

Senate File 333 - Introduced

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1215)

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

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 including effective and retroactive applicability date
7 provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 1584SV 82
10 lh/je/5

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1 1 Section 1. Section 2C.11, Code 2007, is amended to read as
1 2 follows:
1 3 2C.11 SUBJECTS FOR INVESTIGATIONS.
1 4 1. An appropriate subject for investigation by the office
1 5 of the citizens' aide is an administrative action that might
1 6 be:
1 7 ~~1.~~ a. Contrary to law or regulation.
1 8 ~~2.~~ b. Unreasonable, unfair, oppressive, or inconsistent
1 9 with the general course of an agency's functioning, even
1 10 though in accordance with law.
1 11 ~~3.~~ c. Based on a mistake of law or arbitrary in
1 12 ascertainment of fact.
1 13 ~~4.~~ d. Based on improper motivation or irrelevant
1 14 consideration.
1 15 ~~5.~~ e. Unaccompanied by an adequate statement of reasons.
1 16 2. The citizens' aide may also be concerned with
1 17 strengthening procedures and practices which lessen the risk
1 18 that objectionable administrative actions will occur.
1 19 Sec. 2. Section 8F.3, subsection 1, paragraph d, Code
1 20 2007, is amended to read as follows:
1 21 d. Information regarding any policies adopted by the
1 22 governing body of the recipient entity that prohibit taking
1 23 adverse employment action against employees of the recipient
1 24 entity who disclose information about a service contract to
1 25 the oversight agency, the auditor of state, the office of the
1 26 attorney general, or the office of citizens' aide and that
1 27 state whether those policies are substantially similar to the
1 28 protection provided to state employees under section 70A.28.
1 29 The information provided shall state whether employees of the
1 30 recipient entity are informed on a regular basis of their
1 31 rights to disclose information to the oversight agency, the
1 32 office of citizens' aide, the auditor of state, or the office
1 33 of the attorney general and the telephone numbers of those
1 34 organizations.
1 35 Sec. 3. Section 10B.7, unnumbered paragraph 1, Code 2007,
2 1 is amended to read as follows:
2 2 Lessees of agricultural land under section 9H.4, subsection
2 3 2, paragraph "c", for research or experimental purposes, shall
2 4 file a biennial report with the secretary of state on or
2 5 before March 31 of each odd-numbered year on forms adopted
2 6 pursuant to chapter 17A and supplied by the secretary of
2 7 state. However, a lessee required to file a biennial report
2 8 pursuant to chapter 490, 490A, 496C, 497, 498, 499, 501, 501A,
2 9 or 504 shall file the report required by this section in the
2 10 same year as required by that chapter. The lessee may file
2 11 the report required by this section together with the biennial
2 12 report required to be filed by one of the other chapters
2 13 referred to in this paragraph. The report shall contain the

2 14 following information for the reporting period:

2 15 Sec. 4. Section 11.2, subsection 1, unnumbered paragraph
2 16 2, Code 2007, is amended to read as follows:

2 17 Provided, that the accounts, records, and documents of the
2 18 ~~treasury department~~ treasurer of state shall be audited daily.

2 19 Sec. 5. Section 15.108, subsection 5, unnumbered paragraph
2 20 2, Code 2007, is amended to read as follows:

2 21 ~~p. The department may establish~~ Establish, if the
2 22 department deems necessary, a revolving fund to receive

2 23 contributions and funds from the product sales center to be
2 24 used for start-up or expansion of tourism special events,
2 25 fairs, and festivals as established by department rule.

2 26 Sec. 6. Section 15E.192, subsection 3, Code 2007, is
2 27 amended to read as follows:

2 28 3. A city may create an economic development enterprise
2 29 zone as authorized in this division, subject to certification
2 30 by the department of economic development, by designating up
2 31 to four square miles of the city for that purpose. In order
2 32 for an enterprise zone to be certified pursuant to this
2 33 subsection, an enterprise zone shall meet the distress
2 34 criteria provided in section 15E.194, subsection 3. Section
2 35 15E.194, subsection 2, shall not apply to an enterprise zone
3 1 certified pursuant to this subsection. For the fiscal period
3 2 beginning July 1, 2007, and ending June 30, 2010, each fiscal
3 3 year a cumulative total of not more than twenty-five million
3 4 dollars worth of incentives and assistance under section
3 5 15E.196, subsections 1, 2, 3, 4, and 6, shall be awarded to
3 6 eligible businesses ~~applying that apply~~ to an enterprise zone
3 7 commission for incentives and assistance during that fiscal
3 8 year and that are located in an enterprise zone certified
3 9 pursuant to this subsection. For purposes of this subsection
3 10 and section 15E.194, subsection 3, "city" means a city that
3 11 includes at least three census tracts, as determined in the
3 12 most recent federal census.

3 13 Sec. 7. Section 15E.193, subsection 1, paragraph f, Code
3 14 2007, is amended to read as follows:

3 15 f. If the business is only partially located in an
3 16 enterprise zone, the business must be located on contiguous
3 17 parcels of land.

3 18 Sec. 8. Section 15E.197, Code 2007, is amended to read as
3 19 follows:

3 20 15E.197 NEW JOBS CREDIT FROM WITHHOLDING.

3 21 An eligible business may enter into an agreement with the
3 22 department of revenue and a community college for a
3 23 supplemental new jobs credit from withholding from jobs
3 24 created under the program. The agreement shall be for program
3 25 services for an additional job training project, as defined in
3 26 chapter 260E.

3 27 PARAGRAPH DIVIDED. 1. The agreement shall provide for the
3 28 following:

3 29 ~~1-~~ a. That the project shall be administered in the same
3 30 manner as a project under chapter 260E and that a supplemental
3 31 new jobs credit from withholding in an amount equal to one and
3 32 one-half percent of the gross wages paid by the eligible
3 33 business pursuant to section 422.16 is authorized to fund the
3 34 program services for the additional project.

3 35 ~~2-~~ b. That the supplemental new jobs credit from
4 1 withholding shall be collected, accounted for, and may be
4 2 pledged by the community college in the same manner as
4 3 described in section 260E.5.

4 4 ~~3-~~ 2. ~~That the~~ The auditor of state shall perform an
4 5 annual audit regarding how the training funds are being used.

4 6 3. To provide funds for the payment of the costs of the
4 7 additional project, a community college may borrow money,
4 8 issue and sell certificates, and secure the payment of the
4 9 certificates in the same manner as described in section
4 10 260E.6, including but not limited to providing the assessment
4 11 of an annual levy as described in section 260E.6, subsection
4 12 4. The program and credit authorized by this section is in
4 13 addition to, and not in lieu of, the program and credit
4 14 authorized in chapter 260E.

4 15 4. For purposes of this section, "eligible business" means
4 16 a business which has been approved to receive incentives and
4 17 assistance by the department of economic development pursuant
4 18 to application as provided in section 15E.195.

4 19 Sec. 9. Section 15G.203, subsections 1 and 3, Code 2007,
4 20 are amended to read as follows:

4 21 1. The purpose of the program is to improve ~~a~~ retail motor
4 22 fuel ~~site~~ sites by installing, replacing, or converting motor
4 23 fuel storage and dispensing infrastructure. The
4 24 infrastructure must be designed and shall be used exclusively

4 25 to store and dispense renewable fuel which is E-85 gasoline,
4 26 biodiesel, or biodiesel blended fuel on the premises of retail
4 27 motor fuel sites operated by retail dealers.

4 28 3. To ~~all the extent practical practicable~~, the program
4 29 shall be administered in conjunction with the programs
4 30 provided in section 15.401.

4 31 Sec. 10. Section 15G.204, subsection 2, Code 2007, is
4 32 amended to read as follows:

4 33 2. To ~~all the extent practical practicable~~, the program
4 34 shall be administered in conjunction with the programs
4 35 provided in section 15.401.

5 1 Sec. 11. Section 22.7, subsection 52, Code 2007, is
5 2 amended to read as follows:

5 3 52. a. The following records relating to a charitable
5 4 donation made to a foundation acting solely for the support of
5 5 an institution governed by the state board of regents, to a
5 6 foundation acting solely for the support of an institution
5 7 governed by chapter 260C, to a private foundation as defined
5 8 in section 509 of the Internal Revenue Code organized for the
5 9 support of a government body, or to an endow Iowa qualified
5 10 community foundation, as defined in section 15E.303, organized
5 11 for the support of a government body:

5 12 ~~a-~~ (1) Portions of records that disclose a donor's or
5 13 prospective donor's personal, financial, estate planning, or
5 14 gift planning matters.

5 15 ~~b-~~ (2) Records received from a donor or prospective donor
5 16 regarding such donor's prospective gift or pledge.

5 17 ~~c-~~ (3) Records containing information about a donor or a
5 18 prospective donor in regard to the appropriateness of the
5 19 solicitation and dollar amount of the gift or pledge.

5 20 ~~d-~~ (4) Portions of records that identify a prospective
5 21 donor and that provide information on the appropriateness of
5 22 the solicitation, the form of the gift or dollar amount
5 23 requested by the solicitor, and the name of the solicitor.

5 24 ~~e-~~ (5) Portions of records disclosing the identity of a
5 25 donor or prospective donor, including the specific form of
5 26 gift or pledge that could identify a donor or prospective
5 27 donor, directly or indirectly, when such donor has requested
5 28 anonymity in connection with the gift or pledge. This
5 29 ~~paragraph subparagraph~~ does not apply to a gift or pledge from
5 30 a publicly held business corporation.

5 31 ~~f-~~ b. The confidential records described in ~~paragraphs~~
5 32 ~~"a" through "e" paragraph "a", subparagraphs (1) through (5),~~

5 33 shall not be construed to make confidential those portions of
5 34 records disclosing any of the following:

5 35 (1) The amount and date of the donation.

6 1 (2) Any donor-designated use or purpose of the donation.

6 2 (3) Any other donor-imposed restrictions on the use of the
6 3 donation.

6 4 (4) When a pledge or donation is made expressly
6 5 conditioned on receipt by the donor, or any person related to
6 6 the donor by blood or marriage within the third degree of
6 7 consanguinity, of any privilege, benefit, employment, program
6 8 admission, or other special consideration from the government
6 9 body, a description of any and all such consideration offered
6 10 or given in exchange for the pledge or donation.

6 11 ~~g-~~ c. Except as provided in ~~paragraphs "a" through "f"~~
6 12 ~~paragraphs "a" and "b"~~, portions of records relating to the
6 13 receipt, holding, and disbursement of gifts made for the
6 14 benefit of regents institutions and made through foundations
6 15 established for support of regents institutions, including but
6 16 not limited to written fund-raising policies and documents
6 17 evidencing fund-raising practices, shall be subject to this
6 18 chapter.

6 19 d. This subsection does not apply to a report filed with
6 20 the ethics and campaign disclosure board pursuant to section
6 21 8.7.

6 22 Sec. 12. Section 29A.28, subsection 1, Code 2007, is
6 23 amended to read as follows:

6 24 1. All officers and employees of the state, ~~or~~ a
6 25 subdivision thereof, or a municipality, other than employees
6 26 employed temporarily for six months or less, who are members
6 27 of the national guard, organized reserves or any component
6 28 part of the military, naval, or air forces or nurse corps of
6 29 this state or nation, or who are or may be otherwise inducted
6 30 into the military service of this state or of the United
6 31 States, or who are members of the civil air patrol, shall,
6 32 when ordered by proper authority to state active duty, state
6 33 military service, or federal service, or when performing a
6 34 civil air patrol mission pursuant to section 29A.3A, be
6 35 entitled to a leave of absence from such civil employment for

7 1 the period of state active duty, state military service,
7 2 federal service, or civil air patrol duty without loss of
7 3 status or efficiency rating, and without loss of pay during
7 4 the first thirty days of such leave of absence. Where state
7 5 active duty, state military service, federal service, or civil
7 6 air patrol duty is for a period of less than thirty days, a
7 7 leave of absence under this section shall only be required for
7 8 those days that the civil employee would normally perform
7 9 services for the state, subdivision of the state, or a
7 10 municipality.

7 11 Sec. 13. Section 29A.57, subsection 2, Code 2007, is
7 12 amended to read as follows:

7 13 2. The board may acquire land or real estate by purchase,
7 14 contract for purchase, gift, or bequest and acquire, own,
7 15 contract for the construction of, erect, purchase, maintain,
7 16 alter, operate, and repair installations and facilities of the
7 17 Iowa ~~army~~ national guard and the Iowa air national guard when
7 18 funds for the installations and facilities are made available
7 19 by the federal government, the state of Iowa, municipalities,
7 20 corporations or individuals. The title to the property so
7 21 acquired shall be taken in the name of the state of Iowa and
7 22 the real estate may be sold or exchanged by the executive
7 23 council, upon recommendation of the board, when it is no
7 24 longer needed for the purpose for which it was acquired.
7 25 Income or revenue derived from the sale of the real estate
7 26 shall be credited to the national guard facilities improvement
7 27 fund and used for the purposes specified in section 29A.14,
7 28 subsection 2.

7 29 Sec. 14. Section 35A.10, subsection 2, Code 2007, is
7 30 amended to read as follows:

7 31 2. The commandant and the commission shall have plans and
7 32 specifications prepared by the department of administrative
7 33 services for authorized construction, repair, or improvement
7 34 projects in excess of the competitive bid threshold in section
7 35 26.3, or as established in section 314.1B. An appropriation
8 1 for a project shall not be expended until the department of
8 2 administrative services has adopted plans and specifications
8 3 and has completed a detailed estimate of the cost of the
8 4 project, prepared under the supervision of a registered
8 5 architect or ~~registered~~ licensed professional engineer.

8 6 Sec. 15. Section 68B.32A, subsection 4, Code 2007, is
8 7 amended to read as follows:

8 8 4. Receive and file registration and ~~reporting reports~~
8 9 from lobbyists of the executive branch of state government,
8 10 client disclosure from clients of lobbyists of the executive
8 11 branch of state government, personal financial disclosure
8 12 information from officials and employees in the executive
8 13 branch of state government who are required to file personal
8 14 financial disclosure information under this chapter, and gift,
8 15 bequest, and grant disclosure information ~~from an agency~~
8 16 pursuant to section 8.7. The board, upon its own motion, may
8 17 initiate action and conduct a hearing relating to reporting
8 18 requirements under this chapter or section 8.7.

8 19 Sec. 16. Section 68B.32B, subsection 1, Code 2007, is
8 20 amended to read as follows:

8 21 1. Any person may file a complaint alleging that a
8 22 candidate, committee, person holding a state office in the
8 23 executive branch of state government, employee of the
8 24 executive branch of state government, or other person has
8 25 committed a violation of chapter 68A or rules adopted by the
8 26 board. Any person may file a complaint alleging that a person
8 27 holding a state office in the executive branch of state
8 28 government, an employee of the executive branch of state
8 29 government, or a lobbyist or a client of a lobbyist of the
8 30 executive branch of state government has committed a violation
8 31 of this chapter or rules adopted by the board. Any person may
8 32 file a complaint alleging ~~that an agency has committed a~~
8 33 violation of section 8.7 or rules adopted by the board. The
8 34 board shall prescribe and provide forms for purposes of this
8 35 subsection. A complaint must include the name and address of
9 1 the complainant, a statement of the facts believed to be true
9 2 that form the basis of the complaint, including the sources of
9 3 information and approximate dates of the acts alleged, and a
9 4 certification by the complainant under penalty of perjury that
9 5 the facts stated to be true are true to the best of the
9 6 complainant's knowledge.

