House File 774 - Introduced

HOUSE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 263)

Passed House, Date _____ Passed Senate, 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 applicability date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 2130HV 83
9 lh/rj/8

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1 1 DIVISION I
1 2 MISCELLANEOUS PROVISIONS
1 3 Section 1. Section 6B.14, subsection 1, Code 2009, is
1 4 amended to read as follows:
1 5 1. The commissioners shall, at the time fixed in the
1 6 ~~aforesaid~~ notices required under section 6B.8, view the land
1 7 sought to be condemned and assess the damages which the owner
1 8 will sustain by reason of the appropriation. The commission
1 9 shall file its written report, signed by all commissioners,
1 10 with the sheriff. At the request of the condemner or the
1 11 condemnee, the commission shall divide the damages into parts
1 12 to indicate the value of any dwelling, the value of the land
1 13 and improvements other than a dwelling, and the value of any
1 14 additional damages. The appraisement and return may be in
1 15 parcels larger than forty acres belonging to one person and
1 16 lying in one tract, unless the agent or attorney of the
1 17 applicant, or the commissioners, have actual knowledge that
1 18 the tract does not belong wholly to the person in whose name
1 19 it appears of record; and in case of such knowledge, the
1 20 appraisement shall be made of the different portions as they
1 21 are known to be owned.
1 22 Sec. 2. Section 9D.1, Code 2009, is amended to read as
1 23 follows:
1 24 9D.1 DEFINITIONS.
1 25 As used in this chapter, unless the context otherwise
1 26 requires:
1 27 1. "Applicant" means a person applying for registration
1 28 under this chapter.
1 29 2. "Customer" means a person who is offered or who
1 30 purchases travel services.
1 31 3. "Doing business" in this state means any of the
1 32 following:
1 33 a. Offering to sell or selling travel services, if the
1 34 offer is made or received within the state.
1 35 b. Offering to arrange or arranging travel services for a
2 1 fee or commission, direct or indirect, if the offer is made or
2 2 received in this state.
2 3 c. Offering to award or awarding travel services as a
2 4 prize or award, if the offer or award is made in or received
2 5 in this state.
2 6 ~~3.~~ 4. "Registrant" means a person registered pursuant to
2 7 this chapter.
2 8 ~~4.~~ 5. "Secretary" means the secretary of state.
2 9 ~~5.~~ 6. "Solicitation" means contact by a travel agency or
2 10 travel agent of a customer for the purpose of selling or
2 11 offering to sell travel services.
2 12 ~~6.~~ 7. "Travel agency" means a person who represents,
2 13 directly or indirectly, that the person is offering or
2 14 undertaking by any means or method, to provide travel services

for a fee, commission, or other valuable consideration, direct or indirect.

~~7.~~ 8. "Travel agent" means a person employed by a travel agency whose principal duties include consulting with and advising persons concerning travel arrangements or accommodations.

~~8.~~ 9. "Travel services" means arranging or booking vacation or travel packages, travel reservations or accommodations, tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation, or hotel or other lodging accommodations. Travel services include travel related prizes or awards for which the customer must pay a fee or, in connection with the prize or award, expend moneys for the direct or indirect monetary benefit of the person making the award, in order for the customer to collect or enjoy the benefits of the prize or award.

Sec. 3. Section 9D.2, subsections 4 through 9, Code 2009, are amended to read as follows:

~~4. "Doing business" in this state, for purposes of this chapter, means any of the following:~~

~~a. Offering to sell or selling travel services, if the offer is made or received within the state.~~

~~b. Offering to arrange, or arranging, travel services for a fee or commission, direct or indirect, if the offer is made or received in this state.~~

~~c. Offering to, or awarding travel services as a prize or award, if the offer or award is made in or received in this state.~~

~~5.~~ 4. An applicant shall complete an application for registration form provided by the secretary. The application form must be accompanied by the required bond or evidence of financial responsibility and the registration fee. The application form shall include all of the following information:

a. The name and signature of an officer or partner of a business entity or the names and signatures of the principal owner and operator if the agency is a sole proprietorship.

b. The name, address, and telephone number of the applicant and the name of all travel agents employed by the applicant travel agency.

c. The name, address, and telephone number of any person who owns or controls, directly or indirectly, ten percent or more of the applicant.

d. If the applicant is a foreign corporation or business, the name and address of the corporation's agent in this state for service of process.

e. Any additional information required by rule adopted by the secretary pursuant to chapter 17A.

~~6.~~ 5. The application form shall be accompanied by a written irrevocable consent to service of process. The consent must provide that actions in connection with doing business in this state may be commenced against the registrant in the proper jurisdiction in this state in which the cause of action may arise, or in which the plaintiff may reside, by service of process on the secretary as the registrant's agent and stipulating and agreeing that such service of process shall be taken and held in all courts to be as valid and binding as if service of process had been made upon the person according to the laws of this or any other state. The consent to service of process shall be in such form and supported by such additional information as the secretary may by rule require.

~~7.~~ 6. An annual registration fee as established by the secretary by rule is required at the time the application for registration form is filed with the secretary, and on or before the anniversary date of the effective date of registration for each subsequent year. The registration fee shall be established at a rate deemed reasonably necessary by the secretary to support the administration of this chapter, but not to exceed fifteen dollars per year per agency. If an applicant or a registrant fails to pay the annual registration fee, the application for registration or registration lapses and becomes ineffective.

~~8.~~ 7. A registrant shall submit to the secretary corrections to the information supplied in the registration form within a reasonable time after a change in circumstances, which circumstances would be required to be reported in an application for registration form, except travel agents' names as required in subsection ~~5~~ 4, paragraph "b". The names of travel agents shall be updated at the time of annual registration.

~~9.~~ 8. The secretary may revoke or suspend a registration for cause subject to the contested case provisions of chapter 17A.

Sec. 4. Section 10.1, subsections 9 and 17, Code 2009, are amended to read as follows:

9. "Farmers cooperative limited liability company" means a limited liability company organized under chapter 489 or 490A, if cooperative associations hold one hundred percent of all membership interests in the limited liability company. Farmers cooperative associations must hold at least seventy percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or 490A.305 or any class or group as provided in section 489.1201 or 490A.307, farmers cooperative associations must hold at least seventy percent of all membership interests of ~~that~~ each type.

17. "Networking farmers limited liability company" means a limited liability company, other than a family farm limited liability company as defined in section 9H.1, organized under chapter 489 or 490A if all of the following conditions are satisfied:

a. Qualified farmers must hold at least fifty=one percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or 490A.305 or any class or group as provided in section 489.1201 or 490A.307, qualified farmers must hold at least fifty=one percent of all membership interests of ~~that~~ each type.

b. Qualified persons must hold at least seventy percent of all membership interests in the limited liability company. If more than one type of membership interest is established, including any series as provided in section 489.1201 or 490A.305 or any class or group as provided in section 489.1201 or 490A.307, qualified persons must hold at least seventy percent of all membership interests of ~~that~~ each type.

Sec. 5. Section 15.103, subsection 1, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Each of the following areas of expertise shall be represented by at least one voting member of the board who has professional experience in that area of expertise:

Sec. 6. Section 15.103, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. At least nine of the voting members of the board shall be actively employed in the private, for=profit sector of the economy.

Sec. 7. Section 15.247, subsection 2, Code 2009, is amended to read as follows:

2. A "targeted small business financial assistance ~~program account"~~ program" is established within the department. A targeted small business financial assistance program account is established within the strategic investment fund created in section 15.313, to allow the department to provide for loans, loan guarantees, or grants to eligible targeted small businesses.

a. A targeted small business in any year shall receive under this program not more than fifty thousand dollars in a loan, grant, or guarantee, or a combination of loans, grants, or guarantees. A grant shall only be awarded when additional financing is secured by the applicant. In order to receive a grant, the applicant must demonstrate a minimum of ten percent cash investment in the project. A targeted small business shall not receive a grant, loan, or guarantee, or a combination of grants, loans, or guarantees under the program that provide more than ninety percent funding of a project.

b. The program shall provide guarantees not to exceed eighty percent for loans of up to seven years made by qualified lenders. The department shall establish a financial assistance reserve account from funds allocated to the program account, from which any default on a guaranteed loan under this section shall be paid. In administering the program the department shall not guarantee loan values in excess of the amount credited to the reserve account and only moneys set aside in the loan reserve account may be used for the payment of a default.

c. The department shall maintain records of all financial assistance approved pursuant to this section and information regarding the effectiveness of the financial assistance in establishing or expanding small business ventures.

Sec. 8. Section 16.1, subsection 1, paragraph ac, Code

2009, is amended to read as follows:

ac. "Powers" means all of the general and specific powers of the authority as provided in this chapter ~~and~~ which shall be broadly and liberally interpreted to authorize the authority to act in accordance with the goals of the authority and in a manner consistent with the legislative findings and guiding principles ~~which are reasonably necessary~~.

Sec. 9. Section 24.20, Code 2009, is amended to read as follows:

24.20 TAX RATES FINAL.

The several tax rates and levies of ~~the municipalities thus~~ a municipality that are determined and certified in the manner provided in sections 24.1 through 24.19, except such tax rates and levies as are authorized by a vote of the people, shall stand as the tax rates and levies of said municipality for the ensuing fiscal year for the purposes set out in the budget.

Sec. 10. Section 26.14, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. If a public improvement may be performed by an employee of the governmental entity, the amount of estimated sales and fuel tax and the premium cost for the performance and payment bond which a contractor identifies in its quotation shall be deducted from the contractor's price for determining the lowest responsive, responsible quotation. If no quotations are received to perform the work, or if the governmental entity's estimated cost to do the work with its employee is less than the lowest responsive, responsible quotation received, the governmental entity may authorize its employee or employees to perform the work.

Sec. 11. Section 42.3, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. ~~However~~ Notwithstanding the time period specified in paragraph "a", if the population data for legislative districting which the United States census bureau is required to provide this state under Pub. L. No. 94=171 and, if used by the legislative services agency, the corresponding topologically integrated geographic encoding and referencing data file for that population data are not available to the legislative services agency on or before February 15 of the year ending in one, the dates set forth in ~~this subsection~~ paragraph "a" shall be extended by a number of days equal to the number of days after February 15 of the year ending in one that the federal census population data and the topologically integrated geographic encoding and referencing data file for legislative districting become available.

Sec. 12. Section 42.3, subsection 2, Code 2009, is amended to read as follows:

2. If the bill embodying the plan submitted by the legislative services agency under subsection 1 fails to be enacted, the legislative services agency shall prepare a bill embodying a second plan of legislative and congressional districting. The bill shall be prepared in accordance with section 42.4, and, insofar as it is possible to do so within the requirements of section 42.4, with the reasons cited by the senate or house of representatives by resolution, or the governor by veto message, for the failure to approve the plan. If a second plan is required under this subsection, the bill embodying it shall be delivered to the secretary of the senate and the chief clerk of the house of representatives not later than thirty=five days after the date of the vote by which the senate or the house of representatives fails to approve the bill submitted under subsection 1, or the date the governor vetoes or fails to approve the bill. If it is necessary to submit a bill under this subsection, the bill shall be brought to a vote not less than seven days after the bill is submitted and made available to the members of the general assembly, under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this chapter that if the bill is approved by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule. If the bill embodying the plan submitted by the legislative services agency under this subsection fails to be approved by a constitutional majority in either the senate or the house of representatives, the secretary of the senate or the chief clerk of the house, as the case may be, shall transmit to the legislative services agency in the same manner as described in subsection 1, information which the senate or house may direct by resolution regarding reasons why the plan was not approved ~~in the same manner as described in subsection 1~~.

Sec. 13. Section 46.2A, subsections 1 and 8, Code 2009, are amended to read as follows:

1. As used in this section, "congressional district" means those districts established following the 2010 federal decennial census and described in chapter ~~42~~ 40.

8. If the number of congressional districts established following the 2010 federal decennial census and described in chapter ~~42~~ 40 is not equal to four, then the procedures set out in this section are void and this section is repealed effective June 30, 2012.

Sec. 14. Section 49.36, Code 2009, is amended to read as follows:

49.36 CANDIDATES OF NONPARTY ORGANIZATION.

The term "group of petitioners" as used in ~~the foregoing~~ sections 49.32 and 49.35 shall embrace an organization which is not a political party as defined by law.

Sec. 15. Section 52.25, subsection 2, Code 2009, is amended to read as follows:

2. The question, amendment, or measure, ~~and~~ or summaries thereof, shall be printed on the ~~special paper~~ ballots ~~or on the inserts used in the voting machines~~. In no case shall the font size be less than ten point type.

Sec. 16. Section 62.1A, Code 2009, is amended to read as follows:

62.1A CONTEST COURT ESTABLISHED.

The court for the trial of contested county elections shall consist of one ~~person~~ member named by the contestant and one ~~person~~ member named by the incumbent. If the incumbent fails to name a ~~judge~~ member, the chief judge of the judicial district shall be notified of the failure to appoint. The chief judge shall designate the second ~~judge~~ member within one week after the chief judge is notified. These two ~~judges~~ members shall meet within three days and select a third ~~person~~ member to serve as the presiding ~~officer~~ member of the court. If they cannot agree on the third member of the court within three days after their initial meeting, the chief judge of the judicial district shall be notified of the failure to agree. The chief judge shall designate the presiding ~~judge~~ member within one week after the chief judge is notified.

Sec. 17. Section 62.2, Code 2009, is amended to read as follows:

62.2 ~~JUDGES~~ CONTEST COURT MEMBERS SWORN.

~~Judges~~ Members of the contest court shall be sworn in the same manner and form as trial jurors are sworn in trials of civil actions. When a ~~judge~~ member fails to appear on the day of trial, that ~~judge's~~ member's place may be filled by ~~another~~ the appointment of another member under the same rule.

Sec. 18. Section 68B.22, subsection 4, paragraph e, Code 2009, is amended to read as follows:

e. Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient. This paragraph shall not apply to ~~receptions~~ functions described under paragraph "s".

Sec. 19. Section 73.16, subsection 2, paragraph b, Code 2009, is amended to read as follows:

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

Sec. 20. Section 75.1, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. ~~All ballots~~ Ballots cast ~~and~~ but not counted as a vote for or against the proposition shall not be used in computing the total vote cast for and against said proposition.

Sec. 21. Section 85.59, Code 2009, is amended to read as follows:

85.59 BENEFITS FOR INMATES AND OFFENDERS.

1. For the purposes of this section~~, the term "inmate"~~:

a. "Inmate" includes ~~a~~:

(1) A person confined in a reformatory, state penitentiary, release center, or other state penal or correctional institution while that person works in connection with the maintenance of the institution, in an industry

11 24 maintained in the institution, or in an industry referred to
11 25 in section 904.809, or while on detail to perform services on
11 26 a public works project.
11 27 (2) ~~For purposes of this section, "inmate" includes a~~ A
11 28 person who is performing unpaid community service under the
11 29 direction of the district court, board of parole, or judicial
11 30 district department of correctional services, or an inmate
11 31 providing services pursuant to a chapter 28E agreement entered
11 32 into pursuant to section 904.703, or who is performing a work
11 33 assignment of value to the state or to the public under
11 34 chapter 232. ~~For purposes of this section, "unpaid~~
11 35 b. "Unpaid community service under the direction of the
12 1 district court" includes but is not limited to community
12 2 service ordered and performed pursuant to section 598.23A.
12 3 2. For purposes of this section, an inmate on a work
12 4 assignment under section 904.703 working in construction or
12 5 maintenance at a public or charitable facility, or under
12 6 assignment to another agency of state, county, or local
12 7 government, shall be considered an employee of the state.
12 8 3. a. If an inmate is permanently incapacitated by injury
12 9 in the performance of the inmate's work in connection with the
12 10 maintenance of the institution, in an industry maintained in
12 11 the institution, or in an industry referred to in section
12 12 904.809, while on detail to perform services on a public works
12 13 project, or while performing services authorized pursuant to
12 14 section 904.809, or is permanently or temporarily
12 15 incapacitated in connection with the performance of unpaid
12 16 community service under the direction of the district court,
12 17 board of parole, or judicial district department of
12 18 correctional services, or in connection with the provision of
12 19 services pursuant to a chapter 28E agreement entered into
12 20 pursuant to section 904.703, or who is performing a work
12 21 assignment of value to the state or to the public under
12 22 chapter 232, that inmate shall be awarded only the benefits
12 23 provided in section 85.27 and section 85.34, subsections 2 and
12 24 3. The weekly rate for such permanent disability is equal to
12 25 the minimum rate as provided in this chapter.
12 26 b. Weekly compensation benefits under this section may be
12 27 determined prior to the inmate's release from the institution,
12 28 but payment of benefits to an inmate shall commence as of the
12 29 time of the inmate's release from the institution either upon
12 30 parole or final discharge. However, if the inmate is awarded
12 31 benefits for an injury incurred in connection with the
12 32 performance of unpaid community service under the direction of
12 33 the district court, board of parole, or judicial district
12 34 department of correctional services, or in connection with the
12 35 provision of services pursuant to a chapter 28E agreement
13 1 entered into pursuant to section 904.703, or who is performing
13 2 a work assignment of value to the state or to the public under
13 3 chapter 232, weekly compensation benefits under this section
13 4 shall be determined and paid as in other workers' compensation
13 5 cases.
13 6 c. If an inmate is receiving benefits under the provisions
13 7 of this section and is recommitted to an institution covered
13 8 by this section, the benefits shall immediately cease. If
13 9 benefits cease because of the inmate's recommitment, the
13 10 benefits shall resume upon subsequent release from the
13 11 institution.
13 12 d. If death results from the injury, death benefits shall
13 13 be awarded and paid to the dependents of the inmate as in
13 14 other workers' compensation cases except that the weekly rate
13 15 shall be equal to sixty=six and two=thirds percent of the
13 16 state average weekly wage paid employees as determined by the
13 17 department of workforce development under section 96.19,
13 18 subsection 36, and in effect at the time of the injury.
13 19 4. Payment under this section shall be made promptly out
13 20 of appropriations which have been made for that purpose, if
13 21 any. An amount or part thereof which cannot be paid promptly
13 22 from the appropriation shall be paid promptly out of money in
13 23 the state treasury not otherwise appropriated.
13 24 5. The time limit for commencing an original proceeding to
13 25 determine entitlement to benefits under this section is the
13 26 same as set forth in section 85.26. If an injury occurs to an
13 27 inmate so as to qualify the inmate for benefits under this
13 28 section, notwithstanding the fact that payments of weekly
13 29 benefits are not commenced, an acknowledgment of
13 30 compensability shall be filed with the workers' compensation
13 31 commissioner within thirty days of the time the responsible
13 32 authority receives notice or knowledge of the injury as
13 33 required by section 85.23.
13 34 6. If a dispute arises as to the extent of disability when

13 35 an acknowledgment of compensability is on file or when an
14 1 award determining liability has been made, an action to
14 2 determine the extent of disability must be commenced within
14 3 one year of the time of the release of the inmate from the
14 4 institution. This does not bar the right to reopen the claim
14 5 as provided by section 85.26, subsection 2.
14 6 7. Responsibility for the filings required by chapter 86
14 7 for injuries resulting in permanent disability or death and as
14 8 modified by this section shall be made in the same manner as
14 9 for other employees of the institution.
14 10 Sec. 22. Section 85.66, Code 2009, is amended to read as
14 11 follows:
14 12 85.66 SECOND INJURY FUND == CREATION == CUSTODIAN.
14 13 1. The ~~"Second Injury Fund"~~ second injury fund is hereby
14 14 established under the custody of the treasurer of state and
14 15 shall consist of payments to the fund as provided by this
14 16 division and any accumulated interest and earnings on moneys
14 17 in the second injury fund.
14 18 2. The treasurer of state is charged with the conservation
14 19 of the assets of the second injury fund. Moneys collected in
14 20 the second injury fund shall be disbursed only for the
14 21 purposes stated in this division, and shall not at any time be
14 22 appropriated or diverted to any other use or purpose. ~~The~~
~~14 23 treasurer of state shall invest any surplus moneys of the fund~~
~~14 24 in securities which constitute legal investments for state~~
~~14 25 funds under the laws of this state, and may sell any of the~~
~~14 26 securities in which the fund is invested, if necessary, for~~
~~14 27 the proper administration or in the best interests of the~~
~~14 28 fund. Disbursements~~ Except for reimbursements to the attorney
14 29 general provided for in section 85.67, disbursements from the
14 30 fund shall be paid by the treasurer of state only upon the
14 31 written order of the workers' compensation commissioner. ~~The~~
~~14 32 attorney general shall be reimbursed up to one hundred fifty~~
~~14 33 thousand dollars annually from the fund for services provided~~
~~14 34 related to the fund.~~ The treasurer of state shall invest any
14 35 surplus moneys of the fund in securities which constitute
15 1 legal investments for state funds under the laws of this
15 2 state, and may sell any of the securities in which the fund is
15 3 invested, if necessary, for the proper administration or in
15 4 the best interests of the fund.
15 5 3. The treasurer of state shall quarterly prepare a
15 6 statement of the fund, setting forth the balance of moneys in
15 7 the fund, the income of the fund, specifying the source of all
15 8 income, the payments out of the fund, specifying the various
15 9 items of payments, and setting forth the balance of the fund
15 10 remaining to its credit. The statement shall be open to
15 11 public inspection in the office of the treasurer of state.
15 12 Sec. 23. Section 89.11, Code 2009, is amended to read as
15 13 follows:
15 14 89.11 INJUNCTION.
15 15 1. In addition to all other remedies, if any owner, user,
15 16 or person in charge of any equipment covered by this chapter
15 17 continues to use any equipment covered by this chapter, after
15 18 receiving an inspection report identifying defects and
15 19 exhausting appeal rights as provided by this chapter without
15 20 first correcting the defects or making replacements, the
15 21 commissioner may apply to the district court by petition in
15 22 equity, in an action brought in the name of the state, for a
15 23 writ of injunction to restrain the use of the alleged
15 24 defective equipment.
15 25 2. ~~However, if~~ If the commissioner believes that the
15 26 continued operation of equipment constitutes an imminent
15 27 danger that could seriously injure or cause death to any
15 28 person, in addition to all other remedies, the commissioner
15 29 may apply to the district court in the county in which the
15 30 imminently dangerous condition exists for a temporary order to
15 31 enjoin the owner, user, or person in charge from operating the
15 32 equipment before ~~exhausting~~ the owner's, user's, or person's
15 33 rights to administrative appeals have been exhausted.
15 34 Sec. 24. Section 96.19, subsection 17, Code 2009, is
15 35 amended to read as follows:
16 1 17. "Employing unit" means any individual or type of
16 2 organization, including this state and its political
16 3 subdivisions, state agencies, boards, commissions, and
16 4 instrumentalities thereof, any partnership, association,
16 5 trust, estate, joint stock company, insurance company or
16 6 corporation, whether domestic or foreign, or the receiver,
16 7 trustee in bankruptcy, trustee or successor thereof, or the
16 8 legal representative of a deceased person, which has or
16 9 subsequent to January 1, 1936, had in its employ one or more
16 10 individuals performing services for it within this state. All

16 11 individuals performing services within this state for any
16 12 employing unit which maintains two or more separate
16 13 establishments within this state shall be deemed to be
16 14 employed by a single employing unit for all the purposes of
16 15 this chapter. Whenever any employing unit contracts with or
16 16 has under it any contractor or subcontractor for any work
16 17 which is part of its usual trade, occupation, profession, or
16 18 business, unless the employing unit as well as each such
16 19 contractor or subcontractor is an employer by reason of
16 20 subsection 16 or section 96.8, subsection 3, the employing
16 21 unit shall for all the purposes of this chapter be deemed to
16 22 employ each individual in the employ of each such contractor
16 23 or subcontractor for each day during which such individual is
16 24 engaged in performing such work; except that each such
16 25 contractor or subcontractor who is an employer by reason of
16 26 subsection 16 or section 96.8, subsection 3, shall alone be
16 27 liable for the contributions measured by wages payable to
16 28 individuals in the contractor's or subcontractor's employ, and
16 29 except that any employing unit who shall become liable for and
16 30 pay contributions with respect to individuals in the employ of
16 31 any such contractor or subcontractor who is not an employer by
16 32 reason of subsection 16 or section 96.8, subsection 3, may
16 33 recover the same from such contractor or subcontractor, except
16 34 as any contractor or subcontractor who would in the absence of
16 35 ~~the foregoing provisions~~ subsection 16 or section 96.8,
17 1 subsection 3, be liable to pay said contributions, accepts
17 2 exclusive liability for said contributions under an agreement
17 3 with such employer made pursuant to general rules of the
17 4 department. Each individual employed to perform or to assist
17 5 in performing the work of any agent or employee of an
17 6 employing unit shall be deemed to be employed by such
17 7 employing unit for all the purposes of this chapter, whether
17 8 such individual was hired or paid directly by such employing
17 9 unit or by such agent or employee, provided the employing unit
17 10 had actual or constructive knowledge of such work, and
17 11 provided, further, that such employment was for a total of not
17 12 less than eight hours in any one calendar week.
17 13 Sec. 25. Section 100B.1, subsection 1, paragraph a,
17 14 subparagraph (3), Code 2009, is amended to read as follows:
17 15 (3) The tenth and eleventh voting members of the council
17 16 shall be members of the general public appointed by the
17 17 governor.
17 18 Sec. 26. Section 100C.3, subsection 2, Code 2009, is
17 19 amended to read as follows:
17 20 2. An applicant for certification as an alarm system
17 21 contractor or an alarm system installer shall be subject to a
17 22 national criminal history check through the federal bureau of
17 23 investigation. The applicant shall provide fingerprints to
17 24 the department of public safety for submission through the
17 25 state criminal history repository to the federal bureau of
17 26 investigation. Fees for the national criminal history check
17 27 shall be paid by the applicant or the applicant's employer.
17 28 The results of a criminal history check conducted pursuant to
17 29 this subsection shall ~~not~~ be considered a ~~public~~ confidential
17 30 record under chapter 22.
17 31 Sec. 27. Section 103.15, subsection 2, paragraph a, Code
17 32 2009, is amended to read as follows:
17 33 a. A person shall be licensed as an unclassified person by
17 34 the board to perform electrical work if the work is performed
17 35 under the personal supervision of a person actually licensed
18 1 to perform such work and the licensed and unclassified persons
18 2 are employed by the same employer. A person shall not be
18 3 employed continuously for more than one hundred days as an
18 4 unclassified person without having obtained a current license
18 5 from the board. For the purposes of determining whether a
18 6 person has been "employed continuously" for more than one
18 7 hundred days under this subsection, ~~"one hundred continuous~~
18 8 ~~days of employment" includes~~ employment shall include any days
18 9 not worked due to illness, holidays, weekend days, and other
18 10 absences that do not constitute separation from or termination
18 11 of employment. Any period of employment as a nonlicensed
18 12 unclassified person shall not be credited to any applicable
18 13 experiential requirement of an apprenticeship training program
18 14 registered by the bureau of apprenticeship and training of the
18 15 United States department of labor.
18 16 Sec. 28. Section 103.30, Code 2009, is amended to read as
18 17 follows:
18 18 103.30 INSPECTIONS NOT REQUIRED.
18 19 Nothing in this chapter shall be construed to require the
18 20 work of employees of municipal utilities, railroads, electric
18 21 membership or cooperative associations, investor=owned

18 22 utilities, rural water associations or districts, or
18 23 telecommunications systems to be inspected while the employees
18 24 are acting within the scope of their employment.
18 25 Sec. 29. Section 125.86, subsection 3, paragraph a, Code
18 26 2009, is amended to read as follows:
18 27 a. A psychiatric advanced registered nurse practitioner
18 28 treating a ~~patient~~ respondent previously ~~hospitalized~~
18 29 committed under this chapter may complete periodic reports
18 30 pursuant to this section on the ~~patient~~ respondent if the
18 31 ~~patient~~ respondent has been recommended for treatment on an
18 32 outpatient or other appropriate basis pursuant to section
18 33 125.84, subsection 3, and if a psychiatrist licensed pursuant
18 34 to chapter 148~~, 150, or 150A~~ personally evaluates the ~~patient~~
18 35 respondent on at least an annual basis.
19 1 Sec. 30. Section 135.1, subsection 4, Code 2009, is
19 2 amended to read as follows:
19 3 4. "Physician" means a person licensed to practice
19 4 medicine and surgery, osteopathic medicine and surgery,
19 5 chiropractic, podiatry, or optometry under the laws of this
19 6 state; but a person licensed as a physician and surgeon shall
19 7 be designated as a "physician" or "surgeon", a person licensed
19 8 as an osteopathic physician and surgeon shall be designated as
19 9 an "osteopathic physician" or "osteopathic surgeon", ~~a person~~
19 10 ~~licensed as an osteopath shall be designated as an~~
19 11 ~~"osteopathic physician",~~ a person licensed as a chiropractor
19 12 shall be designated as a "chiropractor", a person licensed as
19 13 a podiatrist shall be designated as a "podiatric physician",
19 14 and a person licensed as an optometrist shall be designated as
19 15 an "optometrist". A definition or designation contained in
19 16 this subsection shall not be interpreted to expand the scope
19 17 of practice of such licensees.
19 18 Sec. 31. Section 135.17, subsection 1, paragraph a, Code
19 19 2009, is amended to read as follows:
19 20 a. Except as provided in paragraphs "c" and "d", the
19 21 parent or guardian of a child enrolled in elementary school
19 22 shall provide evidence to the school district or accredited
19 23 nonpublic elementary school in which the child is enrolled of
19 24 the child having, no earlier than three years of age but prior
19 25 to reaching six years of age, at a minimum, a dental screening
19 26 performed by a licensed physician as defined in chapter 148 ~~or~~
19 27 ~~150~~, a nurse licensed under chapter 152, a licensed physician
19 28 assistant as defined in section 148C.1, or a licensed dental
19 29 hygienist or dentist as defined in chapter 153. Except as
19 30 provided in paragraphs "c" and "d", the parent or guardian of
19 31 a child enrolled in high school shall provide evidence to the
19 32 school district or accredited nonpublic high school in which
19 33 the child is enrolled of the child having, at a minimum, a
19 34 dental screening performed within the prior year by a licensed
19 35 dental hygienist or dentist as defined in chapter 153. A
20 1 school district or accredited nonpublic school shall provide
20 2 access to a process to complete the screenings described in
20 3 this paragraph as appropriate.
20 4 Sec. 32. Section 135.24, subsection 6, paragraph d, Code
20 5 2009, is amended to read as follows:
20 6 d. "Health care provider" means a physician licensed under
20 7 chapter 148, a chiropractor licensed under chapter 151, a
20 8 physical therapist licensed pursuant to chapter 148A, an
20 9 occupational therapist licensed pursuant to chapter 148B, a
20 10 podiatrist licensed pursuant to chapter 149, a physician
20 11 assistant licensed and practicing under a supervising
20 12 physician pursuant to chapter 148C, a licensed practical
20 13 nurse, a registered nurse, or an advanced registered nurse
20 14 practitioner licensed pursuant to chapter 152 or 152E, a
20 15 respiratory therapist licensed pursuant to chapter 152B, a
20 16 dentist, dental hygienist, or dental assistant registered or
20 17 licensed to practice under chapter 153, an optometrist
20 18 licensed pursuant to chapter 154, a psychologist licensed
20 19 pursuant to chapter 154B, a social worker licensed pursuant to
20 20 chapter 154C, a mental health counselor or a marital and
20 21 family therapist licensed pursuant to chapter 154D, a speech
20 22 pathologist or audiologist licensed pursuant to chapter 154F,
20 23 a pharmacist licensed pursuant to chapter 155A, or an
20 24 emergency medical care provider certified pursuant to chapter
20 25 147A.
20 26 Sec. 33. Section 135.37, subsection 6, Code 2009, is
20 27 amended to read as follows:
20 28 6. As necessary to avoid duplication and promote
20 29 coordination of public health inspection and enforcement
20 30 activities, the department may enter into agreements with
20 31 local boards of health to provide for inspection ~~and~~
20 32 ~~enforcement~~ of tattooing establishments and enforcement

20 33 activities in accordance with the rules and criteria
20 34 implemented under this section.
20 35 Sec. 34. Section 135.159, subsection 2, paragraph a,
21 1 subparagraph (6), Code 2009, is amended to read as follows:
21 2 (6) A physician and an osteopathic physician licensed
21 3 pursuant to chapter 148 ~~and a physician licensed pursuant to~~
21 4 ~~chapter 150~~ who are family physicians and members of the Iowa
21 5 academy of family physicians.
21 6 Sec. 35. Section 135B.20, subsection 1, Code 2009, is
21 7 amended to read as follows:
21 8 1. "Doctor" shall mean any person licensed to practice
21 9 medicine and surgery or ~~osteopathy~~ osteopathic medicine and
21 10 surgery in this state.
21 11 Sec. 36. Section 135C.33, subsection 5, paragraph a,
21 12 subparagraph (1), Code 2009, is amended to read as follows:
21 13 (1) An employee of a ~~homemaker, home=health~~ homemaker=home
21 14 health aide, home care aide, adult day services, or other
21 15 provider of in=home services if the employee provides direct
21 16 services to consumers.
21 17 Sec. 37. Section 136C.1, subsection 4, Code 2009, is
21 18 amended to read as follows:
21 19 4. "Licensed professional" means a person licensed or
21 20 otherwise authorized by law to practice medicine, ~~osteopathy~~
21 21 osteopathic medicine, podiatry, chiropractic, dentistry,
21 22 dental hygiene, or veterinary medicine.
21 23 Sec. 38. Section 136C.3, subsection 2, paragraph a, Code
21 24 2009, is amended to read as follows:
21 25 a. Establish minimum training standards including
21 26 continuing education requirements, and administer examinations
21 27 and disciplinary procedures for operators of radiation
21 28 machines and users of radioactive materials. A state of Iowa
21 29 license to practice medicine, ~~osteopathy~~ osteopathic medicine,
21 30 chiropractic, podiatry, dentistry, dental hygiene, or
21 31 veterinary medicine, or licensure as a physician assistant
21 32 pursuant to chapter 148C, or certification by the dental board
21 33 in dental radiography, or by the board of podiatry in
21 34 podiatric radiography, or enrollment in a program or course of
21 35 study approved by the Iowa department of public health which
22 1 includes the application of radiation to humans satisfies the
22 2 minimum training standards for operation of radiation machines
22 3 only.
22 4 Sec. 39. Section 137F.3A, subsection 1, Code 2009, is
22 5 amended to read as follows:
22 6 1. a. ~~If a~~ The department of inspections and appeals may
22 7 employ additional full=time equivalent positions to enforce
22 8 the provisions of this chapter and chapters 137C and 137D,
22 9 with the approval of the department of management, if either
22 10 of the following apply:
22 11 (1) A municipal corporation operating pursuant to a
22 12 chapter 28E agreement with the department of inspections and
22 13 appeals to enforce ~~this chapter and chapters 137C and 137D~~ the
22 14 chapters either fails to renew the agreement effective after
22 15 April 1, 2007, or discontinues, after April 1, 2007,
22 16 enforcement activities in one or more jurisdictions during the
22 17 agreement time frame~~, or the~~.
22 18 (2) The department of inspections and appeals cancels an
22 19 agreement after April 1, 2007, due to noncompliance with the
22 20 terms of the agreement~~, the department of inspections and~~
22 21 ~~appeals may employ additional full=time equivalent positions~~
22 22 ~~to enforce the provisions of the chapters, with the approval~~
22 23 ~~of the department of management~~.
22 24 b. Before approval ~~is~~ may be given, the director of the
22 25 department of management ~~shall determine~~ must have determined
22 26 that the expenses exceed the funds budgeted by the general
22 27 assembly for food inspections to the department of inspections
22 28 and appeals. The department of inspections and appeals may
22 29 hire no more than one full=time equivalent position for each
22 30 six hundred inspections required pursuant to this chapter and
22 31 chapters 137C and 137D.
22 32 Sec. 40. Section 137F.6, subsection 1, paragraph h, Code
22 33 2009, is amended to read as follows:
22 34 h. ~~A~~ For a food establishment covered by paragraphs "d"
22 35 and "e" ~~shall be assessed~~ the license fees assessed shall be
23 1 an amount not to exceed seventy=five percent of the total fees
23 2 applicable under both paragraphs.
23 3 Sec. 41. Section 142.1, Code 2009, is amended to read as
23 4 follows:
23 5 142.1 DELIVERY OF BODIES.
23 6 The body of every person dying in a public asylum,
23 7 hospital, county care facility, penitentiary, or reformatory
23 8 in this state, or found dead within the state, or which is to

