29 unfair or discriminatory practices.

153 30 Code section 231D.5: Redesignate a subsection as a  
153 31 lettered paragraph and moves another lettered paragraph to the  
153 32 end of the series of paragraphs in this provision relating to  
153 33 denial, suspension, or revocation of certification of adult  
153 34 day services programs.

153 35 Code section 234.7(1): Combines two paragraphs that  
154 1 describe a requirement that the department of human services  
154 2 include a child's foster parent in department planning and  
154 3 review activities associated with the child.

154 4 Code section 236.5(2): Changes the term "protection order"  
154 5 to "protective order" in these provisions relating to court  
154 6 orders in domestic abuse cases to conform to the actual name  
154 7 given these types of orders elsewhere in this Code chapter and  
154 8 Code chapter 664A.

154 9 Code section 249A.30A: Clarifies the intent of a provision  
154 10 relating to persons who may receive the personal needs  
154 11 allowance under the medical assistance program by completing  
154 12 fragmented portions of a sentence.

154 13 Code section 256C.3(4)(d): Substitutes "professional  
154 14 development" and "professional development plan" for "career  
154 15 development" and "career development plan" to agree with  
154 16 changes made to Code section 284.6, referenced therein, in  
154 17 2007.

154 18 Code section 257.11(6)(c): Substitutes "education" for  
154 19 "educational" for correct usage of the term "area education  
154 20 agency".

154 21 Code sections 308.3(1, 4, and 5), 308.4(3)(b), and  
154 22 308.9(1): Adds hyphens in a definition of the term  
154 23 "right-of-way" in Code section 308.3 and makes conforming  
154 24 changes elsewhere in the same provision and elsewhere in the  
154 25 Code chapter.

154 26 Code section 321.52(4)(c) and NEW (5): Moves language  
154 27 applicable to the entire Code section, which directs the state  
154 28 department of transportation to adopt rules to implement  
154 29 provisions relating to out-of-state sales and junked,  
154 30 dismantled, wrecked, or salvage vehicles, to its own  
154 31 subsection.

154 32 Code section 321J.15: Strikes an incorrect placement of  
154 33 the word "substances" in a provision allowing the admission of  
154 34 evidence of the alcohol concentration or the presence of a  
154 35 controlled substance or other drugs in a person's body in an  
155 1 operating while intoxicated proceeding.

155 2 Code section 403A.6: Updates the style and conforms the  
155 3 numbering in this provision to conform to existing Code  
155 4 hierarchy.

155 5 Code sections 403A.7, 452A.53, 554.2315, 554.2502,  
155 6 554.2503, 554.2604, 554.2615, 554.2616, 554.2703, 554.2704,  
155 7 554.2709, 554.2711, 554.2712, 554.2714, 554.2719, 554.13309,  
155 8 633.113, 633.305, 633.426, 820.14, and 820.15: Substitutes,  
155 9 for the words "the preceding", "the preceding sections

155 10 hereof", or "the next", the appropriate numeric references  
155 11 that bear that relationship to the enumerated Code sections  
155 12 and updates the style of many of those Code sections to  
155 13 conform to current Code section style.

155 14 Code section 423.4(8)(d): Substitutes "are" for "is" to  
155 15 agree with the plural "dates" in a provision relating to the  
155 16 eligibility of an information technology facility to receive a  
155 17 refund of the sales or use tax upon the sales price of all  
155 18 sales of fuel used in creating heat, power, and steam for  
155 19 processing or generating electrical current, or from the sale  
155 20 of electricity consumed by computers, machinery, or other  
155 21 equipment for operation of the technology facility.

155 22 Code sections 453A.31(2)(c) and 453A.50(3)(a)(3): Adds the  
155 23 word "one" before the words "thousand dollar penalty" so that  
155 24 the phrase will read "one thousand dollar penalty".

155 25 Code section 455B.109(1): Numbers an unnumbered paragraph  
155 26 that describes the time frame for imposition of penalties as a  
155 27 separate subsection. The unnumbered paragraph currently  
155 28 appears at the end of a subsection that lists the factors to  
155 29 be considered by the environmental protection commission when  
155 30 penalties are imposed.

155 31 Code section 469.9(2) and (4)(b)(2): Makes grammatical  
155 32 changes to agree with language used in identifying the goals  
155 33 of and eligibility criteria for the Iowa power fund.

155 34 Code section 469.10(3) and (4): Substitutes "industry" for  
155 35 "industrial" to cite the correct name for the north American  
156 1 industry classification system in a provision making  
156 2 appropriations to the Iowa power fund. In addition, the bill  
156 3 substitutes "Iowa power fund" for "funds" to accurately  
156 4 indicate that interest or earnings on moneys in the power  
156 5 fund, rather than interest or earnings on moneys in the  
156 6 workforce training and economic development funds of the  
156 7 community colleges referred to elsewhere in the Code section,  
156 8 shall be credited to the power fund.

156 9 Code section 477.5: Makes a grammatical correction in a  
156 10 phrase so that it reads "shall no longer" rather than "shall  
156 11 not longer".

156 12 Code section 479.29(2): Deletes the redundant word  
156 13 "licensed" in a reference to "licensed professional engineer .  
156 14 . . licensed under chapter 542B".

156 15 Code section 483A.24(3) and (4): Changes "the subsection"  
156 16 to "this subsection" in two internal references.

156 17 Code section 512B.9(2): Renumbers and corrects internal  
156 18 references in language relating to reimbursement of expenses  
156 19 and liabilities incurred by an officer or member of the  
156 20 governing body or any subordinate entity of a fraternal  
156 21 benefit society due to a proceeding against that person by  
156 22 reason of that person's status as an officer or member of that  
156 23 governing body or subordinate entity.