9 7 Sec. 17. Section 68B.32C, subsection 3, Code 2007, is
9 8 amended to read as follows:

9 9 3. Upon a finding by the board that the party charged has
9 10 violated this chapter, chapter 68A, section 8.7, or rules
9 11 adopted by the board, the board may impose any penalty

9 12 provided for by section 68B.32D. Upon a final decision of the
9 13 board finding that the party charged has not violated this
9 14 chapter, chapter 68A, section 8.7, or the rules of the board,
9 15 the complaint shall be dismissed and the party charged and the
9 16 original complainant, if any, shall be notified.

9 17 Sec. 18. Section 70A.28, subsection 6, Code 2007, is
9 18 amended to read as follows:

9 19 6. Subsection 2 may also be enforced by an employee
9 20 through an administrative action pursuant to the requirements
9 21 of this subsection if the employee is not a merit system
9 22 employee or an employee covered by a collective bargaining
9 23 agreement. An employee eligible to pursue an administrative
9 24 action pursuant to this subsection who is discharged,
9 25 suspended, demoted, or otherwise ~~reduced~~ receives a reduction
9 26 in pay and who believes the adverse employment action was
9 27 taken as a result of the employee's disclosure of information
9 28 that was authorized pursuant to subsection 2, may file an
9 29 appeal of the adverse employment action with the public
9 30 employment relations board within thirty calendar days
9 31 following the later of the effective date of the action or the
9 32 date a finding is issued to the employee by the office of the
9 33 citizens' aide pursuant to section 2C.11A. The findings
9 34 issued by the citizens' aide may be introduced as evidence
9 35 before the public employment relations board. The employee
10 1 has the right to a hearing closed to the public, but may
10 2 request a public hearing. The hearing shall otherwise be
10 3 conducted in accordance with the rules of the public
10 4 employment relations board and the Iowa administrative
10 5 procedure Act, chapter 17A. If the public employment
10 6 relations board finds that the action taken ~~by the person~~
~~10 7 appointing in regard to~~ the employee was in violation of
10 8 subsection 2, the employee may be reinstated without loss of
10 9 pay or benefits for the elapsed period, or the public
10 10 employment relations board may provide other appropriate
10 11 remedies. Decisions by the public employment relations board
10 12 constitute final agency action.

10 13 Sec. 19. Section 80.34, Code 2007, is amended to read as
10 14 follows:

10 15 80.34 PEACE OFFICER == AUTHORITY.

10 16 An authorized peace officer of the department designated to
10 17 conduct examinations, investigations, or inspections and
10 18 enforce the laws relating to controlled or counterfeit
10 19 substances shall have all the authority of other peace
10 20 officers and may arrest a person without warrant for offenses
10 21 under this chapter committed in the peace officer's presence
10 22 or, in the case of a felony, if the peace officer has probable
10 23 cause to believe that the person arrested has committed or is
10 24 committing such offense. A peace officer of the department
10 25 shall have the same authority as other peace officers to seize
10 26 controlled or counterfeit substances or articles used in the
10 27 manufacture or sale of controlled or counterfeit substances
10 28 which they have reasonable grounds to believe are in violation
10 29 of law. Such controlled or counterfeit substances or articles
10 30 shall be subject to ~~condemnation~~ forfeiture.

10 31 Sec. 20. Section 100C.10, subsection 2, paragraph d, Code
10 32 2007, is amended to read as follows:

10 33 d. One professional engineer or architect licensed or
10 34 registered in the state.

10 35 Sec. 21. Section 103A.19, Code 2007, is amended to read as
11 1 follows:

11 2 103A.19 ADMINISTRATION AND ENFORCEMENT.

11 3 1. The examination and approval or disapproval of plans
11 4 and specifications, the issuance and revocation of building
11 5 permits, licenses, certificates, and similar documents, the
11 6 inspection of buildings or structures, and the administration
11 7 and enforcement of building regulations shall be the
11 8 responsibility of the governmental subdivisions of the state
11 9 and shall be administered and enforced in the manner
11 10 prescribed by local law or ordinance. All provisions of law
11 11 relating to the administration and enforcement of local
11 12 building regulations in any governmental subdivision shall be
11 13 applicable to the administration and enforcement of the state
11 14 building code in the governmental subdivision. An application
11 15 made to a local building department or to a state agency for
11 16 permission to construct a building or structure pursuant to
11 17 the provisions of the state building code shall, in addition
11 18 to any other requirement, be signed by the owner or the
11 19 owner's authorized agent, and shall contain the address of the
11 20 owner, and a statement that the application is made for
11 21 permission to construct in accordance with the provisions of
11 22 the code.

11 23 2. In aid of administration and enforcement of the state
11 24 building code, and in addition to and not in limitation of
11 25 powers vested in them by law, each governmental subdivision of
11 26 the state may:

11 27 ~~1-~~ a. Examine and approve or disapprove plans and
11 28 specifications for the construction of any building or
11 29 structure, the construction of which is pursuant or purports
11 30 to be pursuant to the provisions of the state building code,
11 31 and to direct the inspection of buildings or structures during
11 32 the course of construction.

11 33 ~~2-~~ b. Require that the construction of any building or
11 34 structure shall be in accordance with the applicable
11 35 provisions of the state building code, subject, however, to
12 1 the powers granted to the board of review in section 103A.16.

12 2 ~~3-~~ c. Order in writing any person to remedy any condition
12 3 found to exist in, or about any building or structure in
12 4 violation of the state building code. Orders may be served
12 5 upon the owner or the owner's authorized agent personally or
12 6 by certified mail at the address set forth in the application
12 7 for permission to construct a building or structure. Any
12 8 local building department may grant in writing such time as
12 9 may be reasonably necessary for achieving compliance with an
12 10 order.

12 11 ~~4-~~ d. Issue certificates of occupancy or use, permits,
12 12 licenses, and other documents in connection with the
12 13 construction of buildings or structures as may be required by
12 14 ordinance.

12 15 A certificate of occupancy or use for a building or
12 16 structure constructed in accordance with the provisions of the
12 17 state building code shall certify that the building or
12 18 structure conforms to the requirements of the code. The
12 19 certificate shall be in the form the governing body of the
12 20 governmental subdivision prescribes.

12 21 Every certificate of occupancy or use shall, until set
12 22 aside or vacated by the board of review, director, or a court
12 23 of competent jurisdiction, be binding and conclusive upon all
12 24 state and local agencies, as to all matters set forth and no
12 25 order, direction, or requirement at variance therewith shall
12 26 be made or issued by any other state or local agency.

12 27 ~~5-~~ e. Make, amend, and repeal rules for the
12 28 administration and enforcement of the provisions of this
12 29 section, and for the collection of reasonable fees in
12 30 connection therewith.

12 31 ~~6-~~ f. Prohibit the commencement of construction until a
12 32 permit has been issued by the local building department after
12 33 a showing of compliance with the requirements of the
12 34 applicable provisions of the state building code.

12 35 3. The specifications for all buildings to be constructed
13 1 after July 1, 1977, and which exceed a total volume of one
13 2 hundred thousand cubic feet of enclosed space that is heated
13 3 or cooled shall be reviewed by a registered architect or
13 4 ~~registered~~ licensed engineer for compliance with applicable
13 5 energy efficiency standards. A statement that a review has
13 6 been accomplished and that the design is in compliance with
13 7 the energy efficiency standards shall be signed and sealed by
13 8 the responsible registered architect or ~~registered~~ licensed
13 9 engineer. This statement shall be filed with the commissioner
13 10 prior to construction. If the specifications relating to
13 11 energy efficiency for a specific structure have been approved,
13 12 additional buildings may be constructed from those same plans
13 13 and specifications without need of further approval if
13 14 construction begins within five years of the date of approval.
13 15 Alterations of a structure which has been previously approved
13 16 shall not require a review because of these changes, provided
13 17 the basic structure remains unchanged.

13 18 Sec. 22. Section 103A.21, subsection 1, Code 2007, is
13 19 amended to read as follows:

13 20 1. Any person served with an order pursuant to the
13 21 provisions of section 103A.19, subsection ~~3~~ 2, paragraph "c",
13 22 who fails to comply with the order within thirty days after
13 23 service or within the time fixed by the local building
13 24 department for compliance, whichever is longer, and any owner,
13 25 builder, architect, tenant, contractor, subcontractor,
13 26 construction superintendent or their agents, or any other
13 27 person taking part or assisting in the construction or use of
13 28 any building or structure who shall knowingly violate any of
13 29 the applicable provisions of the state building code or any
13 30 lawful order of a local building department made thereunder,
13 31 shall be guilty of a simple misdemeanor.

13 32 Sec. 23. Section 123.53, subsection 3, Code 2007, is
13 33 amended to read as follows:

13 34 3. The treasurer of state shall transfer into a special
13 35 revenue account in the general fund of the state, a sum of
14 1 money at least equal to seven percent of the gross amount of
14 2 sales made by the division from the beer and liquor control
14 3 fund on a monthly basis but not less than nine million dollars
14 4 annually. Of the amounts transferred, two million dollars,
14 5 plus an additional amount determined by the general assembly,
14 6 shall be appropriated to the Iowa department of public health
14 7 ~~for use by the~~ staff who administer the comprehensive
14 8 substance abuse program under chapter 125 ~~to be used~~ for
14 9 substance abuse treatment and prevention programs. Any
14 10 amounts received in excess of the amounts appropriated to the
14 11 Iowa department of public health for use by the staff who
14 12 administer the comprehensive substance abuse program under
14 13 chapter 125 shall be considered part of the general fund
14 14 balance.

14 15 Sec. 24. Section 124.401, subsection 1, paragraph b,
14 16 subparagraph (2), subparagraph subdivisions (a), (b), and (c),
14 17 Code 2007, are amended to read as follows:

14 18 (a) Coca leaves, except coca leaves and extracts of coca
14 19 leaves from which cocaine, ecgonine, and derivatives of
14 20 ecgonine ~~or~~ and their salts have been removed.

14 21 (b) Cocaine, its salts, optical and geometric isomers, ~~and~~
14 22 or salts of isomers.

14 23 (c) Ecgonine, its derivatives, their salts, isomers, ~~and~~
14 24 or salts of isomers.

14 25 Sec. 25. Section 124.552, subsection 1, paragraphs c and
14 26 d, Code 2007, are amended to read as follows:

14 27 c. ~~Prescriber~~ Prescribing practitioner identification.

14 28 d. The date the prescription was issued by the ~~prescriber~~
14 29 prescribing practitioner.

14 30 Sec. 26. Section 124.552, subsection 4, Code 2007, is
14 31 amended to read as follows:

14 32 4. This section shall not apply to a ~~prescriber~~
14 33 prescribing practitioner furnishing, dispensing, supplying, or
14 34 administering drugs to the ~~prescriber's~~ prescribing
14 35 practitioner's patient, or to dispensing by a licensed
15 1 pharmacy for the purposes of inpatient hospital care,
15 2 inpatient hospice care, or long-term residential facility
15 3 patient care.

15 4 Sec. 27. Section 124.553, subsection 1, paragraph a, Code
15 5 2007, is amended to read as follows:

15 6 a. (1) A pharmacist or ~~prescriber~~ prescribing
15 7 practitioner who requests the information and certifies in a
15 8 form specified by the board that it is for the purpose of
15 9 providing medical or pharmaceutical care to a patient of the
15 10 pharmacist or ~~prescriber~~ prescribing practitioner. Neither a
15 11 pharmacist nor a ~~prescriber~~ prescribing practitioner may
15 12 delegate program information access to another individual.

15 13 (2) Notwithstanding subparagraph (1), a ~~prescriber~~
15 14 prescribing practitioner may delegate program information
15 15 access to another licensed health care professional only in
15 16 emergency situations where the patient would be placed in
15 17 greater jeopardy if the ~~prescriber~~ prescribing practitioner
15 18 was required to access the information personally.

15 19 Sec. 28. Section 124.553, subsections 6 and 7, Code 2007,
15 20 are amended to read as follows:

15 21 6. Nothing in this section shall require a pharmacist or
15 22 ~~prescriber~~ prescribing practitioner to obtain information
15 23 about a patient from the program. A pharmacist or ~~prescriber~~
15 24 prescribing practitioner does not have a duty and shall not be
15 25 held liable in damages to any person in any civil or
15 26 derivative criminal or administrative action for injury,
15 27 death, or loss to person or property on the basis that the
15 28 pharmacist or ~~prescriber~~ prescribing practitioner did or did
15 29 not seek or obtain or use information from the program. A
15 30 pharmacist or ~~prescriber~~ prescribing practitioner acting
15 31 reasonably and in good faith is immune from any civil,
15 32 criminal, or administrative liability that might otherwise be
15 33 incurred or imposed for requesting or receiving or using
15 34 information from the program.

15 35 7. The board shall not charge a fee to a pharmacy,
16 1 pharmacist, or ~~prescriber~~ prescribing practitioner for the
16 2 establishment, maintenance, or administration of the program,
16 3 including costs for forms required to submit information to or
16 4 access information from the program, except that the board may
16 5 charge a fee to an individual who requests the individual's
16 6 own program information. A fee charged pursuant to this
16 7 subsection shall not exceed the actual cost of providing the
16 8 requested information and shall be considered a repayment
16 9 receipt as defined in section 8.2.

16 10 Sec. 29. Section 124.554, subsection 1, paragraphs g and
16 11 h, Code 2007, are amended to read as follows:

16 12 g. Including all schedule II controlled substances and
16 13 those substances in schedules III and IV that the advisory
16 14 council and board determine can be addictive or fatal if not
16 15 taken under the proper care and direction of a ~~prescriber~~
16 16 prescribing practitioner.

16 17 h. Access by a pharmacist or ~~prescriber~~ prescribing
16 18 practitioner to information in the program pursuant to a
16 19 written agreement with the board and advisory council.

16 20 Sec. 30. Section 124.554, subsection 2, paragraphs b and
16 21 c, Code 2007, are amended to read as follows:

16 22 b. Information from pharmacies, ~~prescribers~~ prescribing
16 23 practitioners, the board, the advisory council, and others
16 24 regarding the benefits or detriments of the program.

16 25 c. Information from pharmacies, ~~prescribers~~ prescribing
16 26 practitioners, the board, the advisory council, and others
16 27 regarding the board's effectiveness in providing information
16 28 from the program.

16 29 Sec. 31. Section 124.555, subsection 1, Code 2007, is
16 30 amended to read as follows:

16 31 1. The council shall consist of eight members appointed by
16 32 the governor. The members shall include three licensed
16 33 pharmacists, four physicians licensed under chapter 148, 150,
16 34 or 150A, and one licensed ~~prescriber~~ prescribing practitioner
16 35 who is not a physician. The governor shall solicit
17 1 recommendations for council members from Iowa health
17 2 professional licensing boards, associations, and societies.
17 3 The license of each member appointed to and serving on the
17 4 advisory council shall be current and in good standing with
17 5 the professional's licensing board.