23 9 be buried at public expense in this state, except those buried
23 10 under the provisions of chapter 144C or 249, and which is
23 11 suitable for scientific purposes, shall be delivered to the
23 12 medical college of the state university, or some osteopathic
23 13 or chiropractic college or school located in this state, which
23 14 has been approved under the law regulating the practice of
23 15 ~~osteopathy~~ osteopathic medicine or chiropractic; but no such
23 16 body shall be delivered to any such college or school if the
23 17 deceased person expressed a desire during the person's last
23 18 illness that the person's body should be buried or cremated,
23 19 nor if such is the desire of the person's relatives. Such
23 20 bodies shall be equitably distributed among said colleges and
23 21 schools according to their needs for teaching anatomy in
23 22 accordance with such rules as may be adopted by the Iowa
23 23 department of public health. The expense of transporting said
23 24 bodies to such college or school shall be paid by the college
23 25 or school receiving the same. If the deceased person has not
23 26 expressed a desire during the person's last illness that the
23 27 person's body should be buried or cremated and no person
23 28 authorized to control the deceased person's remains under
23 29 section 144C.5 requests the person's body for burial or
23 30 cremation, and if a friend objects to the use of the deceased
23 31 person's body for scientific purposes, said deceased person's
23 32 body shall be forthwith delivered to such friend for burial or
23 33 cremation at no expense to the state or county. Unless such
23 34 friend provides for burial and burial expenses within five
23 35 days, the body shall be used for scientific purposes under
24 1 this chapter.
24 2 Sec. 42. Section 142A.3, subsections 3 through 10, Code
24 3 2009, are amended to read as follows:
24 4 3. The membership of the commission shall ~~consist of~~
24 5 include the following voting members who shall serve
24 6 three=year, staggered terms:
24 7 a. Members, at least one of whom is a member of a racial
24 8 minority, to be appointed by the governor, subject to
24 9 confirmation by the senate pursuant to sections 2.32 and
24 10 69.19, and consisting of the following:
24 11 (1) Three members who are active with nonprofit health
24 12 organizations that emphasize tobacco use prevention or who are
24 13 active as health services providers, at the local level.
24 14 ~~b.~~ (2) One member who is a retailer.
24 15 ~~c.~~ (3) Three members who are active with health promotion
24 16 activities at the local level in youth education, law
24 17 enforcement, nonprofit services, or other activities relating
24 18 to tobacco use prevention and control.
24 19 ~~The members appointed under this subsection shall be~~
~~24 20 appointed by the governor, subject to confirmation by the~~
~~24 21 senate, pursuant to sections 2.32 and 69.19. At least one~~
~~24 22 member appointed under this subsection shall be a member of a~~
~~24 23 racial minority.~~
24 24 ~~4.~~ b. ~~In addition to the members described in subsection~~
~~24 25 3, the membership of the commission shall include three~~ Three
24 26 voting members ~~who are~~, to be selected by the participants in
24 27 the annual statewide youth summit of the initiative's youth
24 28 program~~. The youth membership appointments are~~, who shall not
24 29 be subject to section 69.16 or 69.16A. However, the selection
24 30 process shall provide for diversity among the members and at
24 31 least one of the youth members shall be a female. ~~These~~
~~24 32 members shall also serve three=year staggered terms.~~
24 33 ~~5.~~ 4. The commission shall also include the following ex
24 34 officio, nonvoting members:
24 35 a. Four members of the general assembly, with not more
25 1 than one member from each chamber being from the same
25 2 political party. The majority leader of the senate and the
25 3 minority leader of the senate shall each appoint one of the
25 4 senate members. The majority leader of the house and the
25 5 minority leader of the house of representatives shall each
25 6 appoint one of the house members.
25 7 b. The presiding officer of the statewide youth executive
25 8 body, selected by the delegates to the statewide youth summit.
25 9 ~~6.~~ 5. In addition to the members of the ~~council~~
25 10 commission, the following agencies, organizations, and persons
25 11 shall each assign a single liaison to the commission to
25 12 provide assistance to the commission in the discharge of the
25 13 commission's duties:
25 14 a. The department of education.
25 15 b. The drug policy coordinator.
25 16 c. The department of justice, office of the attorney
25 17 general.
25 18 d. The department of human services.
25 19 e. The alcoholic beverages division of the department of

25 20 commerce.
25 21 ~~7.~~ 6. Citizen members shall be reimbursed for actual and
25 22 necessary expenses incurred in performance of their duties.
25 23 Citizen members shall be paid a per diem as specified in
25 24 section 7E.6. Legislative members are eligible for per diem
25 25 and expenses as provided in section 2.10.
25 26 ~~8.~~ 7. A member of the commission who is convicted of a
25 27 crime relating to tobacco, alcohol, or controlled substances
25 28 is subject to removal from the commission.
25 29 ~~9. The commission may designate an advisory council. The~~
~~25 30 commission shall determine the membership and representation~~
~~25 31 of the advisory council and members of the council shall serve~~
~~25 32 at the pleasure of the commission. The advisory council may~~
~~25 33 include representatives of health care provider groups, parent~~
~~25 34 groups, antitobacco advocacy programs and organizations,~~
~~25 35 tobacco retailers, research and evaluation experts, and youth~~
~~26 1 organizers.~~
26 2 ~~10.~~ 8. A vacancy on the commission other than for the
26 3 youth members shall be filled in the same manner as the
26 4 original appointment for the balance of the unexpired term. A
26 5 youth member vacancy shall be filled by the presiding officer
26 6 of the statewide executive body as selected by the delegates
26 7 to the statewide youth summit.
26 8 9. The commission shall elect a chairperson from among its
26 9 voting members and may select other officers from among its
26 10 voting members, as determined necessary by the commission.
26 11 The commission shall meet regularly as determined by the
26 12 commission, upon the call of the chairperson, or upon the call
26 13 of a majority of the voting members.
26 14 10. The commission may designate an advisory council. The
26 15 commission shall determine the membership and representation
26 16 of the advisory council and members of the council shall serve
26 17 at the pleasure of the commission. The advisory council may
26 18 include representatives of health care provider groups, parent
26 19 groups, antitobacco advocacy programs and organizations,
26 20 tobacco retailers, research and evaluation experts, and youth
26 21 organizers.
26 22 Sec. 43. Section 142C.2, subsection 25, Code 2009, is
26 23 amended to read as follows:
26 24 25. "Physician" means an individual authorized to practice
26 25 medicine and surgery or ~~osteopathy~~ osteopathic medicine and
26 26 surgery under the laws of any state.
26 27 Sec. 44. Section 144.14, Code 2009, is amended to read as
26 28 follows:
26 29 144.14 FOUNDLINGS.
26 30 1. A person who assumes the custody of a living infant of
26 31 unknown parentage shall report on a form and in the manner
26 32 prescribed by the state registrar within five days to the
26 33 county registrar of the county in which the child was found,
26 34 the following information:
26 35 ~~1.~~ a. The date and place ~~of finding~~ the child was found.
27 1 ~~2.~~ b. The sex, color or race, and approximate age of the
27 2 child.
27 3 ~~3.~~ c. The name and address of the person or institution
27 4 which has assumed custody of the child.
27 5 ~~4.~~ d. The name given to the child by the custodian.
27 6 ~~5.~~ e. Other data required by the state registrar.
27 7 2. The place where the child was found shall be entered as
27 8 the place of birth and the date of birth shall be determined
27 9 by approximation. A report registered under this section
27 10 shall constitute the certificate of birth for the infant.
27 11 3. If the child is identified and a certificate of birth
27 12 is found or obtained, any report registered under this section
27 13 shall be sealed and filed and may be opened only by order of a
27 14 court of competent jurisdiction or as provided by regulation.
27 15 Sec. 45. Section 144C.2, subsection 3, Code 2009, is
27 16 amended to read as follows:
27 17 3. "Assisted living ~~program facility~~" program" means an
27 18 assisted living program ~~facility as defined in section 231C.2~~
27 19 under chapter 231C.
27 20 Sec. 46. Section 144C.3, subsection 4, Code 2009, is
27 21 amended to read as follows:
27 22 4. A funeral director, an attorney, or any agent, owner,
27 23 or employee of a funeral establishment, cremation
27 24 establishment, cemetery, elder group home, assisted living
27 25 program ~~facility~~, adult day services program, or licensed
27 26 hospice program shall not serve as a designee unless related
27 27 to the declarant within the third degree of consanguinity.
27 28 Sec. 47. Section 147.14, subsection 1, paragraph w, Code
27 29 2009, is amended to read as follows:
27 30 w. For nursing home administrators, a total of nine

27 31 members, four who are licensed nursing home administrators,
27 32 one of whom is the administrator of a nonproprietary nursing
27 33 home; three licensed members of any profession concerned with
27 34 the care and treatment of chronically ill or elderly patients
27 35 who are not nursing home administrators or nursing home
28 1 owners; and two members of the general public who are not
28 2 licensed under ~~this~~ chapter 155, have no financial interest in
28 3 any nursing home, and who shall represent the general public.
28 4 Sec. 48. Section 147.55, unnumbered paragraph 1, Code
28 5 2009, is amended to read as follows:
28 6 A licensee's license to practice a profession shall be
28 7 revoked~~,~~ or suspended, or the licensee otherwise disciplined
28 8 by the board for that profession, when the licensee is guilty
28 9 of any of the following acts or offenses:
28 10 Sec. 49. Section 147.80, subsection 1, paragraphs f, g,
28 11 and i, Code 2009, are amended to read as follows:
28 12 f. Issuance of a certified statement that a ~~licensee~~
28 13 person is licensed, registered, or has been issued a
28 14 certificate to practice in this state.
28 15 g. Issuance of a duplicate license, registration, or
28 16 certificate, which shall be so designated on its face. A
28 17 board may require satisfactory proof that the original
28 18 license, registration, or certificate issued by the board has
28 19 been lost or destroyed.
28 20 i. Verification of licensure, registration, or
28 21 certification.
28 22 Sec. 50. Section 147.85, Code 2009, is amended to read as
28 23 follows:
28 24 147.85 FRAUD.
28 25 Any person who presents to a board a diploma or certificate
28 26 of which the person is not the rightful owner, for the purpose
28 27 of procuring a license, or who falsely ~~personates~~ impersonates
28 28 anyone to whom a license has been issued by the board shall be
28 29 guilty of a serious misdemeanor.
28 30 Sec. 51. Section 147.135, subsection 3, paragraph a, Code
28 31 2009, is amended to read as follows:
28 32 a. A full and confidential report concerning any final
28 33 hospital disciplinary action approved by a hospital board of
28 34 trustees that results in a limitation, suspension, or
28 35 revocation of a physician's privilege to practice for reasons
29 1 relating to the physician's professional competence or
29 2 concerning any voluntary surrender or limitation of privileges
29 3 for reasons relating to professional competence shall be made
29 4 to the board of medicine by the hospital administrator or
29 5 chief of medical staff within ten days of such action. The
29 6 board of medicine shall investigate the report and take
29 7 appropriate action. These reports shall be privileged and
29 8 confidential as though included in and subject to the
29 9 requirements for peer review committee information in
29 10 subsection 2. Persons making these reports and persons
29 11 participating in resulting proceedings related to these
29 12 reports shall be immune from civil liability with respect to
29 13 the making of the report or participation in resulting
29 14 proceedings. As used in this subsection, "physician" means a
29 15 person licensed pursuant to chapter 148~~, chapter 150, or~~
29 16 ~~chapter 150A~~.
29 17 Sec. 52. Section 148.2A, subsection 2, paragraph e,
29 18 subparagraph (4), Code 2009, is amended to read as follows:
29 19 (4) The majority of a hearing panel containing alternate
29 20 members shall be ~~members~~ licensed to practice under this
29 21 chapter.
29 22 Sec. 53. Section 148.3, subsection 2, Code 2009, is
29 23 amended to read as follows:
29 24 2. An application for a license shall be made to the board
29 25 of medicine. All license and renewal fees shall be paid to
29 26 ~~and collected by the board and transmitted to~~ the board.
29 27 Sec. 54. Section 148.6, subsection 2, paragraph h, Code
29 28 2009, is amended to read as follows:
29 29 h. ~~(1)~~ Inability to practice medicine and surgery or
29 30 osteopathic medicine and surgery with reasonable skill and
29 31 safety by reason of illness, drunkenness, excessive use of
29 32 drugs, narcotics, chemicals, or other type of material or as a
29 33 result of a mental or physical condition.
29 34 (1) The board may, upon probable cause, compel a physician
29 35 to submit to a mental or physical examination by designated
30 1 physicians or to submit to alcohol or drug screening within a
30 2 time specified by the board.
30 3 (2) A person licensed to practice medicine and surgery or
30 4 osteopathic medicine and surgery who makes application for the
30 5 renewal of a license, as required by section 147.10, gives
30 6 consent to submit to a mental or physical examination as

provided by this paragraph "h" when directed in writing by the board. All objections shall be waived as to the admissibility of ~~the~~ an examining physicians' testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a physician in another proceeding and shall be confidential, except for other actions filed against a physician to revoke or suspend a license.

Sec. 55. Section 148.14, Code 2009, is amended to read as follows:

148.14 BOARD OF MEDICINE INVESTIGATORS.

The board of medicine may appoint investigators, who shall not be members of the board, and whose compensation shall be determined pursuant to chapter 8A, subchapter IV. Investigators appointed by the board have the powers and status of peace officers when enforcing this chapter, chapter 147, and chapter 272C.

Sec. 56. Section 148A.7, Code 2009, is amended to read as follows:

148A.7 FALSE USE OF TITLES PROHIBITED.

1. A person or business entity, including the employees, agents, or representatives of the business entity, shall not use in connection with that person's or business entity's business activity the words "physical therapy", "physical therapist", "licensed physical therapist", "registered physical therapist", "doctor of physical therapy", "physical therapist assistant", "licensed physical therapist assistant", "registered physical therapist assistant", or the letters "P.T.", "L.P.T.", "R.P.T.", "D.P.T.", "P.T.A.", "L.P.T.A.", "R.P.T.A.", or any other words, abbreviations, or insignia indicating or implying that physical therapy is provided or supplied, unless such services are provided by or under the direction and supervision of a physical therapist licensed pursuant to this chapter.

2. Notwithstanding section 147.74, a person or the owner, officer, or agent of an entity that violates this section is guilty of a serious misdemeanor, and a license to practice shall be revoked or suspended pursuant to section 147.55.

3. This section shall not apply to the use of the term "physiotherapy" by a provider licensed under this chapter, chapter 151, or by an individual under the direction and supervision of a provider licensed under this chapter or chapter 151.

Sec. 57. Section 153.14, subsection 2, Code 2009, is amended to read as follows:

2. Licensed "physicians and surgeons" or licensed ~~"osteopaths~~ "osteopathic physicians" and surgeons" who extract teeth or treat diseases of the oral cavity, gums, teeth, or maxillary bones as an incident to the general practice of their profession.

Sec. 58. Section 154A.6, Code 2009, is amended to read as follows:

154A.6 DISCLOSURE OF CONFIDENTIAL INFORMATION.

1. A member of the board shall not disclose information relating to the following:

~~1.~~ a. Criminal history or prior misconduct of the applicant.

~~2.~~ b. Information relating to the contents of the examination.

~~3.~~ c. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

2. A member of the board who willfully communicates or seeks to communicate ~~such~~ information in violation of subsection 1, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

Sec. 59. Section 154B.5, Code 2009, is amended to read as follows:

154B.5 SCOPE OF CHAPTER.

Nothing in this chapter shall be construed to prevent qualified members of other professional groups such as physicians, ~~osteopaths~~ osteopathic physicians, optometrists, chiropractors, members of the clergy, authorized Christian Science practitioners, attorneys at law, social workers or guidance counselors from performing functions of a psychological nature consistent with the accepted standards of their respective professions, if they do not use any title or description stating or implying that they are psychologists or are certified to practice psychology.

Sec. 60. Section 154C.3, subsection 1, paragraph c, subparagraph (5), Code 2009, is amended to read as follows:

(5) (a) Supervision shall be provided in any of the following manners:

~~(a)~~ (i) By a social worker licensed at least at the level of the social worker being supervised and qualified under this section to practice without supervision.

~~(b)~~ (ii) By another qualified professional, if the board determines that supervision by a social worker as defined in subparagraph subdivision ~~(a)~~ (i) is unobtainable or in other situations considered appropriate by the board.

(b) Additional standards for supervision shall be determined by the board.

Sec. 61. Section 154F.2, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. Licensed physicians and surgeons, licensed osteopathic physicians and surgeons, licensed physician assistants and registered nurses acting under the supervision of a physician or osteopathic physician, persons conducting hearing tests under the direct supervision of a licensed physician and surgeon~~,~~ or licensed osteopathic physician and surgeon, or students of medicine or surgery or osteopathic medicine and surgery pursuing a course of study in a medical school or college of osteopathic medicine and surgery approved by the board of medicine while performing functions incidental to their course of study.

Sec. 62. Section 155.2, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. Two members who are not licensed nursing home administrators or are not licensed persons under this chapter and chapter 147 and who shall represent the general public. The members shall be interested in the problems of elderly patients and nursing home care, but shall have no financial interest in any nursing home.

Sec. 63. Section 155.17, Code 2009, is amended to read as follows:

155.17 DISCLOSURE OF CONFIDENTIAL INFORMATION.

1. A member of the board shall not disclose information relating to the following:

~~1.~~ a. Criminal history or prior misconduct of the applicant.

~~2.~~ b. Information relating to the contents of the examination.

~~3.~~ c. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

2. A member of the board who willfully communicates or seeks to communicate ~~such~~ information in violation of subsection 1, and any person who willfully requests, obtains or seeks to obtain such information, is guilty of a simple misdemeanor.

Sec. 64. Section 155A.15, subsection 2, paragraph d, Code 2009, is amended to read as follows:

d. Delivered without legal authorization prescription drugs or devices to a person other than one of the following:

(1) A pharmacy licensed by the board.

(2) A practitioner.

(3) A person who procures prescription drugs or devices for the purpose of lawful research, teaching, or testing, and not for resale.

(4) A manufacturer or wholesaler licensed by the board.

(5) ~~However, this chapter does not prohibit a pharmacy from furnishing a prescription drug or device to a~~ A licensed health care facility which is furnished the drug or device by a pharmacy for storage in secured emergency pharmaceutical supplies containers maintained within the facility in accordance with rules of the department of inspections and appeals and rules of the board.

Sec. 65. Section 158.1, subsection 1, Code 2009, is amended to read as follows:

1. "Barbering" means the practices listed in this subsection performed with or without compensation. ~~The practices include~~ "Barbering" includes but ~~are~~ is not limited to the following practices performed upon the upper part of the human body of any person for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

a. Shaving or trimming the beard or cutting the hair.

b. Giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand, or by electrical or mechanical appliances.

c. Singeing, shampooing, hair body processing, arranging, dressing, curling, blow waving, hair relaxing, bleaching or coloring the hair, or applying hair tonics.

d. Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.

e. Styling, cutting or shampooing hairpieces or wigs when done in conjunction with haircutting or hairstyling.

~~Barbers shall not represent themselves to the public as being primarily engaged in practices other than haircutting unless the functions are in fact their primary function or specialty.~~

Sec. 66. Section 158.2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

~~It is unlawful for a~~ A person ~~to~~ shall not practice barbering with or without compensation unless the person possesses a license issued under the provisions of section 158.3. A person licensed under section 158.3 shall not represent to the public that the person is primarily engaged in practices other than haircutting unless the functions are in fact the person's primary function or specialty. Practices listed in section 158.1 when performed by the following persons ~~are not defined as practicing~~ do not constitute barbering:

Sec. 67. Section 159A.4, Code 2009, is amended to read as follows:

159A.4 ADVISORY COMMITTEE.

1. A renewable fuels and coproducts advisory committee is established within the department.

2. The committee shall ~~be composed of~~ include the following ~~persons~~ voting members:

a. The following department representatives:

~~a.~~ (1) The secretary, or a person designated by the secretary, representing the department of agriculture and land stewardship, who shall be the chairperson of the committee.

~~b.~~ (2) The director of the Iowa department of economic development, or a person designated by the director, representing the Iowa department of economic development.

~~c.~~ (3) The director of the state department of transportation, or a person designated by the director, representing the state department of transportation.

~~d.~~ (4) The director of the department of natural resources, or a person designated by the director, representing the department of natural resources.

b. The following persons, who shall be appointed by the governor from lists of candidates provided by the organizations represented:

~~e.~~ (1) A person representing retail dealers as defined in section 214A.1 who shall be actively engaged in the business of selling motor fuel on a retail basis.

~~f.~~ (2) A person representing refiners of petroleum products who shall be actively engaged in the business of refining petroleum into motor fuel for the purpose of sale within the state.

~~g.~~ (3) A person representing an organization serving livestock producers in this state.

~~h.~~ (4) A person representing the Iowa corn growers association.

~~i.~~ (5) A person representing the Iowa soybean association.

~~j.~~ (6) A person actively engaged in farming, as defined in section 9H.1.

~~k.~~ (7) A person representing the renewable fuels industry in this state.

c. ~~The governor shall appoint persons who~~ Members appointed by the governor shall be confirmed by the senate, pursuant to section 2.32, ~~to serve as voting members of the committee. However, the secretary of agriculture shall appoint the person representing the department of agriculture and land stewardship, the director of the Iowa department of economic development shall appoint the person representing that department, the director of the state department of transportation shall appoint the person representing that department, and the director of the department of natural resources shall appoint the person representing that department. The governor may make appointments of persons representing organizations listed under paragraphs "g" through "i" from a list of candidates which shall be provided by the organization upon request by the governor.~~

~~2. The members appointed pursuant to subsection 1, paragraphs "e" through "k",~~ and shall serve three=year terms beginning and ending as provided in section 69.19. However,

37 5 the governor shall appoint initial members to serve for less
37 6 than three years to ensure members serve staggered terms. ~~A~~
~~37 7 member is eligible for reappointment. A vacancy on the~~
~~37 8 committee shall be filled for the unexpired portion of the~~
~~37 9 regular term in the same manner as regular appointments are~~
~~37 10 made.~~
37 11 3. The committee shall also include four ex officio
37 12 nonvoting members who shall be legislative members. The
37 13 legislative members are two state senators, one appointed by
37 14 the president of the senate, after consultation with the
37 15 majority leader of the senate, and one appointed by the
37 16 minority leader of the senate, after consultation with the
37 17 president of the senate, from their respective parties; and
37 18 two state representatives, one appointed by the speaker of the
37 19 house of representatives, after consultation with the majority
37 20 leader of the house of representatives, and one appointed by
37 21 the minority leader of the house of representatives, from
37 22 their respective parties.
37 23 4. A member is eligible for reappointment. A vacancy on
37 24 the committee shall be filled for the unexpired portion of the
37 25 regular term in the same manner as regular appointments are
37 26 made. A vacancy in the membership of the committee does not
37 27 impair the ability of the committee to carry out committee
37 28 duties.
37 29 ~~4.~~ 5. The committee shall meet on a regular basis and at
37 30 the call of the chairperson or upon the written request to the
37 31 chairperson of two or more voting members.
37 32 ~~5. The members other than those enumerated in subsection~~
~~37 33 1, paragraphs "a" through "d", are entitled to receive~~
~~37 34 compensation as provided in section 7E.6.~~
37 35 6. Five voting members constitute a quorum and the
38 1 affirmative vote of a majority of the voting members present
38 2 is necessary for any substantive action to be taken by the
38 3 committee. The majority shall not include any member who has
38 4 a conflict of interest and a statement by a member that the
38 5 member has a conflict of interest is conclusive for this
38 6 purpose. ~~A vacancy in the membership does not impair the~~
~~38 7 duties of the committee.~~
38 8 7. The members other than those enumerated in subsection
38 9 2, paragraph "a", are entitled to receive compensation as
38 10 provided in section 7E.6.
38 11 ~~7.~~ 8. The committee shall be staffed by the agricultural
38 12 marketing division of the department. The coordinator shall
38 13 serve as secretary to the committee.
38 14 Sec. 68. Section 161.1, Code 2009, is amended to read as
38 15 follows:
38 16 161.1 TITLE.
38 17 This ~~section~~ chapter shall be known and may be cited as the
38 18 "Iowa Agrichemical Remediation Act".
38 19 Sec. 69. Section 161F.6, Code 2009, is amended to read as
38 20 follows:
38 21 161F.6 CHAPTERS MADE APPLICABLE.
38 22 1. In the organization, operation, and financing of
38 23 districts established under this chapter, the provisions of
38 24 chapter 468 shall apply and any procedure provided under
38 25 chapter 468 in connection with the organization, financing,
38 26 and operation of any drainage district shall apply to the
38 27 organization, financing, and operation of districts organized
38 28 under this chapter.
38 29 2. ~~Wherever any of the provisions of said chapters refer~~
~~38 30 to the word "drainage", the word~~ As used in this chapter or
38 31 chapter 468:
38 32 a. "Drainage" shall be deemed to include in its meaning
38 33 soil erosion and flood control or any combination of drainage,
38 34 flood control, and soil erosion control. ~~The term "drainage~~
~~38 35 district" shall be considered to include districts having as~~
~~39 1 their purpose soil conservancy or flood control or any~~
~~39 2 combination thereof, and the words "drainage certificates"~~
39 3 b. "Drainage certificates" or "drainage bonds" shall be
39 4 deemed to include certificates or bonds issued in behalf of
39 5 any district organized under the provisions of this chapter~~;~~
~~39 6 and any procedure provided by these chapters in connection~~
~~39 7 with the organization, financing and operation of any drainage~~
~~39 8 district shall be applicable to the organization, financing~~
~~39 9 and operation of districts organized under this chapter~~.
39 10 c. "Drainage district" shall be considered to include
39 11 districts having as their purpose soil conservancy or flood
39 12 control or any combination thereof.
39 13 Sec. 70. Section 162.2, subsection 16, Code 2009, is
39 14 amended to read as follows:
39 15 16. "Research facility" means any school or college of

39 16 medicine, veterinary medicine, pharmacy, dentistry, or
39 17 ~~osteopathy~~ osteopathic medicine, or hospital, diagnostic or
39 18 research laboratories, or other educational or scientific
39 19 establishment situated in this state concerned with the
39 20 investigation of, or instruction concerning the structure or
39 21 function of living organisms, the cause, prevention, control
39 22 or cure of diseases or abnormal conditions of human beings or
39 23 animals.
39 24 Sec. 71. Section 166D.10, Code 2009, is amended to read as
39 25 follows:
39 26 166D.10 MOVEMENT OF SWINE.
39 27 1. ~~A~~ Except as otherwise provided in this section, a
39 28 person shall not sell, lease, exhibit, loan, move, or relocate
39 29 swine within the state unless the swine are accompanied by a
39 30 certificate of inspection in the same manner as provided for a
39 31 certificate of veterinary inspection as provided in section
39 32 163.30. The department may combine the certificate of
39 33 inspection with a certificate of veterinary inspection.
39 34 2. A certificate of inspection is not required if any of
39 35 the following apply:
40 1 a. The swine are moved to slaughter.
40 2 b. The swine are relocated, ~~if~~ and all of the following
40 3 apply:
40 4 (1) A transportation certificate accompanies the relocated
40 5 swine.
40 6 (2) The swine's owner maintains information regarding the
40 7 relocation in relocation records. The department may adopt
40 8 rules excusing a person from maintaining relocation records,
40 9 if the department determines that the purposes of the chapter
40 10 as provided in section 166D.1 are not furthered by the
40 11 requirement.
40 12 (3) A certificate of inspection, or a certificate of
40 13 veterinary inspection as provided in section 163.30, has been
40 14 issued for the swine within thirty days prior to the date of
40 15 relocation. The department may adopt rules excusing a person
40 16 from complying with this subparagraph if the department
40 17 determines that the purposes of the chapter as provided in
40 18 section 166D.1 are not furthered by the requirement.
40 19 (4) The swine have a current negative pseudorabies status.
40 20 ~~The department shall adopt rules required to administer~~
~~40 21 this paragraph "b". A transportation certificate accompanying~~
~~40 22 relocated swine shall cite the relevant relocation record and~~
~~40 23 certificate of inspection, or certificate of veterinary~~
~~40 24 inspection. The department may provide for the examination of~~
~~40 25 the relocation records on the owner's premises during normal~~
~~40 26 business hours, or may require that reports containing~~
~~40 27 relevant information contained in relocation records and~~
~~40 28 certificates of inspection, or certificates of veterinary~~
~~40 29 inspection, be periodically submitted to the department. For~~
~~40 30 purposes of this section, swine production information~~
~~40 31 contained in relocation records is a trade secret as provided~~
~~40 32 in section 22.7, unless otherwise provided by rules adopted by~~
~~40 33 the department. The department shall provide for the~~
~~40 34 disclosure of confidential information only to the extent~~
~~40 35 required for enforcement of this chapter, the detection and~~
~~41 1 prosecution of public offenses, or to comply with a subpoena~~
~~41 2 or court order.~~
41 3 c. A person transfers ownership of all or part of a herd,
41 4 if the herd remains on the same premises. However, the herd
41 5 must be tested by statistical sampling. If any part of the
41 6 herd is subsequently moved or relocated, the swine must be
41 7 moved or relocated in accordance with this section and
41 8 sections 166D.7, 166D.8, and 166D.10A.
41 9 3. A transportation certificate accompanying swine which
41 10 are relocated as provided in subsection 2, paragraph "b",
41 11 shall cite the relevant relocation record and certificate of
41 12 inspection, or certificate of veterinary inspection. The
41 13 department may provide for the examination of the relocation
41 14 records on the owner's premises during normal business hours,
41 15 or may require that reports containing relevant information
41 16 contained in relocation records and certificates of
41 17 inspection, or certificates of veterinary inspection, be
41 18 periodically submitted to the department. For purposes of
41 19 this section, swine production information contained in
41 20 relocation records is a trade secret as provided in section
41 21 22.7, unless otherwise provided by rules adopted by the
41 22 department. The department shall provide for the disclosure
41 23 of confidential information only to the extent required for
41 24 enforcement of this chapter, the detection and prosecution of
41 25 public offenses, or to comply with a subpoena or court order.
41 26 The department shall adopt rules required to administer

41 27 subsection 2, paragraph "b", and this subsection.
41 28 ~~2.~~ 4. a. ~~Swine~~ Except as provided in paragraph "b",
41 29 swine that are moved shall be individually identified as
41 30 provided in section 163.30, which may include requirements for
41 31 affixing ear tags to swine.
41 32 b. (1) ~~However, native~~ Native Iowa feeder pigs moved from
41 33 farm to farm within the state shall be exempted from the
41 34 identification requirements of this subsection if the owner
41 35 transferring possession of the feeder pigs executes a written
42 1 agreement with the person taking possession of the feeder
42 2 pigs.
42 3 (a) The agreement shall provide that the feeder pigs shall
42 4 not be commingled with other swine for a period of thirty
42 5 days.
42 6 (b) The owner transferring possession shall be responsible
42 7 for making certain that the agreement is executed and for
42 8 providing a copy of the agreement to the person taking
42 9 possession.
42 10 (2) Native Iowa feeder pigs that are moved shall be
42 11 accompanied by a certificate of inspection, or a certificate
42 12 of veterinary inspection as provided in section 163.30, unless
42 13 swine are otherwise exempted from this requirement by this
42 14 section.
42 15 (3) As used in this ~~subsection~~ paragraph "b", "farm to
42 16 farm within the state" does not include the movement or
42 17 relocation of native Iowa feeder pigs to the possession of a
42 18 dealer licensed pursuant to section 163.30. ~~Native Iowa~~
~~42 19 feeder pigs that are moved shall be accompanied by a~~
~~42 20 certificate of inspection, or a certificate of veterinary~~
~~42 21 inspection as provided in section 163.30, unless swine are~~
~~42 22 otherwise exempted from this requirement by this section.~~
42 23 ~~3.~~ 5. Swine from a herd located within this state must be
42 24 moved or relocated in compliance with this section. If the
42 25 swine is moved or relocated from a herd located within a
42 26 county which is designated by the department as in stage II of
42 27 the national pseudorabies eradication program, the swine shall
42 28 not be moved or relocated unless in compliance with section
42 29 166D.11. Regardless of whether the swine is from a herd
42 30 located in a stage II county, the following shall govern the
42 31 movement or relocation of swine within this state:
42 32 a. For swine from a noninfected herd, a person shall not
42 33 move swine for breeding purposes, unless one of the following
42 34 applies:
42 35 (1) The swine is moved from a qualified negative herd or
43 1 qualified differentiable negative herd.
43 2 (2) The swine reacts negatively to a differentiable test
43 3 within thirty days prior to moving the swine.
43 4 b. For swine which is exposed, a person shall not move or
43 5 relocate the swine, unless one of the following applies:
43 6 (1) The swine reacts negatively to a differentiable test
43 7 within thirty days prior to moving or relocating the swine.
43 8 (2) The swine moves by restricted movement to either a
43 9 fixed concentration point or slaughtering establishment.
43 10 c. For swine from a herd of unknown status, a person shall
43 11 not move or relocate the swine, unless one of the following
43 12 applies:
43 13 (1) The swine reacts negatively to a differentiable test
43 14 within thirty days prior to moving or relocating the swine.
43 15 (2) The swine moves by restricted movement to either a
43 16 fixed concentration point or slaughtering establishment.
43 17 However, the swine is not required to move by restricted
43 18 movement if the swine is moved from a fixed concentration
43 19 point directly to another fixed concentration point or to a
43 20 slaughtering establishment.
43 21 d. For swine which is from an infected herd, a person
43 22 shall not move or relocate the swine, unless one of the
43 23 following applies:
43 24 (1) If the swine is part of a cleanup plan, the following
43 25 shall apply:
43 26 (a) For swine, other than feeder pigs or cull swine, which
43 27 are part of a herd subject to a cleanup plan, a person shall
43 28 only move swine by restricted movement to either a fixed
43 29 concentration point or slaughtering establishment. A person
43 30 shall not relocate the swine.
43 31 (b) For a feeder pig or cull swine which is part of a herd
43 32 subject to a herd cleanup plan, a person shall only move the
43 33 feeder pig or cull swine by restricted movement to either a
43 34 fixed concentration point or slaughtering establishment or
43 35 relocate the feeder pig or cull swine by restricted movement
44 1 to an approved premises. For a feeder pig or cull swine which
44 2 is part of a feeder pig cooperator herd cleanup plan, a person

44 3 shall only move the feeder pig or cull swine by restricted
44 4 movement to either a fixed concentration point or slaughtering
44 5 establishment or move or relocate the feeder pig or cull swine
44 6 by restricted movement to an approved premises. However, a
44 7 person shall not move or relocate a feeder pig or cull swine
44 8 to an approved premises, unless the approved premises is
44 9 identified in a cleanup plan as provided in section 166D.8, or
44 10 the department approves the move or relocation to another
44 11 approved premises. A person shall not move or relocate a cull
44 12 swine to an approved premises, unless the cull swine reacts
44 13 negatively to a test and is vaccinated with a differentiable
44 14 vaccine. The test and vaccine must be administered within
44 15 thirty days prior to the movement or relocation to the
44 16 approved premises. A noninfected feeder pig is not required
44 17 to be tested or vaccinated prior to movement or relocation to
44 18 an approved premises, if the feeder pig is vaccinated upon
44 19 arrival at the approved premises.
44 20 (c) For swine from a herd kept on an approved premises, a
44 21 person shall only move or relocate the swine by restricted
44 22 movement as provided in the cleanup plan governing the herd
44 23 and terms and conditions of the certification required for the
44 24 approved premises as provided in section 166D.10B.
44 25 (2) If the swine is not part of a herd that is subject to
44 26 a cleanup plan because the herd is quarantined, a person shall
44 27 only move the swine by restricted movement to either a fixed
44 28 concentration point or slaughtering establishment.
44 29 ~~4.~~ 6. Swine from a herd located outside this state must
44 30 be moved into and maintained in this state in compliance with
44 31 this section. A person shall not move swine into this state,
44 32 except as follows:
44 33 a. For swine from a herd, other than a noninfected herd,
44 34 the swine must be moved either to a fixed concentration point
44 35 or slaughtering establishment.
45 1 b. For swine from a noninfected herd, the swine may be
45 2 moved to a concentration point or slaughtering establishment.
45 3 If the swine is not moved to a concentration point or
45 4 slaughtering establishment, the following shall apply:
45 5 (1) Unless the person moves the swine into a county
45 6 designated by the department as in stage II of the national
45 7 pseudorabies eradication program, the following shall apply:
45 8 (a) A person shall not move swine into this state for
45 9 breeding purposes, unless one of the following applies:
45 10 (i) The swine is moved from a qualified negative herd or
45 11 qualified differentiable negative herd.
45 12 (ii) The swine reacts negatively to a differentiable test,
45 13 within thirty days prior to moving the swine.
45 14 (b) A person shall not move a feeder swine which is moved
45 15 into this state, unless the feeder swine reacts negatively to
45 16 a differentiable test within thirty days prior to movement
45 17 from a herd in this state.
45 18 (2) If a person moves the swine into a county which is
45 19 designated by the department as in stage II of the national
45 20 pseudorabies eradication program, the following shall apply:
45 21 (a) Except as provided in this subparagraph, the owner of
45 22 swine shall vaccinate the swine with a modified=live
45 23 differentiable vaccine, prior to moving swine into the stage
45 24 II county. A person is not required to vaccinate swine prior
45 25 to moving swine into the stage II county if one of the
45 26 following applies:
45 27 (i) The swine is part of a herd that cannot be vaccinated
45 28 under the law of the state or country in which the herd is
45 29 kept immediately prior to being moved into the stage II
45 30 county.
45 31 (ii) The swine is an isowean feeder pig.
45 32 (iii) The swine is moved either to a fixed concentration
45 33 point or slaughtering establishment.
45 34 (b) For swine which are not vaccinated before being moved
45 35 into a stage II county as provided in this paragraph, the
46 1 following shall apply:
46 2 (i) For swine other than swine moved into a herd within a
46 3 stage II county as an isowean feeder pig, the swine must be
46 4 immediately vaccinated with a differentiable vaccine, as
46 5 provided in section 166D.11. The swine shall be considered as
46 6 part of a herd of unknown status, until tested negative and
46 7 vaccinated.
46 8 (ii) For swine moved into a herd within a stage II county
46 9 as an isowean feeder pig, the swine moved into the herd must
46 10 be immediately vaccinated with a differentiable vaccine, as
46 11 provided in section 166D.11. The department may require that
46 12 the swine be revaccinated with a differentiable vaccine at a
46 13 later date. The swine shall be considered as part of a herd

of unknown status, until tested negative and vaccinated.