156 24 Code section 554.7601A(2): Strikes the word "stolen" in a  
156 25 provision relating to removal or sale of goods in a warehouse  
156 26 if the warehouse receipt is lost or destroyed, to agree with  
156 27 the rest of the subsection.

156 28 Code section 614.1(5): Substitutes "subsection 6" for "the  
156 29 next subsection" for internal reference purposes.

156 30 Code section 633.700, unnn. par. 1: Makes punctuation  
156 31 changes for readability in a provision requiring an  
156 32 intermediate report from a probate trustee.

156 33 Code section 718A.1, unnn. par. 1: Substitutes "chapter"  
156 34 for "section" to provide that the definitions in the Code  
156 35 section apply to the entire Code chapter, relating to the  
157 1 desecration of a flag or other insignia.

157 2 Code section 729.1: Reorders a reference to Article I,  
157 3 section 4, of the Iowa Constitution to facilitate electronic  
157 4 hypertext linkage to that constitution provision.

157 5 Code section 915.20A(1): Corrects the name of the Iowa  
157 6 coalition against sexual assault in a provision relating to  
157 7 victim counselor privilege.

157 8 2007 Iowa Acts, chapter 182, section 3(1): Changes,  
157 9 retroactive to May 24, 2007, a reference to the "effective  
157 10 date of this Act" in an Acts provision enacting Code section  
157 11 101C.3, by referring to the "section of this Act" because that  
157 12 section of that Act had an effective date of May 24, 2007,  
157 13 which was different from the rest of that 2007 Iowa Acts  
157 14 chapter.

157 15 2007 Iowa Acts, chapter 197, sections 33(1), 35, 42(3), and  
157 16 43(1): Changes, effective January 1, 2009, references to  
157 17 "owner" to "property owner" in provisions relating to  
157 18 inspections of electrical installations which take effect  
157 19 January 1, 2009, to agree with terms used in similar  
157 20 provisions. The bill also makes grammatical changes in

157 21 section 35 for readability.  
157 22 2007 Iowa Acts, chapter 197, section 34(2): Inserts,  
157 23 effective January 1, 2009, the word "stringent" in a provision  
157 24 relating to the electrical wiring standards of a political  
157 25 subdivision for grammatical correctness and to agree with  
157 26 another similar provision in section 39 of that chapter.  
157 27 2007 Iowa Acts, chapter 197, sections 36, 38(2), and 41(4):  
157 28 Changes the phrase "standards of construction for safety to  
157 29 health and property" to read "standards of construction for  
157 30 health safety and property safety" for readability and  
157 31 grammatical correctness. The changes to sections 36, 38, and  
157 32 41 are effective January 1, 2009.  
157 33 2007 Iowa Acts, chapter 198, section 2: Amends, effective  
157 34 July 1, 2008, a definition of the term "hydronic" that is  
157 35 contained in Code section 104C.2, subsection 8, as enacted in  
158 1 this 2007 Iowa Act, by adding a comma between the words  
158 2 "liquid" and "water" to clarify a series.  
158 3 2007 Iowa Acts, chapter 198, sections 10(3), 11(1), and  
158 4 18(2)(c)(3): Makes grammatical changes effective July 1,  
158 5 2008, in provisions relating to the licensing and regulation  
158 6 of plumbers and mechanical professionals which take effect  
158 7 July 1, 2008.  
158 8 Code sections 99A.1, 177A.16, 321.1, 321A.1, 321H.2, 322.2,  
158 9 322.4, 322.7, 329.1, 428.28, 428.29, 433.12, 438.1, 438.2,  
158 10 438.3, 453A.1, 476.44, 536.4, 536.5, 536.19, 536A.17, 543B.31,  
158 11 589.8, 589.24, 624.27, 624.28, 727.2, and 730.2: Substitutes,  
158 12 for the word "copartnership", the word "partnership" in these  
158 13 provisions. The term "copartnership" and "partnership" are  
158 14 equivalent terms, but "partnership" is more commonly known and  
158 15 used.  
158 16 Code sections 214A.2, 258.16, 260C.40, and 282.17:  
158 17 Substitutes the term "community college" for the archaic term  
158 18 "merged area school". Merged area school used to refer to  
158 19 community colleges and vocational-technical schools. The  
158 20 technical schools were merged into and became community  
158 21 colleges in 1990 as a result of the enactment of 1990 Iowa  
158 22 Acts, ch. 1253.  
158 23 DIVISION II. The Code sections in this division are  
158 24 amended by numbering and renumbering the provisions within  
158 25 volume I, and scattered provisions in volumes II through VI,  
158 26 and by changing textual references as necessary. The purposes  
158 27 of the numbering and renumbering are to conform certain  
158 28 provisions to existing Code section hierarchy, to eliminate  
158 29 "unanchored" unnumbered paragraphs within the Code sections,  
158 30 to facilitate Code section readability, and to facilitate  
158 31 citation to those Code provisions.  
158 32 DIVISION III. The Code sections in this division are  
158 33 amended by correcting internal references to provisions which  
158 34 are numbered or renumbered in division II of the bill.  
158 35 DIVISION IV. The Code editor is directed to number and  
159 1 renumber these Code sections within the Code that are listed  
159 2 in this division of the bill and correct internal references  
159 3 to those Code sections which will need to be changed due to  
159 4 the renumbering. The first directive includes the budget  
159 5 language that is established for the office of the governor  
159 6 and all of the interstate compacts and agreements that are  
159 7 contained in the Code. The second directive provides for the  
159 8 renumbering of Code sections that are within volume I of the  
159 9 Code.  
159 10 LSB 5697HC 82  
159 11 lh/rj/5