17 6 Sec. 32. Section 124.555, subsection 3, paragraphs a and
17 7 d, Code 2007, are amended to read as follows:

17 8 a. Ensuring the confidentiality of the patient, ~~prescriber~~
17 9 prescribing practitioner, and dispensing pharmacist and
17 10 pharmacy.

17 11 d. Making recommendations regarding the continued benefits
17 12 of maintaining the program in relationship to cost and other
17 13 burdens to the patient, ~~prescriber~~ prescribing practitioner,
17 14 pharmacist, and the board. The council's recommendations
17 15 shall be included in reports required by section 124.554,
17 16 subsection 2.

17 17 Sec. 33. Section 124.556, Code 2007, is amended to read as
17 18 follows:

17 19 124.556 EDUCATION AND TREATMENT.

17 20 The program for drug prescribing and dispensing shall
17 21 include education initiatives and outreach to consumers,
17 22 ~~prescribers~~ prescribing practitioners, and pharmacists, and
17 23 shall also include assistance for identifying substance abuse
17 24 treatment programs and providers. The board and advisory
17 25 council shall adopt rules, as provided under section 124.554,
17 26 to implement this section.

17 27 Sec. 34. Section 124.558, Code 2007, is amended to read as
17 28 follows:

17 29 124.558 PROHIBITED ACTS == PENALTIES.

17 30 1. FAILURE TO COMPLY WITH REQUIREMENTS. A pharmacist,
17 31 pharmacy, or ~~prescriber~~ prescribing practitioner who knowingly
17 32 fails to comply with the confidentiality requirements of this
17 33 division or who delegates program information access to
17 34 another individual is subject to disciplinary action by the
17 35 appropriate professional licensing board. A pharmacist or
18 1 pharmacy that knowingly fails to comply with other
18 2 requirements of this division is subject to disciplinary
18 3 action by the board. Each licensing board may adopt rules in
18 4 accordance with chapter 17A to implement the provisions of
18 5 this section.

18 6 2. UNLAWFUL ACCESS, DISCLOSURE, OR USE OF INFORMATION. A
18 7 person who intentionally or knowingly accesses, uses, or
18 8 discloses program information in violation of this division,
18 9 unless otherwise authorized by law, is guilty of a class "D"
18 10 felony. This section shall not preclude a pharmacist or
18 11 ~~prescriber~~ prescribing practitioner who requests and receives
18 12 information from the program consistent with the requirements
18 13 of this chapter from otherwise lawfully providing that
18 14 information to any other person for medical or pharmaceutical
18 15 care purposes.

18 16 Sec. 35. Section 135.22B, subsections 6 and 7, Code 2007,
18 17 are amended to read as follows:

18 18 6. COST-SHARE COMPONENT ELIGIBILITY. An individual must
18 19 meet all of the following requirements in order to be eligible
18 20 for the cost-share component of the brain injury services

18 21 program:

18 22 a. The individual is age one month through sixty-four
18 23 years.

18 24 b. The individual has a diagnosed brain injury as defined
18 25 in section 135.22.

18 26 c. The individual is a resident of this state and either a
18 27 United States citizen or a qualified alien as defined in 8
18 28 U.S.C. } 1641.

18 29 ~~d. The cost-share component's financial eligibility
18 30 requirements shall be established in administrative rule. In
18 31 establishing the requirements, the department shall consider
18 32 the eligibility and cost-share requirements used for the
18 33 hawk-i program under chapter 514I. The individual must meet
18 34 meets the cost-share component's financial eligibility
18 35 requirements and be is willing to pay a cost-share for the
19 1 cost-share component.~~

19 2 e. The individual does not receive services or funding
19 3 under any type of medical assistance home and community-based
19 4 services waiver.

19 5 7. COST=SHARE REQUIREMENTS.

19 6 a. The cost-share component's financial eligibility
19 7 requirements shall be established in administrative rule. In
19 8 establishing the requirements, the department shall consider
19 9 the eligibility and cost-share requirements used for the
19 10 hawk-i program under chapter 514I.

19 11 ~~a-~~ b. An individual's cost-share responsibility for
19 12 services under the cost-share component shall be determined on
19 13 a sliding scale based upon the individual's family income. An
19 14 individual's cost-share shall be assessed as a copayment,
19 15 which shall not exceed thirty percent of the cost payable for
19 16 the service.

19 17 ~~b-~~ c. The service provider shall bill the department for
19 18 the portion of the cost payable for the service that is not
19 19 covered by the individual's copayment responsibility.

19 20 Sec. 36. Section 149.3, subsection 4, Code 2007, is
19 21 amended to read as follows:

19 22 4. Have successfully completed a residency as determined
19 23 by the board by rule. This subsection applies to all
19 24 applicants who graduate from ~~podiatric college~~ a school of
19 25 podiatry on or after January 1, 1995.

19 26 Sec. 37. Section 151.12, Code 2007, is amended to read as
19 27 follows:

19 28 151.12 TEMPORARY CERTIFICATE.

19 29 The chiropractic examiners may, in their discretion, issue
19 30 a temporary certificate authorizing the ~~licensee certificate~~
19 31 holder to practice chiropractic if, in the opinion of the
19 32 chiropractic examiners, a need exists and the person possesses
19 33 the qualifications prescribed by the chiropractic examiners
19 34 for the ~~license certificate~~, which shall be substantially
19 35 equivalent to those required for licensure under this chapter.
20 1 The chiropractic examiners shall determine in each instance
20 2 those eligible for this ~~license certificate~~, whether or not
20 3 examinations shall be given, the type of examinations, and the
20 4 duration of the ~~license certificate~~. No requirements of the
20 5 law pertaining to regular permanent licensure are mandatory
20 6 for this temporary ~~license certificate~~ except as specifically
20 7 designated by the chiropractic examiners. The granting of a
20 8 temporary ~~license certificate~~ does not in any way indicate
20 9 that the person ~~so licensed~~ is eligible for regular licensure,
20 10 nor are the chiropractic examiners in any way obligated to ~~so~~
20 11 ~~license issue~~ the person a regular license.

20 12 The temporary certificate shall be issued for one year and
20 13 at the discretion of the chiropractic examiners may be
20 14 renewed, but a person shall not practice chiropractic in
20 15 excess of three years while holding a temporary certificate.
20 16 The fee for this ~~license certificate~~ shall be set by the
20 17 chiropractic examiners, and if extended beyond one year, a
20 18 renewal fee per year shall be set by the chiropractic
20 19 examiners. The fee for the temporary ~~license certificate~~
20 20 shall be based on the administrative costs of issuing the
20 21 ~~licenses certificates~~.

20 22 Sec. 38. Section 161A.23, unnumbered paragraph 1, Code
20 23 2007, is amended to read as follows:

20 24 After obtaining agreements to carry out recommended soil
20 25 conservation measures and proper farm plans from owners of not
20 26 less than fifty percent of the lands situated in the
20 27 subdistrict, the governing body of the subdistrict shall have
20 28 the authority to establish a special tax for the purpose of
20 29 organization, construction, repair, alteration, enlargement,
20 30 extension and operation of present and future works of
20 31 improvement within the boundaries of said subdistrict. The

20 32 governing body shall appoint three appraisers to assess
20 33 benefits and classify the land affected by such improvements.
20 34 One of such appraisers shall be a competent ~~registered~~
20 35 licensed professional engineer and two of them shall be
21 1 resident landowners of the county or counties in which the
21 2 subdistrict is located but not living within nor owning or
21 3 operating any lands included in said subdistrict.

21 4 Sec. 39. Section 174.2, unnumbered paragraph 3, Code 2007,
21 5 is amended to read as follows:

21 6 No salary or compensation of any kind shall be paid to the
21 7 president, vice president, treasurer, or to a director of the
21 8 ~~association~~ fair for such duties. However, the president,
21 9 vice president, treasurer, or a director of the ~~association~~
21 10 fair may be reimbursed for actual expenses incurred by
21 11 carrying out duties under this chapter or chapter 173,
21 12 including, but not limited to attending the convention
21 13 provided under section 173.2. A person claiming expenses
21 14 under this paragraph shall be reimbursed to the same extent
21 15 that a state employee is entitled to be reimbursed for
21 16 expenses.

21 17 Sec. 40. Section 185C.29, unnumbered paragraph 1, Code
21 18 2007, is amended to read as follows:

21 19 After the direct and indirect costs incurred by the
21 20 secretary and the costs of elections, referendum referendums,
21 21 necessary board expenses, and administrative costs have been
21 22 paid, at least seventy-five percent of the remaining moneys
21 23 from a state assessment deposited in the corn promotion fund
21 24 shall be used to carry out the purposes of this chapter as
21 25 provided in section 185C.11.

21 26 Sec. 41. Section 210.12, Code 2007, is amended to read as
21 27 follows:

21 28 210.12 SALE OF FRUITS AND VEGETABLES IN BASKETS.
21 29 Grapes, other fruits, and vegetables may be sold in climax
21 30 baskets; but when said commodities are sold in such manner and
21 31 the containers are labeled with the net weight of the contents
21 32 in accordance with the provisions of section 189.9, all the
21 33 provisions of ~~the chapter relative to labeling foods~~ 191 shall
21 34 be deemed to have been complied with.

21 35 Sec. 42. Section 214.6, Code 2007, is amended to read as
22 1 follows:

22 2 214.6 OATH OF WEIGHMASTERS.
22 3 All persons keeping ~~public scales~~ a commercial weighing and
22 4 measuring device, before entering upon their duties as
22 5 weighmasters, shall be sworn before some person having
22 6 authority to administer oaths, to keep their ~~scales~~ device
22 7 correctly balanced, to make true weights, and to render a
22 8 correct account to the person having weighing done.

22 9 Sec. 43. Section 215.26, subsection 1, Code 2007, is
22 10 amended to read as follows:

22 11 1. "Commercial weighing and measuring device" means a
22 12 weight or measure or weighing or measuring device used to
22 13 establish size, quantity, area or other quantitative
22 14 measurement of a commodity sold by weight or measurement, or
22 15 where the price to be paid for producing the commodity is
22 16 based upon the weight or measurement of the commodity. The
22 17 term includes an accessory attached to or used in connection
22 18 with a commercial weighing or measuring device when the
22 19 accessory is so designed or installed that its operation may
22 20 affect the accuracy of the device. Commercial weighing and
22 21 measuring device includes a public scale ~~as defined under~~
22 22 ~~section 214.1.~~

22 23 Sec. 44. Section 218.58, subsection 2, Code 2007, is
22 24 amended to read as follows:

22 25 2. The director shall have plans and specifications
22 26 prepared by the department of administrative services for
22 27 authorized construction, repair, or improvement projects
22 28 costing over the competitive bid threshold in section 26.3, or
22 29 as established in section 314.1B. An appropriation for a
22 30 project shall not be expended until the department of
22 31 administrative services has adopted plans and specifications
22 32 and has completed a detailed estimate of the cost of the
22 33 project, prepared under the supervision of a registered
22 34 architect or ~~registered~~ licensed professional engineer. Plans
22 35 and specifications shall not be adopted and a project shall
23 1 not proceed if the project would require an expenditure of
23 2 money in excess of the appropriation.

23 3 Sec. 45. Section 256.57, subsection 1, Code 2007, is
23 4 amended to read as follows:

23 5 1. An enrich Iowa program is established in the division
23 6 to provide direct state assistance to public libraries, to
23 7 support the open access and access plus programs, to provide

23 8 public libraries with an incentive to improve library
23 9 services, ~~and~~ that are in compliance with performance
23 10 measures, and to reduce inequities among communities in the
23 11 delivery of library services based on performance measures
23 12 adopted by rule by the commission. The commission shall adopt
23 13 rules governing the allocation of funds appropriated by the
23 14 general assembly for purposes of this section to provide
23 15 direct state assistance to eligible public libraries. A
23 16 public library is eligible for funds under this chapter if it
23 17 is in compliance with the commission's performance measures.

23 18 Sec. 46. Section 256.57, subsection 2, paragraph a, Code
23 19 2007, is amended to read as follows:

23 20 a. The level of compliance by the eligible public library
23 21 with the performance measures adopted by the commission as
23 22 provided in this ~~paragraph~~ section.

23 23 Sec. 47. Section 256.57, subsection 5, Code 2007, is
23 24 amended to read as follows:

23 25 5. Each eligible public library shall maintain a separate
23 26 listing within its budget for payments received and
23 27 expenditures made pursuant to this ~~subsection~~ section, and
23 28 shall annually submit this listing to the division.

23 29 Sec. 48. Section 262.58, Code 2007, is amended to read as
23 30 follows:

23 31 262.58 RATES AND TERMS OF BONDS OR NOTES.

23 32 Such bonds or notes may bear such date or dates, may bear
23 33 interest at such rate or rates, payable semiannually, may
23 34 mature at such time or times, may be in such form, carry such
23 35 registration privileges, may be payable at such place or
24 1 places, may be subject to such terms of redemption prior to
24 2 maturity with or without premium, if so stated on the face
24 3 thereof, and may contain such terms and covenants all as may
24 4 be provided by the resolution of the board authorizing the
24 5 issuance of the bonds or notes. In addition to the estimated
24 6 cost of construction, the cost of the project shall be deemed
24 7 to include interest upon the bonds or notes during
24 8 construction and for six months after the estimated completion
24 9 date, the compensation of a fiscal agent or adviser, and
24 10 engineering, administrative and legal expenses. Such bonds or
24 11 notes shall be executed by the president of the state board of
24 12 regents and attested by the executive director of the state
24 13 board of regents, secretary, or other official thereof
24 14 performing the duties of the executive director of the state

24 15 board of regents, and the coupons thereto attached shall be
24 16 executed with the original or facsimile signatures of said
24 17 president, ~~and~~ executive director, secretary, or other
24 18 official. Any bonds or notes bearing the signatures of
24 19 officers in office on the date of the signing thereof shall be
24 20 valid and binding for all purposes, notwithstanding that
24 21 before delivery thereof any or all such persons whose
24 22 signatures appear thereon shall have ceased to be such
24 23 officers. Each such bond or note shall state upon its face
24 24 the name of the institution on behalf of which it is issued,
24 25 that it is payable solely and only from the net rents, profits
24 26 and income derived from the operation of residence halls or
24 27 dormitories, including dining and other incidental facilities,
24 28 at such institution as hereinbefore provided, and that it does
24 29 not constitute a charge against the state of Iowa within the
24 30 meaning or application of any constitutional or statutory
24 31 limitation or provision. The issuance of such bonds or notes
24 32 shall be recorded in the office of the treasurer of the
24 33 institution on behalf of which the same are issued, and a
24 34 certificate by such treasurer to this effect shall be printed
24 35 on the back of each such bond or note.