~~5.~~ 7. A person shall not move a swine within this state, other than to a fixed concentration point or slaughtering establishment, if the swine is vaccinated with a vaccine other than a differentiable vaccine approved by the department pursuant to section 166D.14.

~~6.~~ 8. Known infected swine moved through a fixed concentration point shall only be moved by restricted movement to a slaughtering establishment.

~~7.~~ 9. Swine moved under this section to a slaughtering establishment shall be for the exclusive purpose of slaughtering the swine. Swine moved under this section to a fixed concentration point shall be for the exclusive purpose of immediately moving the swine to a slaughtering establishment. Swine moved or relocated under this section to an approved premises shall be for the exclusive purpose of feeding the swine prior to movement or relocation to another approved premises, or movement to either a fixed concentration point or a slaughtering establishment.

Sec. 72. Section 169.5, Code 2009, is amended to read as follows:

169.5 BOARD OF VETERINARY MEDICINE.

1. a. The governor shall appoint, subject to confirmation by the senate pursuant to section 2.32, a board of five individuals, three of whom shall be licensed veterinarians and two of whom shall not be licensed veterinarians~~, but shall be knowledgeable in the area of animal husbandry~~ and ~~who~~ shall represent the general public. ~~The representatives of the general public shall not prepare, grade or otherwise administer examinations to applicants for license to practice veterinary medicine.~~ The board shall be known as the Iowa board of veterinary medicine.

b. Each licensed veterinarian board member shall be actively engaged in veterinary medicine and shall have been so engaged for a period of five years immediately preceding appointment, the last two of which shall have been in Iowa. The representatives of the general public shall be knowledgeable in the area of animal husbandry. A member of the board shall not be employed by or have any material or financial interest in any wholesale or jobbing house dealing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine.

~~A member of the board shall not be employed by or have any material or financial interest in any wholesale or jobbing house dealing in supplies, equipment or instruments used or useful in the practice of veterinary medicine. The person designated as the state veterinarian shall serve as secretary of the board.~~

c. Professional associations or societies composed of licensed veterinarians may recommend the names of potential board members to the governor, but the governor is not bound by the recommendations.

2. The members of the board shall be appointed for a term of three years except the terms of the members of the initial board shall be rotated in such a manner that at least one member shall retire each year and a successor be appointed. The term of each member shall commence and end as provided by section 69.19. Members shall serve no more than three terms or nine years total, whichever is less. Any vacancy in the membership of the board caused by death, resignation, removal, or otherwise, shall be filled for the period of the unexpired term in the same manner as original appointments.

~~3. Any vacancy in the membership of the board caused by death, resignation, removal, or otherwise, shall be filled for the period of the unexpired term in the same manner as original appointments.~~

~~4. Members of the board shall, in addition to necessary traveling and other expenses, set their own per diem compensation at a rate not exceeding the per diem specified in section 7E.6 for each day actually engaged in the discharge of their duties including compensation for the time spent traveling to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination and the reading of papers, in addition to the time actually spent in conducting examinations, within the limits of funds appropriated to the board.~~

~~5. The department shall furnish the board with all articles and supplies required for the public use and necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular~~

~~48 25 supplies for the department are obtained, and the department~~
~~48 26 shall assess the costs to the board for such articles and~~
~~48 27 supplies. The board shall also reimburse the department for~~
~~48 28 direct and indirect administrative costs incurred in issuing~~
~~48 29 and renewing the licenses.~~
48 30 ~~6.~~ 3. The board shall meet at least once each year as
48 31 determined by the board. Other necessary meetings may be
48 32 called by the president of the board by giving proper notice.
48 33 Except as provided, a majority of the board constitutes a
48 34 quorum. Meetings shall be open and public except that the
48 35 board may meet in closed session to prepare, approve,
49 1 administer, or grade examinations, or to deliberate the
49 2 qualifications of an applicant for license or the disposition
49 3 of a proceeding to discipline a licensed veterinarian.
49 4 ~~7.~~ 4. At its annual meeting, the board shall organize by
49 5 electing a president and such other officers as may be
49 6 necessary. Officers of the board serve for terms of one year
49 7 and until a successor is elected, without limitation on the
49 8 number of terms an officer may serve. The president shall
49 9 serve as chairperson of board meetings. The person designated
49 10 as the state veterinarian shall serve as secretary of the
49 11 board.
49 12 5. The duties of the board shall include carrying on the
49 13 correspondence of the board, keeping permanent accounts and
49 14 records of all receipts and disbursements by the board and of
49 15 all board proceedings, including the disposition of all
49 16 applications for a license, and keeping a register of all
49 17 persons currently licensed by the board. The representatives
49 18 of the general public shall not prepare, grade, or otherwise
49 19 administer examinations to applicants for a license to
49 20 practice veterinary medicine. All board records shall be open
49 21 to public inspection during regular office hours.
49 22 6. Members of the board shall set their own per diem
49 23 compensation, at a rate not exceeding the per diem specified
49 24 in section 7E.6 for each day actually engaged in the discharge
49 25 of their duties, as well as compensation for necessary
49 26 traveling and other expenses. Compensation for veterinarian
49 27 members of the board shall include compensation for the time
49 28 spent traveling to and from the place of conducting the
49 29 examination and for a reasonable number of days for the
49 30 preparation of examination and the reading of papers, in
49 31 addition to the time actually spent in conducting
49 32 examinations, within the limits of funds appropriated to the
49 33 board.
49 34 ~~8. The board shall set the fees by rule for a license to~~
~~49 35 practice veterinary medicine issued upon the basis of the~~
~~50 1 examination. It shall also set the fees by rule for a license~~
~~50 2 granted on the basis of reciprocity, a renewal of a license to~~
~~50 3 practice veterinary medicine, a certified statement that a~~
~~50 4 licensee is licensed to practice in this state, and an~~
~~50 5 issuance of a duplicate license when the original is lost or~~
~~50 6 destroyed. The fee shall be based upon the administrative~~
~~50 7 costs of sustaining the board and shall include, but shall not~~
~~50 8 be limited to, the following:~~
50 9 ~~a. Per diem, expenses, and travel of board members.~~
50 10 ~~b. Costs to the department for administration of this~~
~~50 11 chapter.~~
50 12 ~~9.~~ 7. Upon a three=fifths vote, the board may:
50 13 a. Examine and determine the qualifications and fitness of
50 14 applicants for a license to practice veterinary medicine in
50 15 the state.
50 16 b. Issue, renew, or deny issuance or renewal of licenses
50 17 and temporary permits to practice veterinary medicine in this
50 18 state.
50 19 c. Establish and publish annually a schedule of fees for
50 20 licensing and registration of veterinarians. The fees shall
50 21 be set by rule and shall include fees for a license to
50 22 practice veterinary medicine issued upon the basis of the
50 23 examination, a license granted on the basis of reciprocity, a
50 24 renewal of a license to practice veterinary medicine, a
50 25 certified statement that a licensee is licensed to practice in
50 26 this state, and an issuance of a duplicate license when the
50 27 original is lost or destroyed. The fee schedule shall be
50 28 based on the board's anticipated financial requirements for
50 29 the year, which shall include but not be limited to the
50 30 following:
50 31 (1) Per diem, expenses, and travel of board members.
50 32 (2) Costs to the department for administration of this
50 33 chapter.
50 34 d. Conduct investigations for the purpose of discovering
50 35 violations of this chapter or grounds for disciplining

licensed veterinarians.

e. Hold hearings on all matters properly brought before the board and administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions. An administrative law judge may be appointed pursuant to section 17A.11 to perform those functions which properly repose in an administrative law judge.

f. Employ full=time or part=time personnel, professional, clerical, or special, as are necessary to effectuate the provisions of this chapter.

g. Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

h. Bring proceedings in the courts for the enforcement of this chapter or any regulations made pursuant to this chapter.

i. Adopt, amend, or repeal rules relating to the standards of conduct for, testing of, and revocation or suspension of certificates issued to veterinary assistants. However, a certificate shall not be suspended or revoked by less than a two=thirds vote of the entire board in a proceeding conducted in compliance with section 17A.12.

j. Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provision of this chapter, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

8. The powers enumerated ~~above~~ in subsection 7 are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

~~10.~~ 9. A person who provides veterinary medical services, owns a veterinary clinic, or practices in this state shall obtain a certificate from the board and be subject to the same standards of conduct, as provided in this chapter and rules adopted by the board, as apply to a licensed veterinarian, unless the board determines that the same standards of conduct are inapplicable. The board shall issue, renew, or deny a certificate; adopt rules relating to the standards of conduct; and take disciplinary action against the person, including suspension or revocation of a certificate, in accordance with the procedures established in section 169.14. Certification fees shall be established by the board pursuant to subsection ~~9~~ 7, paragraph "j". Fees shall be established in an amount sufficient to fully offset the costs of certification pursuant to this subsection. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, the department shall retain fees collected to administer the program of certifying veterinary clinics and the fees retained are appropriated to the department for the purposes of this subsection. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, notwithstanding section 8.33, fees which remain unexpended at the end of the fiscal year shall not revert to the general fund of the state but shall be available for use for the following fiscal year to administer the program. For the fiscal year beginning July 1, 2002, and succeeding fiscal years, certification fees shall be deposited in the general fund of the state and are appropriated to the department to administer the certification provisions of this subsection. This subsection shall not apply to an animal shelter, as defined in section 162.2, that provides veterinary medical services to animals in the custody of the shelter.

10. The department shall furnish the board with all articles and supplies required for the public use and necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained, and the department shall assess the costs to the board for such articles and supplies. The board shall also reimburse the department for direct and indirect administrative costs incurred in issuing and renewing the licenses.

Sec. 73. Section 175B.4, Code 2009, is amended to read as follows:

175B.4 OTHER PROGRAMS.

Nothing in this chapter restricts the department from providing for other programs which promote the purposes of the federal programs.

Sec. 74. Section 190.12, Code 2009, is amended to read as follows:

190.12 STANDARDS FOR FROZEN DESSERTS.

1. Frozen desserts and the pasteurized dairy ingredients used in the manufacture thereof, shall comply with the following standards:

Milk, cream, and fluid dairy ingredient	Temperature Bacterial limit Coliform limit	Storage at 45 degrees F. 50,000 per milliliter 10 per milliliter
Frozen dessert mixes, frozen desserts (plain)	Temperature Bacterial limit Coliform limit	Storage at 45 degrees F. 50,000 per gram 10 per gram
Dry dairy ingredient	Extra grade or better as defined by U.S. Standards for grades for the particular product.	
Dry powder mix	Bacterial limit Coliform limit	50,000 per gram 10 per gram

2. The bacteria count and coliform determination shall not exceed ~~this standard~~ these standards in three out of the last five consecutive samples taken by the regulatory agency.

3. This section shall not preclude holding mix at a higher temperature for a short period of time immediately prior to freezing where applicable to the particular manufacturing or processing practices.

4. This section shall not apply to sterilized mix in hermetically sealed containers.

5. The coliform determination for bulky flavored frozen desserts shall not be more than twenty per gram.

Sec. 75. Section 191.6, Code 2009, is amended to read as follows:

191.6 STANDARDS FOR OLEOMARGARINE.

The department may prescribe and establish standards for oleo, oleomargarine, or margarine manufactured or sold in this state and may adopt the standards set up by ~~now existing~~ regulations of the ~~federal security administration or agency as found in 1949, Code of Federal Regulations, Title 21, Part 45, } 45.0~~ food and drug administration of the United States department of health and human services, 21 C.F.R. } 166.110, or any amendments thereto. Any standards so established shall not be contrary to or inconsistent with the provisions of section 190.1, subsection 6, entitled "Oleomargarine".

Sec. 76. Section 200.14, Code 2009, is amended to read as follows:

200.14 RULES.

1. The secretary is authorized, after public hearing, following due notice, to adopt rules setting forth minimum general safety standards for the design, construction, location, installation and operation of equipment for storage, handling, transportation by tank truck or tank trailer, and utilization of anhydrous ammonia.

a. The rules shall be such as are reasonably necessary for the protection and safety of the public and persons using anhydrous ammonia, and shall be in substantial conformity with the generally accepted standards of safety.

b. ~~It is hereby declared that rules~~ Rules that are in substantial conformity with the published standards of the agricultural ammonia institute for the design, installation and construction of containers and pertinent equipment for the storage and handling of anhydrous ammonia, shall be deemed to be in substantial conformity with the generally accepted standards of safety.

2. Anhydrous ammonia equipment shall be installed and maintained in a safe operating condition and in conformity with rules adopted by the secretary.

3. The secretary ~~is hereby charged with the enforcement of~~ shall enforce this chapter~~,~~ and, after due publicity and due public hearing, ~~is empowered to~~ may promulgate and adopt such reasonable rules as may be necessary in order to carry into effect the purpose and intent and to secure the efficient administration of this chapter ~~or to secure the efficient administration thereof~~.

4. ~~Nothing in this~~ This chapter ~~shall~~ does not prohibit the use of storage tanks smaller than transporting tanks nor the transfer of all kinds of fertilizer including anhydrous ammonia directly from transporting tanks to implements of husbandry, if proper safety precautions are observed.

Sec. 77. Section 203C.18, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. A statement that the receipt is issued subject to the Iowa warehouse Act and the rules and regulations prescribed pursuant to ~~the Act~~ this chapter.

Sec. 78. Section 203D.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 10A. "Purchased grain" means grain which is entered in the company owned paid position as evidenced on the grain dealer's daily position record.

Sec. 79. Section 203D.3, subsection 2, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A per=bushel fee shall be assessed on all purchased grain. ~~As used in this chapter, "purchased grain" means grain which is entered in the company owned paid position as evidenced on the grain dealer's daily position record.~~ However, if the grain dealer provides documentation regarding the transaction satisfactory to the department, the following transactions shall be excluded from the fee:

Sec. 80. Section 206.6, subsection 5, Code 2009, is amended to read as follows:

5. Issue commercial applicator license.

a. The secretary shall approve an application and issue a commercial applicator license to the applicant as follows:

(1) The applicant is qualified as found by the secretary to apply pesticides in the classifications for which the applicant has applied.

(2) The applicant must furnish to the department evidence of financial responsibility as required under section 206.13.

(3) An applicant applying for a license to engage in aerial application of pesticides must meet all of the requirements of the federal aviation administration, the United States department of transportation, and any other applicable federal or state laws or regulations to operate the equipment described in the application.

b. The secretary shall adopt by rule, additional requirements for issuing a license to a person who is a nonresident of this state engaged in the aerial application of pesticides, which may include but is not limited to conditions for the operation of the aircraft and the application of the pesticides under the supervision of a person who is a resident of this state and licensed as a commercial applicator under this section or as a pesticide dealer under section 206.8. The secretary shall not adopt rules concerning the operation of aircraft when a nonresident person is not engaged in the commercial application of pesticides.

~~b.~~ c. The secretary shall issue a commercial applicator license limited to the classifications for which the applicant is qualified, which shall expire at the end of the calendar year of issue unless it has been revoked or suspended by the secretary for cause. The secretary may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the secretary shall inform the applicant in writing of the reasons.

Sec. 81. Section 207.15, subsections 1, 2, and 5, Code 2009, are amended to read as follows:

1. a. (1) A person who violates a permit condition, a provision of this chapter, or a rule or order issued under this chapter is subject to a civil penalty not to exceed five thousand dollars per day for each day of violation.

(2) If a violation results in the issuance of a cessation order, a civil penalty shall be imposed. The penalty shall not exceed five thousand dollars for each day of violation.

b. In determining the amount of the penalty, consideration shall be given to the operator's history of previous violations at the particular mining operation, the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public, whether the operator was negligent, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of the violation.

c. An operator who fails to correct a violation for which a notice or order has been issued within the period permitted for its correction shall be required to pay a civil penalty of not less than seven hundred fifty dollars for each day during which the failure or violations continue.

2. a. If a notice or order has been issued, the division

may assess a recommended penalty in accordance with a schedule established by rule. The person to whom the notice or order was issued may submit written information within fifteen days of the notice or order to be considered by the division. The division shall serve the assessment by certified mail, return receipt requested, within thirty days of issuance of the notice or order. The division may reassess any penalty if necessary to ~~consider~~ account for facts not reasonably available on the date of issuance of the assessment. A person may consent to a penalty assessment by paying the penalty without resort to judicial proceedings.

b. If a violation results in the issuance of a cessation order pursuant to section 207.14 the division shall assess a penalty.

5. If a violation results in a cessation order pursuant to section 207.14, the attorney general, at the request of the division, shall institute a civil action in district court for injunctive relief.

5A. Notwithstanding section 17A.20, an appeal bond shall be required for an appeal of a judgment assessing a civil penalty.

Sec. 82. Section 216.8A, subsection 3, paragraph c, subparagraph (1), Code 2009, is amended to read as follows:

(1) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford the person full enjoyment of the premises. However, it is not discrimination for a landlord,

~~In~~ in the case of a rental~~, a landlord may,~~ and where reasonable to do so, to condition permission for a modification on the renter's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

Sec. 83. Section 216.16, Code 2009, is amended to read as follows:

216.16 SIXTY=DAY ADMINISTRATIVE RELEASE.

1. A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek an administrative relief by filing a complaint with the commission in accordance with section 216.15. This provision also applies to persons claiming to be aggrieved by an unfair or discriminatory practice committed by the state or an agency or political subdivision of the state, notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A. ~~A complainant after~~

2. After the proper filing of a complaint with the commission, a complainant may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:

a. The complainant has timely filed the complaint with the commission as provided in section 216.15, subsection 12~~; and~~.

b. The complaint has been on file with the commission for at least sixty days and the commission has issued a release to the complainant pursuant to subsection ~~2 of this section~~ 3.

~~2.~~ 3. a. Upon a request by the complainant, and after the expiration of sixty days from the timely filing of a complaint with the commission, the commission shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if ~~a~~ any of the following apply:

(1) A finding of no probable cause has been made on the complaint by the administrative law judge charged with that duty under section 216.15, subsection 3~~, a~~.

(2) A conciliation agreement has been executed under section 216.15~~, the~~.

(3) The commission has served notice of hearing upon the respondent pursuant to section 216.15, subsection 5~~, or the~~.

(4) The complaint is closed as an administrative closure and two years have elapsed since the issuance date of the closure.

b. Notwithstanding section 216.15, subsection 4, a party may obtain a copy of all documents contained in a case file where the commission has issued a release to the complainant pursuant to this subsection.

~~3.~~ 4. An action authorized under this section is barred unless commenced within ninety days after issuance by the commission of a release under subsection ~~2 of this section~~ 3. If a complainant obtains a release from the commission under subsection ~~2 of this section~~ 3, the commission is barred from further action on that complaint.

~~4.~~ 5. Venue for an action under this section shall be in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged unfair or discriminatory practice occurred.

~~5.~~ 6. The district court may grant any relief in an action under this section which is authorized by section 216.15, subsection 8 to be issued by the commission. The district court may also award the respondent reasonable attorney's fees and court costs when the court finds that the complainant's action was frivolous.

~~6.~~ 7. It is the legislative intent of this chapter that every complaint be at least preliminarily screened during the first one hundred twenty days.

8. This section does not authorize administrative closures if an investigation is warranted.

Sec. 84. Section 216E.7, Code 2009, is amended to read as follows:

216E.7 EXEMPTIONS.

This chapter does not apply to a hearing aid sold, leased, or transferred to a consumer by an audiologist licensed under chapter ~~147~~ 154F, or a hearing aid dispenser licensed under chapter 154A, if the audiologist or dispenser provides either an express warranty for the hearing aid or provides for service and replacement of the hearing aid.

Sec. 85. Section 229.15, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. A psychiatric advanced registered nurse practitioner treating a patient previously hospitalized under this chapter may complete periodic reports pursuant to this section on the patient if the patient has been recommended for treatment on an outpatient or other appropriate basis pursuant to section 229.14, subsection 1, paragraph "c", and if a psychiatrist licensed pursuant to chapter 148~~, 150, or 150A~~ personally evaluates the patient on at least an annual basis.

Sec. 86. Section 235.1, Code 2009, is amended to read as follows:

235.1 DEFINITIONS.

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

1. ~~The terms "state division", "administrator", and "child" are used in this chapter and chapter 238 as the terms are~~ "Administrator" means the same as defined in section 234.1.

2. "Child" means the same as defined in section 234.1.

3. "Child welfare services" means social welfare services for the protection and care of children who are homeless, dependent or neglected, or in danger of becoming delinquent, or who have a mental illness or mental retardation or other developmental disability, including, when necessary, care and maintenance in a foster care facility. Child welfare services are designed to serve a child in the child's home whenever possible. If not possible, and the child is placed outside the child's home, the placement should be in the least restrictive setting available and in close proximity to the child's home.

4. "State division" means the same as defined in section 234.1.

Sec. 87. Section 235B.3A, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Providing a dependent adult with immediate and adequate notice of the dependent adult's rights. The notice shall consist of handing the dependent adult a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains a copy of the following written statement~~,~~; requesting the dependent adult to read the card; and asking the dependent adult whether the dependent adult understands the rights:

Sec. 88. Section 235B.3A, subsection 3, unnumbered paragraph 2, Code 2009, is amended by striking the paragraph.

Sec. 89. Section 235E.2, subsection 13, paragraph a, subparagraphs (2) and (3), Code 2009, are amended to read as follows:

(2) The alleged dependent adult abuser requests the presence of ~~a~~ an employee organization or union representative.

(3) The employee organization or union representative maintains the confidentiality of all information from the interview subject to the penalties provided in section 235B.12 if such confidentiality is breached.

Sec. 90. Section 235E.3, subsection 3, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as

62 21 follows:
62 22 Providing a dependent adult with immediate and adequate
62 23 notice of the dependent adult's rights. The notice shall
62 24 consist of handing the dependent adult a document that
62 25 includes the telephone numbers of shelters, support groups,
62 26 and crisis lines operating in the area and contains a copy of
62 27 the following written statement~~,~~; requesting the dependent
62 28 adult to read the card; and asking the dependent adult whether
62 29 the dependent adult understands the rights:
62 30 Sec. 91. Section 235E.3, subsection 3, paragraph b, Code
62 31 2009, is amended by striking the paragraph.
62 32 Sec. 92. Section 235E.4, Code 2009, is amended to read as
62 33 follows:
62 34 235E.4 CHAPTER 235B APPLICATION.
62 35 Sections 235B.4 through 235B.20, where not inconsistent
63 1 with this chapter, shall apply to this chapter.
63 2 Sec. 93. Section 236.12, subsection 1, paragraph c,
63 3 unnumbered paragraph 1, Code 2009, is amended to read as
63 4 follows:
63 5 Providing an abused person with immediate and adequate
63 6 notice of the person's rights. The notice shall consist of
63 7 handing the person a document that includes the telephone
63 8 numbers of shelter, support groups, and crisis lines operating
63 9 in the area and contains a copy of the following statement
63 10 written in English and Spanish~~,~~; asking the person to read the
63 11 card; and asking whether the person understands the rights:
63 12 Sec. 94. Section 236.12, subsection 1, paragraph c,
63 13 unnumbered paragraph 8, Code 2009, is amended by striking the
63 14 unnumbered paragraph.
63 15 Sec. 95. Section 238.1, Code 2009, is amended to read as
63 16 follows:
63 17 238.1 DEFINITIONS.
63 18 ~~1.~~ For the purpose of this chapter ~~the word~~
63 19 ~~"administrator"~~ unless the context otherwise requires:
63 20 1. "Administrator" means the administrator of the division
63 21 of child and family services of the department of human
63 22 services.
63 23 2. "Child" means the same as defined in section 234.1.
63 24 3. "Child=placing agency" means any agency, whether
63 25 public, semipublic, or private, which represents that the
63 26 agency places children permanently or temporarily in private
63 27 family homes or receives children for placement in private
63 28 family homes, or which actually engages for gain or otherwise
63 29 in the placement of children in private family homes.
63 30 ~~2.~~ 4. ~~The word "person"~~ "Person" or "agency" ~~where used~~
63 31 ~~in this chapter~~ shall include individuals, institutions,
63 32 partnerships, voluntary associations, and corporations, other
63 33 than institutions under the management or control of any
63 34 division or any administrator of the department of human
63 35 services ~~or any administrator thereof~~.
64 1 5. "State division" means the same as defined in section
64 2 234.1.
64 3 Sec. 96. Section 249A.6, subsection 1, paragraph a,
64 4 subparagraph (2), Code 2009, is amended to read as follows:
64 5 (2) Cooperate with the department in obtaining payments
64 6 described in ~~paragraph "a"~~ subparagraph (1).
64 7 Sec. 97. Section 252B.5, subsection 8, Code 2009, is
64 8 amended to read as follows:
64 9 8. a. At the request of either parent who is subject to
64 10 the order of support or upon its own initiation, review the
64 11 amount of the support award in accordance with the guidelines
64 12 established pursuant to section 598.21B, and Title IV=D of the
64 13 federal Social Security Act, as amended, and take action to
64 14 initiate modification proceedings if the criteria established
64 15 pursuant to this section are met. However, a review of a
64 16 support award is not required if the child support recovery
64 17 unit determines that such a review would not be in the best
64 18 interest of the child and neither parent has requested such
64 19 review.
64 20 b. The department shall adopt rules ~~no later than October~~
64 21 ~~13, 1990,~~ setting forth the process for review of requests for
64 22 modification of support obligations and the criteria and
64 23 process for taking action to initiate modification
64 24 proceedings.
64 25 Sec. 98. Section 256D.2A, Code 2009, is amended to read as
64 26 follows:
64 27 256D.2A PROGRAM FUNDING.
64 28 ~~Beginning~~ For the budget year beginning July 1, 2009, and
64 29 each succeeding budget year, a school district shall expend
64 30 funds received pursuant to section 257.10, subsection 11, at
64 31 the kindergarten through grade three levels to reduce class

sizes to the state goal of seventeen students for every one teacher and to achieve a higher level of student success in the basic skills, especially reading. In order to support these efforts, school districts may expend funds received pursuant to section 257.10, subsection 11, at the kindergarten through grade three level on programs, instructional support, and materials that include but are not limited to the following: additional licensed instructional staff; additional support for students, such as before and after school programs, tutoring, and intensive summer programs; the acquisition and administration of diagnostic reading assessments; the implementation of research=based instructional intervention programs for students needing additional support; the implementation of all=day, everyday kindergarten programs; and the provision of classroom teachers with intensive training programs to improve reading instruction and professional development in best practices including but not limited to training programs related to instruction to increase students' phonemic awareness, reading abilities, and comprehension skills.

Sec. 99. Section 256D.4A, Code 2009, is amended to read as follows:

256D.4A PROGRAM REQUIREMENTS.

A school district shall maintain a separate listing within its budget for payments received and expenditures made pursuant to this ~~section~~ chapter. A school district shall certify to the department of education that moneys received under this ~~section~~ chapter were used to supplement, not supplant, moneys otherwise received and used by the school district.

Sec. 100. Section 257.11, subsection 3, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If the school budget review committee certifies to the department of management that the class would not otherwise be implemented without the assignment of additional weighting, pupils attending a community college=offered class or attending a class taught by a community college=employed instructor are assigned a weighting of the percentage of the pupil's school day during which the pupil attends class in the community college or attends a class taught by a community college=employed instructor ~~of~~ times seventy hundredths for career and technical courses ~~and~~ or forty=six hundredths for liberal arts and sciences courses. The following requirements shall be met for the purposes of assigning an additional weighting for classes offered through a sharing agreement between a school district and community college. The class must be:

Sec. 101. Section 260C.14, subsection 22, paragraph a, subparagraphs (1), (3), and (5), Code 2009, are amended to read as follows:

(1) Total revenue received from each local school district as a result of high school students enrolled in community college courses under the postsecondary enrollment options ~~Act~~ program.

(3) Unduplicated headcount of high school students enrolled in community college courses under the postsecondary enrollment options ~~Act~~ program.

(5) Total credits earned by high school students enrolled in community college courses under the postsecondary enrollment options ~~Act~~ program, broken down by vocational=technical or career program and arts and sciences program.

Sec. 102. Section 262.9, subsection 4, Code 2009, is amended to read as follows:

4. Manage and control the property, both real and personal, belonging to the institutions.

4A. ~~The board shall purchase~~ Purchase or require the purchase of, when the price is reasonably competitive and the quality as intended, soybean=based inks. All inks purchased that are used internally or are contracted for by the board shall be soybean=based to the extent formulations for such inks are available.

a. The department of natural resources shall review the procurement specifications currently used by the board to eliminate, wherever possible, discrimination against the procurement of products manufactured with soybean=based inks.

b. The department of natural resources shall assist the board in locating suppliers of recycled content products and soybean=based inks and collecting data on recycled content and soybean=based ink purchases.

c. The board, in conjunction with the department of natural resources, shall adopt rules to carry out the provisions of this ~~section~~ subsection.

d. The department of natural resources shall cooperate with the board in all phases of implementing this ~~section~~ subsection.

Sec. 103. Section 279.13, subsection 1, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) Prior to entering into an initial contract with a teacher who holds a license other than an initial license issued by the board of educational examiners under chapter 272, the school district shall initiate a state criminal history record check of the applicant through the division of criminal investigation of the department of public safety, submit the applicant's fingerprints to the division for submission to the federal bureau of investigation for a national criminal history record check, and review the sex offender registry information under section 692A.13, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding ~~applicants~~ the applicant for employment as a teacher.

Sec. 104. Section 282.18, Code 2009, is amended to read as follows:

282.18 OPEN ENROLLMENT.

1. a. It is the goal of the general assembly to permit a wide range of educational choices for children enrolled in schools in this state and to maximize ability to use those choices. It is therefore the intent that this section be construed broadly to maximize parental choice and access to educational opportunities which are not available to children because of where they live.

b. For the school year commencing July 1, 1989, and each succeeding school year, a parent or guardian residing in a school district may enroll the parent's or guardian's child in a public school in another school district in the manner provided in this section.

2. a. By March 1 of the preceding school year for students entering grades one through twelve, or by September 1 of the current school year for students entering kindergarten, the parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that the parent or guardian intends to enroll the parent's or guardian's child in a public school in another school district. If a parent or guardian fails to file a notification that the parent intends to enroll the parent's or guardian's child in a public school in another district by the deadline specified in this subsection, the procedures of subsection 4 apply.

b. The board of the receiving district shall enroll the pupil in a school in the receiving district for the following school year unless the receiving district does not have classroom space for the pupil. The board of directors of a receiving district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action, but not later than June 1 of the preceding school year. The parent or guardian may withdraw the request at any time prior to the start of the school year. A denial of a request by the board of a receiving district is not subject to appeal.

c. Every school district shall adopt a policy which defines the term "insufficient classroom space" for that district.

3. a. The superintendent of a district subject to a voluntary diversity or court=ordered desegregation plan, as recognized by rule of the state board of education, may deny a request for transfer under this section if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation order or diversity plan, unless the transfer is requested by a pupil whose sibling is already participating in open enrollment to another district, or unless the request for transfer is submitted to the district in a timely manner as required under subsection 2 prior to the adoption of a desegregation plan by the district. If a transfer request would facilitate a voluntary diversity or court=ordered desegregation plan, the district shall give priority to

69 19 granting the request over other requests.
69 20 b. A parent or guardian, whose request has been denied
69 21 because of a desegregation order or diversity plan, may appeal
69 22 the decision of the superintendent to the board of the
69 23 district in which the request was denied. The board may
69 24 either uphold or overturn the superintendent's decision. A
69 25 decision of the board to uphold the denial of the request is
69 26 subject to appeal to the district court in the county in which
69 27 the primary business office of the district is located. The
69 28 state board of education shall adopt rules establishing
69 29 definitions, guidelines, and a review process for school
69 30 districts that adopt voluntary diversity plans. The
69 31 guidelines shall include criteria and standards that school
69 32 districts must follow when developing a voluntary diversity
69 33 plan. The department of education shall provide technical
69 34 assistance to a school district that is seeking to adopt a
69 35 voluntary diversity plan. A school district implementing a
70 1 voluntary diversity plan prior to July 1, 2008, shall have
70 2 until July 1, 2009, to comply with guidelines adopted by the
70 3 state board pursuant to this section.
70 4 c. The board of directors of a school district subject to
70 5 voluntary diversity or court=ordered desegregation shall
70 6 develop a policy for implementation of open enrollment in the
70 7 district. The policy shall contain objective criteria for
70 8 determining when a request would adversely impact the
70 9 desegregation order or voluntary diversity plan and criteria
70 10 for prioritizing requests that do not have an adverse impact
70 11 on the order or plan.
70 12 4. a. After March 1 of the preceding school year and
70 13 until the date specified in section 257.6, subsection 1, the
70 14 parent or guardian shall send notification to the district of
70 15 residence and the receiving district, on forms prescribed by
70 16 the department of education, that good cause, as defined in
70 17 paragraph "b", exists for failure to meet the March 1
70 18 deadline. The board of directors of a receiving school
70 19 district may adopt a policy granting the superintendent of the
70 20 school district authority to approve open enrollment
70 21 applications submitted after the March 1 deadline. The board
70 22 of the receiving district shall take action to approve the
70 23 request if good cause exists. If the request is granted, the
70 24 board shall transmit a copy of the form to the parent or
70 25 guardian and the school district of residence within five days
70 26 after board action. A denial of a request by the board of a
70 27 receiving district is not subject to appeal.
70 28 b. For purposes of this section, "good cause" means a
70 29 change in a child's residence due to a change in family
70 30 residence, a change in the state in which the family residence
70 31 is located, a change in a child's parents' marital status, a
70 32 guardianship or custody proceeding, placement in foster care,
70 33 adoption, participation in a foreign exchange program, or
70 34 participation in a substance abuse or mental health treatment
70 35 program, a change in the status of a child's resident district
71 1 such as removal of accreditation by the state board, surrender
71 2 of accreditation, or permanent closure of a nonpublic school,
71 3 revocation of a charter school contract as provided in section
71 4 256F.8, the failure of negotiations for a whole grade sharing,
71 5 reorganization, dissolution agreement or the rejection of a
71 6 current whole grade sharing agreement, or reorganization plan.
71 7 If the good cause relates to a change in status of a child's
71 8 school district of residence, however, action by a parent or
71 9 guardian must be taken to file the notification within
71 10 forty=five days of the last board action or within thirty days
71 11 of the certification of the election, whichever is applicable
71 12 to the circumstances.
71 13 c. If a resident district believes that a receiving
71 14 district is violating this subsection, the resident district
71 15 may, within fifteen days after board action by the receiving
71 16 district, submit an appeal to the director of the department
71 17 of education.
71 18 d. The director, or the director's designee, shall attempt
71 19 to mediate the dispute to reach approval by both boards as
71 20 provided in subsection ~~16~~ 14. If approval is not reached
71 21 under mediation, the director or the director's designee shall
71 22 conduct a hearing and shall hear testimony from both boards.
71 23 Within ten days following the hearing, the director shall
71 24 render a decision upholding or reversing the decision by the
71 25 board of the receiving district. Within five days of the
71 26 director's decision, the board may appeal the decision of the
71 27 director to the state board of education under the procedures
71 28 set forth in chapter 290.
71 29 5. Open enrollment applications filed after March 1 of the

71 30 preceding school year that do not qualify for good cause as
71 31 provided in subsection 4 shall be subject to the approval of
71 32 the board of the resident district and the board of the
71 33 receiving district. The parent or guardian shall send
71 34 notification to the district of residence and the receiving
71 35 district that the parent or guardian seeks to enroll the
72 1 parent's or guardian's child in the receiving district. A
72 2 decision of either board to deny an application filed under
72 3 this subsection involving repeated acts of harassment of the
72 4 student or serious health condition of the student that the
72 5 resident district cannot adequately address is subject to
72 6 appeal under section 290.1. The state board shall exercise
72 7 broad discretion to achieve just and equitable results that
72 8 are in the best interest of the affected child or children.
72 9 6. A request under this section is for a period of not
72 10 less than one year. If the request is for more than one year
72 11 and the parent or guardian desires to have the pupil enroll in
72 12 a different district, the parent or guardian may petition the
72 13 current receiving district by March 1 of the previous school
72 14 year for permission to enroll the pupil in a different
72 15 district for a period of not less than one year. Upon receipt
72 16 of such a request, the current receiving district board may
72 17 act on the request to transfer to the other school district at
72 18 the next regularly scheduled board meeting after the receipt
72 19 of the request. The new receiving district shall enroll the
72 20 pupil in a school in the district unless there is insufficient
72 21 classroom space in the district or unless enrollment of the
72 22 pupil would adversely affect the court=ordered or voluntary
72 23 desegregation plan of the district. A denial of a request to
72 24 change district enrollment within the approved period is not
72 25 subject to appeal. However, a pupil who has been in
72 26 attendance in another district under this section may return
72 27 to the district of residence and enroll at any time, once the
72 28 parent or guardian has notified the district of residence and
72 29 the receiving district in writing of the decision to enroll
72 30 the pupil in the district of residence.
72 31 7. A pupil participating in open enrollment shall be
72 32 counted, for state school foundation aid purposes, in the
72 33 pupil's district of residence. A pupil's residence, for
72 34 purposes of this section, means a residence under section
72 35 282.1. The board of directors of the district of residence
73 1 shall pay to the receiving district the state cost per pupil
73 2 for the previous school year, plus any moneys received for the
73 3 pupil as a result of the non=English speaking weighting under
73 4 section 280.4, subsection 3, for the previous school year
73 5 multiplied by the state cost per pupil for the previous year.
73 6 If the pupil participating in open enrollment is also an
73 7 eligible pupil under section 261E.6, the receiving district
73 8 shall pay the tuition reimbursement amount to an eligible
73 9 postsecondary institution as provided in section 261E.7.
73 10 8. If a request filed under this section is for a child
73 11 requiring special education under chapter 256B, the request to
73 12 transfer to the other district shall only be granted if the
73 13 receiving district maintains a special education instructional
73 14 program which is appropriate to meet the child's educational
73 15 needs and the enrollment of the child in the receiving
73 16 district's program would not cause the size of the class in
73 17 that special education instructional program in the receiving
73 18 district to exceed the maximum class size in rules adopted by
73 19 the state board of education for that program. For children
73 20 requiring special education, the board of directors of the
73 21 district of residence shall pay to the receiving district the
73 22 actual costs incurred in providing the appropriate special
73 23 education.
73 24 9. a. If a parent or guardian of a child, who is
73 25 participating in open enrollment under this section, moves to
73 26 a different school district during the course of either
73 27 district's academic year, the child's first district of
73 28 residence shall be responsible for payment of the cost per
73 29 pupil plus weightings or special education costs to the
73 30 receiving school district for the balance of the school year
73 31 in which the move took place. The new district of residence
73 32 shall be responsible for the payments during succeeding years.
73 33 b. If a request to transfer is due to a change in family
73 34 residence, change in the state in which the family residence
73 35 is located, a change in a child's parents' marital status, a
74 1 guardianship proceeding, placement in foster care, adoption,
74 2 participation in a foreign exchange program, or participation
74 3 in a substance abuse or mental health treatment program, and
74 4 the child who is the subject of the request is enrolled in any
74 5 grade from kindergarten through grade twelve at the time of

the request and is not currently using any provision of open enrollment, the parent or guardian of the child shall have the option to have the child remain in the child's original district of residence under open enrollment with no interruption in the child's kindergarten through grade twelve educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the amount calculated in subsection 7 until the start of the first full year of enrollment of the child.

c. Quarterly payments shall be made to the receiving district.

d. If the transfer of a pupil from one district to another results in a transfer from one area education agency to another, the sending district shall forward a copy of the request to the sending district's area education agency. The receiving district shall forward a copy of the request to the receiving district's area education agency. Any moneys received by the area education agency of the sending district for the pupil who is the subject of the request shall be forwarded to the receiving district's area education agency.

e. A district of residence may apply to the school budget review committee if a student was not included in the resident district's enrollment count during the fall of the year preceding the student's transfer under open enrollment.

10. Notwithstanding section 285.1 relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. However, a receiving district may send school vehicles into the district of residence of the pupil using the open enrollment option under this section, for the purpose of transporting the pupil to and from school in the receiving district, if the boards of both the sending and receiving districts agree to this arrangement. If the pupil meets the economic eligibility requirements established by the department and state board of education, the sending district is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the pupil to and from a point on a regular school bus route of a contiguous receiving district unless the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a pupil to a contiguous receiving district under this subsection may withhold from the district cost per pupil amount, that is to be paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

~~11. Every school district shall adopt a policy which defines the term "insufficient classroom space" for that district.~~

~~12. The board of directors of a school district subject to voluntary or court=ordered desegregation shall develop a policy for implementation of open enrollment in the district. The policy shall contain objective criteria for determining when a request would adversely impact the desegregation order or plan and criteria for prioritizing requests that do not have an adverse impact on the order or plan.~~

~~13.~~ 11. A pupil who participates in open enrollment for purposes of attending a grade in grades nine through twelve in a school district other than the district of residence is ineligible to participate in varsity interscholastic athletic contests and athletic competitions during the pupil's first ninety school days of enrollment in the district except that the pupil may participate immediately in a varsity interscholastic sport if the pupil is entering grade nine for the first time and did not participate in an interscholastic athletic competition for another school or school district during the summer immediately following eighth grade, if the district of residence and the other school district jointly participate in the sport, if the sport in which the pupil wishes to participate is not offered in the district of residence, if the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school districts under

76 17 section 256.11, subsection 12, if the pupil participates in
76 18 open enrollment because the pupil's district of residence has
76 19 entered into a whole grade sharing agreement with another
76 20 district for the pupil's grade, or if the parent or guardian
76 21 of the pupil participating in open enrollment is an active
76 22 member of the armed forces and resides in permanent housing on
76 23 government property provided by a branch of the armed
76 24 services. A pupil who has paid tuition and attended school,
76 25 or has attended school pursuant to a mutual agreement between
76 26 the two districts, in a district other than the pupil's
76 27 district of residence for at least one school year is also
76 28 eligible to participate immediately in interscholastic
76 29 athletic contests and athletic competitions under this
76 30 section, but only as a member of a team from the district that
76 31 pupil had attended. For purposes of this subsection, "school
76 32 days of enrollment" does not include enrollment in summer
76 33 school. For purposes of this subsection, "varsity" means the
76 34 same as defined in section 256.46.
76 35 ~~14.~~ 12. If a pupil, for whom a request to transfer has
77 1 been filed with a district, has been suspended or expelled in
77 2 the district, the pupil shall not be permitted to transfer
77 3 until the pupil has been reinstated in the sending district.
77 4 Once the pupil has been reinstated, however, the pupil shall
77 5 be permitted to transfer in the same manner as if the pupil
77 6 had not been suspended or expelled by the sending district.
77 7 If a pupil, for whom a request to transfer has been filed with
77 8 a district, is expelled in the district, the pupil shall be
77 9 permitted to transfer to a receiving district under this
77 10 section if the pupil applies for and is reinstated in the
77 11 sending district. However, if the pupil applies for
77 12 reinstatement but is not reinstated in the sending district,
77 13 the receiving district may deny the request to transfer. The
77 14 decision of the receiving district is not subject to appeal.
77 15 ~~15.~~ 13. If a request under this section is for transfer
77 16 to a laboratory school, as described in chapter 265, the
77 17 student, who is the subject of the request, shall not be
77 18 included in the basic enrollment of the student's district of
77 19 residence, and the laboratory school shall report the
77 20 enrollment of the student directly to the department of
77 21 education, unless the number of students from the district
77 22 attending the laboratory school during the current school
77 23 year, as a result of open enrollment under this section,
77 24 exceeds the number of students enrolled in the laboratory
77 25 school from that district during the 1989=1990 school year.
77 26 If the number of students enrolled in the laboratory school
77 27 from a district during the current year exceeds the number of
77 28 students enrolled from that district during the 1989=1990
77 29 school year, those students who represent the difference
77 30 between the current and the 1988=1989 school year enrollment
77 31 figures shall be included in the basic enrollment of the
77 32 students' districts of residence and the districts shall
77 33 retain any moneys received as a result of the inclusion of the
77 34 student in the district enrollment. The total number of
77 35 students enrolled at a laboratory school during a school year
78 1 shall not exceed six hundred seventy students. The regents
78 2 institution operating the laboratory school and the board of
78 3 directors of the school district in the community in which the
78 4 regents institution is located shall develop a student
78 5 transfer policy designed to protect and promote the quality
78 6 and integrity of the teacher education program at the
78 7 laboratory school, the viability of the education program of
78 8 the local school district in which the regents institution is
78 9 located, and to indicate the order in which and reasons why
78 10 requests to transfer to a laboratory school shall be
78 11 considered. A laboratory school may deny a request for
78 12 transfer under the policy. A denial of a request to transfer
78 13 under this paragraph is not subject to appeal under section
78 14 290.1.
78 15 ~~16.~~ 14. An application for open enrollment may be granted
78 16 at any time with approval of the resident and receiving
78 17 districts.
78 18 ~~17.~~ 15. The director of the department of education shall
78 19 recommend rules to the state board of education for the
78 20 orderly implementation of this section. The state board shall
78 21 adopt rules as needed for the implementation of this section.
78 22 Sec. 105. Section 282.26, Code 2009, is amended to read as
78 23 follows:
78 24 282.26 HIGH SCHOOL STUDENTS ATTENDING ADVANCED COURSES.
78 25 1. The board of any community college may, by mutual
78 26 agreement with any college or university, permit any specially
78 27 qualified high school student to attend advanced courses of

78 28 academic instruction at the college or university.
78 29 2. The state board of regents and the state board of
78 30 education may by rule permit such students to attend any
78 31 institution of higher learning under their jurisdiction.
78 32 Credit earned in any such course at a college or university
78 33 may be applied toward credit for high school graduation.
78 34 Public school funds shall not be expended for payment of
78 35 tuition or other costs for such attendance at a college or
79 1 university, unless the payment is expressly permitted or
79 2 required by law.
79 3 3. ~~The foregoing provisions~~ Subsections 1 and 2 shall also
79 4 apply to colleges and universities in adjacent states when the
79 5 institutions are located nearer to the homes or schools of the
79 6 school district than the closest college or university within
79 7 the state.
79 8 Sec. 106. Section 294A.9, subsection 9, Code 2009, is
79 9 amended to read as follows:
79 10 9. Subsections 2, 3, 4, ~~and~~ 7, and this subsection are
79 11 repealed June 30, 2009.
79 12 Sec. 107. Section 294A.25, subsection 2, Code 2009, is
79 13 amended to read as follows:
79 14 2. For the fiscal year beginning July 1, 2009, and for
79 15 each succeeding fiscal year, there is appropriated from the
79 16 general fund of the state to the department of education an
79 17 amount not to exceed fifteen million six hundred thirty=three
79 18 thousand two hundred forty=five dollars. The moneys shall be
79 19 distributed as provided in this section.
79 20 Sec. 108. Section 297.10, Code 2009, is amended to read as
79 21 follows:
79 22 297.10 COMPENSATION.
79 23 Any compensation for ~~such~~ the use of a schoolhouse and
79 24 schoolhouse grounds shall be paid into the general fund and be
79 25 expended in the upkeep and repair of ~~such school property,~~ and
79 26 in purchasing supplies ~~therefor~~ for that school property.
79 27 Sec. 109. Section 298.3, Code 2009, is amended to read as
79 28 follows:
79 29 298.3 REVENUES FROM THE LEVIES.
79 30 1. The revenue from the regular and voter=approved
79 31 physical plant and equipment levies shall be placed in the
79 32 physical plant and equipment levy fund and expended only for
79 33 the following purposes:
79 34 ~~1.~~ a. The purchase and improvement of grounds. For the
79 35 purpose of this ~~subsection~~ paragraph:
80 1 ~~a.~~ (1) "Purchase of grounds" includes the legal costs
80 2 relating to the property acquisition, costs of surveys of the
80 3 property, costs of relocation assistance under state and
80 4 federal law, and other costs incidental to the property
80 5 acquisition.
80 6 ~~b.~~ (2) "Improvement of grounds" includes grading,
80 7 landscaping, paving, seeding, and planting of shrubs and
80 8 trees; constructing sidewalks, roadways, retaining walls,
80 9 sewers and storm drains, and installing hydrants; surfacing
80 10 and soil treatment of athletic fields and tennis courts;
80 11 exterior lighting, including athletic fields and tennis
80 12 courts; furnishing and installing flagpoles, gateways, fences,
80 13 and underground storage tanks which are not parts of building
80 14 service systems; demolition work; and special assessments
80 15 against the school district for public improvements, as
80 16 defined in section 384.37.
80 17 ~~2.~~ b. The construction of schoolhouses or buildings and
80 18 opening roads to schoolhouses or buildings.
80 19 ~~3.~~ c. The purchase, lease, or lease=purchase of a single
80 20 unit of equipment or technology exceeding five hundred dollars
80 21 in value per unit.
80 22 ~~4.~~ d. The payment of debts contracted for the erection or
80 23 construction of schoolhouses or buildings, not including
80 24 interest on bonds.
80 25 ~~5.~~ e. Procuring or acquisition of library facilities.
80 26 ~~6.~~ f. Repairing, remodeling, reconstructing, improving,
80 27 or expanding the schoolhouses or buildings and additions to
80 28 existing schoolhouses. For the purpose of this paragraph:
80 29 (1) ~~For the purpose of this subsection, "repairing"~~
80 30 "Repairing" means restoring an existing structure or thing to
80 31 its original condition, as near as may be, after decay, waste,
80 32 injury, or partial destruction, but does not include
80 33 maintenance~~; and "reconstructing"~~.
80 34 (2) "Reconstructing" means rebuilding or restoring as an
80 35 entity a thing which was lost or destroyed.
81 1 ~~7.~~ g. Expenditures for energy conservation, including
81 2 payments made pursuant to a guarantee furnished by a school
81 3 district entering into a financing agreement for energy

81 4 ~~conservation measures~~ management improvements, limited to
81 5 agreements pursuant to section 473.19, 473.20, or 473.20A.
81 6 ~~8.~~ h. The rental of facilities under chapter 28E.
81 7 ~~9.~~ i. Purchase of transportation equipment for
81 8 transporting students.
81 9 ~~10.~~ j. The purchase of buildings or lease=purchase option
81 10 agreements for school buildings.
81 11 ~~11.~~ k. Equipment purchases for recreational purposes.
81 12 ~~12.~~ l. Payments to a municipality or other entity as
81 13 required under section 403.19, subsection 2.
81 14 2. Interest earned on money in the physical plant and
81 15 equipment levy fund may be expended for a purpose listed in
81 16 this section.
81 17 3. Unencumbered funds collected prior to July 1, 1991,
81 18 from the levy previously authorized under section 297.5, Code
81 19 1991, may be expended for the purposes listed in this section.
81 20 4. Revenue from the regular and voter=approved physical
81 21 plant and equipment levies shall not be expended for school
81 22 district employee salaries or travel expenses, supplies,
81 23 printing costs or media services, or for any other purpose not
81 24 expressly authorized in this section.
81 25 Sec. 110. Section 298.18, Code 2009, is amended to read as
81 26 follows:
81 27 298.18 BOND TAX == ELECTION == LEASING BUILDINGS.
81 28 1. a. The board of each school corporation shall, when
81 29 estimating and certifying the amount of money required for
81 30 general purposes, estimate and certify to the board of
81 31 supervisors of the proper county for the debt service fund the
81 32 amount required to pay interest due or that may become due for
81 33 the fiscal year beginning July 1, thereafter upon lawful
81 34 bonded indebtedness, and in addition thereto such amount as
81 35 the board may deem necessary to apply on the principal.
82 1 b. The amount estimated and certified to apply on
82 2 principal and interest for any one year shall not exceed two
82 3 dollars and seventy cents per thousand dollars of the assessed
82 4 valuation of the taxable property of the school corporation
82 5 except as ~~hereinafter~~ otherwise provided in this section.
82 6 c. For the sole purpose of computing the amount of bonds
82 7 which may be issued as a result of the application of any
82 8 limitation referred to in this section, all interest on the
82 9 bonds in excess of that accruing in the first twelve months
82 10 may be excluded from the first annual levy of taxes, so that
82 11 the need for including more than one year's interest in the
82 12 first annual levy of taxes to pay the bonds and interest shall
82 13 not operate to further restrict the amount of bonds which may
82 14 be issued, and in certifying the annual levies to the county
82 15 auditor or auditors such first annual levy of taxes shall be
82 16 sufficient to pay all principal of and interest on said bonds
82 17 becoming due prior to the next succeeding annual levy and the
82 18 full amount of such first annual levy shall be entered for
82 19 collection by said auditor or auditors, as provided in chapter
82 20 76.
82 21 d. The amount estimated and certified to apply on
82 22 principal and interest for any one year may exceed two dollars
82 23 and seventy cents per thousand dollars of assessed value by
82 24 the amount approved by the voters of the school corporation,
82 25 but not exceeding four dollars and five cents per thousand of
82 26 the assessed value of the taxable property within any school
82 27 corporation, provided that the registered voters of such
82 28 school corporation have first approved such increased amount
82 29 at an election held on a date specified in section 39.2,
82 30 subsection 4, paragraph "c".
82 31 2. The proposition submitted to the voters at such
82 32 election shall be in substantially the following form:
82 33 Shall the board of directors of the ..... (insert name of
82 34 school corporation) in the County of ....., State of Iowa, be
82 35 authorized to levy annually a tax exceeding two dollars and
83 1 seventy cents per thousand dollars, but not exceeding ..
83 2 dollars and ... cents per thousand dollars of the assessed
83 3 value of the taxable property within said school corporation
83 4 to pay the principal of and interest on bonded indebtedness of
83 5 said school corporation, it being understood that the approval
83 6 of this proposition shall not limit the source of payment of
83 7 the bonds and interest but shall only operate to restrict the
83 8 amount of bonds which may be issued?
83 9 3. Notice of the election shall be given by the county
83 10 commissioner of elections according to section 49.53. The
83 11 county commissioner of elections shall conduct the election
83 12 pursuant to the provisions of chapters 39 through 53 and
83 13 certify the results to the board of directors. The
83 14 proposition shall not be deemed carried or adopted unless the

83 15 vote in favor of such proposition is equal to at least sixty
83 16 percent of the total vote cast for and against the proposition
83 17 at the election. Whenever such a proposition has been
83 18 approved by the voters of a school corporation as hereinbefore
83 19 provided, no further approval of the voters of such school
83 20 corporation shall be required as a result of any subsequent
83 21 change in the boundaries of such school corporation.
83 22 4. The voted tax levy referred to ~~herein~~ in this section
83 23 shall not limit the source of payment of bonds and interest
83 24 but shall only restrict the amount of bonds which may be
83 25 issued.
83 26 5. a. The ability of a school corporation to exceed two
83 27 dollars and seventy cents per thousand dollars of assessed
83 28 value to service principal and interest payments on bonded
83 29 indebtedness is limited and conferred only to those school
83 30 corporations engaged in the administration of elementary and
83 31 secondary education.
83 32 b. ~~Provided further that if~~ If a school corporation leases
83 33 a building or property, which has been used as a junior
83 34 college by such corporation, to a community college, the
83 35 annual amounts certified as herein provided by such leasing
84 1 school corporation for payment of interest and principal due
84 2 on lawful bonded indebtedness incurred by such leasing school
84 3 corporation for purchasing, building, furnishing,
84 4 reconstructing, repairing, improving or remodeling the
84 5 building leased or acquiring or adding to the site of such
84 6 property leased, to the extent of the respective annual rent
84 7 the school corporation will receive under such lease, shall
84 8 not be considered as a part of the total amount estimated and
84 9 certified for the purposes of determining if such amount
84 10 exceeds any limitation contained in this section.
84 11 Sec. 111. Section 306C.10, Code 2009, is amended by adding
84 12 the following new subsection:
84 13 NEW SUBSECTION. 17A. "Specific information of interest to
84 14 the traveling public" means only information about public
84 15 places for camping, lodging, eating, and motor fuel and
84 16 associated services, including trade names which have
84 17 telephone facilities available when the public place is open
84 18 for business and businesses engaged in selling motor fuel
84 19 which have free air for tire inflation and restroom facilities
84 20 available when the public place is open for business.
84 21 Sec. 112. Section 306C.11, subsection 5, Code 2009, is
84 22 amended to read as follows:
84 23 5. a. Signs, displays, and devices giving specific
84 24 information of interest to the traveling public, shall be
84 25 erected by the department and maintained within the
84 26 right=of=way in the areas, and at appropriate distances from
84 27 interchanges on the interstate system and freeway primary
84 28 highways as shall conform with the rules adopted by the
84 29 department. The rules shall be consistent with national
84 30 standards promulgated from time to time or as permitted by the
84 31 appropriate authority of the federal government pursuant to 23
84 32 U.S.C. } 131(f) except as provided in this section. The rules
84 33 shall include but are not limited to the following:
84 34 ~~a.~~ (1) Criteria for eligibility for signing.
84 35 ~~b.~~ (2) Criteria for limiting or excluding businesses that
85 1 maintain advertising devices that do not conform to the
85 2 requirements of chapter 306B, this division, or other statutes
85 3 or administrative rules regulating outdoor advertising.
85 4 ~~c.~~ (3) Provisions for a fee schedule to cover the direct
85 5 and indirect costs of sign erection and maintenance and
85 6 related administrative costs.
85 7 ~~d.~~ (4) Provisions for specifying the maximum distance to
85 8 eligible businesses.
85 9 ~~e.~~ (5) Provisions specifying the maximum number of signs
85 10 permitted per panel and per interchange.
85 11 ~~f.~~ (6) Provisions for determining what businesses are
85 12 signed when there are more applicants than the maximum number
85 13 of signs permitted.
85 14 ~~g.~~ (7) Provisions for removing signs when businesses
85 15 cease to meet minimum requirements for participation and
85 16 related costs.
85 17 ~~For purposes of this division, "specific information of~~
~~85 18 interest to the traveling public" means only information about~~
~~85 19 public places for camping, lodging, eating, and motor fuel and~~
~~85 20 associated services, including trade names which have~~
~~85 21 telephone facilities available when the public place is open~~
~~85 22 for business and businesses engaged in selling motor fuel~~
~~85 23 which have free air for tire inflation and restroom facilities~~
~~85 24 available when the public place is open for business.~~
85 25 b. Business signs supplied to the department by commercial

85 26 vendors shall be on panels, with dimensional and material
85 27 specifications established by the department. A business sign
85 28 included under the provisions of this section shall not be
85 29 posted unless it is in compliance with these specifications.
85 30 The commercial vendor shall pay to the department a fee based
85 31 upon the schedule adopted under this subsection for each
85 32 business sign supplied for posting. Upon furnishing the
85 33 business signs to the department and payment of all fees, the
85 34 department shall post the business signs on eligible specific
85 35 information panels. Faded signs shall be replaced and the
86 1 commercial vendor charged for the cost of replacement based
86 2 upon the fee schedule adopted. There is created in the office
86 3 of the treasurer of state a fund to be known as the "highway
86 4 beautification fund" and all funds received for the posting on
86 5 specific information panels shall be deposited in the "highway
86 6 beautification fund". Information on motor fuel and
86 7 associated services may include vehicle service and repair
86 8 where the same is available.
86 9 Sec. 113. Section 307.21, Code 2009, is amended to read as
86 10 follows:
86 11 307.21 ADMINISTRATIVE SERVICES.
86 12 1. The department's administrator of administrative
86 13 services shall:
86 14 ~~1.~~ a. Provide for the proper maintenance and protection
86 15 of the grounds, buildings, and equipment of the department, in
86 16 cooperation with the department of administrative services.
86 17 ~~2.~~ b. Establish, supervise, and maintain a system of
86 18 centralized electronic data processing for the department, in
86 19 cooperation with the department of administrative services.
86 20 ~~3.~~ c. Assist the director in preparing the departmental
86 21 budget.
86 22 ~~4. a.~~ d. Provide centralized purchasing services for the
86 23 department, in cooperation with the department of
86 24 administrative services. The administrator shall, when the
86 25 price is reasonably competitive and the quality as intended,
86 26 purchase soybean=based inks and plastic products with recycled
86 27 content, including but not limited to plastic garbage can
86 28 liners, and shall purchase these items in accordance with the
86 29 schedule established in section 8A.315. However, the
86 30 administrator need not purchase garbage can liners in
86 31 accordance with the schedule if the liners are utilized by a
86 32 facility approved by the environmental protection commission
86 33 created under section 455A.6, for purposes of recycling. For
86 34 purposes of this ~~subsection~~ section, "recycled content" means
86 35 that the content of the product contains a minimum of thirty
87 1 percent postconsumer material.
87 2 e. Assist the director in employing the professional,
87 3 technical, clerical, and secretarial staff for the department
87 4 and maintain employee records, in cooperation with the
87 5 department of administrative services and provide personnel
87 6 services, including but not limited to training, safety
87 7 education, and employee counseling.
87 8 f. Assist the director in coordinating the
87 9 responsibilities and duties of the various divisions within
87 10 the department.
87 11 g. Carry out all other general administrative duties for
87 12 the department.
87 13 h. Perform such other duties and responsibilities as may
87 14 be assigned by the director.
87 15 ~~b.~~ 2. ~~The~~ When performing the duty of providing
87 16 centralized purchasing services under subsection 1, the
87 17 administrator shall do all of the following:
87 18 ~~(1)~~ a. Purchase and use recycled printing and writing
87 19 paper in accordance with the schedule established in section
87 20 8A.315.
87 21 ~~(2)~~ b. Establish a wastepaper recycling program in
87 22 accordance with recommendations made by the department of
87 23 natural resources and the requirements of section 8A.329.
87 24 ~~(3)~~ c. Require in accordance with section 8A.311 product
87 25 content statements and compliance with requirements regarding
87 26 procurement specifications.
87 27 ~~(4)~~ d. Comply with the requirements for the purchase of
87 28 lubricating oils, industrial oils, greases, and hydraulic
87 29 fluids as established pursuant to section 8A.316.
87 30 ~~(5)~~ e. Give preference to purchasing designated biobased
87 31 products in the same manner as provided in section 8A.317.
87 32 ~~c.~~ 3. The department shall report to the general assembly
87 33 by February 1 of each year, the following:
87 34 ~~(1)~~ a. A listing of plastic products which are regularly
87 35 purchased by the board for which recycled content product
88 1 alternatives are available, including the cost of the plastic

88 2 products purchased and the cost of the recycled content
88 3 product alternatives.
88 4 ~~(2)~~ b. Information relating to soybean=based inks and
88 5 plastic garbage can liners with recycled content regularly
88 6 purchased by the department, including the cost of purchasing
88 7 soybean=based inks and plastic garbage can liners with
88 8 recycled content and the percentages of soybean=based inks and
88 9 plastic garbage can liners with recycled content that have
88 10 been purchased.
88 11 ~~d.~~ 4. A gasoline=powered vehicle purchased by the
88 12 administrator shall not operate on gasoline other than ethanol
88 13 blended gasoline as defined in section 214A.1. A
88 14 diesel=powered motor vehicle purchased by the administrator
88 15 shall not operate on diesel fuel other than biodiesel fuel as
88 16 defined in section 214A.1, if commercially available. A
88 17 state=issued credit card shall not be valid to purchase
88 18 gasoline other than ethanol blended gasoline or to purchase
88 19 diesel fuel other than biodiesel fuel, if commercially
88 20 available. The motor vehicle shall also be affixed with a
88 21 brightly visible sticker which notifies the traveling public
88 22 that the motor vehicle is being operated on ethanol blended
88 23 gasoline or biodiesel fuel, as applicable. However, the
88 24 sticker is not required to be affixed to an unmarked vehicle
88 25 used for purposes of providing law enforcement or security.
88 26 5. a. Of all new passenger vehicles and light pickup
88 27 trucks purchased by the administrator, a minimum of ten
88 28 percent of all such vehicles and trucks purchased shall be
88 29 equipped with engines which utilize alternative methods of
88 30 propulsion, including but not limited to any of the following:
88 31 (1) A flexible fuel which is any of the following:
88 32 (a) E=85 gasoline as provided in section 214A.2.
88 33 (b) B=20 biodiesel blended fuel as provided in section
88 34 214A.2.
88 35 (c) A renewable fuel approved by the office of renewable
89 1 fuels and coproducts pursuant to section 159A.3.
89 2 (2) Compressed or liquefied natural gas.
89 3 (3) Propane gas.
89 4 (4) Solar energy.
89 5 (5) Electricity.
89 6 b. The provisions of this subsection do not apply to
89 7 vehicles and trucks purchased and directly used for law
89 8 enforcement or off=road maintenance work.
89 9 6. The administrator shall, whenever technically feasible,
89 10 purchase and use degradable loose foam packing material
89 11 manufactured from grain starches or other renewable resources,
89 12 unless the cost of the packing material is more than ten
89 13 percent greater than the cost of packing material made from
89 14 nonrenewable resources. For the purposes of this subsection,
89 15 "packing material" means material, other than an exterior
89 16 packing shell, that is used to stabilize, protect, cushion, or
89 17 brace the contents of a package.
89 18 ~~7. Assist the director in employing the professional,~~
~~89 19 technical, clerical and secretarial staff for the department~~
~~89 20 and maintain employee records, in cooperation with the~~
~~89 21 department of administrative services and provide personnel~~
~~89 22 services, including but not limited to training, safety~~
~~89 23 education, and employee counseling.~~
89 24 ~~8. Assist the director in coordinating the~~
~~89 25 responsibilities and duties of the various divisions within~~
~~89 26 the department.~~
89 27 ~~9. Carry out all other general administrative duties for~~
~~89 28 the department.~~
89 29 ~~10. Perform such other duties and responsibilities as may~~
~~89 30 be assigned by the director.~~
89 31 7. The administrator of administrative services may
89 32 purchase items from the department of administrative services
89 33 and may cooperate with the director of the department of
89 34 administrative services by providing purchasing services for
89 35 the department of administrative services.
90 1 Sec. 114. Section 312.2, Code 2009, is amended to read as
90 2 follows:
90 3 312.2 ALLOCATIONS FROM FUND.
90 4 1. The treasurer of the state shall, on the first day of
90 5 each month, credit all road use tax funds which have been
90 6 received by the treasurer, to the primary road fund, the
90 7 secondary road fund of the counties, the farm=to=market road
90 8 fund, and the street construction fund of cities in the
90 9 following manner and amounts:
90 10 ~~1.~~ a. To the primary road fund, forty=seven and one=half
90 11 percent.
90 12 ~~2.~~ b. To the secondary road fund of the counties,

twenty=four and one=half percent.

~~3.~~ c. To the farm=to=market road fund, eight percent.

~~4.~~ d. To the street construction fund of the cities, twenty percent.

~~5.~~ 2. The treasurer of state shall before making the ~~above~~ allotments in subsection 1 credit annually to the highway grade crossing safety fund the sum of seven hundred thousand dollars, credit annually from the road use tax fund the sum of nine hundred thousand dollars to the highway railroad grade crossing surface repair fund, credit monthly to the primary road fund the dollars yielded from an allotment of sixty=five hundredths of one percent of all road use tax funds for the express purpose of carrying out subsection 11 of section 307A.2, section 313.4, subsection 2, and section 307.45, and credit annually to the primary road fund the sum of five hundred thousand dollars to be used for paying expenses incurred by the state department of transportation other than expenses incurred for extensions of primary roads in cities. All unobligated funds provided by this subsection, except those funds credited to the highway grade crossing safety fund, shall at the end of each year revert to the road use tax fund. Funds in the highway grade crossing safety fund shall not revert to the road use tax fund except to the extent they exceed five hundred thousand dollars at the end of any biennium. The cost of each highway railroad grade crossing repair project shall be allocated in the following manner:

a. Twenty percent of the project cost shall be paid by the railroad company.

b. Twenty percent of the project cost shall be paid by the highway authority having jurisdiction of the road crossing the railroad.

c. Sixty percent of the project cost shall be paid from the highway railroad grade crossing surface repair fund.

~~6.~~ 3. The treasurer of state shall before making the allotments provided for in this section credit monthly to the state department of transportation funds sufficient in amount to pay the costs of purchasing certificate of title and registration forms, and supplies and materials and for the cost of prison labor used in manufacturing motor vehicle registration plates, decalcomania emblems, and validation stickers at the prison industries.

~~7.~~ 4. The treasurer of state, before making the allotments provided in this section, shall credit annually to the primary road fund from the road use tax fund the sum of seven million one hundred thousand dollars.

~~8.~~ 5. a. The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are less than seventy=five percent of the sum of the following:

~~a.~~ (1) From the general fund of the county, the dollar equivalent of a tax of sixteen and seven=eighths cents per thousand dollars of assessed value on all taxable property in the county.

~~b.~~ (2) From the rural services fund of the county, the dollar equivalent of a tax of three dollars and three=eighths of a cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

b. Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to make allocations under this subsection shall be provided by the state department of transportation or the director of the department of management upon request by the treasurer of state.

~~9.~~ 6. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the living roadway trust fund created under section 314.21 one hundred fifty thousand dollars from the road use tax fund.

~~10.~~ 7. The treasurer of state, before making the other allotments provided for in this section, shall credit annually to the primary road fund from the road use tax fund the sum of four million four hundred thousand dollars and to the farm=to=market road fund from the road use tax fund the sum of one million five hundred thousand dollars for partial

compensation of allowing trucks to operate on the roads of this state as provided in section 321.463.

~~11.~~ 8. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the living roadway trust fund created under section 314.21 one hundred thousand dollars from the road use tax fund.

~~12.~~ 9. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the revitalize Iowa's sound economy fund, created under section 315.2, the revenue accruing to the road use tax fund in the amount equal to the revenues collected under each of the following:

a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 452A.3 except aviation gasoline, the amount of excise tax collected from one and three=fourths cents per gallon.

b. From the excise tax on special fuel for diesel engines, the amount of excise tax collected from one and three=fourths cents per gallon.

~~13.~~ 10. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the secondary road fund the revenue accruing to the road use tax fund in the amount equal to the revenues collected under each of the following:

a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 452A.3, except aviation gasoline, the amount of excise tax collected from one=fourth cent per gallon.

b. From the excise tax on special fuel for diesel engines, the amount of excise tax collected from one=fourth cent per gallon.

~~14.~~ 11. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the state department of transportation for county, city, and state traffic safety improvement projects an amount equal to one=half of one percent of moneys credited to the road use tax fund.

~~15.~~ 12. a. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, shall credit from the road use tax fund two million dollars to the county bridge construction fund, which is hereby created. Moneys credited to the county bridge construction fund shall be allocated to counties by the department for bridge construction, reconstruction, replacement, or realignment based on needs in accordance with rules adopted by the department.

b. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, shall credit from the road use tax fund five hundred thousand dollars to the city bridge construction fund, which is hereby created. Moneys credited to the city bridge construction fund shall be allocated to cities by the department for bridge construction and reconstruction based on needs in accordance with rules adopted by the department.

~~16.~~ 13. The treasurer of state, before making the allotments provided for in this section, shall credit annually from the road use tax fund to the state department of transportation the sum of six hundred fifty thousand dollars for the purpose of providing county treasurers with automation and telecommunications equipment and support for vehicle registration and titling and driver licensing. Notwithstanding section 8.33, unobligated funds credited under this subsection remaining on June 30 of the fiscal year shall not revert but shall remain available for expenditure for purposes of this subsection in subsequent fiscal years.

~~17.~~ 14. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the primary road fund an amount equal to ten percent of the revenues collected from the operation of section 321.105A, subsection 2, to be used for the commercial and industrial highway network.

~~18.~~ 15. a. The treasurer of state, before making the allotments provided for in this section, shall credit monthly to the TIME=21 fund created in section 312A.2, an amount equal to ten dollars from each fee for issuance of a certificate of title collected pursuant to sections 321.20; 321.20A; 321.23; 321.42; 321.46, other than a title issued for a returned vehicle under section 322G.12; section 321.47; and section 321.109 and an amount equal to eight dollars from each fee

collected for issuance of a certificate of title pursuant to section 321.46 for a returned vehicle under section 322G.12 and from each fee collected for issuance of a salvage certificate of title pursuant to section 321.52.

b. This subsection is repealed June 30, 2028.

~~19.~~ 16. a. The treasurer of state, before making the allotments provided for in this section, shall credit monthly to the TIME=21 fund created in section 312A.2 an amount equal to ten dollars from each trailer registration fee collected pursuant to section 321.123, subsection 1, paragraph "a", subparagraph (1), twenty dollars from each trailer registration fee collected pursuant to section 321.123, subsection 1, paragraph "a", subparagraph (2), and one=third of the amount collected from trailer registration fees pursuant to section 321.123, subsection 2.

b. This subsection is repealed June 30, 2028.

~~20.~~ 17. a. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the TIME=21 fund created in section 312A.2, the revenue accruing to the road use tax fund from annual motor vehicle registration fees for passenger cars, multipurpose vehicles, and motor trucks in excess of three hundred ninety=two million dollars annually.

b. This subsection is repealed June 30, 2028.