25 1 Sec. 49. Section 279.34, Code 2007, is amended to read as
25 2 follows:

25 3 279.34 MOTOR VEHICLES REQUIRED TO OPERATE ON ETHANOL
25 4 BLENDED GASOLINE.

25 5 A motor vehicle purchased by or used under the direction of
25 6 the board of directors to provide services to a school
25 7 corporation shall not, ~~on or after January 1, 1993,~~ operate on
25 8 gasoline other than ethanol blended gasoline as defined in
25 9 section 214A.1. The motor vehicle shall also be affixed with
25 10 a brightly visible sticker which notifies the traveling public
25 11 that the motor vehicle is being operated on ethanol blended
25 12 gasoline. However, the sticker is not required to be affixed
25 13 to an unmarked vehicle used for purposes of providing law
25 14 enforcement or security.

25 15 Sec. 50. Section 297.14, Code 2007, is amended to read as
25 16 follows:

25 17 297.14 BARBED WIRE.

25 18 No school attendance center fence shall be constructed of

25 19 barbed wire, nor shall any barbed wire fence be placed within
25 20 ten feet of any school attendance center. Any person
25 21 violating the provisions of this section shall be guilty of a
25 22 simple misdemeanor.

25 23 Sec. 51. Section 309.17, Code 2007, is amended to read as
25 24 follows:

25 25 309.17 ENGINEER == TERM.

25 26 The board of supervisors shall employ one or more
25 27 ~~registered~~ licensed civil engineers who shall be known as
25 28 county engineers. The board shall fix their term of
25 29 employment which shall not exceed three years, but the tenure
25 30 of office may be terminated at any time by the board.

25 31 Sec. 52. Section 321.30, Code 2007, is amended to read as
25 32 follows:

25 33 321.30 GROUNDS FOR REFUSING REGISTRATION OR TITLE.

25 34 1. The department or the county treasurer shall refuse
25 35 registration and issuance of a certificate of title or any
26 1 transfer of title and registration upon any of the following
26 2 grounds:

26 3 ~~1-~~ a. That the application contains any false or
26 4 fraudulent statement or that the applicant has failed to
26 5 furnish required information or reasonable additional
26 6 information requested by the department or that the applicant
26 7 is not entitled to registration and issuance of a certificate
26 8 of title of the vehicle under this chapter.

26 9 ~~2-~~ b. That the vehicle is mechanically unfit or unsafe to
26 10 be operated or moved upon the highways, providing such
26 11 condition is revealed by a member of this department, or any
26 12 peace officer.

26 13 ~~3-~~ c. That the department or the county treasurer has
26 14 reasonable ground to believe that the vehicle is a stolen or
26 15 embezzled vehicle or that the granting of registration and
26 16 issuance of a certificate of title would constitute a fraud
26 17 against the rightful owner.

26 18 ~~4-~~ d. That the registration of the vehicle stands
26 19 suspended or revoked for any reason as provided in the motor
26 20 vehicle laws of this state.

26 21 ~~5-~~ e. That the required fee has not been paid except as
26 22 provided in section 321.48.

26 23 ~~6-~~ f. That the required use tax has not been paid.

26 24 ~~7-~~ g. If application for registration and certificate of
26 25 title for a new vehicle is not accompanied by a manufacturer's
26 26 or importer's certificate duly assigned.

26 27 ~~8-~~ h. If application for a transfer of registration and
26 28 issuance of a certificate of title for a used vehicle
26 29 registered in this state is not accompanied by a certificate
26 30 of title duly assigned.

26 31 ~~9-~~ i. If application and supporting documents are
26 32 insufficient to authorize the issuance of a certificate of
26 33 title as provided by this chapter, except that an initial
26 34 registration or transfer of registration may be issued as
26 35 provided in section 321.23.

27 1 ~~10-~~ j. In the case of a mobile home or manufactured home,
27 2 that taxes are owing under chapter 435 for a previous year.

27 3 ~~11-~~ k. In the case of a mobile home or manufactured home
27 4 converted from real estate, real estate taxes which are
27 5 delinquent.

27 6 ~~12-~~ l. If a commercial motor vehicle has been assigned to
27 7 be operated by a commercial motor carrier whose ability to
27 8 operate has been terminated or denied by a federal agency.

27 9 ~~13-~~ 2. Unless otherwise provided for in this chapter, the
27 10 department or the county treasurer shall refuse registration
27 11 and issuance of a certificate of title unless the vehicle
27 12 bears a manufacturer's label pursuant to 49 C.F.R. pt. 567
27 13 certifying that the vehicle meets federal motor vehicle safety
27 14 standards.

27 15 3. The department or the county treasurer shall refuse
27 16 registration of a vehicle on the following grounds:

~~27 17 14. The department or the county treasurer knows that an~~
~~27 18 applicant for renewal of a registration has a delinquent~~
~~27 19 account, charge, fee, loan, taxes, or other indebtedness owed~~
~~27 20 to or being collected by the state, from information received~~
~~27 21 pursuant to sections 8A.504 and 421.17. An applicant may~~
~~27 22 contest this action by requesting a contested case proceeding~~
~~27 23 from the agency that referred the debt for collection pursuant~~
~~27 24 to section 8A.504. This subsection shall apply only to a~~
~~27 25 renewal of registration and shall not apply to the issuance of~~
~~27 26 an original registration or to the issuance of a certificate~~
~~27 27 of title.~~

27 28 ~~15-~~ a. The department or the county treasurer shall
27 29 refuse registration of a vehicle if If the applicant is under

27 30 the age of eighteen years, unless the applicant has an Iowa
27 31 driver's license or the application is being made by more than
27 32 one applicant and one of the applicants is at least eighteen
27 33 years of age.

~~27 34 16. b. The department or the county treasurer shall also~~
~~27 35 refuse registration of a vehicle if~~ If the applicant for
28 1 registration of the vehicle has failed to pay the required
28 2 registration fees of any vehicle owned or previously owned
28 3 when the registration fee was required to be paid by the
28 4 applicant, and for which vehicle the registration was
28 5 suspended or revoked under section 321.101, subsection 1,
28 6 paragraph "d", or section 321.101A, until the fees are paid
28 7 together with any accrued penalties.

28 8 Sec. 53. Section 321.40, unnumbered paragraph 6, Code
28 9 2007, is amended to read as follows:

28 10 The ~~department or the~~ county treasurer shall refuse to
28 11 renew the registration of a vehicle registered to the
28 12 applicant if the ~~department or the~~ county treasurer knows that
28 13 the applicant has a delinquent account, charge, fee, loan,
28 14 taxes, or other indebtedness owed to or being collected by the
28 15 state, from information provided pursuant to sections 8A.504
28 16 and 421.17. An applicant may contest this action by
28 17 requesting a contested case proceeding from the agency that
28 18 referred the debt for collection pursuant to section 8A.504.

28 19 Sec. 54. Section 321.101, subsection 3, unnumbered
28 20 paragraph 2, Code 2007, is amended to read as follows:

28 21 If a vehicle, for which the registration has been suspended
28 22 or revoked pursuant to subsection 1, paragraph "d", or section
28 23 321.101A, is transferred to a bona fide purchaser for value
28 24 without actual knowledge of such suspension or revocation,
28 25 then the vehicle shall be deemed to be registered and the
28 26 provisions of sections 321.28 and 321.30, ~~subsections 4~~
28 27 ~~subsection 1, paragraphs "d" and 5 "e",~~ shall not be
28 28 applicable to such vehicle for the failure of the previous
28 29 owner to pay the required fees.

28 30 Sec. 55. Section 331.610, Code 2007, is amended to read as
28 31 follows:

28 32 331.610 ABOLITION OF OFFICE OF RECORDER == IDENTIFICATION
28 33 OF OFFICE == PLACE OF FILING.

28 34 If the office of county recorder is abolished in a county,
28 35 the auditor of that county shall be referred to as the county
29 1 auditor and recorder. After abolition of the office of county
29 2 recorder, references in the Code requiring filing or recording
29 3 of documents with the county recorder shall be deemed to
29 4 require the filing in the office of the county auditor and
29 5 recorder, and all duties of the abolished office of recorder
29 6 shall be performed by the county auditor and recorder.
29 7 However, the board of supervisors may direct that any of the
29 8 duties of the abolished office of recorder prescribed in
29 9 section 331.602, subsection 9, 10, 11, or 16, or section
29 10 331.605, subsection 1, 2, 3, ~~or 4, or 5,~~ shall be performed by
29 11 other county officers or employees as provided in section
29 12 331.323.

29 13 Sec. 56. Section 357A.11, subsection 11, unnumbered
29 14 paragraph 1, Code 2007, is amended to read as follows:

29 15 Have authority to execute an agreement with a governmental
29 16 entity, including a county, city, sanitary ~~sewer~~ district, or
29 17 another district, for purposes of managing or administering
29 18 the works, facilities, or waterways which are useful for the
29 19 collection, disposal, or treatment of wastewater or sewage and
29 20 which are located within the jurisdiction of the governmental
29 21 entity or the district. The board may do what is necessary to
29 22 carry out the agreement, including but not limited to any of
29 23 the following:

29 24 Sec. 57. Section 357A.22A, unnumbered paragraph 2, Code
29 25 2007, is amended to read as follows:

29 26 A rural water district or rural water association
29 27 incorporated under this chapter or chapter 504 which provides
29 28 water service to cities, benefited fire districts, or
29 29 townships shall not be liable for a claim against the district
29 30 or association for failure to provide or maintain fire
29 31 hydrants, facilities, or an adequate supply of water or water
29 32 pressure for fire protection purposes if the purpose of the
29 33 hydrants, facilities, or water used is not for fire
29 34 protection. ~~Not later than July 1, 2006, the legislative~~

~~29 35 council shall provide for a review of the liability exemption~~
~~30 1 or limitation provided for rural water districts or rural~~
~~30 2 water associations under this paragraph and assess its effect~~
~~30 3 on the provision of fire protection in areas served by the~~
~~30 4 rural water districts or rural water associations.~~

30 5 Sec. 58. Section 358.16, unnumbered paragraph 7, Code

30 6 2007, is amended to read as follows:

30 7 However, in the event of an emergency when the delay of
30 8 notice and hearing might cause serious loss or injury to
30 9 persons or property within the district, the board of trustees
30 10 may perform any action which may be required under this
30 11 section without prior notice and hearing, and assess the cost
30 12 as provided in this section, following notice to the property
30 13 owner and hearing in the time and manner provided in the
30 14 preceding paragraph. In that event the board of trustees
30 15 shall, by resolution, make a finding of the necessity to
30 16 institute emergency proceedings under this section, and shall
30 17 procure a certificate from a competent ~~registered~~ licensed
30 18 professional engineer or registered architect certifying that
30 19 emergency action is necessary.

30 20 Sec. 59. Section 358.40, subsection 1, unnumbered
30 21 paragraph 1, Code 2007, is amended to read as follows:

30 22 After three years from the establishment of a sanitary
30 23 ~~sewer~~ district, a petition may be filed in the office of the
30 24 county auditor, addressed to the board of supervisors, signed
30 25 by a majority of persons owning land in the district and who
30 26 in aggregate own at least sixty percent of the land in the
30 27 district. The petition shall include the above facts and
30 28 recite each of the following:

30 29 Sec. 60. Section 384.37, subsection 5, Code 2007, is
30 30 amended to read as follows:

30 31 5. "Engineer" means a professional engineer, ~~registered~~
30 32 licensed in the state of Iowa, authorized by the council to
30 33 render services in connection with the public improvement.

30 34 Sec. 61. Section 384.103, subsection 2, unnumbered
30 35 paragraph 1, Code 2007, is amended to read as follows:

31 1 When emergency repair of a public improvement is necessary
31 2 and the delay of advertising and a public letting might cause
31 3 serious loss or injury to the city, the governing body shall,
31 4 by resolution, make a finding of the necessity to institute
31 5 emergency proceedings under this section, and shall procure a
31 6 certificate from a competent ~~registered~~ licensed professional
31 7 engineer or registered architect, not in the regular employ of
31 8 the city, certifying that emergency repairs are necessary.

31 9 Sec. 62. Section 403.19A, subsection 3, paragraphs e, f,
31 10 and k, Code 2007, are amended to read as follows:

31 11 e. (1) The employer shall certify to the department of
31 12 revenue that the targeted jobs withholding credit is in
31 13 accordance with the withholding agreement and shall provide
31 14 other information the department may require. Notice of any
31 15 withholding agreement shall be provided promptly to the
31 16 department of revenue following ~~its~~ execution of the agreement
31 17 by the pilot project city and the employer.

31 18 (2) Following termination of the withholding agreement,
31 19 the employer credits shall cease and any money received by the
31 20 pilot project city after termination shall be remitted to the
31 21 treasurer of state to be deposited into the general fund of
31 22 the state. Notice shall be provided promptly to the
31 23 department of revenue following termination.

31 24 f. If the employer ceases to meet the requirements of the
31 25 withholding agreement, the agreement shall be terminated and
31 26 any withholding tax credits for the benefit of the employer
31 27 shall cease. However, in regard to the number of new jobs
31 28 that are to be created, if the employer has met the number of
31 29 new jobs to be created pursuant to the withholding agreement
31 30 and subsequently the number of new jobs falls below the
31 31 required level, the employer shall not be considered as not
31 32 meeting the new job requirement until eighteen months after
31 33 the date of the decrease in the number of new jobs ~~employed~~
31 34 created.

31 35 k. At the time of submitting its budget to the department
32 1 of management, the pilot project city shall submit to the
32 2 department of management and the department of economic
32 3 development a description of the activities involving the use
32 4 of withholding agreements. The description shall include, but
32 5 is not limited to, the following:

32 6 (1) The total number of targeted jobs and a breakdown as
32 7 to those that are Iowa business expansions or retentions
32 8 within the city limits of the pilot project city and those
32 9 that are jobs resulting from established out-of-state
32 10 businesses moving to or expanding in Iowa.

32 11 (2) The number of withholding agreements and the amount of
32 12 withholding credits involved.

32 13 (3) The types of businesses that entered into ~~the~~
32 14 agreements, and the types of businesses that declined the
32 15 city's proposal to enter into ~~the~~ an agreement.

32 16 Sec. 63. Section 421.9, subsection 3, Code 2007, is

32 17 amended to read as follows:

32 18 3. The director may make application to the district court
32 19 or judicial magistrate in the county where the books, records,
32 20 or assets are located for an administrative search warrant as
32 21 authorized by section 808.14, to ensure equitable
32 22 administration of state tax law, if any of the following
32 23 occurs:

32 24 a. A person refuses to allow the director or the
32 25 director's authorized representative to audit the person's
32 26 books or records or to inspect or value the person's assets.

32 27 b. The director has good and sufficient reason to believe
32 28 that a person will not allow the department to audit books or
32 29 records or inspect or value assets or to believe that the
32 30 person will destroy books or records or secrete or transfer
32 31 assets.

32 32 4. Immediately upon issuance of a distress warrant
32 33 authorized by section 422.26, the director may make
32 34 application to the district court or judicial magistrate for
32 35 an administrative search warrant as authorized by section
33 1 808.14 to execute the distress warrant.