Sec. 115. Section 314.2, Code 2009, is amended to read as follows:

314.2 INTEREST IN CONTRACT PROHIBITED.

No state or county official or employee, elective or appointive shall be directly or indirectly interested in any contract for the construction, reconstruction, improvement or maintenance of any highway, bridge or culvert, or the furnishing of materials therefor. The letting of a contract in violation of ~~the foregoing provisions~~ this section shall invalidate the contract and such violation shall be a complete defense to any action to recover any consideration due or earned under the contract at the time of its termination.

Sec. 116. Section 321.52A, Code 2009, is amended to read as follows:

321.52A CERTIFICATE OF TITLE SURCHARGE == ALLOCATION OF MONEYS.

In addition to the fee required for the issuance of a certificate of title under section 321.20, 321.20A, 321.23, 321.42, 321.46, 321.47, 321.48, ~~321.50,~~ or 321.52, a surcharge of five dollars shall be required. Of each surcharge collected under those sections, the county treasurer shall remit five dollars to the office of treasurer of state for deposit as set forth in section 321.145, subsection 2.

Sec. 117. Section 321.92, subsection 1, Code 2009, is amended to read as follows:

1. FRAUDULENT INTENT.

a. No person shall with fraudulent intent, deface, destroy, or alter the vehicle identification number or component part number or other distinguishing number or identification mark of a vehicle or component part, including a rebuilt identification, nor shall a person place or stamp a serial, engine, or other number or mark upon a vehicle or component part, except one assigned thereto by the department.

b. The year of manufacture of a fence=line feeder, grain cart, or tank wagon manufactured on or after July 1, 2001, shall be permanently made a part of the identification plate on the vehicle. A person shall not fraudulently alter, deface, or attempt to fraudulently alter or deface the year of manufacture or other product identification number on a fence=line feeder, grain cart, or tank wagon.

c. A violation of this ~~provision~~ subsection is a felony punishable as provided in section 321.483.

d. This subsection does not prohibit the restoration of an original vehicle identification number, component part number, or other number or mark when the restoration is made by the department, nor prevent a manufacturer from placing, in the ordinary course of business, numbers or marks upon vehicles or component parts.

Sec. 118. Section 321.231, subsection 5, Code 2009, is amended to read as follows:

5. The ~~foregoing~~ provisions of this section shall not relieve the driver of an authorized emergency vehicle or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of all persons, nor shall such provisions protect the driver or rider from the consequences of the driver's or rider's reckless disregard for the safety of others.

Sec. 119. Section 321.285, Code 2009, is amended to read as follows:

321.285 SPEED RESTRICTIONS.

1. Any person driving a motor vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other conditions then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit the person to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said highway will observe the law.

2. a. ~~The following shall be the lawful speed except as~~ Unless otherwise provided by this section, or except as posted pursuant to sections 262.68, 321.236, subsection 5, section 321.288, subsection 6, sections 321.289, 321.290, 321.293, 321.295, and 461A.36, the following shall be the lawful speed and any speed in excess thereof shall be unlawful:

~~1.~~ (1) Twenty miles per hour in any business district.

~~2.~~ (2) Twenty=five miles per hour in any residence or school district.

~~3.~~ (3) Forty=five miles per hour in any suburban district.

b. Each school district as defined in subsection 70 of section 321.1 shall be marked by distinctive signs as provided by the current manual of uniform traffic control devices adopted by the department and placed on the highway at the limits of such school district.

~~4.~~ 3. ~~Notwithstanding any~~ Unless otherwise provided in this section or by other speed restrictions, the speed limit for all vehicular traffic shall be fifty=five miles per hour.

~~5.~~ 4. ~~Reasonable~~ A reasonable and proper speed is required, but not greater than fifty=five miles per hour at any time between sunrise and sunset, and not greater than fifty miles per hour at any time between sunset and sunrise, on secondary roads unless such roads are surfaced with concrete or asphalt or a combination of both, in which case the speed limits shall be the same as provided in subsection ~~4 of this section~~ 3. When the board of supervisors of any county shall determine upon the basis of an engineering and traffic investigation that the speed limit on any secondary road is greater than is reasonable and proper under the conditions found to exist at any intersection or other place or upon any part of a secondary road, the board shall determine and declare a reasonable and proper speed limit at the intersection or other part of the secondary road. The speed limits as determined by the board of supervisors shall be effective when appropriate signs giving notice of the speed limits are erected by the board of supervisors at the intersection or other place or part of the highway.

~~6.~~ 5. a. Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic on fully controlled=access, divided, multilaned highways is sixty=five miles per hour. However, the speed limit for all vehicular traffic on highways that are part of the interstate road system, as defined in section 306.3, is seventy miles per hour. The department may establish a speed limit of sixty=five miles per hour on certain divided, multilaned highways not otherwise described in this paragraph.

b. The department, on its own motion or in response to a recommendation of a metropolitan or regional planning commission or council of governments, may establish a lower speed limit on a highway described in this subsection.

c. For the purposes of this subsection, "fully controlled=access highway" means a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections.

d. A minimum speed may be established by the department on the highways referred to in this subsection if warranted by engineering and traffic investigations.

e. Any kind of vehicle, implement, or conveyance incapable of attaining and maintaining a speed of forty miles per hour shall be prohibited from using the interstate road system.

~~7.~~ 6. Notwithstanding any other speed restrictions, a self=propelled implement of husbandry equipped with flotation tires that is designed to be loaded and operated in the field and used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals shall not be operated on a highway at a speed in excess of thirty=five miles per hour.

99 22 Sec. 120. Section 321.376, subsection 1, Code 2009, is
99 23 amended to read as follows:
99 24 1. The driver of a school bus shall hold a driver's
99 25 license issued by the department of transportation valid for
99 26 the operation of the school bus and a certificate of
99 27 qualification for operation of a commercial motor vehicle
99 28 issued by a physician or osteopathic physician licensed
99 29 pursuant to chapter 148 ~~or 150A~~, physician's assistant,
99 30 advanced registered nurse practitioner, or chiropractor or any
99 31 other person identified by federal and state law as authorized
99 32 to perform physical examinations, and shall successfully
99 33 complete an approved course of instruction in accordance with
99 34 subsection 2. A person holding a temporary restricted license
99 35 issued under chapter 321J shall be prohibited from operating a
100 1 school bus. The department of education shall refuse to issue
100 2 an authorization to operate a school bus to any person who,
100 3 after notice and opportunity for hearing, is determined to
100 4 have committed any of the acts proscribed under section
100 5 321.375, subsection 2. The department of education shall take
100 6 adverse action against any person who, after notice and
100 7 opportunity for hearing, is determined to have committed any
100 8 of the acts proscribed under section 321.375, subsection 2.
100 9 Such action may include a reprimand or warning of the person
100 10 or the suspension or revocation of the person's authorization
100 11 to operate a school bus. The department of education shall
100 12 recommend, and the state board of education shall adopt under
100 13 chapter 17A, rules and procedures for issuing and suspending
100 14 or revoking authorization to operate a school bus in this
100 15 state. Rules and procedures adopted shall include, but are
100 16 not limited to, provisions for the revocation or suspension
100 17 of, or refusal to issue, authorization to persons who are
100 18 determined to have committed any of the acts proscribed under
100 19 section 321.375, subsection 2.
100 20 Sec. 121. Section 321.463, subsection 4, paragraph b, Code
100 21 2009, is amended to read as follows:
100 22 b. (1) Notwithstanding any provision of this section to
100 23 the contrary, the weight on any one axle of a fence=line
100 24 feeder, grain cart, or tank wagon operated on the highways of
100 25 this state shall not exceed twenty=four thousand pounds from
100 26 February 1 through May 31 or twenty=eight thousand pounds from
100 27 June 1 through January 31, provided, however, that the maximum
100 28 gross vehicle weight of the fence=line feeder, grain cart, or
100 29 tank wagon shall not exceed ninety=six thousand pounds.
100 30 (2) Notwithstanding any provision of this section to the
100 31 contrary, a tracked implement of husbandry operated on the
100 32 highways of this state shall not have a maximum gross weight
100 33 in excess of ninety=six thousand pounds.
100 34 (3) A fence=line feeder, grain cart, tank wagon, or
100 35 tracked implement of husbandry shall comply with the other
101 1 provisions of this section and chapter when operated over a
101 2 bridge in this state. A local authority may issue a special
101 3 permit, based on a statewide standard developed by the
101 4 department, allowing the operation over a bridge within its
101 5 jurisdiction of a fence=line feeder, grain cart, tank wagon,
101 6 or tracked implement of husbandry with a weight in excess of
101 7 the weights allowed under this chapter.
101 8 ~~(2)~~ (4) For purposes of this paragraph "b"~~, "highway"~~:
101 9 (a) "Highway" does not include a bridge.
101 10 (b) ~~For purposes of this paragraph "b", "fence=line~~
101 11 "Fence=line feeder, grain cart, or tank wagon" means all of
101 12 the following:
101 13 ~~(a)~~ (i) A fence=line feeder, grain cart, or tank wagon
101 14 manufactured on or after July 1, 2001.
101 15 ~~(b)~~ (ii) After July 1, 2005, any fence=line feeder, grain
101 16 cart, or tank wagon.
101 17 ~~The year of manufacture of a fence=line feeder, grain cart,~~
~~101 18 or tank wagon manufactured on or after July 1, 2001, shall be~~
~~101 19 permanently made a part of the identification plate on the~~
~~101 20 vehicle. Fraudulently altering or defacing or attempting to~~
~~101 21 fraudulently alter or deface the year of manufacture or other~~
~~101 22 product identification number on a fence=line feeder, grain~~
~~101 23 cart, or tank wagon is a violation of section 321.92.~~
101 24 Sec. 122. Section 321.488, Code 2009, is amended to read
101 25 as follows:
101 26 321.488 PROCEDURE NOT EXCLUSIVE.
101 27 The ~~foregoing~~ provisions of this chapter shall govern all
101 28 peace officers in making arrests without a warrant for
101 29 violations of this chapter for offenses committed in their
101 30 presence, but the procedure prescribed herein shall not be
101 31 exclusive of any other method prescribed by law for the arrest
101 32 and prosecution of a person.

Sec. 123. Section 321.506, Code 2009, is amended to read as follows:

321.506 ACTUAL SERVICE WITHIN THIS STATE.

The ~~foregoing~~ provisions of this chapter relative to service of original notice of suit on nonresidents shall not be deemed to prevent actual personal service in this state upon the nonresident in the time, manner, form, and under the conditions provided for service on residents.

Sec. 124. Section 321A.7, Code 2009, is amended to read as follows:

321A.7 DURATION OF SUSPENSION.

~~The~~ If a person's license and registration ~~and~~ or nonresident's operating privilege has been suspended as provided in section 321A.5, that license and registration or privilege shall remain ~~so~~ suspended and shall not be renewed ~~nor shall any such~~ and a new license or registration shall not be issued to ~~such~~ that person until one of the following has occurred:

1. ~~Such~~ The person ~~shall deposit~~ deposits or there ~~shall be~~ is deposited on the person's behalf the security required under section 321A.5~~; or~~.

2. Twelve months have elapsed after such accident~~, provided~~ and the department has not been notified by any party to the action or an attorney for any party that an action for damages arising out of such accident has been instituted within one year from the date of the accident~~; or~~.

3. Evidence satisfactory to the department has been filed with the department of a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged written agreement, in accordance with section 321A.6, subsection 4~~; provided,~~. If, however, ~~in the event~~ there ~~shall be~~ is any default in the payment of any installment under any confession of judgment, then, upon notice of such default, the department shall ~~forthwith~~ immediately suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid~~; and provided, further, that in the event~~. In addition, if there ~~shall be~~ is any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the department shall ~~forthwith~~ immediately suspend the license and registration or nonresident's operating privilege of ~~such~~ that person defaulting ~~which~~ and the license and registration or nonresident's operating privilege shall not be restored unless and until one of the following occurs:

a. Such person deposits and thereafter maintains security as required under section 321A.5 in such amount as the department may then determine~~; or~~.

b. Twelve months have elapsed after such security was required~~, provided~~ and the department has not been notified by any party to the action or an attorney for any party that an action upon such an agreement has been instituted in a court in this state within one year after such security was required.

Sec. 125. Section 330A.10, Code 2009, is amended to read as follows:

330A.10 FUNDS OF AN AUTHORITY.

1. Moneys of an authority shall be paid to the treasurer of the authority who shall not commingle said moneys with any other moneys, but shall deposit them in a separate account or accounts. The moneys in said accounts shall be paid out on check of the treasurer on requisition of the chairperson of the authority, or of such other person, or persons, as the authority may authorize to make such requisition.

2. Notwithstanding ~~the aforementioned provisions~~ subsection 1, an authority is hereby authorized, and shall have the right, to deposit any of its rates, fees, rentals, or other charges, receipts or income with any bank or trust company within the state and to deposit the proceeds of any bonds issued hereunder with any bank or trust company within the state, all as may be provided in any agreement with the holders of bonds issued hereunder.

Sec. 126. Section 331.653, subsection 27, Code 2009, is amended to read as follows:

27. Give notice of the time and place of making an appraisement of unneeded school land as provided in ~~section~~ sections 297.17 and 297.28.

Sec. 127. Section 335.22, Code 2009, is amended to read as follows:

104 9 335.22 PRECEDENCE.
104 10 All issues in any proceedings under ~~the foregoing~~ sections
104 11 335.18 through 335.21 shall have preference over all other
104 12 civil actions and proceedings.
104 13 Sec. 128. Section 358.8, Code 2009, is amended to read as
104 14 follows:
104 15 358.8 EXPENSES AND COSTS OF ELECTION.
104 16 The election held pursuant to this chapter shall be
104 17 conducted by the county commissioner of elections. All
104 18 expenses incurred in carrying out ~~the foregoing~~ sections 358.4
104 19 and 358.5 of this chapter, together with the costs of the
104 20 election, as determined by the county commissioner of
104 21 elections, shall be paid by those who will be benefited by the
104 22 proposed sanitary district. If the district is not
104 23 established, the expenses and costs shall be collected upon
104 24 the bond or bonds of the petitioners.
104 25 Sec. 129. Section 358C.9, Code 2009, is amended to read as
104 26 follows:
104 27 358C.9 EXPENSES AND COSTS OF ELECTION.
104 28 The election held pursuant to this chapter shall be
104 29 conducted by the county commissioner of elections. All
104 30 expenses incurred in carrying out ~~the preceding~~ sections ~~of~~
~~104 31 this chapter~~ 358C.5 and 358C.6, and the costs of the election,
104 32 as determined by the county commissioner of elections, shall
104 33 be paid by those who will be benefited by the proposed
104 34 district. If the district is not established, the expenses
104 35 and costs shall be collected upon the bonds of the
105 1 petitioners.
105 2 Sec. 130. Section 364.17, subsection 3, Code 2009, is
105 3 amended to read as follows:
105 4 3. a. A city which adopts or is subject to a housing code
105 5 under this section shall adopt enforcement procedures, which
105 6 shall include a program for regular rental inspections, rental
105 7 inspections upon receipt of complaints, and certification of
105 8 inspected rental housing, and may include but are not limited
105 9 to the following:
105 10 ~~a.~~ (1) A schedule of civil penalties or criminal fines
105 11 for violations. A city may charge the owner of housing a late
105 12 payment fee of twenty=five dollars and may add interest of up
105 13 to one and one=half percent per month if a penalty or fine
105 14 imposed under this ~~paragraph~~ subparagraph is not paid within
105 15 thirty days of the date that the penalty or fine is due. The
105 16 city shall send a notice of the late payment fee to such owner
105 17 by first class mail to the owner's personal or business
105 18 mailing address. The late payment fee and the interest shall
105 19 not accrue if such owner files an appeal with either the city,
105 20 if the city has established an appeals procedure, or the
105 21 district court. Any unpaid penalty, fine, fee, or interest
105 22 shall constitute a lien on the real property and may be
105 23 collected in the same manner as a property tax. However,
105 24 before a lien is filed, the city shall send a notice of intent
105 25 to file a lien to the owner of the housing by first class mail
105 26 to such owner's personal or business mailing address.
105 27 ~~b.~~ (2) Authority for the issuance of orders requiring
105 28 violations to be corrected within a reasonable time.
105 29 ~~c.~~ (3) Authority for the issuance of citations pursuant
105 30 to sections 805.1 to 805.5 upon a failure to satisfactorily
105 31 remedy a violation.
105 32 ~~d.~~ (4) Authority, if other methods have failed, for an
105 33 officer to contract to have work done as necessary to remedy a
105 34 violation, the cost of which shall be assessed to the violator
105 35 and constitute a lien on the property until paid.
106 1 ~~e.~~ (5) An escrow system for the deposit of rent which
106 2 will be applied to the costs of correcting violations.
106 3 ~~f.~~ (6) Mediation of disputes based upon alleged
106 4 violations.
106 5 ~~g.~~ (7) Injunctive procedures.
106 6 ~~The enforcement procedures shall be designed to improve~~
~~106 7 housing conditions rather than to displace persons from their~~
~~106 8 homes.~~
106 9 ~~h.~~ (8) Authority by ordinance to provide that no rent
106 10 shall be recoverable by the owner or lessee of any dwelling
106 11 which does not comply with the housing code adopted by the
106 12 city until such time as the dwelling does comply with the
106 13 housing code adopted by the city.
106 14 b. The enforcement procedures shall be designed to improve
106 15 housing conditions rather than to displace persons from their
106 16 homes.
106 17 Sec. 131. Section 384.84, subsection 2, paragraph c, Code
106 18 2009, is amended to read as follows:
106 19 c. A city utility or enterprise service to a property or

106 20 premises shall not be discontinued unless prior written notice
106 21 is sent, by ordinary mail, to the account holder in whose name
106 22 the delinquent rates or charges were incurred, informing the
106 23 account holder of the nature of the delinquency and affording
106 24 the account holder the opportunity for a hearing prior to
106 25 discontinuance of service. If the account holder is a tenant,
106 26 and if the owner or landlord of the property or premises has
106 27 made a written request for notice, the notice shall also be
106 28 given to the owner or landlord.
106 29 Sec. 132. Section 384.84, subsection 3, paragraph c, Code
106 30 2009, is amended to read as follows:
106 31 c. A lien for a city utility or enterprise service under
106 32 paragraph "a" shall not be certified to the county treasurer
106 33 for collection unless prior written notice of intent to
106 34 certify a lien is given to the account holder in whose name
106 35 the delinquent rates or charges were incurred at least thirty
107 1 days prior to certification. If the account holder is a
107 2 tenant, and if the owner or landlord of the property or
107 3 premises has made a written request for notice, the notice
107 4 shall also be given to the owner or landlord. The notice
107 5 shall be sent to the appropriate persons by ordinary mail not
107 6 less than thirty days prior to certification of the lien to
107 7 the county treasurer.
107 8 Sec. 133. Section 414.19, Code 2009, is amended to read as
107 9 follows:
107 10 414.19 PREFERENCE IN TRIAL.
107 11 All issues in any proceedings under ~~the foregoing~~ sections
107 12 414.15 through 414.18 shall have preference over all other
107 13 civil actions and proceedings.
107 14 Sec. 134. Section 421B.3, subsection 3, paragraph b, Code
107 15 2009, is amended to read as follows:
107 16 b. Each day ~~the~~ a violation occurs counts as a new
107 17 violation for purposes of this subsection.
107 18 Sec. 135. Section 422.5, Code 2009, is amended to read as
107 19 follows:
107 20 422.5 TAX IMPOSED == EXCLUSIONS == ALTERNATIVE MINIMUM
107 21 TAX.
107 22 1. A tax is imposed upon every resident and nonresident of
107 23 the state which tax shall be levied, collected, and paid
107 24 annually upon and with respect to the entire taxable income as
107 25 defined in this division at rates as follows:
107 26 a. On all taxable income from zero through one thousand
107 27 dollars, thirty=six hundredths of one percent.
107 28 b. On all taxable income exceeding one thousand dollars
107 29 but not exceeding two thousand dollars, seventy=two hundredths
107 30 of one percent.
107 31 c. On all taxable income exceeding two thousand dollars
107 32 but not exceeding four thousand dollars, two and forty=three
107 33 hundredths percent.
107 34 d. On all taxable income exceeding four thousand dollars
107 35 but not exceeding nine thousand dollars, four and one=half
108 1 percent.
108 2 e. On all taxable income exceeding nine thousand dollars
108 3 but not exceeding fifteen thousand dollars, six and twelve
108 4 hundredths percent.
108 5 f. On all taxable income exceeding fifteen thousand
108 6 dollars but not exceeding twenty thousand dollars, six and
108 7 forty=eight hundredths percent.
108 8 g. On all taxable income exceeding twenty thousand dollars
108 9 but not exceeding thirty thousand dollars, six and
108 10 eight=tenths percent.
108 11 h. On all taxable income exceeding thirty thousand dollars
108 12 but not exceeding forty=five thousand dollars, seven and
108 13 ninety=two hundredths percent.
108 14 i. On all taxable income exceeding forty=five thousand
108 15 dollars, eight and ninety=eight hundredths percent.
108 16 j. (1) The tax imposed upon the taxable income of a
108 17 nonresident shall be computed by reducing the amount
108 18 determined pursuant to paragraphs "a" through "i" by the
108 19 amounts of nonrefundable credits under this division and by
108 20 multiplying this resulting amount by a fraction of which the
108 21 nonresident's net income allocated to Iowa, as determined in
108 22 section 422.8, subsection 2, paragraph "a", is the numerator
108 23 and the nonresident's total net income computed under section
108 24 422.7 is the denominator. This provision also applies to
108 25 individuals who are residents of Iowa for less than the entire
108 26 tax year.
108 27 (2) (a) The tax imposed upon the taxable income of a
108 28 resident shareholder in an S corporation which has in effect
108 29 for the tax year an election under subchapter S of the
108 30 Internal Revenue Code and carries on business within and

without the state may be computed by reducing the amount determined pursuant to paragraphs "a" through "i" by the amounts of nonrefundable credits under this division and by multiplying this resulting amount by a fraction of which the resident's net income allocated to Iowa, as determined in section 422.8, subsection 2, paragraph "b", is the numerator and the resident's total net income computed under section 422.7 is the denominator. If a resident shareholder has elected to take advantage of this subparagraph (2), and for the next tax year elects not to take advantage of this subparagraph, the resident shareholder shall not reelect to take advantage of this subparagraph for the three tax years immediately following the first tax year for which the shareholder elected not to take advantage of this subparagraph, unless the director consents to the reelection. This subparagraph also applies to individuals who are residents of Iowa for less than the entire tax year.

(b) This subparagraph (2) shall not affect the amount of the taxpayer's checkoffs under this division, the credits from tax provided under this division, and the allocation of these credits between spouses if the taxpayers filed separate returns or separately on combined returns.

~~k.~~ 2. a. There is imposed upon every resident and nonresident of this state, including estates and trusts, the greater of the tax determined in subsection 1, paragraphs "a" through "j", or the state alternative minimum tax equal to seventy=five percent of the maximum state individual income tax rate for the tax year, rounded to the nearest one=tenth of one percent, of the state alternative minimum taxable income of the taxpayer as computed under this ~~paragraph~~ subsection.

b. The state alternative minimum taxable income of a taxpayer is equal to the taxpayer's state taxable income, as computed with the deductions in section 422.9, with the following adjustments:

(1) Add items of tax preference included in federal alternative minimum taxable income under section 57, except subsections (a)(1), (a)(2), and (a)(5), of the Internal Revenue Code, make the adjustments included in federal alternative minimum taxable income under section 56, except subsections (a)(4), (b)(1)(C)(iii), and (d), of the Internal Revenue Code, and add losses as required by section 58 of the Internal Revenue Code. To the extent that any preference or adjustment is determined by an individual's federal adjusted gross income, the individual's federal adjusted gross income is computed in accordance with section 422.7, subsection 39. In the case of an estate or trust, the items of tax preference, adjustments, and losses shall be apportioned between the estate or trust and the beneficiaries in accordance with rules prescribed by the director.

(2) Subtract the applicable exemption amount as follows:

(a) Seventeen thousand five hundred dollars for a married person who files separately or for an estate or trust.

(b) Twenty=six thousand dollars for a single person or a head of household.

(c) Thirty=five thousand dollars for a married couple which files a joint return.

(d) The exemption amount shall be reduced, but not below zero, by an amount equal to twenty=five percent of the amount by which the alternative minimum taxable income of the taxpayer, computed without regard to the exemption amount in this subparagraph (2), exceeds the following:

(i) Seventy=five thousand dollars in the case of a taxpayer described in subparagraph ~~subdivision~~ division (a).

(ii) One hundred twelve thousand five hundred dollars in the case of a taxpayer described in subparagraph ~~subdivision~~ division (b).

(iii) One hundred fifty thousand dollars in the case of a taxpayer described in subparagraph ~~subdivision~~ division (c).

(3) In the case of a net operating loss computed for a tax year beginning after December 31, 1982, which is carried back or carried forward to the current taxable year, the net operating loss shall be reduced by the amount of the items of tax preference arising in such year which was taken into account in computing the net operating loss in section 422.9, subsection 3. The deduction for a net operating loss for a tax year beginning after December 31, 1986, which is carried back or carried forward to the current taxable year shall not exceed ninety percent of the alternative minimum taxable income determined without regard for the net operating loss deduction.

c. The state alternative minimum tax of a taxpayer whose

111 7 net capital gain deduction includes the gain or loss from the
111 8 forfeiture of an installment real estate contract, the
111 9 transfer of real or personal property securing a debt to a
111 10 creditor in cancellation of that debt, or from the sale or
111 11 exchange of property as a result of actual notice of
111 12 foreclosure, where the fair market value of the taxpayer's
111 13 assets exceeds the taxpayer's liabilities immediately before
111 14 such forfeiture, transfer, or sale or exchange, shall not be
111 15 greater than such excess, including any asset transferred
111 16 within one hundred twenty days prior to such forfeiture,
111 17 transfer, or sale or exchange.
111 18 d. In the case of a resident, including a resident estate
111 19 or trust, the state's apportioned share of the state
111 20 alternative minimum tax is one hundred percent of the state
111 21 alternative minimum tax computed in this subsection 2. In the
111 22 case of a resident or part=year resident shareholder in an S
111 23 corporation which has in effect for the tax year an election
111 24 under subchapter S of the Internal Revenue Code and carries on
111 25 business within and without the state, a nonresident,
111 26 including a nonresident estate or trust, or an individual,
111 27 estate, or trust that is domiciled in the state for less than
111 28 the entire tax year, the state's apportioned share of the
111 29 state alternative minimum tax is the amount of tax computed
111 30 under this subsection 2, reduced by the applicable credits in
111 31 sections 422.10 through 422.12 and this result multiplied by a
111 32 fraction with a numerator of the sum of state net income
111 33 allocated to Iowa as determined in section 422.8, subsection
111 34 2, paragraph "a" or "b" as applicable, plus tax preference
111 35 items, adjustments, and losses under subparagraph (1)
112 1 attributable to Iowa and with a denominator of the sum of
112 2 total net income computed under section 422.7 plus all tax
112 3 preference items, adjustments, and losses under subparagraph
112 4 (1). In computing this fraction, those items excludable under
112 5 subparagraph (1) shall not be used in computing the tax
112 6 preference items. Married taxpayers electing to file separate
112 7 returns or separately on a combined return must allocate the
112 8 minimum tax computed in this subsection in the proportion that
112 9 each spouse's respective preference items, adjustments, and
112 10 losses under subparagraph (1) bear to the combined preference
112 11 items, adjustments, and losses under subparagraph (1) of both
112 12 spouses.
112 13 ~~2.~~ 3. a. ~~However, the~~ The tax shall not be imposed on a
112 14 resident or nonresident whose net income, as defined in
112 15 section 422.7, is thirteen thousand five hundred dollars or
112 16 less in the case of married persons filing jointly or filing
112 17 separately on a combined return, heads of household, and
112 18 surviving spouses or nine thousand dollars or less in the case
112 19 of all other persons; but in the event that the payment of tax
112 20 under this division would reduce the net income to less than
112 21 thirteen thousand five hundred dollars or nine thousand
112 22 dollars as applicable, then the tax shall be reduced to that
112 23 amount which would result in allowing the taxpayer to retain a
112 24 net income of thirteen thousand five hundred dollars or nine
112 25 thousand dollars as applicable. The preceding sentence does
112 26 not apply to estates or trusts. For the purpose of this
112 27 subsection, the entire net income, including any part of the
112 28 net income not allocated to Iowa, shall be taken into account.
112 29 For purposes of this subsection, net income includes all
112 30 amounts of pensions or other retirement income received from
112 31 any source which is not taxable under this division as a
112 32 result of the government pension exclusions in section 422.7,
112 33 or any other state law. If the combined net income of a
112 34 husband and wife exceeds thirteen thousand five hundred
112 35 dollars, neither of them shall receive the benefit of this
113 1 subsection, and it is immaterial whether they file a joint
113 2 return or separate returns. However, if a husband and wife
113 3 file separate returns and have a combined net income of
113 4 thirteen thousand five hundred dollars or less, neither spouse
113 5 shall receive the benefit of this paragraph, if one spouse has
113 6 a net operating loss and elects to carry back or carry forward
113 7 the loss as provided in section 422.9, subsection 3. A person
113 8 who is claimed as a dependent by another person as defined in
113 9 section 422.12 shall not receive the benefit of this
113 10 subsection if the person claiming the dependent has net income
113 11 exceeding thirteen thousand five hundred dollars or nine
113 12 thousand dollars as applicable or the person claiming the
113 13 dependent and the person's spouse have combined net income
113 14 exceeding thirteen thousand five hundred dollars or nine
113 15 thousand dollars as applicable.
113 16 b. In ~~addition~~ lieu of the computation in subsection 1, 2,
113 17 or 3, if the married persons', filing jointly or filing

113 18 separately on a combined return, head of household's, or
113 19 surviving spouse's net income exceeds thirteen thousand five
113 20 hundred dollars, the regular tax imposed under this division
113 21 shall be the lesser of the maximum state individual income tax
113 22 rate times the portion of the net income in excess of thirteen
113 23 thousand five hundred dollars or the regular tax liability
113 24 computed without regard to this sentence. Taxpayers electing
113 25 to file separately shall compute the alternate tax described
113 26 in this paragraph using the total net income of the husband
113 27 and wife. The alternate tax described in this paragraph does
113 28 not apply if one spouse elects to carry back or carry forward
113 29 the loss as provided in section 422.9, subsection 3.
113 30 ~~2A.~~ 3A. Reserved.
113 31 ~~2B.~~ 3B. a. ~~However, the~~ The tax shall not be imposed on
113 32 a resident or nonresident who is at least sixty=five years old
113 33 on December 31 of the tax year and whose net income, as
113 34 defined in section 422.7, is thirty=two thousand dollars or
113 35 less in the case of married persons filing jointly or filing
114 1 separately on a combined return, heads of household, and
114 2 surviving spouses or twenty=four thousand dollars or less in
114 3 the case of all other persons; but in the event that the
114 4 payment of tax under this division would reduce the net income
114 5 to less than thirty=two thousand dollars or twenty=four
114 6 thousand dollars as applicable, then the tax shall be reduced
114 7 to that amount which would result in allowing the taxpayer to
114 8 retain a net income of thirty=two thousand dollars or
114 9 twenty=four thousand dollars as applicable. The preceding
114 10 sentence does not apply to estates or trusts. For the purpose
114 11 of this subsection, the entire net income, including any part
114 12 of the net income not allocated to Iowa, shall be taken into
114 13 account. For purposes of this subsection, net income includes
114 14 all amounts of pensions or other retirement income received
114 15 from any source which is not taxable under this division as a
114 16 result of the government pension exclusions in section 422.7,
114 17 or any other state law. If the combined net income of a
114 18 husband and wife exceeds thirty=two thousand dollars, neither
114 19 of them shall receive the benefit of this subsection, and it
114 20 is immaterial whether they file a joint return or separate
114 21 returns. However, if a husband and wife file separate returns
114 22 and have a combined net income of thirty=two thousand dollars
114 23 or less, neither spouse shall receive the benefit of this
114 24 paragraph, if one spouse has a net operating loss and elects
114 25 to carry back or carry forward the loss as provided in section
114 26 422.9, subsection 3. A person who is claimed as a dependent
114 27 by another person as defined in section 422.12 shall not
114 28 receive the benefit of this subsection if the person claiming
114 29 the dependent has net income exceeding thirty=two thousand
114 30 dollars or twenty=four thousand dollars as applicable or the
114 31 person claiming the dependent and the person's spouse have
114 32 combined net income exceeding thirty=two thousand dollars or
114 33 twenty=four thousand dollars as applicable.
114 34 b. In ~~addition~~ lieu of the computation in subsection 1, 2,
114 35 or 3, if the married persons', filing jointly or filing
115 1 separately on a combined return, head of household's, or
115 2 surviving spouse's net income exceeds thirty=two thousand
115 3 dollars, the regular tax imposed under this division shall be
115 4 the lesser of the maximum state individual income tax rate
115 5 times the portion of the net income in excess of thirty=two
115 6 thousand dollars or the regular tax liability computed without
115 7 regard to this sentence. Taxpayers electing to file
115 8 separately shall compute the alternate tax described in this
115 9 paragraph using the total net income of the husband and wife.
115 10 The alternate tax described in this paragraph does not apply
115 11 if one spouse elects to carry back or carry forward the loss
115 12 as provided in section 422.9, subsection 3.
115 13 c. This subsection applies even though one spouse has not
115 14 attained the age of sixty=five, if the other spouse is at
115 15 least sixty=five at the end of the tax year.
115 16 ~~3.~~ 4. The tax herein levied shall be computed and
115 17 collected as hereinafter provided.
115 18 ~~4.~~ 5. The provisions of this division shall apply to all
115 19 salaries received by federal officials or employees of the
115 20 United States government as provided for herein.
115 21 ~~5.~~ 6. Upon determination of the latest cumulative
115 22 inflation factor, the director shall multiply each dollar
115 23 amount set forth in subsection 1, paragraphs "a" through "i"
115 24 ~~of this section~~ by this cumulative inflation factor, shall
115 25 round off the resulting product to the nearest one dollar, and
115 26 shall incorporate the result into the income tax forms and
115 27 instructions for each tax year.
115 28 ~~6.~~ 7. The state income tax of a taxpayer whose net income

115 29 includes the gain or loss from the forfeiture of an
115 30 installment real estate contract, the transfer of real or
115 31 personal property securing a debt to a creditor in
115 32 cancellation of that debt, or from the sale or exchange of
115 33 property as a result of actual notice of foreclosure where the
115 34 fair market value of the taxpayer's assets exceeds the
115 35 taxpayer's liabilities immediately before such forfeiture,
116 1 transfer, or sale or exchange shall not be greater than such
116 2 excess, including any asset transferred within one hundred
116 3 twenty days prior to such forfeiture, transfer, or sale or
116 4 exchange. For purposes of this subsection, in the case of
116 5 married taxpayers, except in the case of a husband and wife
116 6 who live apart at all times during the tax year, the assets
116 7 and liabilities of both spouses shall be considered in
116 8 determining if the fair market value of the taxpayer's assets
116 9 exceed the taxpayer's liabilities.
116 10 ~~7.~~ 8. In addition to the other taxes imposed by this
116 11 section, a tax is imposed on the amount of a lump sum
116 12 distribution for which the taxpayer has elected under section
116 13 402(e) of the Internal Revenue Code to be separately taxed for
116 14 federal income tax purposes for the tax year. The rate of tax
116 15 is equal to twenty=five percent of the separate federal tax
116 16 imposed on the amount of the lump sum distribution. A
116 17 nonresident is liable for this tax only on that portion of the
116 18 lump sum distribution allocable to Iowa. The total amount of
116 19 the lump sum distribution subject to separate federal tax
116 20 shall be included in net income for purposes of determining
116 21 eligibility under subsections ~~2~~ 3 and ~~2A or 2B~~ 3B, as
116 22 applicable.
116 23 ~~8.~~ 9. In the case of income derived from the sale or
116 24 exchange of livestock which qualifies under section 451(e) of
116 25 the Internal Revenue Code because of drought, the taxpayer may
116 26 elect to include the income in the taxpayer's net income in
116 27 the tax year following the year of the sale or exchange in
116 28 accordance with rules prescribed by the director.
116 29 ~~9.~~ 10. If an individual's federal income tax was forgiven
116 30 for a tax year under section 692 of the Internal Revenue Code,
116 31 because the individual was killed while serving in an area
116 32 designated by the president of the United States or the United
116 33 States Congress as a combat zone, the individual was missing
116 34 in action and presumed dead, or the individual was killed
116 35 outside the United States in a terroristic or military action
117 1 while the individual was a military or civilian employee of
117 2 the United States, the individual's Iowa income tax is also
117 3 forgiven for the same tax year.
117 4 ~~10.~~ 11. If a taxpayer repays in the current tax year
117 5 certain amounts of income that were subject to tax under this
117 6 division in a prior year and a tax benefit would be allowed
117 7 under similar circumstances under section 1341 of the Internal
117 8 Revenue Code, a tax benefit shall be allowed on the Iowa
117 9 return. The tax benefit shall be the reduced tax for the
117 10 current tax year due to the deduction for the repaid income or
117 11 the reduction in tax for the prior year or years due to
117 12 exclusion of the repaid income. The reduction in tax shall
117 13 qualify as a refundable tax credit on the return for the
117 14 current year pursuant to rules prescribed by the director.
117 15 Sec. 136. Section 422.7, subsection 12, Code 2009, is
117 16 amended to read as follows:
117 17 12. a. If the adjusted gross income includes income or
117 18 loss from a small business operated by the taxpayer, an
117 19 additional deduction shall be allowed in computing the income
117 20 or loss from the small business if the small business hired
117 21 for employment in the state during its annual accounting
117 22 period ending with or during the taxpayer's tax year any of
117 23 the following:
117 24 ~~a.~~ (1) An individual with a disability domiciled in this
117 25 state at the time of the hiring who meets any of the following
117 26 conditions:
117 27 ~~(1)~~ (a) Has a physical or mental impairment which
117 28 substantially limits one or more major life activities.
117 29 ~~(2)~~ (b) Has a record of that impairment.
117 30 ~~(3)~~ (c) Is regarded as having that impairment.
117 31 ~~b.~~ (2) An individual domiciled in this state at the time
117 32 of the hiring who meets any of the following conditions:
117 33 ~~(1)~~ (a) Has been convicted of a felony in this or any
117 34 other state or the District of Columbia.
117 35 ~~(2)~~ (b) Is on parole pursuant to chapter 906.
118 1 ~~(3)~~ (c) Is on probation pursuant to chapter 907, for an
118 2 offense other than a simple misdemeanor.
118 3 ~~(4)~~ (d) Is in a work release program pursuant to chapter
118 4 904, division IX.

~~c.~~ (3) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the interstate compact for adult offender supervision under chapter 907B applies.

b. (1) The amount of the additional deduction is equal to sixty=five percent of the wages paid to individuals, but shall not exceed twenty thousand dollars per individual, named in ~~paragraphs~~ paragraph "a", ~~"b", and "c"~~ subparagraphs (1), (2), and (3) who were hired for the first time by that business during the annual accounting period for work done in the state. This additional deduction is allowed for the wages paid to those individuals successfully completing a probationary period during the twelve months following the date of first employment by the business and shall be deducted at the close of the annual accounting period.

(2) The additional deduction shall not be allowed for wages paid to an individual who was hired to replace an individual whose employment was terminated within the twelve=month period preceding the date of first employment. However, if the individual being replaced left employment voluntarily without good cause attributable to the employer or if the individual was discharged for misconduct in connection with the individual's employment as determined by the department of workforce development, the additional deduction shall be allowed.

(3) A taxpayer who is a partner of a partnership or a shareholder of a subchapter S corporation, may deduct that portion of wages qualified under this subsection paid by the partnership or subchapter S corporation based on the taxpayer's pro rata share of the profits or losses from the partnership or subchapter S corporation.

c. For purposes of this subsection~~, "physical:~~

(1) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems or any mental or psychological disorder, including mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

(2) (a) ~~For purposes of this subsection, "small~~ "Small business" means a profit or nonprofit business, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative, to which the following apply:

~~(1)~~ (i) It is not an affiliate or subsidiary of a business dominant in its field of operation.

~~(2)~~ (ii) It has twenty or fewer full=time equivalent positions and not more than the equivalent of three million dollars in annual gross revenues as computed for the preceding fiscal year or as the average of the three preceding fiscal years.

~~(3)~~ (iii) It does not include the practice of a profession.

(b) "Small business" includes an employee=owned business which has been an employee=owned business for less than three years or which meets the conditions of ~~subparagraphs (1)~~ subparagraph division (a), subparagraph subdivisions (i) through ~~(3)~~ (iii).

(c) For purposes of this definition, "dominant in its field of operation" means having more than twenty full=time equivalent positions and more than three million dollars in annual gross revenues, and "affiliate or subsidiary of a business dominant in its field of operation" means a business which is at least twenty percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalents, of a business dominant in that field of operation.

~~The department may, by resolution, waive any or all of the requirements of paragraph "b" in connection with a loan to a small business, as defined under applicable federal law and regulations that have been enacted or adopted by April 1, 1983, in which federal assistance, insurance, or guarantees are sought.~~

Sec. 137. Section 422.7, subsection 28, paragraph b, Code 2009, is amended to read as follows:

b. The amount of any ~~savings refund or~~ state match payments authorized under section 541A.3, subsection 1.

Sec. 138. Section 422.7, subsection 43, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A taxpayer may elect not to take the increased expensing

allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 108=27, section 202, in computing adjusted gross income for state tax purposes. If the taxpayer does not take the increased expensing allowance under section 179 of the Internal Revenue Code for state tax purposes, the following adjustments shall be made:

Sec. 139. Section 422.7, subsection 53, Code 2009, is amended to read as follows:

53. A taxpayer is allowed to take the increased expensing allowance under section 179 of the Internal Revenue Code, as amended by Pub. L. No. 110=185, in computing adjusted gross income for state tax purposes.

Sec. 140. Section 422.12, Code 2009, is amended to read as follows:

422.12 DEDUCTIONS FROM COMPUTED TAX.

1. As used in this section:

a. "Dependent" has the same meaning as provided by the Internal Revenue Code.

b. "Textbooks" means books and other instructional materials and equipment used in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state and does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship. "Textbooks" includes books or materials used for extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature.

c. "Tuition" means any charges for the expenses of personnel, buildings, equipment, and materials other than textbooks, and other expenses of elementary or secondary schools which relate to the teaching only of those subjects legally and commonly taught in public elementary and secondary schools in this state and which do not relate to the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship. "Tuition" includes those expenses which relate to extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature.

2. There shall be deducted from but not to exceed the tax, after the same shall have been computed as provided in this division, the following:

~~1.~~ a. A personal exemption credit in the following amounts:

~~a.~~ (1) For an estate or trust, a single individual, or a married person filing a separate return, forty dollars.

~~b.~~ (2) For a head of household, or a husband and wife filing a joint return, eighty dollars.

~~c.~~ (3) For each dependent, an additional forty dollars. ~~As used in this section, the term "dependent" has the same meaning as provided by the Internal Revenue Code.~~

~~d.~~ (4) For a single individual, husband, wife, or head of household, an additional exemption of twenty dollars for each of said individuals who has attained the age of sixty=five years before the close of the tax year or on the first day following the end of the tax year.

~~e.~~ (5) For a single individual, husband, wife, or head of household, an additional exemption of twenty dollars for each of said individuals who is blind at the close of the tax year. For the purposes of this ~~paragraph~~ subparagraph, an individual is blind only if the individual's central visual acuity does not exceed twenty=two hundredths in the better eye with correcting lenses, or if the individual's visual acuity is greater than twenty=two hundredths but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.

~~2.~~ b. A tuition credit equal to twenty=five percent of the first one thousand dollars which the taxpayer has paid to others for each dependent in grades kindergarten through twelve, for tuition and textbooks of each dependent in attending an elementary or secondary school situated in Iowa, which school is accredited or approved under section 256.11, which is not operated for profit, and which adheres to the provisions of the federal Civil Rights Act of 1964 and chapter 216. ~~As used in this subsection, "textbooks" means books and other instructional materials and equipment used in elementary and secondary schools in teaching only those subjects legally~~

~~and commonly taught in public elementary and secondary schools in this state and does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship. "Textbooks" includes books or materials used for extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature.~~ Notwithstanding any other provision, all other credits allowed under this ~~section~~ subsection shall be deducted before the tuition credit under this ~~subsection~~ paragraph. The department, when conducting an audit of a taxpayer's return, shall also audit the tuition tax credit portion of the tax return.

~~As used in this subsection, "tuition" means any charges for the expenses of personnel, buildings, equipment and materials other than textbooks, and other expenses of elementary or secondary schools which relate to the teaching only of those subjects legally and commonly taught in public elementary and secondary schools in this state and which do not relate to the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate those tenets, doctrines, or worship. "Tuition" includes those expenses which relate to extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature.~~

3. For the purpose of this section, the determination of whether an individual is married shall be made in accordance with section 7703 of the Internal Revenue Code.

Sec. 141. Section 422.35, subsections 6 and 6A, Code 2009, are amended to read as follows:

6. a. If the taxpayer is a small business corporation, subtract an amount equal to sixty=five percent of the wages paid to individuals, but not to exceed twenty thousand dollars per individual, named in ~~paragraphs "a", "b", and "c"~~ subparagraphs (1), (2), and (3) who were hired for the first time by the taxpayer during the tax year for work done in this state:

~~a.~~ (1) An individual with a disability domiciled in this state at the time of the hiring who meets any of the following conditions:

~~(1)~~ (a) Has a physical or mental impairment which substantially limits one or more major life activities.

~~(2)~~ (b) Has a record of that impairment.

~~(3)~~ (c) Is regarded as having that impairment.

~~b.~~ (2) An individual domiciled in this state at the time of the hiring who meets any of the following conditions:

~~(1)~~ (a) Has been convicted of a felony in this or any other state or the District of Columbia.

~~(2)~~ (b) Is on parole pursuant to chapter 906.

~~(3)~~ (c) Is on probation pursuant to chapter 907, for an offense other than a simple misdemeanor.

~~(4)~~ (d) Is in a work release program pursuant to chapter 904, division IX.

~~c.~~ (3) An individual, whether or not domiciled in this state at the time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 907A.1, Code 2001, applies, or to whom the interstate compact for adult offender supervision under chapter 907B applies.

b. This deduction is allowed for the wages paid to the individuals successfully completing a probationary period named in ~~paragraphs~~ paragraph "a", ~~"b", and "c"~~ subparagraphs (1), (2), and (3) during the twelve months following the date of first employment by the taxpayer and shall be deducted in the tax years when paid.

c. For purposes of this subsection~~, "physical~~:

(1) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems or any mental or psychological disorder, including mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(2) (a) ~~For purposes of this subsection, "small~~ "Small business" means a profit or nonprofit business, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative, to which the following apply:

~~(1)~~ (i) It is not an affiliate or subsidiary of a business dominant in its field of operation.

~~(2)~~ (ii) It has either twenty or fewer full=time

125 3 equivalent positions or not more than the equivalent of three
125 4 million dollars in annual gross revenues as computed for the
125 5 preceding fiscal year or as the average of the three preceding
125 6 fiscal years.
125 7 ~~(3)~~ (iii) It does not include the practice of a
125 8 profession.
125 9 (b) "Small business" includes an employee=owned business
125 10 which has been an employee=owned business for less than three
125 11 years or which meets the conditions of ~~subparagraphs (1)~~
~~125 12 through (3)~~ subparagraph division (a), subparagraph
125 13 subdivisions (i) through (iii).
125 14 (c) For purposes of this definition, "dominant in its
125 15 field of operation" means having more than twenty full=time
125 16 equivalent positions and more than three million dollars in
125 17 annual gross revenues, and "affiliate or subsidiary of a
125 18 business dominant in its field of operation" means a business
125 19 which is at least twenty percent owned by a business dominant
125 20 in its field of operation, or by partners, officers,
125 21 directors, majority stockholders, or their equivalents, of a
125 22 business dominant in that field of operation.
125 23 ~~The department may, by resolution, waive any or all of the~~
~~125 24 requirements of paragraph "b" in connection with a loan to a~~
~~125 25 small business, as defined under applicable federal law and~~
~~125 26 regulations that have been enacted or adopted by April 1,~~
~~125 27 1983, in which federal assistance, insurance, or guaranties~~
~~125 28 are sought.~~
125 29 6A. a. If the taxpayer is a business corporation and does
125 30 not qualify for the adjustment under subsection 6, subtract an
125 31 amount equal to sixty=five percent of the wages paid to
125 32 individuals, but shall not exceed twenty thousand dollars per
125 33 individual, named in ~~paragraphs "a" and "b"~~ subparagraphs (1)
125 34 and (2) who were hired for the first time by the taxpayer
125 35 during the tax year for work done in this state:
126 1 ~~a.~~ (1) An individual domiciled in this state at the time
126 2 of the hiring who meets any of the following conditions:
126 3 ~~(1)~~ (a) Has been convicted of a felony in this or any
126 4 other state or the District of Columbia.
126 5 ~~(2)~~ (b) Is on parole pursuant to chapter 906.
126 6 ~~(3)~~ (c) Is on probation pursuant to chapter 907, for an
126 7 offense other than a simple misdemeanor.
126 8 ~~(4)~~ (d) Is in a work release program pursuant to chapter
126 9 904, division IX.
126 10 ~~b.~~ (2) An individual, whether or not domiciled in this
126 11 state at the time of the hiring, who is on parole or probation
126 12 and to whom the interstate probation and parole compact under
126 13 section 907A.1, Code 2001, applies, or to whom the interstate
126 14 compact for adult offender supervision under chapter 907B
126 15 applies.
126 16 b. This deduction is allowed for the wages paid to the
126 17 individuals successfully completing a probationary period
126 18 named in ~~paragraphs "a" and "b"~~ paragraph "a", subparagraphs
126 19 (1) and (2) during the twelve months following the date of
126 20 first employment by the taxpayer and shall be deducted in the
126 21 tax years when paid.
126 22 c. The department shall develop and distribute information
126 23 concerning the deduction available for businesses employing
126 24 persons named in ~~paragraphs "a" and "b"~~ paragraph "a",
126 25 subparagraphs (1) and (2).
126 26 Sec. 142. Section 422.35, subsection 20, unnumbered
126 27 paragraph 1, Code 2009, is amended to read as follows:
126 28 A taxpayer may elect not to take the increased expensing
126 29 allowance under section 179 of the Internal Revenue Code, as
126 30 amended by Pub. L. No. 108=27, section 202, in computing
126 31 taxable income for state tax purposes. If the taxpayer does
126 32 not take the increased expensing allowance under section 179
126 33 of the Internal Revenue Code for state tax purposes, the
126 34 following adjustments shall be made:
126 35 Sec. 143. Section 422.35, subsection 24, Code 2009, is
127 1 amended to read as follows:
127 2 24. A taxpayer is allowed to take the increased expensing
127 3 allowance under section 179 of the Internal Revenue Code, as
127 4 amended by Pub. L. No. 110=185, in computing taxable income
127 5 for state tax purposes.
127 6 Sec. 144. Section 423.3, subsection 57, unnumbered
127 7 paragraphs 1 and 2, Code 2009, are amended to read as follows:
127 8 The sales price from all sales of food and food
127 9 ingredients. However, as used in this subsection, ~~"food" does~~
127 10 a sale of "food and food ingredients" does not include a sale
127 11 of alcoholic beverages, candy, or dietary supplements~~,~~; food
127 12 sold through vending machines~~,~~; or sales of prepared food,
127 13 soft drinks, ~~and~~ or tobacco. For the purposes of this

127 14 subsection:
127 15 ~~For the purposes of this subsection:~~
127 16 Sec. 145. Section 435.1, subsections 3 through 7, Code
127 17 2009, are amended to read as follows:
127 18 3. "Manufactured home" means a factory=built structure
127 19 built under authority of 42 U.S.C. } 5403, that is required by
127 20 federal law to display a seal from the United States
127 21 department of housing and urban development, and was
127 22 constructed on or after June 15, 1976. ~~If a manufactured home~~
~~127 23 is placed in a manufactured home community or a mobile home~~
~~127 24 park, the home must be titled and is subject to the~~
~~127 25 manufactured or mobile home square foot tax. If a~~
~~127 26 manufactured home is placed outside a manufactured home~~
~~127 27 community or a mobile home park, the home must be titled and~~
~~127 28 is to be assessed and taxed as real estate.~~
127 29 4. "Manufactured home community" means the same as
127 30 land=leased community defined in sections 335.30A and 414.28A.
127 31 The term "manufactured home community" shall not be construed
127 32 to include manufactured or mobile homes, buildings, tents, or
127 33 other structures temporarily maintained by any individual,
127 34 educational institution, or company on their own premises and
127 35 used exclusively to house their own labor or students.
128 1 5. "Mobile home" means any vehicle without motive power
128 2 used or so manufactured or constructed as to permit its being
128 3 used as a conveyance upon the public streets and highways and
128 4 so designed, constructed, or reconstructed as will permit the
128 5 vehicle to be used as a place for human habitation by one or
128 6 more persons; but shall also include any such vehicle with
128 7 motive power not registered as a motor vehicle in Iowa. A
128 8 "mobile home" is not built to a mandatory building code,
128 9 contains no state or federal seals, and was built before June
128 10 15, 1976. ~~If a mobile home is placed outside a mobile home~~
~~128 11 park, the home is to be assessed and taxed as real estate.~~
128 12 6. "Mobile home park" means a site, lot, field, or tract
128 13 of land upon which three or more mobile homes or manufactured
128 14 homes, or a combination of any of these homes, are placed on
128 15 developed spaces and operated as a for=profit enterprise with
128 16 water, sewer or septic, and electrical services available.
128 17 The term "mobile home park"
128 18 ~~The term "manufactured home community" or "mobile home~~
~~128 19 park"~~ shall not be construed to include manufactured or mobile
128 20 homes, buildings, tents, or other structures temporarily
128 21 maintained by any individual, educational institution, or
128 22 company on their own premises and used exclusively to house
128 23 their own labor or students.
128 24 ~~A manufactured home community or a mobile home park must be~~
~~128 25 classified as to whether it is a residential manufactured home~~
~~128 26 community or a mobile home park or a recreational manufactured~~
~~128 27 home community or a mobile home park or both. The~~
~~128 28 manufactured home communities or mobile home parks residential~~
~~128 29 landlord and tenant Act, chapter 562B, only applies to~~
~~128 30 residential manufactured home communities or mobile home~~
~~128 31 parks.~~
128 32 7. "Modular home" means a factory=built structure which is
128 33 manufactured to be used as a place of human habitation, is
128 34 constructed to comply with the Iowa state building code for
128 35 modular factory=built structures, as adopted pursuant to
129 1 section 103A.7, and must display the seal issued by the state
129 2 building code commissioner. ~~If a modular home is placed in a~~
~~129 3 manufactured home community or mobile home park, the home is~~
~~129 4 subject to the annual tax as required by section 435.22. If a~~
~~129 5 modular home is placed outside a manufactured home community~~
~~129 6 or a mobile home park, the home shall be considered real~~
~~129 7 property and is to be assessed and taxed as real estate.~~
129 8 Sec. 146. NEW SECTION. 435.2 PLACEMENT AND TAXATION.
129 9 1. If a mobile home is placed outside a mobile home park,
129 10 the home is to be assessed and taxed as real estate.
129 11 2. If a manufactured home is placed in a manufactured home
129 12 community or a mobile home park, the home must be titled and
129 13 is subject to the manufactured or mobile home square foot tax.
129 14 If a manufactured home is placed outside a manufactured home
129 15 community or a mobile home park, the home must be titled and
129 16 is to be assessed and taxed as real estate.
129 17 3. If a modular home is placed in a manufactured home
129 18 community or mobile home park, the home is subject to the
129 19 annual tax as required by section 435.22. If a modular home
129 20 is placed outside a manufactured home community or a mobile
129 21 home park, the home shall be considered real property and is
129 22 to be assessed and taxed as real estate. This subsection does
129 23 not apply to manufactured home communities or mobile home
129 24 parks in existence on or before January 1, 1998. If a modular

home is placed in a manufactured home community or mobile home park which was in existence on or before January 1, 1998, that modular home shall be subject to property tax pursuant to section 435.22.

Sec. 147. Section 435.26, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes. A home, after conversion to real estate, is eligible for the homestead tax credit and the military service tax exemption as provided in sections 425.2 and 426A.11. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, is also exempt from the permanent foundation requirements of this chapter until the home is relocated.

Sec. 148. Section 437A.3, subsection 29, Code 2009, is amended to read as follows:

29. "Taxable value" means as defined in section 437A.19, subsection 2, paragraph ~~"f"~~ "e".

Sec. 149. Section 437A.15, subsection 3, paragraph e, Code 2009, is amended to read as follows:

e. Notwithstanding the provisions of this section, if during the tax year a person who was not a taxpayer during the prior tax year acquires a new major addition, as defined in section 437A.3, subsection 18, paragraph "a", subparagraph (4), the replacement tax associated with that major addition shall be allocated, for that tax year, under this section in accordance with the general allocating formula on the basis of the general property tax equivalents established under paragraph "a" of this subsection, except that the levy rates established and reported to the department of management on or before June 30 following the tax year in which the major addition was acquired shall be applied to the prorated assessed value of the major addition ~~and provided that section 437A.19, subsection 2, paragraph "b", subparagraph (2), is in any event applicable~~. For purposes of this paragraph, "prorated assessed value of the major addition" means the assessed value of the major addition as of January 1 of the year following the tax year in which the major addition was acquired multiplied by the percentage derived by dividing the number of months that the major addition existed during the tax year by twelve, counting any portion of a month as a full month.

Sec. 150. Section 437A.19, subsection 2, Code 2009, is amended to read as follows:

2. a. Beginning January 1, 1999, the assessed value of taxpayer property shall be adjusted annually as provided in this section. The director, with respect to each taxpayer, shall do all of the following:

~~a.~~ (1) Adjust the assessed value of taxpayer property in each local taxing district by the change in book value during the preceding calendar year of the local amount of any major addition reported within such local taxing district.

~~b.~~ (2) Adjust the assessed value of taxpayer property in each local taxing district by allocating the change in book value during the preceding calendar year of the statewide amount and all other taxpayer property described in subsection 1, paragraph "a", subparagraph (5), to the assessed value of all taxpayer property in the state pro rata according to its preadjustment value. Any value for a taxpayer owning, or owning an interest in, a new electric power generating plant in excess of a local amount, where such taxpayer owns no other taxpayer property in this state, shall not be allocated to any local taxing districts.

~~c.~~ (3) In the case of taxpayer property described in subsection 1, paragraph "a", subparagraphs (3), (4), and (7), decrease the assessed value of taxpayer property in each local taxing district by the assessed value reported within such local taxing district.

~~d.~~ (4) In the event of a merger or consolidation of two or more taxpayers, to determine the assessed value of the surviving taxpayer, combine the assessed values of such taxpayers immediately prior to the merger or consolidation.

~~e.~~ (5) In the event any taxpayer property is eligible for the urban revitalization tax exemption described in chapter 404, adjust the assessed value of taxpayer property within each affected local taxing district to reflect such exemption.

~~f.~~ (6) In the event the base year assessed value of

132 1 taxpayer property is adjusted as a result of taxpayer appeals,
132 2 reduce the assessed value of taxpayer property in each local
132 3 taxing district to reflect such adjustment. The adjustment
132 4 shall be allocated in proportion to the allocation of the
132 5 taxpayer's assessed value among the local taxing districts
132 6 determined without regard to this adjustment. An adjustment
132 7 to the base year assessed value of taxpayer property shall be
132 8 made as of January 1 of the year following the date on which
132 9 the adjustment is finally determined.
132 10 b. In no event shall the adjustments set forth in this
132 11 subsection reduce the assessed value of taxpayer property in
132 12 any local taxing district below zero.
132 13 c. The director, on or before August 31 of each assessment
132 14 year, shall report to the department of management and to the
132 15 auditor of each county the adjusted assessed value of taxpayer
132 16 property as of January 1 of such assessment year for each
132 17 local taxing district. For purposes of this subsection, the
132 18 assessed value of taxpayer property in each local taxing
132 19 district subject to adjustment under this section by the
132 20 director means the assessed value of such property as of the
132 21 preceding January 1 as determined and allocated among the
132 22 local taxing districts by the director.
132 23 d. Nothing in this chapter shall be interpreted to
132 24 authorize local taxing authorities to exclude from the
132 25 calculation of levy rates the taxable value of taxpayer
132 26 property reported to county auditors pursuant to this
132 27 subsection.
132 28 e. In addition to reporting the assessed values as
132 29 described in this subsection, the director, on or before
132 30 October 31 of each assessment year, shall also report to the
132 31 department of management and to the auditor of each county the
132 32 taxable value of taxpayer property as of January 1 of such
132 33 assessment year for each local taxing district. For purposes
132 34 of this chapter, "taxable value" means the value for all
132 35 property subject to the replacement tax annually determined by
133 1 the director, by dividing the estimated annual replacement tax
133 2 liability for that property by the prior year's consolidated
133 3 taxing district rate for the taxing district where that
133 4 property is located, then multiplying the quotient by one
133 5 thousand. A taxpayer who paid more than five hundred thousand
133 6 dollars in replacement tax in the previous tax year or who
133 7 believes their replacement tax liability will vary more than
133 8 ten percent from the previous tax year shall report to the
133 9 director by October 1 of the current calendar year, on forms
133 10 prescribed by the director, the estimated replacement tax
133 11 liability that will be attributable to all of the taxpayer's
133 12 property subject to replacement tax for the current tax year.
133 13 The department shall utilize the estimated replacement tax
133 14 liability as reported by the taxpayer or the taxpayer's prior
133 15 year's replacement tax amounts to estimate the current tax
133 16 year's taxable value for that property. Furthermore, a
133 17 taxpayer who has a new major addition of operating property
133 18 which is put into service for the first time in the current
133 19 calendar year shall report to the director by October 1 of the
133 20 current calendar year, or at the time the major addition is
133 21 put into service, whichever time is later, on forms prescribed
133 22 by the director, the cost of the major addition and, if not
133 23 previously reported, shall report the estimated replacement
133 24 taxes which that asset will generate in the current calendar
133 25 year. For the purposes of computing the taxable value of
133 26 property in a taxing district, the taxing district's share of
133 27 the estimated replacement tax liability shall be the taxing
133 28 district's percentage share of the "assessed value allocated
133 29 by property tax equivalent" multiplied by the total estimated
133 30 replacement tax. "Assessed value allocated by property tax
133 31 equivalent" shall be determined by dividing the taxpayer's
133 32 current year assessed valuation in a taxing district by one
133 33 thousand, and then multiplying by the prior year's
133 34 consolidated tax rate.
133 35 Sec. 151. Section 450.7, subsection 1, Code 2009, is
134 1 amended to read as follows:
134 2 1. ~~Except for the share of the estate passing to the~~
~~134 3 surviving spouse, and parents, grandparents,~~
~~134 4 great=grandparents, and other lineal ascendants, children~~
~~134 5 including legally adopted children and biological children~~
~~134 6 entitled to inherit under the laws of this state,~~
~~134 7 stepchildren, and grandchildren, great=grandchildren, and~~
~~134 8 other lineal descendants, the~~ The tax imposed by this chapter
134 9 is a charge against and a lien upon the estate subject to tax
134 10 under this chapter, and all property of the estate or owned by
134 11 the decedent from the death of the decedent until paid,

134 12 subject to the following ~~limitation~~ limitations:
134 13 a. The share of the estate passing to the surviving
134 14 spouse, and parents, grandparents, great=grandparents, and
134 15 other lineal ascendants, children including legally adopted
134 16 children and biological children entitled to inherit under the
134 17 laws of this state, stepchildren, and grandchildren,
134 18 great=grandchildren, and other lineal descendants is excluded
134 19 from taxation under this chapter.
134 20 b. Inheritance taxes owing with respect to a passing of
134 21 property of a deceased person are no longer a lien against the
134 22 property ten years from the date of death of the decedent
134 23 owner regardless of whether the decedent owner died prior to
134 24 or subsequent to July 1, 1995, except to the extent taxes are
134 25 attributable to remainder or deferred interests and are
134 26 deferred in accordance with the provisions of this chapter.
134 27 Sec. 152. Section 455A.8, subsection 1, Code 2009, is
134 28 amended to read as follows:
134 29 1. a. The Brushy creek recreation trails advisory board
134 30 shall be organized within the department and shall be composed
134 31 of ~~ten~~ nine voting members ~~including the following: the~~ and
134 32 one ex officio nonvoting member as follows:
134 33 (1) The director of the department or the director's
134 34 designee who shall serve as ~~a~~ the nonvoting ex officio member~~,~~
~~134 35 the~~.
135 1 (2) The park employee who is primarily responsible for
135 2 maintenance of the Brushy creek recreation area~~, a~~.
135 3 (3) A member of the state advisory board for preserves
135 4 established under chapter 465C~~, and seven~~.
135 5 (4) Seven persons appointed by the natural resource
135 6 commission.
135 7 b. The director shall provide the natural resource
135 8 commission with nominations of prospective board members.
135 9 Each person appointed by the natural resource commission must
135 10 actively participate in recreational trail activities such as
135 11 hiking, bicycling, an equestrian sport, or a winter sport at
135 12 the Brushy creek recreation area. The nine voting members
135 13 shall elect a chairperson at the board's first meeting each
135 14 year.
135 15 Sec. 153. Section 455B.191, Code 2009, is amended to read
135 16 as follows:
135 17 455B.191 PENALTIES == BURDEN OF PROOF.
135 18 1. As used in this section, "hazardous substance" means
135 19 hazardous substance as defined in section 455B.381 or section
135 20 455B.411.
135 21 ~~1.~~ 2. Any person who violates any provision of part 1 of
135 22 division III of this chapter or any permit, rule, standard, or
135 23 order issued under part 1 of division III of this chapter
135 24 shall be subject to a civil penalty not to exceed five
135 25 thousand dollars for each day of such violation.
135 26 ~~2.~~ 3. a. Any person who negligently or knowingly
135 27 ~~violates~~ does any of the following shall, upon conviction, be
135 28 punished as provided in paragraph "b" or "c":
135 29 (1) Violates section 455B.183 or section 455B.186 or any
135 30 condition or limitation included in any permit issued under
135 31 section 455B.183~~, or who negligently or knowingly introduces~~.
135 32 (2) Introduces into a sewer system or into a publicly
135 33 owned treatment works any pollutant or hazardous substance
135 34 which the person knew or reasonably should have known could
135 35 cause personal injury or property damage or, other than in
136 1 compliance with all applicable federal and state requirements
136 2 or permits~~, negligently or knowingly causes~~.
136 3 (3) Causes a treatment works to violate any water quality
136 4 standard, effluent standard, pretreatment standard or
136 5 condition of a permit issued to the treatment works pursuant
136 6 to section 455B.183 ~~is guilty of a serious misdemeanor for a~~
~~136 7 negligent violation and is guilty of an aggravated misdemeanor~~
~~136 8 for a knowing violation~~. ~~A conviction for a negligent~~
~~136 9 violation is~~
136 10 b. (1) A person who commits a negligent violation under
136 11 this subsection is guilty of a serious misdemeanor punishable
136 12 by a fine of not more than twenty=five thousand dollars for
136 13 each day of violation or by imprisonment for not more than one
136 14 year, or both~~; however, if~~.
136 15 (2) If the conviction is for a second or subsequent
136 16 violation committed by a person under this subsection, the
136 17 conviction is punishable by a fine of not more than fifty
136 18 thousand dollars for each day of violation or by imprisonment
136 19 for not more than two years, or both.
136 20 c. (1) A ~~conviction for a~~ person who commits a knowing
136 21 violation ~~is~~ under this subsection is guilty of an aggravated
136 22 misdemeanor punishable by a fine of not more than fifty

136 23 thousand dollars for each day of violation or by imprisonment
136 24 for not more than two years, or both~~; however, if.~~
136 25 (2) If the conviction is for a second or subsequent
136 26 violation committed by a person under this subsection, the
136 27 conviction is punishable by a fine of not more than one
136 28 hundred thousand dollars for each day of violation or by
136 29 imprisonment for not more than five years, or both. ~~As used~~
~~136 30 in this section, "hazardous substance" means hazardous~~
~~136 31 substance as defined in section 455B.381 or section 455B.411.~~
136 32 ~~3.~~ 4. Any person who knowingly makes any false statement,
136 33 representation, or certification in any application, record,
136 34 report, plan or other document filed or required to be
136 35 maintained under part 1 of division III of this chapter, or
137 1 who falsifies, tampers with or knowingly renders inaccurate
137 2 any monitoring device or method required to be maintained
137 3 under part 1 of division III of this chapter or by any permit,
137 4 rule, regulation, or order issued under part 1 of division III
137 5 of this chapter, shall upon conviction be punished by a fine
137 6 of not more than ten thousand dollars or by imprisonment in
137 7 the county jail for not more than six months or by both such
137 8 fine and imprisonment.
137 9 ~~4.~~ 5. The attorney general shall, at the request of the
137 10 director with approval of the commission, institute any legal
137 11 proceedings, including an action for an injunction or a
137 12 temporary injunction, necessary to enforce the penalty
137 13 provisions of part 1 of division III of this chapter or to
137 14 obtain compliance with the provisions of part 1 of division
137 15 III of this chapter or any rules promulgated or any provision
137 16 of any permit issued under part 1 of division III of this
137 17 chapter. In any such action, any previous findings of fact of
137 18 the director or the commission after notice and hearing shall
137 19 be conclusive if supported by substantial evidence in the
137 20 record when the record is viewed as a whole.
137 21 ~~5.~~ 6. In all proceedings with respect to any alleged
137 22 violation of the provisions of this part 1 of division III or
137 23 any rule established by the commission or the department, the
137 24 burden of proof shall be upon the commission or the department
137 25 except in an action for contempt as provided in section
137 26 455B.182.
137 27 ~~6.~~ 7. If the attorney general has instituted legal
137 28 proceedings in accordance with this section, all related
137 29 issues which could otherwise be raised by the alleged violator
137 30 in a proceeding for judicial review under section 455B.178
137 31 shall be raised in the legal proceedings instituted in
137 32 accordance with this section.
137 33 Sec. 154. Section 455G.4, subsection 6, Code 2009, is
137 34 amended to read as follows:
137 35 6. REPORTING. Beginning July 2003, the board shall submit
138 1 a written report quarterly to the legislative council, the
138 2 chairperson and ranking member of the committee on ~~natural~~
~~138 3 resources and~~ environment and energy independence in the
138 4 senate, and the chairperson and ranking member of the
138 5 committee on environmental protection in the house of
138 6 representatives regarding changes in the status of the program
138 7 including, but not limited to, the number of open claims by
138 8 claim type; the number of new claims submitted and the
138 9 eligibility status of each claim; a summary of the risk
138 10 classification of open claims; the status of all claims at
138 11 high=risk sites including the number of corrective action
138 12 design reports submitted, approved, and implemented during the
138 13 reporting period; total moneys reserved on open claims and
138 14 total moneys paid on open claims; and a summary of budgets
138 15 approved and invoices paid for high=risk site activities
138 16 including a breakdown by corrective action design report,
138 17 construction and equipment, implementation, operation and
138 18 maintenance, monitoring, over excavation, free product
138 19 recovery, site reclassification, reporting and other expenses,
138 20 or a similar breakdown. In each report submitted by the
138 21 board, the board shall include an estimated timeline to
138 22 complete corrective action at all currently eligible high=risk
138 23 sites where a corrective action design report has been
138 24 submitted by a claimant and approved during the reporting
138 25 period. The timeline shall include the projected year when a
138 26 no further action designation will be obtained based upon the
138 27 corrective action activities approved or anticipated at each
138 28 claimant site. The timeline shall be broken down in annual
138 29 increments with the number or percentage of sites projected to
138 30 be completed for each time period. The report shall identify
138 31 and report steps taken to expedite corrective action and
138 32 eliminate the state's liability for open claims.
138 33 Sec. 155. Section 456A.26, Code 2009, is amended to read

as follows:

456A.26 INTERPRETATION AND LIMITATIONS.

~~The foregoing sections~~ Sections 456A.23 through 456A.25 shall not be construed as authorizing the commission to change any penalty for violating any game law or regulation, or change the amount of any license established by the legislature, or to promulgate any open season on any fish, animal or bird contrary to the laws of the state of Iowa, or to extend except as provided in this chapter any open season or bag limit on any kind of fish, game, fur=bearing animals or of any birds prescribed by the laws of the state of Iowa or by federal laws or regulations, or to contract any indebtedness or obligation beyond the funds to which they are lawfully entitled.

Sec. 156. Section 461B.8, Code 2009, is amended to read as follows:

461B.8 ACTUAL SERVICE WITHIN THIS STATE.

The ~~foregoing~~ provisions of this chapter relative to service of original notice of suit on nonresidents shall not be deemed to prevent actual personal service in this state upon the nonresident in the time, manner, form and under the conditions provided for service on residents.

Sec. 157. Section 476.6, subsection 20, Code 2009, is amended by striking the subsection.

Sec. 158. Section 483A.27, subsections 1 and 11, Code 2009, are amended to read as follows:

1. A person born after January 1, 1972, shall not obtain a hunting license unless the person has satisfactorily completed a hunter safety and ethics education course approved by the commission. A person who is eleven years of age or more may enroll in an approved hunter safety and ethics education course, but a person who is eleven years of age and who has successfully completed the course shall be issued a certificate of completion which becomes valid on the person's twelfth birthday. A certificate of completion from an approved hunter safety and ethics education course issued in this state, or a certificate issued by another state, country, or province for completion of a course that meets the standards adopted by the international hunter education association, is valid for the requirements of this section.