33 2 Sec. 64. Section 422.5, subsection 2A, unnumbered
33 3 paragraphs 1 and 2, Code 2007, are amended to read as follows:

33 4 However, the tax shall not be imposed on a resident or
33 5 nonresident who is at least sixty-five years old on December
33 6 31 of the tax year and whose net income, as defined in section
33 7 422.7, is twenty-four thousand dollars or less in the case of
33 8 married persons filing jointly or filing separately on a
33 9 combined return, ~~unmarried~~ heads of household, and surviving
33 10 spouses or eighteen thousand dollars or less in the case of
33 11 all other persons; but in the event that the payment of tax
33 12 under this division would reduce the net income to less than
33 13 twenty-four thousand dollars or eighteen thousand dollars as
33 14 applicable, then the tax shall be reduced to that amount which
33 15 would result in allowing the taxpayer to retain a net income
33 16 of twenty-four thousand dollars or eighteen thousand dollars
33 17 as applicable. The preceding sentence does not apply to
33 18 estates or trusts. For the purpose of this subsection, the
33 19 entire net income, including any part of the net income not
33 20 allocated to Iowa, shall be taken into account. For purposes
33 21 of this subsection, net income includes all amounts of
33 22 pensions or other retirement income received from any source
33 23 which is not taxable under this division as a result of the
33 24 government pension exclusions in section 422.7, or any other
33 25 state law. If the combined net income of a husband and wife
33 26 exceeds twenty-four thousand dollars, neither of them shall
33 27 receive the benefit of this subsection, and it is immaterial
33 28 whether they file a joint return or separate returns.
33 29 However, if a husband and wife file separate returns and have
33 30 a combined net income of twenty-four thousand dollars or less,
33 31 neither spouse shall receive the benefit of this paragraph, if
33 32 one spouse has a net operating loss and elects to carry back
33 33 or carry forward the loss as provided in section 422.9,
33 34 subsection 3. A person who is claimed as a dependent by
33 35 another person as defined in section 422.12 shall not receive

34 1 the benefit of this subsection if the person claiming the
34 2 dependent has net income exceeding twenty-four thousand
34 3 dollars or eighteen thousand dollars as applicable or the
34 4 person claiming the dependent and the person's spouse have
34 5 combined net income exceeding twenty-four thousand dollars or
34 6 eighteen thousand dollars as applicable.
34 7 In addition, if the married persons', filing jointly or
34 8 filing separately on a combined return, ~~unmarried~~ head of
34 9 household's, or surviving spouse's net income exceeds
34 10 twenty-four thousand dollars, the regular tax imposed under
34 11 this division shall be the lesser of the maximum state
34 12 individual income tax rate times the portion of the net income
34 13 in excess of twenty-four thousand dollars or the regular tax
34 14 liability computed without regard to this sentence. Taxpayers
34 15 electing to file separately shall compute the alternate tax
34 16 described in this paragraph using the total net income of the
34 17 husband and wife. The alternate tax described in this
34 18 paragraph does not apply if one spouse elects to carry back or
34 19 carry forward the loss as provided in section 422.9,
34 20 subsection 3.

34 21 Sec. 65. Section 422.11N, subsection 5, paragraph b,
34 22 unnumbered paragraph 1, Code 2007, is amended to read as
34 23 follows:

34 24 For a retail dealer whose tax year is not the same as a
34 25 determination period beginning on January 1 and ending on
34 26 December 31, the retail dealer shall calculate the tax credit
34 27 ~~twice~~, as follows:

34 28 Sec. 66. Section 422.110, subsection 4, unnumbered
34 29 paragraph 1, Code 2007, is amended to read as follows:
34 30 For a retail dealer whose tax year is not on a calendar
34 31 year basis, the retail dealer shall calculate the tax credit
34 32 ~~twice~~, as follows:

34 33 Sec. 67. Section 422.12I, subsection 2, Code 2007, is
34 34 amended to read as follows:

34 35 2. The director of revenue shall draft the income tax form
35 1 to allow the designation of contributions to the veterans
35 2 trust fund on the tax return. The department of revenue, on
35 3 or before January 31, shall transfer the total amount
35 4 designated on the tax return forms due in the preceding
35 5 calendar year to the veterans trust fund created in section
35 6 35A.13. However, before a checkoff pursuant to this section
35 7 shall be permitted, all liabilities on the books of the
35 8 department of ~~revenue administrative services~~ and accounts
35 9 identified as owing under section ~~421.17~~ 8A.504 and the
35 10 political contribution allowed under section 68A.601 shall be
35 11 satisfied.

35 12 Sec. 68. Section 423.4, subsection 1, paragraphs b and c,
35 13 Code 2007, are amended to read as follows:

35 14 b. Such governmental unit, educational institution,
35 15 nonprofit Iowa affiliate, or nonprofit private museum shall,
35 16 not more than one year after the final settlement has been
35 17 made, make application to the department for any refund of the
35 18 amount of the sales or use tax which shall have been paid upon
35 19 any goods, wares, or merchandise, or services furnished, the
35 20 application to be made in the manner and upon forms to be
35 21 provided by the department, and the department shall forthwith
35 22 audit the claim and, if approved, issue a warrant to the
35 23 governmental unit, educational institution, nonprofit Iowa
35 24 affiliate, or nonprofit private museum in the amount of the
35 25 sales or use tax which has been paid to the state of Iowa
35 26 under the contract.

35 27 c. Refunds authorized under this subsection shall accrue
35 28 interest at the rate in effect under section 421.7 from the
35 29 first day of the second calendar month following the date the
35 30 refund claim is received by the department.

35 31 ~~c.~~ d. Any contractor who willfully makes a false report
35 32 of tax paid under the provisions of this subsection is guilty
35 33 of a simple misdemeanor and in addition shall be liable for
35 34 the payment of the tax and any applicable penalty and
35 35 interest.

36 1 Sec. 69. Section 423A.6, unnumbered paragraph 3, Code
36 2 2007, is amended to read as follows:

36 3 Section 422.25, subsection 4, sections 422.30, 422.67, and
36 4 422.68, section 422.69, subsection 1, sections 422.70, 422.71,
36 5 422.72, 422.74, and 422.75, section 423.14, subsection 1, and
36 6 sections 423.23, 423.24, 423.25, 423.31, 423.33, 423.35,
36 7 423.37 ~~to through~~ 423.42, and 423.47, consistent with the
36 8 provisions of this chapter, apply with respect to the taxes
36 9 authorized under this chapter, in the same manner and with the
36 10 same effect as if the state and local hotel and motel taxes
36 11 were retail sales taxes within the meaning of those statutes.
36 12 Notwithstanding this paragraph, the director shall provide for
36 13 quarterly filing of returns and for other than quarterly
36 14 filing of returns both as prescribed in section 423.31. The
36 15 director may require all persons who are engaged in the
36 16 business of deriving any sales price subject to tax under this
36 17 chapter to register with the department. All taxes collected
36 18 under this chapter by a retailer or any individual are deemed
36 19 to be held in trust for the state of Iowa and the local
36 20 jurisdictions imposing the taxes.

36 21 Sec. 70. Section 423D.4, unnumbered paragraph 3, Code
36 22 2007, is amended to read as follows:

36 23 Section 422.25, subsection 4, sections 422.30, 422.67, and
36 24 422.68, section 422.69, subsection 1, sections 422.70, 422.71,
36 25 422.72, 422.74, and 422.75, section 423.14, subsection 1, and
36 26 sections 423.23, 423.24, 423.25, 423.31 ~~to through~~ 423.35,
36 27 423.37 ~~to through~~ 423.42, and 423.47, consistent with the
36 28 provisions of this chapter, apply with respect to the tax
36 29 authorized under this chapter, in the same manner and with the
36 30 same effect as if the excise taxes on equipment sales or use
36 31 were retail sales taxes within the meaning of those statutes.
36 32 Notwithstanding this paragraph, the director shall provide for
36 33 quarterly filing of returns and for other than quarterly
36 34 filing of returns both as prescribed in section 423.31. All
36 35 taxes collected under this chapter by a retailer or any user
37 1 are deemed to be held in trust for the state of Iowa.

37 2 Sec. 71. Section 446.19A, subsection 3, Code 2007, is
37 3 amended to read as follows:

37 4 3. If after the date that a parcel is sold pursuant to
37 5 this chapter, or after the date that a parcel is sold under
37 6 section 446.18, ~~446.38~~, or 446.39, the parcel assessed as
37 7 residential property or as commercial multifamily housing
37 8 property is identified as abandoned or as a vacant lot
37 9 pursuant to a verified statement filed with the county
37 10 treasurer by a city or county in the form set forth in
37 11 subsection 2, a city or county may require the assignment of
37 12 the tax sale certificate that had been issued for such parcel
37 13 by paying to the holder of such certificate the total amount
37 14 due on the date the assignment of the certificate is made to
37 15 the county or city and recorded with the county treasurer. If
37 16 a certificate holder fails to assign the certificate of
37 17 purchase to the city or county, the county treasurer is
37 18 authorized to issue a duplicate certificate of purchase, which
37 19 shall take the place of the original certificate, and assign
37 20 the duplicate certificate to the city or county. If the
37 21 certificate is not assigned by the county or city pursuant to
37 22 subsection 4, the county or city, whichever is applicable, is
37 23 liable for the tax sale interest that was due the certificate
37 24 holder pursuant to section 447.1, as of the date of
37 25 assignment.

37 26 Sec. 72. Section 446.20, subsection 2, unnumbered
37 27 paragraph 2, Code 2007, is amended to read as follows:

37 28 Service of the notice shall also be made by mail on any
37 29 mortgagee having a lien upon the parcel, a vendor of the
37 30 parcel under a recorded contract of sale, a lessor who has a
37 31 recorded lease or memorandum of a recorded lease, and any
37 32 other person who has an interest of record, at the person's
37 33 last known address, if the mortgagee, vendor, lessor, or other
37 34 person has filed a request for notice, as prescribed in
37 35 section 446.9, subsection 3, ~~and on the state of Iowa in case~~
~~38 1 of a supplementary assistance lien by service upon the~~
~~38 2 department of human services.~~ The notice shall also be served
38 3 on any city where the parcel is situated. Failure to receive
38 4 a mailed notice is not a defense to the payment of the total
38 5 amount due.

38 6 Sec. 73. Section 455B.171, subsection 27, Code 2007, is
38 7 amended to read as follows:

38 8 27. "Semi-public sewage disposal system" means a system
38 9 for the treatment or disposal of domestic sewage which is not
38 10 a private sewage disposal system and which is not owned by a
38 11 city, a sanitary ~~sewer~~ district, or a designated and approved
38 12 management agency under section 1288 of the federal Water
38 13 Pollution Control Act (33 U.S.C. } 1288).

38 14 Sec. 74. Section 455B.183, subsection 1, paragraph a, Code
38 15 2007, is amended to read as follows:

38 16 a. The construction, installation, or modification of any
38 17 disposal system or public water supply system or part thereof
38 18 or any extension or addition thereto except those sewer
38 19 extensions and water supply distribution system extensions
38 20 that are subject to review and approval by a city or county
38 21 public works department pursuant to this section, the use or
38 22 disposal of sewage sludge, and private sewage disposal
38 23 systems. Unless federal law or regulation requires the review
38 24 and approval of plans and specifications, a permit shall be
38 25 issued for the construction, installation, or modification of
38 26 a public water supply system or part of a system if a
38 27 qualified, ~~registered~~ licensed engineer certifies to the
38 28 department that the plans for the system or part of the system
38 29 meet the requirements of state and federal law or regulations.
38 30 The permit shall state that approval is based only upon the
38 31 engineer's certification that the system's design meets the
38 32 requirements of all applicable state and federal laws and
38 33 regulations and the review of the department shall be
38 34 advisory.

38 35 Sec. 75. Section 455B.183, subsection 2, unnumbered
39 1 paragraph 1, Code 2007, is amended to read as follows:

39 2 Upon adoption of standards by the commission pursuant to
39 3 section 455B.173, subsections 5 to 8, plans and specifications
39 4 for sewer extensions and water supply distribution system
39 5 extensions covered by this section shall be submitted to the
39 6 city or county public works department for approval if the
39 7 local public works department employs a qualified, ~~registered~~
39 8 licensed engineer who reviews the plans and specifications
39 9 using the specific state standards known as the Iowa Standards
39 10 for Sewer Systems and the Iowa Standards for Water Supply
39 11 Distribution Systems that have been formulated and adopted by
39 12 the department pursuant to section 455B.173, subsections 5 to
39 13 8. The local agency shall issue a written permit to construct
39 14 if all of the following apply:

39 15 Sec. 76. Section 455B.183, subsection 4, Code 2007, is
39 16 amended to read as follows:

39 17 4. Plans and specifications for all other waste disposal
39 18 systems and public water supply systems, including sewer
39 19 extensions and water supply distribution system extensions not
39 20 reviewed by a city or county public works department under
39 21 this section, shall be submitted to the department before a
39 22 written permit may be issued. Plans and specifications for
39 23 public water supply systems and water supply distribution
39 24 system extensions must be certified by a ~~registered~~ licensed
39 25 engineer as provided in subsection 1, paragraph "a". The
39 26 construction of any such waste disposal system or public water
39 27 supply system shall be in accordance with standards formulated
39 28 and adopted by the department pursuant to section 455B.173,
39 29 subsections 5 to 8. If it is necessary or desirable to make
39 30 material changes in the plans or specifications, revised plans
39 31 or specifications together with reasons for the proposed
39 32 changes must be submitted to the department for a supplemental
39 33 written permit. The revised plans and specifications for a
39 34 public water supply system must be certified by a ~~registered~~
39 35 licensed engineer as provided in subsection 1, paragraph "a".

40 1 Sec. 77. Section 455B.803, subsection 2, paragraph b,
40 2 subparagraph (7), subparagraph subdivision (c), Code 2007, is
40 3 amended to read as follows:

40 4 (c) Confirmation that the vehicle recycler has submitted
40 5 switches at least once every twelve months since joining the
40 6 program.

40 7 Sec. 78. Section 455G.18, subsection 2, paragraph b, Code
40 8 2007, is amended to read as follows:

40 9 b. A professional engineer ~~registered~~ licensed in Iowa.

40 10 Sec. 79. Section 455G.18, subsection 8, Code 2007, is
40 11 amended to read as follows:

40 12 8. The board may provide for exemption from the
40 13 certification requirements of this section for a professional
40 14 engineer ~~registered~~ licensed pursuant to chapter 542B, if the
40 15 person is qualified in the field of geotechnical,
40 16 hydrological, environmental groundwater, or hydrogeological
40 17 engineering.

40 18 Sec. 80. Section 459.314B, subsection 3, Code 2007, is
40 19 amended to read as follows:

40 20 3. Knowingly employing or executing a contract with a
40 21 person who acts as a commercial manure service representative
40 22 and who is not certified pursuant to section 459.315.

40 23 Sec. 81. Section 459A.401, subsection 1, Code 2007, is
40 24 amended to read as follows:

40 25 1. All settleable solids from open feedlot effluent shall
40 26 be removed prior to discharge into ~~the waters~~ a water of the
40 27 state.