11. An instructor certified by the department shall be allowed to conduct a ~~departmental approved~~ department=approved hunter safety and ethics education course or shooting sports activities course on public school property with the approval of a majority of the board of directors of the school district. Conducting an approved hunter safety and ethics education course or shooting sports activities course is not a violation of any public policy, rule, regulation, resolution, or ordinance which prohibits the possession, display, or use of a firearm, bow and arrow, or other hunting weapon on public school property or other public property in this state.

Sec. 159. Section 489.108, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A limited liability company may apply to the secretary of state for authorization to use a name that does not comply with subsection 2. The secretary of state shall authorize use of the name applied for if~~, as to each~~ either of the following ~~noncomplying names~~ applies:

Sec. 160. Section 489.702, subsection 5, paragraph b, subparagraph (3), Code 2009, is amended to read as follows:

(3) Within a reasonable time following the dissolution a person has not been appointed pursuant to subsection ~~3~~ 4.

Sec. 161. Section 489.1203, subsection 10, paragraph a, Code 2009, is amended to read as follows:

a. Except as otherwise provided in paragraph "b", if a member of a member=managed series or manager of a manager=managed series consents to a distribution made in violation of this section and in consenting to the distribution fails to comply with section 489.409, the member or manager is personally liable to the series for the amount of the distribution that exceeds the amount that could have been distributed without the violation of this section ~~489.405~~.

Sec. 162. Section 489.1203, subsection 11, Code 2009, is amended to read as follows:

11. A person that receives a distribution knowing that the distribution to that person was made in violation of this section ~~489.405~~ is personally liable to the limited liability company but only to the extent that the distribution received by the person exceeded the amount that could have been properly paid under this section ~~489.405~~.

Sec. 163. Section 490.831, subsection 1, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) The protection afforded by section 490.870 ~~precludes~~ does not preclude liability.

Sec. 164. Section 496C.14, Code 2009, is amended to read as follows:

496C.14 REQUIRED PURCHASE BY PROFESSIONAL CORPORATION OF ITS OWN SHARES.

1. a. Notwithstanding any other statute or rule of law, a professional corporation shall purchase its own shares as provided in this section; and the shareholders of a professional corporation and their executors, administrators, legal representatives, and successors in interest shall sell and transfer the shares held by them as provided in this section.

b. The corporation may validly purchase its own shares even though its net assets are less than its stated capital, or even though by so doing its net assets would be reduced below its stated capital.

c. Upon the death of a shareholder, the professional corporation shall immediately purchase all shares held by the deceased shareholder.

2. In order to remain a shareholder of a professional corporation, a shareholder shall at all times be licensed to practice in this state a profession which the corporation is authorized to practice. Whenever any shareholder does not have or ceases to have this qualification, the corporation shall immediately purchase all shares held by that shareholder.

3. Whenever any person other than the shareholder of record becomes entitled to have shares of a corporation transferred into that person's name or to exercise voting rights, except as a proxy, with respect to shares of the corporation, the corporation shall immediately purchase such shares. Without limiting the generality of the foregoing, this section shall be applicable whether the event occurs as a result of the appointment of a guardian or conservator for a shareholder or the shareholder's property, transfer of shares by operation of law, involuntary transfer of shares, judicial proceedings, execution, levy, bankruptcy proceedings, receivership proceedings, foreclosure or enforcement of a pledge or encumbrance, or any other situation or occurrence. However, this section does not apply to any voluntary transfer of shares as defined in this chapter.

4. Shares purchased by the corporation under the provisions of this section shall be transferred to the corporation as of the close of business on the date of the death or other event which requires purchase. The shareholder and the shareholder's executors, administrators, legal representatives, or successors in interest shall promptly do all things which may be necessary or convenient to cause transfer to be made as of the transfer date. However, the shares shall promptly be transferred on the stock transfer books of the corporation as of the transfer date, notwithstanding any delay in transferring or surrendering the shares or certificates representing the shares, and the transfer shall be valid and effective for all purposes as of the close of business on the transfer date. The purchase price for such shares shall be paid as provided in this chapter, but the transfer of shares to the corporation as provided in this section shall not be delayed or affected by any delay or default in making payment.

5. Notwithstanding ~~the foregoing provisions of this section~~ subsections 1 through 4, purchase by the corporation is not required upon the occurrence of any event other than death of a shareholder if the corporation is dissolved or voluntarily elects to adopt the provisions of the Iowa business corporation Act, as provided in section 490.1701, subsection 2, within sixty days after the occurrence of the event. The articles of incorporation or bylaws may provide that purchase is not required upon the death of a shareholder if the corporation is dissolved within sixty days after the death. Notwithstanding ~~the foregoing provisions of this section~~ subsections 1 through 4, purchase by the corporation is not required upon the death of a shareholder if the corporation voluntarily elects to adopt the provisions of the Iowa business corporation Act, as provided in section 490.1701, subsection 2, within sixty days after death.

6. Unless otherwise provided in the articles of incorporation or bylaws or in an agreement among all shareholders of the professional corporation:

143 21 ~~1.~~ a. The purchase price for shares shall be their book
143 22 value as of the end of the month immediately preceding the
143 23 death or other event which requires purchase. Book value
143 24 shall be determined from the books and records of the
143 25 professional corporation in accordance with the regular method
143 26 of accounting used by the corporation, uniformly and
143 27 consistently applied. Adjustments to book value shall be
143 28 made, if necessary, to take into account work in process and
143 29 accounts receivable. Any final determination of book value
143 30 made in good faith by any independent certified public
143 31 accountant or firm of certified public accountants employed by
143 32 the corporation for the purpose shall be conclusive on all
143 33 persons.
143 34 ~~2.~~ b. The purchase price shall be paid in cash as
143 35 follows:
144 1 (1) Upon the death of a shareholder, thirty percent of the
144 2 purchase price shall be paid within ninety days after death,
144 3 and the balance shall be paid in three equal annual
144 4 installments on the first three anniversaries of the death.
144 5 (2) Upon the happening of any other event referred to in
144 6 this section, one=tenth of the purchase price shall be paid
144 7 within ninety days after the date of such event, and the
144 8 balance shall be paid in three equal annual installments on
144 9 the first three anniversaries of the date of the event.
144 10 ~~3.~~ c. Interest from the date of death or other event
144 11 shall be payable annually on principal payment dates, at the
144 12 rate of six percent per annum on the unpaid balance of the
144 13 purchase price.
144 14 ~~4.~~ d. All persons who are shareholders of the
144 15 professional corporation on the date of death or other event,
144 16 and their executors, administrators, and legal
144 17 representatives, shall, to the extent the corporation fails to
144 18 meet its obligations hereunder, be jointly liable for the
144 19 payment of the purchase price and interest in proportion to
144 20 their percentage of ownership of the corporation's shares,
144 21 disregarding shares of the deceased or withdrawing
144 22 shareholder.
144 23 ~~5.~~ e. The part of the purchase price remaining unpaid
144 24 after the initial payment shall be evidenced by a negotiable
144 25 promissory note, which shall be executed by the corporation
144 26 and all shareholders liable for payment. Any person liable on
144 27 the note shall have the right to prepay the note in full or in
144 28 part at any time.
144 29 ~~6.~~ f. If the person making any payment is not reasonably
144 30 able to determine which of two or more persons is entitled to
144 31 receive a payment, or if the payment is payable to a person
144 32 who is unknown, or who is under disability and there is no
144 33 person legally competent to receive the payment, or who cannot
144 34 be found after the exercise of reasonable diligence by the
144 35 person making the payment, it shall be deposited with the
145 1 treasurer of state and shall be subject to the provisions of
145 2 the Iowa business corporation Act, chapter 490, with respect
145 3 to funds deposited with the treasurer of state upon the
145 4 voluntary or involuntary dissolution of a corporation.
145 5 ~~7.~~ g. Notwithstanding the provisions of this section, no
145 6 part of the purchase price shall be required to be paid until
145 7 the certificates representing such shares have been
145 8 surrendered to the corporation.
145 9 ~~8.~~ h. Notwithstanding the provisions of this section,
145 10 payment of any part of the purchase price for shares of a
145 11 deceased shareholder shall not be required until the executor
145 12 or administrator of the deceased shareholder provides any
145 13 indemnity, release, or other document from any taxing
145 14 authority, which is reasonably necessary to protect the
145 15 corporation against liability for estate, inheritance, and
145 16 death taxes.
145 17 7. The articles of incorporation or bylaws or an agreement
145 18 among all shareholders of a professional corporation may
145 19 provide for a different purchase price, a different method of
145 20 determining the purchase price, a different interest rate or
145 21 no interest, and other terms, conditions, and schedules of
145 22 payment.
145 23 8. The articles of incorporation or bylaws or an agreement
145 24 among all shareholders of a professional corporation may
145 25 provide for the optional or mandatory purchase of its own
145 26 shares by the corporation in other situations, subject to any
145 27 applicable law regarding such purchase.
145 28 Sec. 165. Section 499.36A, subsection 1, Code 2009, is
145 29 amended to read as follows:
145 30 1. A director shall discharge the duties of the position
145 31 of director in good faith, in a manner the director reasonably

145 32 believes to be in the best interests of the association, and
145 33 with the care that a person in a like position would
145 34 reasonably believe appropriate under similar circumstances. A
145 35 person who so performs those duties is not liable by reason of
146 1 being or having been a director of the ~~cooperative~~
146 2 association.
146 3 Sec. 166. Section 502.602, subsection 3, unnumbered
146 4 paragraph 1, Code 2009, is amended to read as follows:
146 5 If a person does not appear or refuses to testify, file a
146 6 statement, or produce records, or otherwise does not obey a
146 7 subpoena as required by the administrator under this chapter,
146 8 the administrator may apply to the Polk county district court
146 9 or the district court for the county in which the person
146 10 resides or is located or a court of another state to enforce
146 11 compliance. The court may do any of the following:
146 12 Sec. 167. Section 505.8, subsection 7, Code 2009, is
146 13 amended to read as follows:
146 14 7. The commissioner shall have regulatory authority over
146 15 health benefit plans and adopt rules under chapter 17A as
146 16 necessary, to promote the uniformity, cost efficiency,
146 17 transparency, and fairness of such plans for physicians and
146 18 osteopathic physicians licensed under ~~chapters~~ chapter 148~~,~~
146 19 ~~150, and 150A,~~ and hospitals licensed under chapter 135B, for
146 20 the purpose of maximizing administrative efficiencies and
146 21 minimizing administrative costs of health care providers and
146 22 health insurers.
146 23 Sec. 168. Section 520.14, Code 2009, is amended to read as
146 24 follows:
146 25 520.14 VIOLATIONS == EXCEPTIONS.
146 26 It shall be unlawful for an attorney to exchange contracts
146 27 of insurance of the kind and character specified in this
146 28 chapter, or for an attorney or representative of the attorney
146 29 to solicit or negotiate any applications for the same without
146 30 the attorney having first complied with the ~~foregoing~~
146 31 provisions of sections 520.2 through 520.13. For the purpose
146 32 of organization and upon issuance of permit by the
146 33 commissioner of insurance, powers of attorney and applications
146 34 for such contracts may be solicited without compliance with
146 35 the provisions of this chapter, but an attorney, agent, or
147 1 other person shall not make any such contracts of indemnity
147 2 until all of the provisions of this chapter shall have been
147 3 complied with.
147 4 Sec. 169. Section 541A.3, Code 2009, is amended to read as
147 5 follows:
147 6 541A.3 INDIVIDUAL DEVELOPMENT ACCOUNTS == STATE SAVINGS
147 7 MATCH AND TAX PROVISIONS.
147 8 All of the following state savings match and tax provisions
147 9 shall apply to an individual development account:
147 10 1. a. Payment by the state of a state savings match on
147 11 amounts of up to two thousand dollars that an account holder
147 12 deposits in the account holder's account. To be eligible to
147 13 receive a state savings match an account holder must have a
147 14 household income that is equal to or less than two hundred
147 15 percent of the federal poverty level.
147 16 b. Moneys transferred to an individual development account
147 17 from another individual development account and a state
147 18 savings match received by the account holder in accordance
147 19 with this section shall not be considered an account holder
147 20 deposit for purposes of determining a state savings match.
147 21 c. Payment of a state savings match either shall be made
147 22 directly to the account holder or to an operating
147 23 organization's central reserve account for later distribution
147 24 to the account holder in the most appropriate manner as
147 25 determined by the administrator.
147 26 d. Subject to the limitation in paragraph "a", the state
147 27 savings match shall be equal to one hundred percent of the
147 28 amount deposited by the account holder. However, the
147 29 administrator may limit, reduce, delay, or otherwise revise
147 30 state savings match payment provisions as necessary to
147 31 restrict the payments to the funding available.
147 32 2. Income earned by an individual development account is
147 33 not subject to state tax, in accordance with the provisions of
147 34 section 422.7, subsection 28.
147 35 3. Amounts transferred between individual development
148 1 accounts are not subject to state tax.
148 2 4. The administrator shall coordinate the filing of claims
148 3 for a state savings match authorized under subsection 1,
148 4 between account holders and operating organizations. Claims
148 5 approved by the administrator may be paid to each account
148 6 holder, for an aggregate amount for distribution to the
148 7 holders of the accounts in a particular financial institution,

or to an operating organization's central reserve account for later distribution to the account holders depending on the efficiency for issuing the state savings match payments. Claims shall be initially filed with the administrator on or before a date established by the administrator. Claims approved by the administrator shall be paid from the individual development account state savings match fund.

Sec. 170. Section 554.10103, Code 2009, is amended to read as follows:

554.10103 GENERAL REPEALER.

Except as provided in ~~the following~~ section 554.7103, all acts and parts of acts inconsistent with this chapter are hereby repealed.

Sec. 171. Section 556F.17, Code 2009, is amended to read as follows:

556F.17 PENALTY FOR SELLING.

If any person shall trade, sell, loan, or take out of the limits of this state any such property taken up or found as ~~aforesaid~~ provided in this chapter, before the person shall be vested with the right to the ~~same according to the foregoing provisions~~ property, the person shall forfeit and pay double the value thereof, to be recovered by any person in an action, one half of which shall go to the plaintiff and the other half to the county.

Sec. 172. Section 602.10111, Code 2009, is amended to read as follows:

602.10111 NONRESIDENT ATTORNEY == APPOINTMENT OF LOCAL ATTORNEY.

Any member of the bar of another state, actually engaged in any cause or matter pending in any court of this state, may be permitted by such court to appear in and conduct such cause or matter while retaining the attorney's residence in another state, without being subject to ~~the foregoing provisions of~~ this article; provided that at the time the attorney enters an appearance the attorney files with the clerk of such court the written appointment of some attorney resident and admitted to practice in the state of Iowa, upon whom service may be had in all matters connected with said action, with the same effect as if personally made on such foreign attorney within this state. In case of failure to make such appointment, such attorney shall not be permitted to practice as ~~aforesaid~~ provided in this section, and all papers filed by the attorney shall be stricken from the files.

Sec. 173. Section 692.18, Code 2009, is amended to read as follows:

692.18 PUBLIC RECORDS.

1. Nothing in this chapter shall prohibit the public from examining and copying the public records of any public body or agency as authorized by chapter 22.

2. Intelligence data in the possession of a criminal or juvenile justice agency, state or federal regulatory agency, or peace officer, or disseminated by such agency or peace officer, are ~~not public~~ confidential records ~~within the provisions of chapter 22~~ under section 22.7, subsection 55.

Sec. 174. Section 707.7, Code 2009, is amended to read as follows:

707.7 FETICIDE.

1. Any person who intentionally terminates a human pregnancy, with the knowledge and voluntary consent of the pregnant person, after the end of the second trimester of the pregnancy where death of the fetus results commits feticide. Feticide is a class "C" felony.

2. Any person who attempts to intentionally terminate a human pregnancy, with the knowledge and voluntary consent of the pregnant person, after the end of the second trimester of the pregnancy where death of the fetus does not result commits attempted feticide. Attempted feticide is a class "D" felony.

~~This section shall not apply to the termination of a human pregnancy performed by a physician licensed in this state to practice medicine or surgery when in the best clinical judgment of the physician the termination is performed to preserve the life or health of the pregnant person or of the fetus and every reasonable medical effort not inconsistent with preserving the life of the pregnant person is made to preserve the life of a viable fetus.~~

3. Any person who terminates a human pregnancy, with the knowledge and voluntary consent of the pregnant person, who is not a person licensed to practice medicine and surgery or osteopathic medicine and surgery under the provisions of chapter 148, ~~or an osteopathic physician and surgeon licensed to practice osteopathic medicine and surgery under the~~

~~provisions of chapter 150A,~~ commits a class "C" felony.

4. This section shall not apply to the termination of a human pregnancy performed by a physician licensed in this state to practice medicine or surgery or osteopathic medicine or surgery when in the best clinical judgment of the physician the termination is performed to preserve the life or health of the pregnant person or of the fetus and every reasonable medical effort not inconsistent with preserving the life of the pregnant person is made to preserve the life of a viable fetus.

Sec. 175. Section 709.22, subsection 1, paragraph c, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Providing a victim with immediate and adequate notice of the victim's rights. The notice shall consist of handing the victim a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains a copy of the following statement written in English and Spanish~~,~~; asking the victim to read the statement~~,~~; and asking whether the victim understands the rights:

Sec. 176. Section 709.22, subsection 1, paragraph d, Code 2009, is amended by striking the paragraph.

Sec. 177. Section 714.8, subsection 18, Code 2009, is amended to read as follows:

18. a. Manufactures, creates, reproduces, alters, possesses, uses, transfers, or otherwise knowingly contributes to the production or use of a fraudulent retail sales receipt or universal ~~price~~ product code label with intent to defraud another person engaged in the business of retailing.

b. For purposes of this subsection:

~~a.~~ (1) "Retail sales receipt" means a document intended to evidence payment for goods or services.

~~b.~~ (2) "Universal ~~price~~ product code label" means the unique ten=digit bar code placed on the packaging of an item that may be used for purposes including but not limited to tracking inventory, maintaining price information in a computerized database, and serving as proof of purchase of a particular item.

Sec. 178. Section 714E.1, subsection 3, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) Obtain a forbearance, modification, or repayment plan ~~from~~ for a beneficiary or mortgagee.

Sec. 179. Section 714E.4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

It is a violation of this chapter for a foreclosure consultant to do any of the following:

Sec. 180. Section 714F.3, subsection 2, Code 2009, is amended to read as follows:

2. The contract required by ~~this~~ section 714F.2 survives delivery of any instrument of conveyance of the residence in foreclosure, ~~and~~ but has no effect on persons other than the parties to the contract.

Sec. 181. Section 714F.6, Code 2009, is amended to read as follows:

714F.6 WAIVER.

A waiver of the provisions of this chapter is void and unenforceable as contrary to public policy, except a consumer may waive the three=day right to cancel provided in section 714F.4 if the property is subject to a foreclosure sale, tax sale, or contract forfeiture within the three business days and the shortened cancellation period was not caused by the foreclosure purchaser or an agent of the foreclosure purchaser~~, and the~~. A waiver of a foreclosed ~~homeowner agrees to waive the foreclosed~~ homeowner's right to cancel shall be in a handwritten statement signed by all parties holding title to the foreclosed property.

Sec. 182. Section 714F.9, subsection 2, Code 2009, is amended to read as follows:

2. EXEMPLARY DAMAGES. In a private right of action for a violation of this chapter, the court may award exemplary damages ~~of any amount~~. If the court determines that an award of exemplary damages is appropriate, the amount of exemplary damages awarded shall not be less than one and one=half times the foreclosed homeowner's actual damages. Any claim for exemplary damages brought pursuant to this section must be commenced within four years after the date of the alleged violation.

Sec. 183. Section 728.15, Code 2009, is amended to read as follows:

728.15 TELEPHONE DISSEMINATION OF OBSCENE MATERIAL TO

152 30 MINORS.
152 31 1. a. As used in this section, "person" excludes any
152 32 information=access service provider that merely provides
152 33 transmission capacity without control over the content of the
152 34 transmission.
152 35 b. A person shall not knowingly disseminate obscene
153 1 material by the use of telephones or telephone facilities to a
153 2 minor. ~~A person who violates this subsection upon conviction~~
~~153 3 is guilty of an aggravated misdemeanor. However, second and~~
~~153 4 subsequent offenses of this subsection by a person who has~~
~~153 5 been previously convicted of violating this subsection are~~
~~153 6 class "D" felonies. As used in this subsection, a "person"~~
~~153 7 excludes any information=access service provider that merely~~
~~153 8 provides transmission capacity without control over the~~
~~153 9 content of the transmission.~~
153 10 2. It shall be a defense in any prosecution for a
153 11 violation of subsection 1 by a person ~~who~~ accused of knowingly
153 12 ~~disseminates~~ disseminating obscene material by the use of
153 13 telephones or telephone facilities to a minor that the
153 14 ~~defendant~~ person accused has taken either of the following
153 15 measures to restrict access to the obscene material:
153 16 a. ~~Required~~ The person accused has done all of the
153 17 following:
153 18 (1) Required the person receiving the obscene material to
153 19 use an authorized access or identification code, as provided
153 20 by the information provider, before transmission of the
153 21 obscene material begins~~, where the defendant has previously~~.
153 22 (2) Previously issued the code by mailing it to the
153 23 applicant after taking reasonable measures to ascertain that
153 24 the applicant was eighteen years of age or older ~~and has~~
~~153 25 established~~.
153 26 (3) Established a procedure to immediately cancel the code
153 27 of any person after receiving notice, in writing or by
153 28 telephone, that the code has been lost, stolen, or used by
153 29 persons under the age of eighteen years or that the code is no
153 30 longer desired.
153 31 b. ~~Required~~ The person accused has required payment by
153 32 credit card before transmission of the obscene material.
153 33 3. Any list of applicants or recipients compiled or
153 34 maintained by an information=access service provider for
153 35 purposes of compliance with subsection 2 is confidential and
154 1 shall not be sold or otherwise disseminated except upon order
154 2 of the court.
154 3 4. a. A violation of subsection 1 is an aggravated
154 4 misdemeanor.
154 5 b. A violation of subsection 1 by a person who has been
154 6 previously convicted of a violation of subsection 1 is a class
154 7 "D" felony.
154 8 Sec. 184. Section 805.8B, subsection 2, paragraph e, Code
154 9 2009, is amended to read as follows:
154 10 e. For ~~identification~~ decal violations under section
154 11 321G.5, the scheduled fine is twenty dollars.
154 12 Sec. 185. Section 805.8B, subsection 2A, paragraph e, Code
154 13 2009, is amended to read as follows:
154 14 e. For ~~identification~~ decal violations under section
154 15 321I.6, the scheduled fine is twenty dollars.
154 16 Sec. 186. Section 820.11, Code 2009, is amended to read as
154 17 follows:
154 18 820.11 PENALTY FOR WILLFUL DISOBEDIENCE.
154 19 Any officer who shall deliver to the agent for extradition
154 20 of the demanding state a person in the officer's custody under
154 21 the governor's warrant, in willful disobedience to ~~the last~~
154 22 section 820.10, shall be guilty of a simple misdemeanor.
154 23 Sec. 187. Section 35B.6, subsection 1, paragraph a, Code
154 24 2007, as amended by 2008 Iowa Acts, chapter 1130, section 4,
154 25 is amended to read as follows:
154 26 a. The members of the commission shall qualify by taking
154 27 the usual oath of office, and give bond in the sum of five
154 28 hundred dollars each, conditioned for the faithful discharge
154 29 of their duties with sureties to be approved by the county
154 30 auditor. The commission shall organize by the selection of
154 31 one of their members as chairperson, and one as secretary.
154 32 The commission, subject to the approval of the board of
154 33 supervisors, shall employ an executive director or
154 34 administrator and shall have the power to employ other
154 35 necessary employees when needed, including administrative or
155 1 clerical assistants, but no member of the commission shall be
155 2 so employed. The compensation of such employees shall be
155 3 fixed by the board of supervisors~~, but no member of the~~
~~155 4 commission shall be so employed~~. The executive director must
155 5 possess the same qualifications as provided in section 35B.3

155 6 for commission members. However, this qualification
155 7 requirement shall not apply to a person employed as an
155 8 executive director prior to July 1, 1989.
155 9 Sec. 188. Section 35B.14, Code 2007, as amended by 2008
155 10 Iowa Acts, chapter 1130, section 7, is amended to read as
155 11 follows:
155 12 35B.14 COUNTY APPROPRIATION.
155 13 1. The board of supervisors of each county may appropriate
155 14 moneys for training an executive director or administrator as
155 15 provided ~~for~~ in section 35B.6, ~~the~~ and for the expenses for
155 16 food, clothing, shelter, utilities, medical benefits, and a
155 17 funeral ~~expenses of~~ for indigent veterans, as defined in
155 18 section 35.1, ~~and~~ as well as for their indigent spouses,
155 19 surviving spouses, and minor children not over eighteen years
155 20 of age, ~~having a legal residence~~ who legally reside in the
155 21 county.
155 22 2. The appropriation shall be expended by the joint action
155 23 and control of the board of supervisors and the county
155 24 commission of veteran affairs.
155 25 Sec. 189. 2008 Iowa Acts, chapter 1191, section 109, is
155 26 amended to read as follows:
155 27 SEC. 109. Section ~~257.11~~ 257.31, subsection 5, Code
155 28 Supplement 2007, is amended by adding the following new
155 29 paragraph:
155 30 NEW PARAGRAPH. n. Unusual need for additional funds for
155 31 the costs associated with providing competent private
155 32 instruction pursuant to chapter 299A.
155 33 Sec. 190. Sections 238.2, 435.34, and 435.35, Code 2009,
155 34 are repealed.
155 35 Sec. 191. DIRECTIVES TO CODE EDITOR == TRANSFERS.
156 1 1. The Code editor shall transfer sections 147.57 and
156 2 147.114 to new locations deemed appropriate by the Code editor
156 3 in chapter 153 and correct any internal references in the Code
156 4 or Acts as necessary to complete the transfers.
156 5 2. The Code editor shall number the existing paragraph
156 6 within section 216.18, transfer section 216.18A to become
156 7 subsection 2 of that section, and correct any internal
156 8 references in the Code or Acts as necessary to complete the
156 9 transfer.
156 10 DIVISION II
156 11 CODE SECTION RENUMBERINGS
156 12 Sec. 192. Section 123.129, Code 2009, is amended to read
156 13 as follows:
156 14 123.129 CLASS "C" APPLICATION.
156 15 1. For purposes of this section:
156 16 a. "Grocery store" means any retail establishment, the
156 17 business of which consists of the sale of food, food products,
156 18 or beverages for consumption off the premises.
156 19 b. "Pharmacy" means a drug store in which drugs and
156 20 medicines are exposed for sale and sold at retail, or in which
156 21 prescriptions of licensed physicians and surgeons, dentists,
156 22 or veterinarians are compounded and sold by a registered
156 23 pharmacist.
156 24 2. ~~No~~ A class "C" permit shall not be issued to any person
156 25 except the owner or proprietor of a grocery store or pharmacy.
156 26 ~~"Grocery store" means any retail establishment, the~~
~~156 27 business of which consists of the sale of food, food products~~
~~156 28 or beverages for consumption off the premises.~~
156 29 ~~"Pharmacy" means a drug store in which drugs and medicines~~
~~156 30 are exposed for sale and sold at retail, or in which~~
~~156 31 prescriptions of licensed physicians and surgeons, dentists or~~
~~156 32 veterinarians are compounded and sold by a registered~~
~~156 33 pharmacist.~~
156 34 3. A class "C" permit shall be issued by the administrator
156 35 to any person who is the owner or proprietor of a grocery
157 1 store or pharmacy, who:
157 2 ~~1.~~ a. Submits a written application for such permit,
157 3 which application shall state under oath all the information
157 4 required of a class "A" applicant by section 123.127,
157 5 subsection 1.
157 6 ~~2.~~ b. Establishes that the person is of good moral
157 7 character as defined by this chapter.
157 8 ~~3.~~ c. Consents to inspection as required in section
157 9 123.30, subsection 1.
157 10 ~~4.~~ d. States the number of square feet of interior floor
157 11 space which comprises the retail sales area of the premises
157 12 for which the permit is sought.
157 13 Sec. 193. Section 124.101, subsection 1, Code 2009, is
157 14 amended to read as follows:
157 15 1. "Administer" means the direct application of a
157 16 controlled substance, whether by injection, inhalation,

157 17 ingestion, or any other means, to the body of a patient or
157 18 research subject by:
157 19 a. A practitioner, or in the practitioner's presence, by
157 20 the practitioner's authorized agent; or
157 21 b. The patient or research subject at the direction and in
157 22 the presence of the practitioner.
157 23 ~~Nothing contained in this chapter shall be construed to~~
~~157 24 prevent a physician, dentist, podiatric physician, or~~
~~157 25 veterinarian from delegating the administration of controlled~~
~~157 26 substances under this chapter to a nurse, intern, or other~~
~~157 27 qualified individual or, as to veterinarians, to an orderly or~~
~~157 28 assistant, under the veterinarian's direction and supervision;~~
~~157 29 all pursuant to rules adopted by the board.~~
157 30 Sec. 194. NEW SECTION. 124.101A ADMINISTRATION OF
157 31 CONTROLLED SUBSTANCES == DELEGATION.
157 32 Nothing contained in this chapter shall be construed to
157 33 prevent a physician, dentist, podiatric physician, or
157 34 veterinarian from delegating the administration of controlled
157 35 substances under this chapter to a nurse, intern, or other
158 1 qualified individual or, as to veterinarians, to an orderly or
158 2 assistant, under the veterinarian's direction and supervision;
158 3 all pursuant to rules adopted by the board.
158 4 Sec. 195. Section 135J.1, subsection 6, Code 2009, is
158 5 amended to read as follows:
158 6 6. "Interdisciplinary team" means the hospice patient and
158 7 the hospice patient's family, the attending physician, and all
158 8 of the following individuals trained to serve with a licensed
158 9 hospice program:
158 10 a. A licensed physician pursuant to chapter 148.
158 11 b. A licensed registered nurse pursuant to chapter 152.
158 12 c. An individual with at least a baccalaureate degree in
158 13 the field of social work providing medical=social services.
158 14 d. Trained hospice volunteers.
158 15 e. ~~Providers~~ As deemed appropriate by the hospice,
158 16 providers of special services, including but not limited to~~,~~ a
158 17 spiritual counselor, a pharmacist, or professionals in the
158 18 fields of mental health may be included on the
158 19 interdisciplinary team ~~as deemed appropriate by the hospice~~.
158 20 Sec. 196. Section 137.6, Code 2009, is amended to read as
158 21 follows:
158 22 137.6 POWERS OF LOCAL BOARDS.
158 23 1. Local boards shall have powers to do the following
158 24 ~~powers~~:
158 25 ~~1.~~ a. Enforce state health laws and the rules and lawful
158 26 orders of the state department.
158 27 ~~2.~~ b. (1) Make and enforce such reasonable rules and
158 28 regulations not inconsistent with law or with the rules of the
158 29 state board as may be necessary for the protection and
158 30 improvement of the public health.
158 31 ~~a.~~ (a) Rules of a county board shall become effective
158 32 upon approval by the county board of supervisors by a motion
158 33 or resolution as defined in section 331.101, subsection 13,
158 34 and publication in a newspaper having general circulation in
158 35 the county.
159 1 ~~b.~~ (b) Rules of a city board shall become effective upon
159 2 approval by the city council and publication in a newspaper
159 3 having general circulation in the city.
159 4 ~~c.~~ (c) Rules of a district board shall become effective
159 5 upon approval by the district board and publication in a
159 6 newspaper having general circulation in the district.
159 7 ~~d.~~ (2) ~~However, before~~ Before approving any rule or
159 8 regulation the local board of health shall hold a public
159 9 hearing on the proposed rule. Any citizen may appear and be
159 10 heard at the public hearing. A notice of the public hearing,
159 11 stating the time and place and the general nature of the
159 12 proposed rule or regulation, shall be published as provided in
159 13 section 331.305 in the area served by the board. The board
159 14 shall also make a reasonable effort to give notice of the
159 15 hearing to the communications media located within said area.
159 16 ~~The board shall also make a reasonable effort to give~~
~~159 17 notice of the hearing to the communications media located~~
~~159 18 within said area.~~
159 19 ~~3. May by agreement with the council of any city within~~
~~159 20 its jurisdiction enforce appropriate ordinances of said city.~~
159 21 ~~4.~~ c. Employ persons as necessary for the efficient
159 22 discharge of its duties. Employment practices shall meet the
159 23 requirements of chapter 8A, subchapter IV, or any civil
159 24 service provision adopted under chapter 400.
159 25 ~~5.~~ d. Provide reports of its operations and activities to
159 26 the state department as may be required by the director.
159 27 2. A local board may, by agreement with the council of any

159 28 city within its jurisdiction, enforce appropriate ordinances
159 29 of the city.
159 30 Sec. 197. Section 147A.4, subsection 1, Code 2009, is
159 31 amended to read as follows:
159 32 1. a. The department shall adopt rules required or
159 33 authorized by this subchapter pertaining to the operation of
159 34 ambulance, rescue, and first response services which have
159 35 received authorization under section 147A.5 to utilize the
160 1 services of certified emergency medical care providers. These
160 2 rules shall include, but need not be limited to, requirements
160 3 concerning physician supervision, necessary equipment and
160 4 staffing, and reporting by ambulance, rescue, and first
160 5 response services which have received the authorization
160 6 pursuant to section 147A.5.
160 7 b. The director, pursuant to rule, may grant exceptions
160 8 and variances from the requirements of rules adopted under
160 9 this subchapter for any ambulance, rescue, or first response
160 10 service. Exceptions or variations shall be reasonably related
160 11 to undue hardships which existing services experience in
160 12 complying with this subchapter or the rules adopted pursuant
160 13 to this subchapter. However, no exception or variance may be
160 14 granted unless the service ~~has~~ adopted a plan approved by the
160 15 department prior to July 1, 1996, to achieve compliance during
160 16 a period not to exceed seven years with this subchapter and
160 17 rules adopted pursuant to this subchapter. Services
160 18 requesting exceptions and variances shall be subject to other
160 19 applicable rules adopted pursuant to this subchapter.
160 20 Sec. 198. Section 149.1, subsections 2, 3, and 4, Code
160 21 2009, are amended to read as follows:
160 22 2. As used in this chapter~~, "board"~~:
160 23 a. "Board" means the board of podiatry, created under
160 24 chapter 147.
160 25 ~~3.~~ b. ~~As used in this chapter, "human~~ "Human foot" means
160 26 the ankle and soft tissue which insert into the foot as well
160 27 as the foot.
160 28 ~~4.~~ c. "Podiatric physician" means a physician or surgeon
160 29 licensed under this chapter to engage in the practice of
160 30 podiatric medicine and surgery.
160 31 Sec. 199. Section 149.5, Code 2009, is amended to read as
160 32 follows:
160 33 149.5 AMPUTATIONS == ANESTHESIA == PRESCRIPTION DRUGS.
160 34 1. A license to practice podiatry shall not authorize the
160 35 licensee to amputate the human foot.
161 1 2. A licensed podiatric physician may ~~administer~~ do all of
161 2 the following:
161 3 a. Administer local anesthesia.
161 4 b. ~~Conscious~~ Administer conscious sedation ~~may be~~
161 5 ~~administered by a licensed podiatric physician~~ in a hospital
161 6 or an ambulatory surgical center.
161 7 c. ~~A licensed podiatric physician may prescribe~~ Prescribe
161 8 and administer drugs for the treatment of human foot ailments
161 9 as provided in section 149.1.
161 10 Sec. 200. Section 153.39, subsection 2, Code 2009, is
161 11 amended to read as follows:
161 12 2. Education requirements shall be determined by the board
161 13 by rule, according to standards to be determined by the board.
161 14 A person shall be registered upon the successful completion of
161 15 either of the education and examination requirements ~~pursuant~~
161 16 ~~to~~ established in paragraph "a" or "b"~~. Education~~
161 17 ~~requirements shall be determined by the board by rule,~~
161 18 ~~according to standards to be determined by the board.~~:
161 19 a. Successful completion of a course of study and
161 20 examination approved by the board and sponsored by a
161 21 board=approved postsecondary school.
161 22 b. Successful completion of on=the=job training and
161 23 examination consisting of all of the following:
161 24 (1) Completion of on=the=job training as specified in
161 25 rule.
161 26 (2) Successful completion of an examination process
161 27 approved by the board. A written examination may be waived by
161 28 the board pursuant to section 17A.9A, in practice situations
161 29 where the written examination is deemed to be unnecessary or
161 30 detrimental to the dentist's practice.
161 31 2A. The education requirements in subsection 2, paragraphs
161 32 "a" and "b" may include possession of a valid certificate in a
161 33 nationally recognized course in cardiopulmonary resuscitation.
161 34 Successful passage of an examination administered by the board
161 35 under subsection 2, paragraph "a" or "b", which shall include
162 1 sections regarding infection control, hazardous materials, and
162 2 jurisprudence, shall also be required.
162 3 2B. The board shall establish continuing education

requirements as a condition of renewing registration as a registered dental assistant, as well as standards for the suspension or revocation of registration.