40 28 a. The settleable solids shall be removed by use of a
40 29 solids settling facility. The construction of a solids
40 30 settling facility is not required where existing site
40 31 conditions provide for removal of settleable solids prior to
40 32 discharge into ~~the waters~~ a water of the state.

40 33 b. The removal of settleable solids shall be deemed to
40 34 have occurred when the velocity of flow of the open feedlot
40 35 effluent has been reduced to less than point five feet per
41 1 second for a minimum of five minutes. A solids settling
41 2 facility shall have sufficient capacity to store settled
41 3 solids between periods of land application and to provide
41 4 required flow-velocity reduction for open feedlot effluent
41 5 flow volumes resulting from a precipitation event of less
41 6 intensity than a ten-year, one-hour frequency event. A solids
41 7 settling facility which receives open feedlot effluent shall
41 8 provide a minimum of one square foot of surface area for each
41 9 eight cubic feet of open feedlot effluent per hour resulting
41 10 from a ten-year, one-hour frequency precipitation event.

41 11 Sec. 82. Section 464A.5, Code 2007, is amended to read as
41 12 follows:

41 13 464A.5 APPRAISAL OF DAMAGES.

41 14 If, at the time of the hearing, the claims for damages
41 15 shall have been filed, further proceedings shall be continued
41 16 to an adjourned, regular, or special session, the date and
41 17 place of which shall be fixed at the time of adjournment and
41 18 of which all interested parties shall take notice, and the
41 19 commission shall have the damages appraised by three
41 20 appraisers to be appointed by the chief justice of the supreme
41 21 court. One of these appraisers shall be a ~~registered~~ licensed
41 22 civil engineer resident of the state and two shall be
41 23 freeholders of the state, who shall not be interested in nor
41 24 related to any person affected by the proposed project.

41 25 Sec. 83. Section 468.3, subsection 6, Code 2007, is

41 26 amended to read as follows:

41 27 6. The term "engineer" and the term "civil engineer",
41 28 within the meaning of this subchapter, parts 1 through 5,
41 29 subchapter II, parts 1, 4, 5, and 6, and subchapter V, shall
41 30 mean a person ~~registered~~ licensed as a professional engineer
41 31 under the provisions of chapter 542B.

41 32 Sec. 84. Section 479.29, subsection 2, Code 2007, is
41 33 amended to read as follows:

41 34 2. The county board of supervisors shall cause an on-site
41 35 inspection for compliance with the standards adopted under
42 1 this section to be performed at any pipeline construction
42 2 project in the county. A licensed professional engineer
42 3 familiar with the standards adopted under this section and
42 4 ~~registered~~ licensed under chapter 542B shall be responsible
42 5 for the inspection. A county board of supervisors may
42 6 contract for the services of a licensed professional engineer
42 7 for the purposes of the inspection. The reasonable costs of
42 8 the inspection shall be borne by the pipeline company.

42 9 Sec. 85. Section 501A.1101, subsection 4, paragraph c,
42 10 Code 2007, is amended to read as follows:

42 11 c. After the plan has been adopted, articles of merger or
42 12 consolidation stating the plan and that the plan was adopted
42 13 according to this subsection shall be signed by the
42 14 chairperson, vice chairperson, or records officer, ~~or~~
~~42 15 documents officer~~ of each cooperative merging or
42 16 consolidating.

42 17 Sec. 86. Section 502.404, subsection 5, Code 2007, is
42 18 amended to read as follows:

42 19 5. LIMITS ON EMPLOYMENT OR ASSOCIATION. It is unlawful
42 20 for an individual acting as an investment adviser
42 21 representative, directly or indirectly, to conduct business in
42 22 this state on behalf of an investment adviser or a federal
42 23 covered investment adviser if the registration of the
42 24 individual as an investment adviser representative is
42 25 suspended or revoked or the individual is barred from
42 26 employment or association with an investment adviser or a
42 27 federal covered investment adviser by an order under this
42 28 chapter, the securities and exchange commission, or a
42 29 self-regulatory organization. Upon request from a federal
42 30 covered investment adviser and for good cause, the
42 31 administrator, by order issued, may waive, in whole or in
42 32 part, the application of the requirements of this subsection
42 33 to the ~~federal covered~~ investment adviser representative.

42 34 Sec. 87. Section 504.801, subsection 2, Code 2007, is
42 35 amended to read as follows:

43 1 2. Except as otherwise provided in this ~~subchapter~~ chapter
43 2 or subsection 3, all corporate powers shall be exercised by or
43 3 under the authority of, and the affairs of the corporation
43 4 managed under the direction of, its board.

43 5 Sec. 88. Section 507.16, Code 2007, is amended to read as
43 6 follows:

43 7 507.16 UNLAWFUL SOLICITATION OF BUSINESS.

43 8 It shall be unlawful for any officer, manager, agent, or
43 9 representative of any insurance company contemplated by this
43 10 chapter, who, with knowledge that its certificate of authority
43 11 has been suspended or revoked, or that it is insolvent, or is
43 12 doing an unlawful or unauthorized business, to solicit or
43 13 receive applications for insurance for the company, or to do
43 14 any other act or thing toward receiving or procuring any new
43 15 business for the company. The provisions of sections ~~511.16~~
43 16 505.7A and 511.17 are extended to all companies contemplated
43 17 by this chapter.

43 18 Sec. 89. Section 512B.25, Code 2007, is amended to read as
43 19 follows:

43 20 512B.25 ANNUAL LICENSE == RENEWAL.

43 21 The authority of a society to transact business in this
43 22 state may be renewed annually. A license terminates on the
43 23 ~~succeeding first day of June~~ following issuance or renewal.

43 24 A society shall submit annually on or before March 1 a
43 25 completed application for renewal of its license. For each
43 26 license or renewal the society shall pay the commissioner a
43 27 fee of fifty dollars. A society that fails to timely file an
43 28 application for renewal shall pay an administrative penalty of
43 29 five hundred dollars to the treasurer of state for deposit in
43 30 the general fund of the state as provided in section 505.7. A
43 31 duly certified copy or duplicate of the license is prima facie
43 32 evidence that the licensee is a fraternal benefit society
43 33 within the meaning of this chapter.

43 34 Sec. 90. Section 533.27, unnumbered paragraph 1, Code
43 35 2007, is amended to read as follows:

44 1 With the exception of certain account records which shall

44 2 not be destroyed pursuant to section 533.26, liability shall
44 3 not accrue against any credit union destroying any ~~such~~
44 4 records after the expiration of the time provided in section
44 5 533.26, this section, and section 533.29. In any cause or
44 6 proceedings in which any such records or files may be called
44 7 into question or be demanded of the credit union or of any
44 8 officer or employee of the credit union, a showing that such
44 9 records or files have been destroyed in accordance with the
44 10 terms of such sections shall be a sufficient excuse for the
44 11 failure to produce them. Nothing herein shall require credit
44 12 unions to retain any class of records or files for the period
44 13 of limitations of actions provided herein; but any records,
44 14 files, or class of records not deemed necessary for the
44 15 conduct of the current business of credit unions, or future
44 16 examinations thereof, or for defense in the event of
44 17 litigation, may be destroyed within such period.

44 18 Sec. 91. Section 533A.2, subsection 3, Code 2007, is
44 19 amended to read as follows:

44 20 3. The application for a license shall be in the form
44 21 prescribed by the superintendent. ~~If the applicant is not a~~
44 22 ~~natural person, a copy of the legal documents creating the~~
44 23 ~~applicant shall be filed with the application.~~ The
44 24 application shall contain all of the following:

44 25 a. The name of the applicant.

44 26 b. If the applicant is not a natural person, the type of
44 27 business entity of the applicant and the date the entity was
44 28 organized.

44 29 c. The address where the business is to be conducted,
44 30 including information as to any branch office of the
44 31 applicant.

44 32 d. The name and resident address of the applicant's owner
44 33 or partners, or, if a corporation, association, or agency, of
44 34 the members, shareholders, directors, trustees, principal
44 35 officers, managers, and agents. ~~If the applicant is not a~~
45 1 ~~natural person, a copy of the legal documents creating the~~
45 2 ~~applicant shall be filed with the application.~~

45 3 e. Other pertinent information as the superintendent may
45 4 require, including a credit report.

45 5 Sec. 92. Section 533A.5, subsection 1, Code 2007, is
45 6 amended to read as follows:

45 7 1. To continue in the business of debt management, each
45 8 licensee shall annually apply on or before June 1 to the
45 9 superintendent for renewal of its license. The superintendent
45 10 may assess a late fee of ten dollars per day for applications
45 11 submitted and accepted for processing after June 1.

45 12 Sec. 93. Section 533A.9A, Code 2007, is amended to read as
45 13 follows:

45 14 533A.9A DONATIONS.

45 15 A donation shall not be charged to a debtor or creditor,
45 16 deducted from a payment to a creditor, deducted from the
45 17 debtor's account, or deducted from payments made to the
45 18 licensee pursuant to the debt management contract. If a
45 19 licensee requests a donation from a debtor, the licensee must
45 20 clearly indicate that any donation is voluntary and not a
45 21 condition or requirement for providing debt management.

45 22 Sec. 94. Section 544A.17, subsections 1 and 2, Code 2007,
45 23 are amended to read as follows:

45 24 1. Professional engineers ~~registered~~ licensed under
45 25 chapter 542B.

45 26 2. Persons acting under the instruction, control or
45 27 supervision of, and those executing the plans of, a registered
45 28 architect or a professional engineer ~~registered~~ licensed under
45 29 chapter 542B, provided that such ~~unregistered~~ or unlicensed
45 30 persons shall not be placed in responsible charge of
45 31 architectural or professional engineering work.

45 32 Sec. 95. Section 544A.18, subsection 5, Code 2007, is
45 33 amended to read as follows:

45 34 5. Factory built buildings which are not more than two
45 35 stories in height and not exceeding twenty thousand square
46 1 feet in gross floor area or which are certified by a
46 2 professional engineer ~~registered~~ licensed under chapter 542B.

46 3 Sec. 96. Section 544B.12, Code 2007, is amended to read as
46 4 follows:

46 5 544B.12 SEAL.

46 6 Every professional landscape architect shall have a seal,
46 7 approved by the board, which shall contain the name of the
46 8 landscape architect and the words "Professional Landscape
46 9 Architect, State of Iowa", and such other words or figures as
46 10 the board may deem necessary. All landscape architectural
46 11 plans and specifications, prepared by such professional
46 12 landscape architect or under the supervision of such

46 13 professional landscape architect, shall be dated and bear the
46 14 legible seal of such professional landscape architect.
46 15 Nothing contained in this section shall be construed to permit
46 16 the seal of a professional landscape architect to serve as a
46 17 substitute for the seal of a ~~licensed~~ registered architect, a
46 18 licensed professional engineer, or a licensed land surveyor
46 19 whenever the seal of an architect, engineer or land surveyor
46 20 is required under the laws of this state.

46 21 Sec. 97. Section 544B.20, subsections 1 and 3, Code 2007,
46 22 are amended to read as follows:

46 23 1. To apply to a professional engineer duly ~~registered~~
46 24 licensed under the laws of this state.

46 25 3. To prevent a registered architect or licensed
46 26 professional engineer from doing landscape planning and
46 27 designing.

46 28 Sec. 98. Section 602.11101, subsection 6, Code 2007, is
46 29 amended by striking the subsection.

46 30 Sec. 99. Section 617.3, unnumbered paragraph 5, Code 2007,
46 31 is amended to read as follows:

46 32 The original notice of suit filed with the secretary of
46 33 state shall be in form and substance the same as provided in
46 34 rule of civil procedure ~~1.901~~ 1.1901, form 3, Iowa court
46 35 rules.

47 1 Sec. 100. Section 622.31, Code 2007, is amended to read as
47 2 follows:

47 3 622.31 EVIDENCE OF REGRET OR SORROW.

47 4 In any civil action for professional negligence, personal
47 5 injury, or wrongful death or in any arbitration proceeding for
47 6 professional negligence, personal injury, or wrongful death
47 7 against a person in a profession ~~represented~~ regulated by one
47 8 of the examining boards listed in section 272C.1 and or in any
47 9 other licensed profession recognized in this state, a hospital
47 10 licensed pursuant to chapter 135B, or a health care facility
47 11 licensed pursuant to chapter 135C, based upon the alleged
47 12 negligence in the practice of that profession or occupation,
47 13 that portion of a statement, affirmation, gesture, or conduct
47 14 expressing sorrow, sympathy, commiseration, condolence,
47 15 compassion, or a general sense of benevolence that was made by
47 16 the person to the plaintiff, relative of the plaintiff, or
47 17 decision maker for the plaintiff that relates to the
47 18 discomfort, pain, suffering, injury, or death of the plaintiff
47 19 as a result of an alleged breach of the applicable standard of
47 20 care is inadmissible as evidence. Any response by the
47 21 plaintiff, relative of the plaintiff, or decision maker for
47 22 the plaintiff to such statement, affirmation, gesture, or
47 23 conduct is similarly inadmissible as evidence.

47 24 Sec. 101. Section 622A.1, Code 2007, is amended to read as
47 25 follows:

47 26 622A.1 ~~DEFINITION~~ DEFINITIONS.

47 27 As used in this chapter, "~~legal proceeding~~" unless the
47 28 context otherwise requires:

47 29 1. "Administrative agency" means any department, board,
47 30 commission, or agency of the state or any political
47 31 subdivision of the state.

47 32 2. "Legal proceeding" means any action before any court,
47 33 or any legal action preparatory to appearing before any court,
47 34 whether civil, criminal, or juvenile in nature; and any
47 35 ~~administrative~~ proceeding before any state administrative
48 1 agency or governmental subdivision which is quasi-judicial in
48 2 nature and which has direct legal implications to any person.

48 3 Sec. 102. Section 627.6, subsection 9, Code 2007, is
48 4 amended to read as follows:

48 5 9. The debtor's interest in ~~the following:~~

48 6 ~~a. One one~~ motor vehicle, not to exceed in value seven
48 7 thousand dollars ~~in the aggregate.~~

48 8 ~~b. 9A.~~ In the event of a bankruptcy proceeding, the
48 9 debtor's interest in accrued wages and in state and federal
48 10 tax refunds as of the date of filing of the petition in
48 11 bankruptcy, not to exceed one thousand dollars in the
48 12 aggregate. This exemption is in addition to the limitations
48 13 contained in sections 642.21 and 537.5105.

48 14 Sec. 103. Section 654.15A, Code 2007, is amended to read
48 15 as follows:

48 16 654.15A NOTICE OF SALE TO JUNIOR CREDITORS.

48 17 A junior creditor may file and serve on the judgment
48 18 creditor a request for notice of the sheriff's sale. Such
48 19 request for notice shall include a facsimile number or
48 20 electronic mail address where the creditor shall be notified
48 21 of the sale. At least ten days prior to the date of sale, the
48 22 attorney for the junior creditor shall file proof of service
48 23 of such request for notice. Upon motion filed within thirty

48 24 days of the sale, the court may set aside a sale in which a
48 25 junior creditor who requests notice is damaged by the failure
48 26 of the sheriff or the judgment creditor to give notice
48 27 pursuant to this section.

48 28 Sec. 104. Section 654.17, Code 2007, is amended to read as
48 29 follows:

48 30 654.17 RECISION OF FORECLOSURE.

48 31 At any time prior to the recording of the sheriff's deed,
48 32 and before the mortgagee's rights become unenforceable by
48 33 operation of the statute of limitations, the judgment
48 34 creditor, or the judgment creditor who is the successful
48 35 bidder at the sheriff's sale, with the written consent of the
49 1 mortgagor may rescind the foreclosure action by filing a
49 2 notice of recision with the clerk of court in the county in
49 3 which the property is located along with a filing fee of fifty
49 4 dollars. In addition, such person shall pay a fee of
49 5 twenty-five dollars for documents filed in the foreclosure
49 6 action which the plaintiff requests returned. Upon the filing
49 7 of the notice of recision, the mortgage loan shall be
49 8 enforceable according to the original terms of the ~~foreclosure~~
49 9 ~~mortgage loan~~ and the rights of all persons with an interest
49 10 in the property may be enforced as if the foreclosure had not
49 11 been filed. However, any findings of fact or law shall be
49 12 preclusive for purposes of any future action unless the court,
49 13 upon hearing, rules otherwise. The mortgagor shall be
49 14 assessed costs, including reasonable attorney fees, of
49 15 foreclosure and recision if provided by the mortgage
49 16 agreement.

49 17 Sec. 105. Section 655A.3, subsection 3, Code 2007, is
49 18 amended to read as follows:

49 19 3. The mortgagee may file a written notice required in
49 20 subsection 1 together with proof of service on the mortgagor
49 21 with the recorder of the county where the mortgaged property
49 22 is located. Such a filing shall have the same force and
49 23 effect on third parties as an indexed notation entered by the
49 24 clerk of the district court pursuant to section 617.10 ~~and~~
49 25 ~~shall commence on, commencing from~~ the filing of proof of
49 26 service on the mortgagors and ~~terminate terminating~~ on the
49 27 filing of a rejection pursuant to section 655A.6, an affidavit
49 28 of completion pursuant to section 655A.7, or the expiration of
49 29 ninety days from completion of service on the mortgagors,
49 30 whichever occurs first.

49 31 Sec. 106. Section 723.5, subsection 1, paragraph b, Code
49 32 2007, is amended to read as follows:

49 33 b. ~~Direct Use~~ abusive epithets or make any threatening
49 34 gesture which the person knows or reasonably should know is
49 35 likely to provoke a violent reaction by another.

50 1 Sec. 107. Section 726.6, subsection 7, Code 2007, is
50 2 amended to read as follows:

50 3 7. A person who commits child endangerment that is not
50 4 subject to penalty under subsection ~~4, 5, or 6~~ is guilty of an
50 5 aggravated misdemeanor.

50 6 Sec. 108. Section 802.2, Code 2007, is amended to read as
50 7 follows:

50 8 802.2 SEXUAL ABUSE == FIRST, SECOND, OR THIRD DEGREE.

50 9 1. An information or indictment for sexual abuse in the
50 10 first, second, or third degree committed on or with a person
50 11 who is under the age of eighteen years shall be found within
50 12 ten years after the person upon whom the offense is committed
50 13 attains eighteen years of age, or if ~~the identity of the~~
50 14 person against whom the information or indictment is sought is
50 15 ~~established identified~~ through the use of a DNA profile, an
50 16 information or indictment shall be found within three years
50 17 from the date the ~~identity of the~~ person is identified by the
50 18 person's DNA profile, whichever is later.

50 19 2. An information or indictment for any other sexual abuse
50 20 in the first, second, or third degree shall be found within
50 21 ten years after its commission, or if the ~~identity of the~~
50 22 person against whom the information or indictment is sought is
50 23 ~~established identified~~ through the use of a DNA profile, an
50 24 information or indictment shall be found within three years
50 25 from the date the ~~identity of the~~ person is identified by the
50 26 person's DNA profile, whichever is later.

50 27 3. As used in this section, "identified" means a person's
50 28 legal name is known and the person has been determined to be
50 29 the source of the DNA.

50 30 Sec. 109. Section 802.10, Code 2007, is amended to read as
50 31 follows:

50 32 802.10 DNA PROFILE OF ACCUSED.

50 33 1. As used in this section:

50 34 a. "DNA profile" means the same as defined in section

50 35 81.1.
51 1 b. "Identified" means the same as defined in section
51 2 802.2.

51 3 2. An indictment or information may be found containing
51 4 only the DNA profile of the person ~~charged~~ sought. When an
51 5 indictment or information is found containing only a DNA
51 6 profile, the limitation of any action under section 802.3 is
51 7 tolled.

51 8 3. However, notwithstanding subsection 2, an indictment or
51 9 information shall be found against a person within three years
51 10 from the date the ~~identity of the person charged~~ is identified
51 11 by the person's DNA profile ~~under section 802.3~~. If the
51 12 action involves sexual abuse, the indictment or information
51 13 shall be found as provided in section 802.2, if the person is
51 14 identified by the person's DNA profile.

51 15 Sec. 110. 2006 Iowa Acts, chapter 1112, section 2, is
51 16 amended to read as follows:
51 17 SEC. 2. Section 422.5, Code 2005, is amended by adding the
51 18 following new subsection:
51 19 NEW SUBSECTION. 2B. However, the tax shall not be imposed
51 20 on a resident or nonresident who is at least sixty-five years
51 21 old on December 31 of the tax year and whose net income, as
51 22 defined in section 422.7, is thirty-two thousand dollars or
51 23 less in the case of married persons filing jointly or filing
51 24 separately on a combined return, ~~unmarried~~ heads of household,
51 25 and surviving spouses or twenty-four thousand dollars or less
51 26 in the case of all other persons; but in the event that the
51 27 payment of tax under this division would reduce the net income
51 28 to less than thirty-two thousand dollars or twenty-four
51 29 thousand dollars as applicable, then the tax shall be reduced
51 30 to that amount which would result in allowing the taxpayer to
51 31 retain a net income of thirty-two thousand dollars or
51 32 twenty-four thousand dollars as applicable. The preceding
51 33 sentence does not apply to estates or trusts. For the purpose
51 34 of this subsection, the entire net income, including any part
51 35 of the net income not allocated to Iowa, shall be taken into
52 1 account. For purposes of this subsection, net income includes
52 2 all amounts of pensions or other retirement income received
52 3 from any source which is not taxable under this division as a
52 4 result of the government pension exclusions in section 422.7,
52 5 or any other state law. If the combined net income of a
52 6 husband and wife exceeds thirty-two thousand dollars, neither
52 7 of them shall receive the benefit of this subsection, and it
52 8 is immaterial whether they file a joint return or separate
52 9 returns. However, if a husband and wife file separate returns
52 10 and have a combined net income of thirty-two thousand dollars
52 11 or less, neither spouse shall receive the benefit of this
52 12 paragraph, if one spouse has a net operating loss and elects
52 13 to carry back or carry forward the loss as provided in section
52 14 422.9, subsection 3. A person who is claimed as a dependent
52 15 by another person as defined in section 422.12 shall not
52 16 receive the benefit of this subsection if the person claiming
52 17 the dependent has net income exceeding thirty-two thousand
52 18 dollars or twenty-four thousand dollars as applicable or the
52 19 person claiming the dependent and the person's spouse have
52 20 combined net income exceeding thirty-two thousand dollars or
52 21 twenty-four thousand dollars as applicable.

52 22 In addition, if the married persons', filing jointly or
52 23 filing separately on a combined return, ~~unmarried~~ head of
52 24 household's, or surviving spouse's net income exceeds
52 25 thirty-two thousand dollars, the regular tax imposed under
52 26 this division shall be the lesser of the maximum state
52 27 individual income tax rate times the portion of the net income
52 28 in excess of thirty-two thousand dollars or the regular tax
52 29 liability computed without regard to this sentence. Taxpayers
52 30 electing to file separately shall compute the alternate tax
52 31 described in this paragraph using the total net income of the
52 32 husband and wife. The alternate tax described in this
52 33 paragraph does not apply if one spouse elects to carry back or
52 34 carry forward the loss as provided in section 422.9,
52 35 subsection 3.

53 1 This subsection applies even though one spouse has not
53 2 attained the age of sixty-five, if the other spouse is at
53 3 least sixty-five at the end of the tax year.

53 4 Sec. 111. Section 13B.8A, Code 2007, is repealed.
53 5 Sec. 112. Sections 15E.131 through 15E.149, Code 2007, are
53 6 repealed.

53 7 Sec. 113. Sections 260F.10, 260G.10, and 446.38, Code
53 8 2007, are repealed.

53 9 Sec. 114. EFFECTIVE DATE. The section of this Act
53 10 amending 2006 Iowa Acts, chapter 1112, section 2, takes effect

53 11 January 1, 2009.

53 12 EXPLANATION

53 13 This bill contains statutory corrections that adjust
53 14 language to reflect current practices, insert earlier
53 15 omissions, delete redundancies and inaccuracies, delete
53 16 temporary language, resolve inconsistencies and conflicts,
53 17 update ongoing provisions, or remove ambiguities. The Code
53 18 sections amended include all of the following:

53 19 Code sections 2C.11, 15E.197, and 22.7(52): Organizes or
53 20 reorganizes the Code section into designated parts consistent
53 21 with the substantive language and intent of the Code section.

53 22 Code section 8F.3(1)(d): Conforms language relating to
53 23 information a recipient entity under a service contract with
53 24 an oversight agency must have available for inspection to
53 25 existing language in paragraph "d" regarding such information.

53 26 Code section 10B.7: Adds references to Code chapters 490A
53 27 and 501A to a series of Code chapter references relating to
53 28 concurrent filing of certain biennial reports with the office
53 29 of secretary of state. This change conforms the series of
53 30 references to similar language containing the same series of
53 31 references in Code section 10B.4.

53 32 Code section 11.2: Substitutes the words "treasurer of
53 33 state" for the words "treasury department". There is no
53 34 treasury department and the records that are referred to as
53 35 audited daily are records of the office of treasurer of state.

54 1 Code sections 13B.8A (repealed at end of bill) and
54 2 602.11101(6): Strikes provisions relating to court
54 3 reorganization and the transfer of the public defender's
54 4 offices from the counties to the state. The transfer was done
54 5 in 1989 in Code chapter 13B and there are no longer any
54 6 existing claims.

54 7 Code section 15.108(5): Modifies language that appears at
54 8 the beginning of this unnumbered paragraph that sets out
54 9 duties of the department of economic development pertaining to
54 10 tourism, so that the paragraph conforms with the balance of
54 11 the subsection.

54 12 Code section 15E.192(3): Restructures a sentence to
54 13 clarify language limiting the annual amount of enterprise zone
54 14 incentives and assistance to be awarded to eligible businesses
54 15 that apply for incentives and assistance and that are located
54 16 in a certified enterprise zone.

54 17 Code sections 15E.131 through 15E.149 (repealed at end of
54 18 bill): Eliminates obsolete provisions establishing the
54 19 business development finance Act. The Code sections provided
54 20 for the creation of a corporation that has not been active
54 21 since the early 1990s and that was administratively dissolved
54 22 by the office of secretary of state on August 5, 2002.

54 23 Code section 15E.193: Adds the words "parcels of" between
54 24 the words "contiguous" and "land" in this provision
54 25 establishing the criteria for eligibility for enterprise zone
54 26 tax incentives.

54 27 Code sections 15G.203(1) and (3) and 15G.204(2): Modifies
54 28 language in provisions relating to the renewable fuel
54 29 infrastructure programs established in the department of
54 30 economic development to provide that the programs shall be
54 31 administered in conjunction with the department's cost=share
54 32 program for financial incentives for the installation or
54 33 conversion of renewable fuel infrastructure in Code section
54 34 15.401 "to the extent practicable" rather than "to all extent
54 35 practical".

55 1 Code section 29A.28: Eliminates the word "or", and adds a
55 2 comma to set off an independent clause, to correct a series
55 3 describing the individuals entitled to a leave of absence from
55 4 employment due to military service.

55 5 Code section 29A.57: Adds the word "army" before the words
55 6 "national guard" in language referring to the parts of the
55 7 national guard which make up the military forces of the state
55 8 of Iowa. This conforms the references to other similar
55 9 references to the separate parts of the national guard, in
55 10 provisions such as Code sections 29A.6 and 29A.16.

55 11 Code sections 35A.10, 103A.19, 103A.21, 161A.23, 218.58,
55 12 309.17, 358.16, 384.37, 384.103, 455B.183, 455G.18, 464A.5,
55 13 468.3, 479.29, 544A.17, 544A.18, 544B.12, and 544B.20: Changes
55 14 references to "registered" engineers to "licensed" engineers.

55 15 Engineers are licensed under chapter 542B, not registered.
55 16 Code section 103A.19 is also renumbered, and an internal
55 17 reference to that Code section is corrected in 103A.21, to
55 18 facilitate citation within Code section 103A.19. In Code
55 19 sections 358.16 and 384.103, the word "registered" is also
55 20 added before the word "architect" to distinguish between the
55 21 method used in chapter 544A to regulate architects and the

55 22 licensing of engineers.

55 23 Code sections 68B.32A and 68B.32B: Strikes references to
55 24 the term "agency" in language relating to violations of Code
55 25 section 8.7. Code section 8.7 uses the terms "department" and
55 26 "governor" to describe the persons regulated under that Code
55 27 section. In Code section 68B.32A, the term "reporting" is
55 28 also changed to "reports" to conform to the usage of the term
55 29 within the Code section.

55 30 Code section 68B.32C: Adds the words "chapter 68A, section
55 31 8.7" to the series of references to the Code and rules in the
55 32 second sentence of subsection 3, to conform to a similar
55 33 amendment made to the first sentence in the subsection by 2006
55 34 Acts, ch 1035, section 6.

55 35 Code section 70A.28(6): Clarifies a reference to an action
56 1 being reviewed by the public employment relations board which
56 2 was taken in regard to a state employee who disclosed
56 3 information regarding possible wrongdoing to provide that the
56 4 action may have been taken in a variety of ways rather than
56 5 only by the person appointing the employee. Also makes a
56 6 corrective grammatical change.

56 7 Code section 80.34: Replaces the outdated term
56 8 "condemnation" with the term "forfeiture" in language relating
56 9 to the seizure and disposition of certain property as part of
56 10 the arrest in a criminal case. This change is consistent with
56 11 the use of terms in various current provisions relating to
56 12 disposition of property seized in criminal cases, including
56 13 Code section 124.506, and Code chapters 809 and 809A.

56 14 Code section 123.53(3): Clarifies language that resulted
56 15 from the 2006 harmonization of amendments to this provision by
56 16 2005 Acts, chapter 179, section 144, and 2006 Acts, chapter
56 17 1010, section 51, to provide that the appropriation is to the
56 18 department of public health for use by the department staff.

56 19 Code section 124.401: Changes the word "or" to "and" in
56 20 language pertaining to coca leaves and the word "and" to "or"
56 21 in language pertaining to cocaine and ecgonine to conform to
56 22 changes made by 2006 Acts, ch 1030, section 12, in provisions
56 23 relating to manufacture, delivery, or possession of controlled
56 24 substances.

56 25 Code sections 124.552, 124.553, 124.554, 124.555, 124.556,
56 26 and 124.558: Changes various forms of the term "prescriber"
56 27 to the corresponding form of "prescribing practitioner" in
56 28 provisions relating to a drug prescribing and dispensing
56 29 information program to conform to a definition of the latter
56 30 term in Code section 124.551.

56 31 Code section 135.22B: Moves, within the brain injury
56 32 services program enabling language, a sentence regarding
56 33 establishment of cost=share component financial eligibility
56 34 requirements from a cost=share component eligibility provision
56 35 to a cost=share requirements provision and renumbers the
57 1 cost=share requirements provision. A provision relating to an
57 2 individual's financial eligibility is also changed to conform
57 3 to the style of other provisions establishing cost=share
57 4 component eligibility.

57 5 Code section 149.3(4): Updates language regarding the
57 6 applicability of the subsection to coordinate with amendments
57 7 to the subsection in 2006 Acts, chapter 1184, section 91.

57 8 Code section 151.12: Changes the term "license" to
57 9 "certificate" in language permitting the chiropractic
57 10 examiners to issue a temporary certificate to practice
57 11 chiropractic to certain qualified persons.

57 12 Code section 174.2: Changes the word "association" to
57 13 "fair" to conform language relating to compensation of certain
57 14 officers for performance of certain duties with the meaning of
57 15 the balance of the Code section. The officers of the local
57 16 fairs, not the association of Iowa fairs, are the persons who
57 17 attend the statewide convention and association meeting and
57 18 whose duties are being referenced in the Code section.

57 19 Code section 185C.29: Conforms language relating to
57 20 payment of costs from the moneys derived from the state
57 21 assessment on the purchase of corn to the payment of costs and
57 22 deposit of funds language found in Code section 185C.26.

57 23 Code section 210.12: Substitutes a reference to Code
57 24 chapter 191, relating to labeling foods, for a reference to
57 25 the Code chapter relative to labeling foods.

57 26 Code sections 214.6 and 215.26(1): Substitutes references
57 27 to commercial weighing and measuring devices for references to
57 28 public scales, and eliminates an incorrect cross reference, in
57 29 accord with the changes to these definitions made in 2006
57 30 Acts, chapter 1142. The bill also eliminates language in the
57 31 definition of "commercial weighing and measuring device"
57 32 including a "public scale" within the scope of the definition.

57 33 Code section 256.57(1): Eliminates a comma and the word
57 34 "and" to conform language relating to an underlying purpose of
57 35 the enrich Iowa program to language later in the same
58 1 subsection relating to eligibility of public libraries for
58 2 funds under Code chapter 256.
58 3 Code section 256.57(2)(a) and (5): Substitutes the
58 4 appropriate references to the Code section for references to
58 5 portions of the Code section.
58 6 Code sections 260F.10 and 260G.10 (repealed at end of
58 7 bill): Eliminates obsolete references, by repealing these two
58 8 Code sections, to reports that were to be submitted to the
58 9 grow Iowa values board and according to procedures that were
58 10 established in Code sections that were stricken pursuant to
58 11 Rants v. Vilsack, 684 N.W. 2d 193 (Iowa 2004). The
58 12 replacement procedures are in Code section 260C.18A.
58 13 Code section 262.58: Conforms language relating to
58 14 execution and attestation of bonds and notes by the state
58 15 board of regents to very similar language found in Iowa Code
58 16 sections 262A.6 and 263A.4. The language allows the
58 17 attestation to be performed by a member or officer of the
58 18 board who is acting in the place of the executive director of
58 19 the state board of regents.
58 20 Code section 279.34: Strikes obsolete language relating to
58 21 the date after which all motor vehicles purchased by or used
58 22 under the direction of a board of directors of a school
58 23 corporation must operate on ethanol blended gasoline. The
58 24 requirement to purchase or use such vehicles remains.
58 25 Code section 297.14: Adds the words "school attendance
58 26 center" before the word "fence" in a provision relating to
58 27 barbed wire fences at or near school attendance centers. 2006
58 28 Acts, ch 1152, section 47, struck a reference to a provision,
58 29 eliminated in the same bill, that previously made it clear
58 30 that the fences referred to were located around school
58 31 attendance centers.
58 32 Code sections 321.30, 321.40, and 321.101(3): Renumbers
58 33 and makes other technical changes to Code section 321.30 to
58 34 distinguish between department and county actions related to
58 35 motor vehicle registrations and certificates of title based
59 1 upon certain traffic regulation infractions and actions taken
59 2 against motor vehicle registrations only. Duplicate language
59 3 is also eliminated by striking former subsection 14 from Code
59 4 section 321.30 and adding in the words "department or the" in
59 5 Code section 321.40. An internal reference to Code section
59 6 321.30 is corrected in Code section 321.101, subsection 3,
59 7 based upon the renumbering.
59 8 Code section 331.610: Inserts a reference to a provision
59 9 requiring the county recorder to collect certain all-terrain
59 10 vehicle fees in a provision allowing a county board of
59 11 supervisors to direct other county employees to perform
59 12 certain duties if the office of county recorder is abolished.
59 13 Code sections 357A.11, 358.40, and 455B.171: Strikes the
59 14 word "sewer" from the term "sanitary district" to
59 15 conform the term to the term "sanitary district" as that term
59 16 is used to describe the districts established under Code
59 17 chapter 358.
59 18 Code section 357A.22A: Strikes obsolete language requiring
59 19 the legislative council to provide for a review of the
59 20 liability exemption or limitation provided for rural water
59 21 districts or rural water associations no later than July 1,
59 22 2006. At the June 27, 2005, meeting of the legislative
59 23 council, the studies committee recommended and the council
59 24 approved referral of the review of the liability exemption or
59 25 limitation to the senate committee on natural resources and
59 26 environment and the committee on environmental protection of
59 27 the house of representatives.
59 28 Code section 403.19A: Substitutes the words "of the
59 29 agreement" for the word "its" and substitutes the words
59 30 "created" for the word "employed" in language relating to tax
59 31 withholding agreements made between pilot project cities and
59 32 employers and the issuance of tax credits based upon the
59 33 creation of new jobs created in the project city. An
59 34 additional grammatical change is also made in the Code
59 35 section.
60 1 Code section 421.9: Numbers an unnumbered paragraph that
60 2 follows subsection 3 as a subsection 4, because whereas
60 3 subsection 3 deals with the application and grounds for an
60 4 administrative search warrant to ensure equitable
60 5 administration of state tax law, this paragraph relates to the
60 6 timing of the issuance of an administrative search warrant to
60 7 execute a distress warrant.
60 8 Code section 422.5(2A) and 2006 Iowa Acts, chapter 1112,

60 9 section 2: Strikes "unmarried" preceding "head of household"
60 10 in provisions enacted in 2006 Acts, chapter 1112, sections 1
60 11 and 2, to agree with identical language stricken in 2006 Acts,
60 12 chapter 1158, sections 9 and 10. The provision amending 2006
60 13 Iowa Acts, chapter 1112, takes effect January 1, 2009, to
60 14 coincide with the effective date of the provision in that Act.
60 15 Code sections 422.11N(5)(b) and 422.11O(4): Strikes
60 16 language requiring retail dealers to calculate the ethanol and
60 17 E=85 gasoline promotion tax credits twice to agree with the
60 18 subsequent amendments to such provisions which provide another
60 19 optional calculation.
60 20 Code section 422.12I(2): Substitutes a reference to the
60 21 department of administrative services for the department of
60 22 revenue and corrects a reference to the appropriate provisions
60 23 for set-off procedures in accord with identical changes made
60 24 to the other checkoff provisions.
60 25 Code section 423.4(1): Designates a currently unnumbered
60 26 paragraph that is currently part of paragraph "b" as paragraph
60 27 "c" and redesignates paragraphs "c" and "d", because the
60 28 unnumbered paragraph refers to the accrual of interest on
60 29 sales or use tax refunds authorized under all of subsection 1,
60 30 not just paragraph "b".
60 31 Code sections 423A.6 and 423D.4: Updates two references to
60 32 the Code sections from Code section 423.37 to Code section
60 33 423.42 to clarify that the applicability of the Code sections
60 34 listed to taxes authorized under the sales and use Code
60 35 chapter includes Code section 423.42. Internal references
61 1 within Code section 423.42, relating to the Code section's
61 2 applicability, are consistent with these reference updates.
61 3 Code sections 446.19A, 446.20, and 446.38: Strikes
61 4 obsolete references to supplementary assistance liens under
61 5 Code chapter 249 from Code section 446.20, repeals Code
61 6 section 446.38 which relates to an obsolete procedure for sale
61 7 of property subject to the liens, and eliminates an internal
61 8 reference to Code section 446.38 in Code section 446.19A.
61 9 There are no liens under the supplementary assistance program
61 10 as it exists under current Code chapter 249 and the liens
61 11 under the old age assistance program that was contained under
61 12 former Code chapter 249 were declared void under the
61 13 provisions of Code section 249.10 in 1973 and have all been
61 14 dealt with in Iowa. The words "old age" were incorrectly
61 15 changed to "supplementary" by 2006 Acts, ch 1010, sections 115
61 16 and 116.
61 17 Code section 455B.803(2)(b)(7)(c): Clarifies that
61 18 documentation contained in the database of vehicle recyclers
61 19 who participate in a program for the removal, collection, and
61 20 recovery of mercury-added switches is to contain confirmation
61 21 that the recycler has submitted switches at least once in a
61 22 12-month period.
61 23 Code section 459.314B(3): Clarifies that a commercial
61 24 manure service's license may be suspended or revoked for
61 25 knowingly employing or contracting with a person who both acts
61 26 as a commercial manure service representative and is not
61 27 properly certified.
61 28 Code section 459A.401: Conforms the use of a term, in this
61 29 provision relating to discharge of certain solids from an open
61 30 feedlot into state waters, to the term "water of the state"
61 31 that is defined under Code section 459.102.
61 32 Code section 501A.1101: Eliminates language referring to a
61 33 documents officer within this cooperative associations Act
61 34 provision. While the offices of the records officer and the
61 35 financial officer are listed under Code section 501A.716 as
62 1 required and those officers are referred to in numerous other
62 2 places within this Code chapter, there is no other reference
62 3 to a documents officer in this Code chapter or any other Code
62 4 section that refers to this Code chapter.
62 5 Code section 502.404: Conforms a reference to certain
62 6 investment advisor representatives under the uniform
62 7 securities Act to the term as defined in Code section 502.102
62 8 and used elsewhere in Code chapter 502.
62 9 Code section 504.801(2): Substitutes "chapter" for
62 10 "subchapter" to agree with a reference to "this Act" in the
62 11 model revised nonprofit corporation Act.
62 12 Code section 507.16: Replaces a reference to Code section
62 13 511.16 that, prior to the amendments made by 2004 Acts,
62 14 chapter 1110, section 32, contained language similar to the
62 15 acts described in this Code section as well as a penalty that
62 16 was applicable to those offenses. As a result of the 2004
62 17 amendments, the penalty provision applicable to provisions
62 18 within subtitle 1 of Title XIII, which does include both Code
62 19 chapters 507 and 511, are found in 505.7A.

62 20 Code section 512B.25: Clarifies that a license issued by
62 21 the insurance commissioner to a fraternal benefit society
62 22 terminates on the first day of June following the issuance or
62 23 renewal of the license.

62 24 Code section 533.27: Clarifies a provision referencing
62 25 "such records", which referred to the records described in
62 26 Code section 533.26, by striking the word "such". A clause
62 27 added to Code section 533.27 in 2006 Acts, chapter 1040,
62 28 section 6, excepted certain records from the section's
62 29 provisions.

62 30 Code section 533A.2: Moves language relating to documents
62 31 that are to be filed with an application for a license to
62 32 engage in the business of debt management if the applicant is
62 33 not a natural person, from a provision relating to the
62 34 contents of the application to preliminary language governing
62 35 the filing and form of the license application.

63 1 Code section 533A.5: Adds the word "annually" to clarify
63 2 that the license application is to be filed on or before June
63 3 1 of each year. This is consistent with the expiration date
63 4 language in Code section 533A.4.

63 5 Code section 533A.9A: Inserts the word "deducted" to
63 6 complete a series of items from which a donation to a debt
63 7 manager may not be deducted.

63 8 Code section 617.3: Corrects a reference to a court rule
63 9 form for an original notice of suit.

63 10 Code section 622.31: Clarifies that the section's
63 11 provisions apply to actions against persons in a profession
63 12 regulated by one of the examining boards listed in Code
63 13 chapter 272C or in any other licensed profession.

63 14 Code section 622A.1: Updates the definitions provision in
63 15 the interpreters in legal proceedings Code chapter to include
63 16 a definition of the term "administrative agency". The
63 17 definition is identical to a definition of the same term in
63 18 Code chapter 622B, entitled "Deaf and hard-of-hearing
63 19 persons==interpreters", and the defined term is used in both
63 20 Code chapters to refer to the same types of proceedings before
63 21 the same types of agencies.

63 22 Code section 627.6(9): Divides the subsection into two
63 23 subsections and strikes the phrase "in the aggregate" in
63 24 reference to the debtor's interest in one motor vehicle valued
63 25 at \$7,000 or less.

63 26 Code section 654.15A: Clarifies that a junior creditor's
63 27 request for notice of a sheriff's sale, rather than the notice
63 28 itself, shall include a fax number or e-mail address where the
63 29 creditor shall be notified.

63 30 Code section 654.17: Replaces an incorrect instance of the
63 31 use of the term "foreclosure" with a reference to "mortgage
63 32 loan" to conform to the sense and meaning of an earlier
63 33 portion of the sentence in this provision relating to the
63 34 rescission of a foreclosure action and the return of the parties
63 35 to their original status under the terms of the mortgage loan.

64 1 Code section 655A.3: Makes a grammatical change to clarify
64 2 that the lis pendens (the court's jurisdiction) is effective
64 3 against third party claims and the affected property
64 4 commencing upon the filing of proof of service of the written
64 5 notice of nonjudicial foreclosure and terminates under the
64 6 stated conditions.

64 7 Code section 723.5(1)(b): Substitutes the verb "use" for
64 8 "direct" for grammatical correctness in a provision
64 9 prohibiting certain acts near a funeral or memorial service.

64 10 Code section 726.6(7): Adds a reference to a subsection
64 11 providing a specific child endangerment penalty for child
64 12 endangerment resulting in death in a provision providing a
64 13 catch-all penalty for commission of child endangerment that is
64 14 not subject to another specific penalty.

64 15 Code sections 802.2 and 802.10: Restructures the language
64 16 used to agree with the definition of "identified" in regard to
64 17 identification of a person by DNA and for grammatical
64 18 correctness.

64 19 LSB 1584SV 82
64 20 lh:rj/je/5