Sec. 201. Section 163.2, Code 2009, is amended to read as follows:

163.2 INFECTIOUS OR CONTAGIOUS DISEASES.

As provided in this chapter, unless the context otherwise requires:

1. "Certificate of veterinary inspection" or "certificate" means a legible record, made on an official form of the state of origin or the animal and plant health inspection service of the United States department of agriculture, and issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the animal and plant health inspection service, which shows that an animal listed on the form meets the health requirements of the state of destination.

2. "Control" means the prevention, suppression, or eradication of an infectious or contagious disease afflicting an animal within the state.

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

4. "Foot and mouth disease" means a virus of the family picornaviridae, genus aphthovirus, including any immunologically distinct serotypes.

~~4.~~ 5. "Infectious or contagious disease" means glanders, farcy, maladie du coit (dourine), anthrax, foot and mouth disease, scabies, hog cholera, tuberculosis, brucellosis, vesicular exanthema, scrapie, rinderpest, avian influenza or Newcastle disease as provided in chapter 165B, or any other transmissible, transferable, or communicable disease so designated by the department.

~~As used in this chapter, "foot and mouth disease" means a virus of the family picornaviridae, genus aphthovirus, including any immunologically distinct serotypes.~~

~~5.~~ 6. "Move" or "movement", except as provided in subchapter III, means to ship, transport, or deliver an animal.

Sec. 202. Section 163.30, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. A permittee shall not represent more than one dealer. Failure of a licensee or permittee to comply with this chapter or a rule made pursuant to this chapter is cause for revocation by the secretary of the permit or license after notice to the alleged offender and the holding of a hearing by the secretary. Rules shall be made in accordance with chapter 17A. A rule, the violation of which is made the basis for revocation, except temporary emergency rules, shall first have been approved after public hearing as provided in section 17A.4 after giving twenty days' notice of the hearing ~~as follows:~~

~~By~~ by mailing the notice, by ordinary mail, to every person filing a request for notice accompanied by an addressed envelope with prepaid postage. Any person may file such a request to be listed with any agency for notice for the time and place for all hearings on proposed rules, which request shall be accompanied by a remittance of five dollars. Such fee shall be added to the operating fund of the department. The listing shall expire semiannually on January 1 and July 1.

Sec. 203. Section 163.30, subsections 4 through 7, Code 2009, are amended to read as follows:

4. a. All swine moved shall be individually identified with a distinctive and easily discernible ear tag affixed in either ear of the animal or other identification acceptable to the department, which has been specified by rule promulgated under the department's rulemaking authority. The department shall make ear tags available at convenient locations within each county and shall sell such tags at a price not exceeding the cost to producers and others to comply with this section.

b. Every seller, dealer and market operator shall keep a record of the ear tag numbers, or other approved identification, and the farm of origin of swine moved by or through that person, which records shall be made available by that person to any appropriate representative of the department or the United States department of agriculture.

5. a. All swine moved shall be accompanied by a certificate of veterinary inspection issued by the state of origin and prepared and signed by a veterinarian. The certificate shall show the point of origin, the point of destination, individual identification, immunization status, and, when required, any movement permit number assigned to the

shipment by the department. All such movement of swine shall be completed within seventy=two hours unless an extension of time for movement is granted by the department.

b. However, ~~swine may be~~ the requirements of paragraph "a" do not apply as follows:

(1) Swine which are moved intrastate directly to an approved state, federal, or auction market ~~without such identification or certification~~, there to be identified and certificated, are excepted from the identification and certification requirements.

c. ~~However, registered~~ Registered swine for exhibition or breeding purposes which can be individually identified by an ear notch or tattoo or other method approved by the department are excepted from ~~this~~ the additional identification requirement. ~~In addition, native~~

d. Native Iowa swine moved from farm to farm shall be excepted from the identification requirement if the owner transferring possession of the feeder pigs executes a written agreement with the person taking possession of the feeder pigs. The agreement shall provide that the feeder pigs shall not be commingled with other swine for a period of thirty days. The owner transferring possession shall be responsible for making certain that the agreement is executed and for providing a copy of the agreement to the person taking possession.

6. The department may combine a certificate of veterinary inspection with a certificate of inspection required under chapter 166D.

~~6.~~ 7. The department may require issuance of movement permits on certain categories of swine moved, prior to their movement, pursuant to departmental rule. The rule shall be promulgated when in the judgment of the secretary, such movements would otherwise threaten or imperil the eradication of hog cholera in Iowa.

~~7.~~ 7A. All swine moved shall be quarantined separate and apart from other swine located at the Iowa farm of destination for thirty days beginning with their arrival at such premises, or if such incoming swine are not held separate and apart, all swine on such premises shall be thus quarantined, except animals moving from such premises directly to slaughter.

7B. There can only be one transfer by a dealer, involving not more than two markets, prior to quarantine.

Sec. 204. Section 166D.7, subsection 2, Code 2009, is amended to read as follows:

2. A monitored herd shall be initially certified, recertified, and maintained as follows:

a. The herd shall be certified when a statistical sampling of the herd is determined to be noninfected.

b. In order to remain certified the herd must be retested and recertified as provided by the department. The herd must be recertified annually. The herd shall be recertified when a statistical sampling of the herd is determined to be noninfected within twelve months from initial certification or the most recent recertification.

c. A monitored herd shall not be certified or recertified, if the herd is located within a county which is designated by the department as in stage II of the national pseudorabies eradication program, unless the herd is vaccinated with a modified=live differentiable vaccine pursuant to section 166D.11 and as required by the department.

~~c.~~ d. A monitored herd may receive new swine into the herd from a noninfected herd.

Sec. 205. Section 167.4, Code 2009, is amended to read as follows:

167.4 LICENSING PROCEDURE == FEES.

1. The following shall apply to a person required to be licensed under this chapter:

~~1.~~ a. The person shall submit an application for a license to the department in a manner and according to procedures required by the department.

~~2.~~ b. The person shall include in the application information as required by the department, on forms prescribed by the department, which shall include at least all of the following:

~~a.~~ (1) For a disposal plant, the person shall state the person's name and address, the person's proposed place of business, and the total number of vehicles to be involved in the operation.

~~b.~~ (2) For a collection point involving the accumulation of whole animal carcasses or their parts for ultimate transportation to a disposal plant, the person's name and

166 26 address, the person's proposed place of business, and the
166 27 total number of vehicles to be involved in the operation.
166 28 ~~c.~~ (3) For a delivery service which transports whole
166 29 animal carcasses or their parts to a disposal plant or
166 30 collection point, the person's name and address, the total
166 31 number of vehicles to be involved in the operation, and the
166 32 location where the vehicles involved in the operation are to
166 33 be maintained.
166 34 ~~3.~~ c. The person shall submit a separate application for
166 35 each location that the person is to operate as a disposal
167 1 plant, collection point, or a delivery service.
167 2 ~~4.~~ d. The person shall ~~submit~~ pay a license fee as
167 3 follows:
167 4 ~~a.~~ (1) For a disposal plant, one hundred dollars.
167 5 ~~b.~~ (2) For a collection point, one hundred dollars.
167 6 However, a person is not required to pay the license fee for a
167 7 collection point which is operated by a disposal plant.
167 8 ~~c.~~ (3) For a delivery service which is not part of the
167 9 operation of a disposal plant or collection point, fifty
167 10 dollars.
167 11 ~~5.~~ e. A license issued to a person under this section
167 12 shall expire on December 31 of each year. The person may
167 13 renew the license by completing a renewal form as prescribed
167 14 by the department in a manner and according to procedures
167 15 required by the department. However, the renewal form must be
167 16 submitted to the department prior to the license's expiration
167 17 date. The person shall ~~submit~~ pay a renewal license fee which
167 18 shall be for the same amount as the original license fee.
167 19 ~~Fees collected pursuant to this section shall be deposited~~
~~167 20 into the general fund of the state.~~
167 21 ~~6.~~ f. A person's license is subject to suspension or
167 22 revocation by the department if the department determines that
167 23 the person has committed a material violation of this chapter,
167 24 including rules adopted by this chapter, or a term or
167 25 condition of the license. The person may contest the
167 26 department's action as provided in chapter 17A.
167 27 2. Fees collected pursuant to this section shall be
167 28 deposited into the general fund of the state.
167 29 Sec. 206. Section 169.6, Code 2009, is amended to read as
167 30 follows:
167 31 169.6 DISCLOSURE OF CONFIDENTIAL INFORMATION.
167 32 1. A member of the board shall not disclose information
167 33 relating to the following:
167 34 ~~1.~~ a. Criminal history or prior misconduct of the
167 35 applicant.
168 1 ~~2.~~ b. Information relating to the contents of the
168 2 examination.
168 3 ~~3.~~ c. Information relating to the examination results
168 4 other than final score except for information about the
168 5 results of an examination which is given to the person who
168 6 took the examination.
168 7 2. A member of the board who willfully communicates or
168 8 seeks to communicate ~~such~~ information in violation of
168 9 subsection 1, and any person who willfully requests, obtains,
168 10 or seeks to obtain such information, is guilty of a simple
168 11 misdemeanor for each separate offense.
168 12 Sec. 207. Section 191.2, subsections 2 and 7, Code 2009,
168 13 are amended to read as follows:
168 14 2. OLEOMARGARINE.
168 15 a. No person shall sell or offer for sale, colored oleo,
168 16 oleomargarine or margarine unless == such oleo, oleomargarine
168 17 or margarine is packaged; the net weight of the contents of
168 18 any package sold in a retail establishment is one pound or
168 19 less; there appears on the label of the package the word
168 20 "oleo", "oleomargarine" or "margarine" in type or lettering at
168 21 least as large as any other type or lettering on such label,
168 22 and a full and accurate statement of all the ingredients
168 23 contained in such oleo, oleomargarine or margarine; and each
168 24 part of the contents of the package is contained in a wrapper
168 25 which bears the word "oleo", "oleomargarine" or "margarine" in
168 26 type or lettering not smaller than twenty point type.
168 27 ~~For the purposes of this chapter the term "oleo",~~
~~168 28 "oleomargarine" or "margarine" includes all substances,~~
~~168 29 mixtures and compounds known as oleo, oleomargarine or~~
~~168 30 margarine, and all substances, mixtures and compounds which~~
~~168 31 have a consistence similar to that of butter and which contain~~
~~168 32 any edible oils or fats other than milk fat if made in~~
~~168 33 imitation or semblance of butter. For the purposes of this~~
~~168 34 chapter colored oleo, oleomargarine or margarine is oleo,~~
~~168 35 oleomargarine or margarine to which any color has been added.~~
169 1 b. Whenever coloring of any kind has been added it shall

be clearly stated on both inside wrapper and the outside package. The ingredients of oleo, oleomargarine or margarine shall be listed on both the inside wrapper and outside package in the order of the amounts of ingredients in the package.

c. Such oleo, oleomargarine or margarine shall contain vitamin "A" in such quantity that the finished oleo, oleomargarine or margarine contains not less than fifteen thousand United States Pharmacopoeia units of vitamin "A" per pound, as determined by the method prescribed in the Pharmacopoeia of the United States for the total biological vitamin "A" activity.

7. a. Tanks transporting raw milk and milk products to a milk plant from sources of supply not under the supervision of the secretary or authorized municipal corporation are required to be marked with the name and address of the milk plant or hauler and shall be sealed; in addition, for each such shipment, a shipping statement shall be prepared containing at least the following information:

~~a.~~ (1) Shipper's name, address, and permit number.

~~b.~~ (2) Permit number of hauler, if not employee of shipper.

~~c.~~ (3) Point of origin of shipment.

~~d.~~ (4) Tanker identity number.

~~e.~~ (5) Name of product.

~~f.~~ (6) Weight of product.

~~g.~~ (7) Grade of product.

~~h.~~ (8) Temperature of product.

~~i.~~ (9) Date of shipment.

~~j.~~ (10) Name of supervising health authority at the point of origin.

~~k.~~ (11) Whether the contents are raw, pasteurized, or otherwise heat treated.

b. Such statement shall be prepared in triplicate and shall be kept on file by the shipper, the consignee, and the carrier for a period of six months for the information of the secretary.

Sec. 208. Section 191.4, Code 2009, is amended to read as follows:

191.4 ~~"PERSON" DEFINED~~ DEFINITIONS.

1. "Oleo", "oleomargarine", or "margarine", for purposes of this chapter, includes all substances, mixtures, and compounds known as oleo, oleomargarine, or margarine, and all substances, mixtures, and compounds which have a consistence similar to that of butter and which contain any edible oils or fats other than milk fat if made in imitation or semblance of butter. For the purposes of this chapter, colored oleo, oleomargarine, or margarine is oleo, oleomargarine, or margarine to which any color has been added.

2. "Person" as used in this chapter and chapters 190 and 192 means any individual, plant operator, partnership, corporation, company, firm, trustee, or association.

Sec. 209. Section 200.14, Code 2009, is amended to read as follows:

200.14 RULES.

1. The secretary is authorized, after public hearing, following due notice, to adopt rules setting forth minimum general safety standards for the design, construction, location, installation and operation of equipment for storage, handling, transportation by tank truck or tank trailer, and utilization of anhydrous ammonia.

a. The rules shall be such as are reasonably necessary for the protection and safety of the public and persons using anhydrous ammonia, and shall be in substantial conformity with the generally accepted standards of safety.

b. ~~It is hereby declared that rules~~ Rules that are in substantial conformity with the published standards of the agricultural ammonia institute for the design, installation and construction of containers and pertinent equipment for the storage and handling of anhydrous ammonia, shall be deemed to be in substantial conformity with the generally accepted standards of safety.

2. Anhydrous ammonia equipment shall be installed and maintained in a safe operating condition and in conformity with rules adopted by the secretary.

3. The secretary ~~is hereby charged with the enforcement of~~ shall enforce this chapter~~,~~ and, after due publicity and due public hearing, ~~is empowered to promulgate and~~ may adopt such reasonable rules as may be necessary in order to carry into effect the purpose and intent and to secure the efficient administration of this chapter ~~or to secure the efficient administration thereof~~.

4. ~~Nothing in this~~ This chapter ~~shall~~ does not prohibit the use of storage tanks smaller than transporting tanks nor the transfer of all kinds of fertilizer including anhydrous ammonia directly from transporting tanks to implements of husbandry, if proper safety precautions are observed.

Sec. 210. Section 203.12A, subsections 1, 2, and 9, Code 2009, are amended to read as follows:

1. a. As used in this section:

(1) "Grain dealer assets" includes proceeds received or due a grain dealer upon the sale, including exchange, collection, or other disposition, of grain sold by the grain dealer. "Grain dealer assets" also includes any other funds or property of the grain dealer which can be directly traced as being from the sale of grain by the grain dealer, or which were utilized in the business operation of the grain dealer.

(2) "Proceeds" means noncash and cash proceeds as defined in section 554.9102.

b. A court, upon petition by an affected party, may order that claimed grain dealer assets are not grain dealer assets as defined in this section. The burden of proof shall be upon the petitioner to establish that the assets are not grain dealer assets as defined in this section.

2. A statutory lien is imposed on all grain dealer assets in favor of sellers who have surrendered warehouse receipts or other written evidence of ownership as part of a grain sale transaction or who possess written evidence of the sale of grain to a grain dealer, without receiving full payment for the grain.

~~2. "Grain dealer assets" includes proceeds received or due a grain dealer upon the sale, including exchange, collection, or other disposition, of grain sold by the grain dealer. As used in this section, "proceeds" means noncash and cash proceeds as defined in section 554.9102. "Grain dealer assets" also includes any other funds or property of the grain dealer which can be directly traced as being from the sale of grain by the grain dealer, or which were utilized in the business operation of the grain dealer. A court, upon petition by an affected party, may order that claimed grain dealer assets are not grain dealer assets as defined in this section. The burden of proof shall be upon the petitioner to establish that the assets are not grain dealer assets as defined in this section.~~

9. a. The board may enforce the lien in the manner provided in chapter 554, article 9, part 6, for the enforcement of security interests. If, upon enforcement of the lien, the lien amount is satisfied in full without exhaustion of the grain dealer assets, the remaining assets shall be returned to the grain dealer or, if there are competing claims to those remaining assets by other creditors, shall place those assets in the custody of the district court and implead the known creditors.

b. For purposes of enforcement of the lien, the board is deemed to be the secured party and the grain dealer is deemed to be the debtor, and each has the respective rights and duties of a secured party and a debtor as provided in chapter 554, article 9, part 6. If a right or duty under chapter 554, article 9, part 6, is contingent upon the existence of express language in a security agreement, or may be waived by express language in a security agreement, the requisite language is deemed not to exist for purposes of enforcement of the lien created by this section.

Sec. 211. Section 203.15, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. (1) A grain dealer must meet at least either of the following conditions:

~~(1)~~ (a) The grain dealer's last financial statement required to be submitted to the department pursuant to section 203.3 is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state.

~~(2)~~ (b) The grain dealer files a bond with the department in the amount of one hundred thousand dollars payable to the department.

(2) (a) The bond filed with the department under this paragraph shall be used to indemnify sellers for losses resulting from a breach of a credit=sale contract as provided by rules adopted by the department. The rules shall include, but are not limited to, procedures and criteria for providing notice, filing claims, valuing losses, and paying claims. The bond provided in this paragraph shall be in addition to any other bond required in this chapter.

(b) ~~A~~ The bond ~~filed with the department under this paragraph~~ shall not be canceled by the issuer on less than ninety days notice by certified mail to the department and the principal. However, if an adequate replacement bond is filed with the department, the department may authorize the cancellation of the original bond before the end of the ninety=day period.

(c) If an adequate replacement bond is not received by the department within sixty days of the issuance of the notice of cancellation, the department shall automatically suspend the grain dealer's license. The department shall cause an inspection of the licensed grain dealer immediately at the end of the sixty=day period. If a replacement bond is not filed within another thirty days following the suspension, the grain dealer license shall be automatically revoked.

(3) When a license is revoked, the department shall provide notice of the revocation by ordinary mail to the last known address of each holder of an outstanding credit=sale contract and all known sellers.

Sec. 212. Section 203C.33, Code 2009, is amended to read as follows:

203C.33 FEES.

1. The department shall charge the following fees for deposit in the general fund:

~~1.~~ a. For the issuance or renewal of a warehouse license, the fee shall be determined on the basis of the storage capacity in bushels of grain as follows:

~~a.~~ (1) If the total storage capacity is one hundred thousand bushels or less, the fee is fifty=eight dollars.

~~b.~~ (2) If the total storage capacity is more than one hundred thousand bushels, but not more than seven hundred fifty thousand bushels, the fee is one hundred twenty=five dollars.

~~c.~~ (3) If the total storage capacity is more than seven hundred fifty thousand bushels, but not more than one million five hundred thousand bushels, the fee is one hundred ninety=one dollars.

~~d.~~ (4) If the total storage capacity is more than one million five hundred thousand bushels, but not more than three million bushels, the fee is two hundred forty=nine dollars.

~~e.~~ (5) If the total storage capacity is more than three million bushels, but not more than four million seven hundred fifty thousand bushels, the fee is three hundred seven dollars.

~~f.~~ (6) If the total storage capacity is more than four million seven hundred fifty thousand bushels, but not more than nine million five hundred thousand bushels, the fee is three hundred seventy=four dollars.

~~g.~~ (7) If the total storage capacity is more than nine million five hundred thousand bushels, the fee is four hundred forty dollars.

~~2.~~ b. For the issuance or renewal of a warehouse license for the storage of products other than bulk grain, the fee shall be determined as follows:

~~a.~~ (1) For intended storage of products of a value of one hundred thousand dollars or less, a fee of sixty dollars.

~~b.~~ (2) For intended storage of products of a value greater than one hundred thousand dollars but not greater than three hundred thousand dollars, a fee of one hundred dollars.

~~c.~~ (3) For intended storage of products of a value in excess of three hundred thousand dollars, a fee of two hundred dollars.

c. For each inspection of a warehouse or station for the purpose of licensing, a fee of twenty=five dollars, and for each additional warehouse or station under the same license, a fee of ten dollars.

~~3.~~ d. For each amendment of a license, a fee of ten dollars.

~~4.~~ e. For each amendment of a tariff, a fee of ten dollars.

~~5.~~ f. For a duplicate license, a fee of five dollars.

~~6.~~ g. For the reinstatement of a license, a fee of fifty dollars.

2. ~~New~~ Fees for new licenses issued for less than a year shall be prorated from the date of application.

Sec. 213. Section 216.19, Code 2009, is amended to read as follows:

216.19 LOCAL LAWS IMPLEMENTING THIS CHAPTER.

1. All cities shall, to the extent possible, protect the rights of the citizens of this state secured by the Iowa civil rights Act. Nothing in this chapter shall be construed as

175 35 indicating ~~an~~ any of the following:
176 1 a. An intent on the part of the general assembly to occupy
176 2 the field in which this chapter operates to the exclusion of
176 3 local laws not inconsistent with this chapter that deal with
176 4 the same subject matter.
176 5 b. ~~Nothing in this chapter shall be construed as~~
~~176 6 indicating an~~ An intent to prohibit an agency or commission of
176 7 local government having as its purpose the investigation and
176 8 resolution of violations of this chapter from developing
176 9 procedures and remedies necessary to insure the protection of
176 10 rights secured by this chapter. ~~All cities shall, to the~~
~~176 11 extent possible, protect the rights of the citizens of this~~
~~176 12 state secured by the Iowa civil rights Act. Nothing in this~~
~~176 13 chapter shall be construed as limiting~~
176 14 c. Limiting a city or local government from enacting any
176 15 ordinance or other law which prohibits broader or different
176 16 categories of unfair or discriminatory practices.
176 17 2. ~~An agency or commission of local government and the~~
~~176 18 Iowa civil rights commission shall cooperate in the sharing of~~
~~176 19 data and research, and coordinating investigations and~~
~~176 20 conciliations in order to expedite claims of unlawful~~
~~176 21 discrimination and eliminate needless duplication.~~ A city
176 22 with a population of twenty=nine thousand, or greater, shall
176 23 maintain an independent local civil rights agency or
176 24 commission consistent with commission rules adopted pursuant
176 25 to chapter 17A. An agency or commission for which a staff is
176 26 provided shall have control over such staff. A city required
176 27 to maintain a local civil rights agency or commission shall
176 28 structure and adequately fund the agency or commission in
176 29 order to effect cooperative undertakings with the Iowa civil
176 30 rights commission and to aid in effectuating the purposes of
176 31 this chapter.
176 32 3. An agency or commission of local government and the
176 33 Iowa civil rights commission shall cooperate in the sharing of
176 34 data and research, and coordinating investigations and
176 35 conciliations in order to expedite claims of unlawful
177 1 discrimination and eliminate needless duplication. The Iowa
177 2 civil rights commission may enter into cooperative agreements
177 3 with any local agency or commission to effectuate the purposes
177 4 of this chapter. Such agreements may include technical and
177 5 clerical assistance and reimbursement of expenses incurred by
177 6 the local agency or commission in the performance of the
177 7 agency's or commission's duties if funds for this purpose are
177 8 appropriated by the general assembly.
177 9 4. The Iowa civil rights commission may designate an
177 10 unfunded local agency or commission as a referral agency. A
177 11 local agency or commission shall not be designated a referral
177 12 agency unless the ordinance creating it provides the same
177 13 rights and remedies as are provided in this chapter. The Iowa
177 14 civil rights commission shall establish by rules the
177 15 procedures for designating a referral agency and the
177 16 qualifications to be met by a referral agency.
177 17 5. The Iowa civil rights commission may adopt rules
177 18 establishing the procedures for referral of complaints. A
177 19 referral agency may refuse to accept a case referred to it by
177 20 the Iowa civil rights commission if the referral agency is
177 21 unable to effect proper administration of the complaint. It
177 22 shall be the burden of the referral agency to demonstrate that
177 23 it is unable to properly administer that complaint.
177 24 6. A complainant who files a complaint with a referral
177 25 agency having jurisdiction shall be prohibited from filing a
177 26 complaint with the Iowa civil rights commission alleging
177 27 violations based upon the same acts or practices cited in the
177 28 original complaint; and a complainant who files a complaint
177 29 with the commission shall be prohibited from filing a
177 30 complaint with the referral agency alleging violations based
177 31 upon the same acts or practices cited in the original
177 32 complaint. However, the Iowa civil rights commission in its
177 33 discretion may refer a complaint filed with the commission to
177 34 a referral agency having jurisdiction over the parties for
177 35 investigation and resolution; and a referral agency in its
178 1 discretion may refer a complaint filed with that agency to the
178 2 commission for investigation and resolution. ~~The commission~~
~~178 3 may adopt rules establishing the procedures for referral of~~
~~178 4 complaints. A referral agency may refuse to accept a case~~
~~178 5 referred to it by the Iowa civil rights commission if the~~
~~178 6 referral agency is unable to effect proper administration of~~
~~178 7 the complaint. It shall be the burden of the referral agency~~
~~178 8 to demonstrate that it is unable to properly administer that~~
~~178 9 complaint.~~
178 10 7. A final decision by a referral agency shall be subject

178 11 to judicial review as provided in section 216.17 in the same
178 12 manner and to the same extent as a final decision of the Iowa
178 13 civil rights commission.
178 14 8. The referral of a complaint by the Iowa civil rights
178 15 commission to a referral agency or by a referral agency to the
178 16 Iowa civil rights commission shall not affect the right of a
178 17 complainant to commence an action in the district court under
178 18 section 216.16.
178 19 Sec. 214. Section 222.31, Code 2009, is amended to read as
178 20 follows:
178 21 222.31 COMMITMENT == LIABILITY FOR CHARGES.
178 22 1. If in the opinion of the court, or of a commission as
178 23 authorized in section 222.28, the person is mentally retarded
178 24 within the meaning of this chapter and the court determines
178 25 that it will be conducive to the welfare of that person and of
178 26 the community to commit the person to a proper institution for
178 27 treatment, training, instruction, care, habilitation, and
178 28 support, and that services or support provided to the family
178 29 of such a person who is a child will not enable the family to
178 30 continue to care for the child in the child's home, the court
178 31 shall by proper order:
178 32 ~~1.~~ a. Commit the person to any public or private facility
178 33 within or without the state, approved by the director of the
178 34 department of human services. If the person has not been
178 35 examined by a commission as appointed in section 222.28, the
179 1 court shall, prior to issuing an order of commitment, appoint
179 2 such a commission to examine the person for the purpose of
179 3 determining the mental condition of the person. No order of
179 4 commitment shall be issued unless the commission shall
179 5 recommend that such order be issued and the private
179 6 institution to which the person is to be committed shall
179 7 advise the court that it is willing to receive the person.
179 8 ~~2.~~ b. (1) Commit the person to the state resource center
179 9 designated by the administrator to serve the county in which
179 10 the hearing is being held, or to a special unit. The court
179 11 shall, prior to issuing an order of commitment, request that a
179 12 diagnostic evaluation of the person be made by the
179 13 superintendent of the resource center or the special unit, or
179 14 the superintendent's qualified designee. The evaluation shall
179 15 be conducted at a place as the superintendent may direct. The
179 16 cost of the evaluation shall be defrayed by the county of
179 17 legal settlement unless otherwise ordered by the court. The
179 18 cost may be equal to but shall not exceed the actual cost of
179 19 the evaluation. Persons referred by a court to a resource
179 20 center or the special unit for diagnostic evaluation shall be
179 21 considered as outpatients of the institution. No order of
179 22 commitment shall be issued unless the superintendent of the
179 23 institution recommends that the order be issued, and advises
179 24 the court that adequate facilities for the care of the person
179 25 are available.
179 26 (2) The court shall examine the report of the county
179 27 attorney filed pursuant to section 222.13, and if the report
179 28 shows that neither the person nor those liable for the
179 29 person's support under section 222.78 are presently able to
179 30 pay the charges rising out of the person's care in ~~the~~ a
179 31 resource center, or special treatment unit, shall enter an
179 32 order stating that finding and directing that the charges be
179 33 paid by the person's county of residence. The court may, upon
179 34 request of the board of supervisors, review its finding at any
179 35 subsequent time while the person remains at the resource
180 1 center, or is otherwise receiving care or treatment for which
180 2 this chapter obligates the county to pay. If the court finds
180 3 upon review that the person or those legally responsible for
180 4 the person are presently able to pay the expenses, that
180 5 finding shall apply only to the charges incurred during the
180 6 period beginning on the date of the board's request for the
180 7 review and continuing thereafter, unless and until the court
180 8 again changes its finding. If the court finds that the
180 9 person, or those liable for the person's support, are able to
180 10 pay the charges, the court shall enter an order directing that
180 11 the charges be so paid to the extent required by section
180 12 222.78.
180 13 ~~3.~~ 2. In its order, the court shall include a finding as
180 14 to whether the person has sufficient mental capacity to
180 15 comprehend and exercise the right to vote.
180 16 Sec. 215. Section 222.36, Code 2009, is amended to read as
180 17 follows:
180 18 222.36 CUSTODY PENDING ADMISSION.
180 19 If a resource center or a special unit is unable to
180 20 immediately receive a person committed under section 222.31,
180 21 subsection ~~2~~ 1, paragraph "b", the superintendent shall notify

the court of the time when such person may be received. In the meantime, said person shall be cared for under such order as the court may enter.

Sec. 216. Section 222.59, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. That the patient's commitment is still appropriate but the patient should be transferred to another public or private facility in accordance with the provisions of section 222.31, subsection 1, paragraph "a".

Sec. 217. Section 231.32, subsection 2, Code 2009, is amended to read as follows:

2. The commission shall designate an area agency to serve each planning and service area, after consideration of the views offered by units of general purpose local government. An area agency may be:

a. An established office of aging which is operating within a planning and service area designated by the commission.

b. Any office or agency of a unit of general purpose local government, which is designated for the purpose of serving as an area agency by the chief elected official of such unit.

c. Any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act on behalf of the combination for such purpose.

d. Any public or nonprofit private agency in a planning and service area or any separate organizational unit within such agency which is under the supervision or direction for this purpose of the department of elder affairs and which can engage in the planning or provision of a broad range of supportive services or nutrition services within the planning and service area.

~~Each area agency shall provide assurance, determined adequate by the commission, that the area agency has the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area, the commission shall give preference to an established office of aging, unless the commission finds that no such office within the planning and service area has the capacity to carry out the area plan.~~

Sec. 218. Section 231.32, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Each area agency shall provide assurance, determined adequate by the commission, that the area agency has the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area, the commission shall give preference to an established office of aging, unless the commission finds that no such office within the planning and service area has the capacity to carry out the area plan.

Sec. 219. Section 232.52, subsection 2, paragraphs a and c, Code 2009, are amended to read as follows:

a. An order prescribing one or more of the following:

(1) A work assignment of value to the state or to the public.

(2) Restitution consisting of monetary payment or a work assignment of value to the victim.

(3) If the child is fourteen years of age or older, restitution consisting of monetary payment or a work assignment of value to the county or to the public for fees of attorneys appointed to represent the child at public expense pursuant to section 232.11.

(4) The suspension or revocation of the driver's license or operating privilege of the child, for a period of one year, for the commission of delinquent acts which are a violation of any of the following:

(a) Section 123.46.

(b) Section 123.47 regarding the purchase or attempt to purchase of alcoholic beverages.

(c) Chapter 124.

(d) Section 126.3.

(e) Chapter 453B.

(f) Two or more violations of section 123.47 regarding the possession of alcoholic beverages.

(g) Section 708.1, if the assault is committed upon an employee of the school at which the child is enrolled, and the

182 33 child intended to inflict serious injury upon the school
182 34 employee or caused bodily injury or mental illness.
182 35 (h) Section 724.4, if the child carried the dangerous
183 1 weapon on school grounds.
183 2 (i) Section 724.4B.
183 3 The child may be issued a temporary restricted license or
183 4 school license if the child is otherwise eligible.
183 5 (5) The suspension of the driver's license or operating
183 6 privilege of the child for a period not to exceed one year.
183 7 The order shall state whether a work permit may or shall not
183 8 be issued to the child.
183 9 ~~An order under paragraph "a" may be the sole disposition or~~
~~183 10 may be included as an element in other dispositional orders.~~
183 11 c. An order providing special care and treatment required
183 12 for the physical, emotional or mental health of the child, and
183 13 (1) Placing the child on probation or other supervision;
183 14 and
183 15 (2) If the court deems appropriate, ordering the parent,
183 16 guardian, or custodian to reimburse the county for any costs
183 17 incurred as provided in section 232.141, subsection 1, or to
183 18 otherwise pay or provide for such care and treatment.
183 19 ~~A parent or guardian may be required by the juvenile court~~
~~183 20 to participate in educational or treatment programs as part of~~
~~183 21 a probation plan if the court determines it to be in the best~~
~~183 22 interest of the child. A parent or guardian who does not~~
~~183 23 participate in the probation plan when required to do so by~~
~~183 24 the court may be held in contempt.~~
183 25 Sec. 220. Section 232.52, subsection 2A, Code 2009, is
183 26 amended to read as follows:
183 27 2A. a. An order under subsection 2, paragraph "a", may be
183 28 the sole disposition or may be included as an element in other
183 29 dispositional orders.
183 30 b. A parent or guardian may be required by the juvenile
183 31 court to participate in educational or treatment programs as
183 32 part of a probation plan. A parent or guardian who does not
183 33 participate in the probation plan when required to do so by
183 34 the court may be held in contempt.
183 35 c. Notwithstanding subsection 2, the court shall not order
184 1 group foster care placement of the child which is a charge
184 2 upon the state if that placement is not in accordance with the
184 3 service area plan for group foster care established pursuant
184 4 to section 232.143 for the departmental service area in which
184 5 the court is located.
184 6 Sec. 221. Section 236.5, Code 2009, is amended to read as
184 7 follows:
184 8 236.5 DISPOSITION.
184 9 1. Upon a finding that the defendant has engaged in
184 10 domestic abuse:
184 11 ~~1.~~ a. The court may order that the plaintiff, the
184 12 defendant, and the children who are members of the household
184 13 receive professional counseling, either from a private source
184 14 approved by the court or from a source appointed by the court.
184 15 Costs of counseling shall be paid in full or in part by the
184 16 parties and taxed as court costs. If the court determines
184 17 that the parties are unable to pay the costs, they may be paid
184 18 in full or in part from the county treasury.
184 19 ~~2.~~ b. The court may grant a protective order or approve a
184 20 consent agreement which may contain but is not limited to any
184 21 of the following provisions:
184 22 ~~a.~~ (1) That the defendant cease domestic abuse of the
184 23 plaintiff.
184 24 ~~b.~~ (2) That the defendant grant possession of the
184 25 residence to the plaintiff to the exclusion of the defendant
184 26 or that the defendant provide suitable alternate housing for
184 27 the plaintiff.
184 28 ~~c.~~ (3) That the defendant stay away from the plaintiff's
184 29 residence, school, or place of employment.
184 30 ~~d.~~ (4) The awarding of temporary custody of or
184 31 establishing temporary visitation rights with regard to
184 32 children under eighteen.
184 33 (a) In awarding temporary custody or temporary visitation
184 34 rights, the court shall give primary consideration to the
184 35 safety of the victim and the children.
185 1 (b) If the court finds that the safety of the victim or
185 2 the children will be jeopardized by unsupervised or
185 3 unrestricted visitation, the court shall condition or restrict
185 4 visitation as to time, place, duration, or supervision, or
185 5 deny visitation entirely, as needed to guard the safety of the
185 6 victim and the children.
185 7 (c) The court shall also investigate whether any other
185 8 existing orders awarding custody or visitation rights should

185 9 be modified.
185 10 ~~e.~~ (5) Unless prohibited pursuant to 28 U.S.C. } 1738B,
185 11 that the defendant pay the clerk a sum of money for the
185 12 separate support and maintenance of the plaintiff and children
185 13 under eighteen.
185 14 2. An order for counseling, a protective order, or
185 15 approved consent agreement shall be for a fixed period of time
185 16 not to exceed one year. The court may amend or extend its
185 17 order or a consent agreement at any time upon a petition filed
185 18 by either party and after notice and hearing. The court may
185 19 extend the order if the court, after hearing at which the
185 20 defendant has the opportunity to be heard, finds that the
185 21 defendant continues to pose a threat to the safety of the
185 22 victim, persons residing with the victim, or members of the
185 23 victim's immediate family. At the time of the extension, the
185 24 parties need not meet the requirement in section 236.2,
185 25 subsection 2, paragraph "d", that the parties lived together
185 26 during the last year if the parties met the requirements of
185 27 section 236.2, subsection 2, paragraph "d", at the time of the
185 28 original order. The number of extensions that can be granted
185 29 by the court is not limited.
185 30 3. The order shall state whether a person is to be taken
185 31 into custody by a peace officer for a violation of the terms
185 32 stated in the order.
185 33 ~~3.~~ 4. The court may order that the defendant pay the
185 34 plaintiff's attorneys fees and court costs.
185 35 ~~4.~~ 5. An order or consent agreement under this section
186 1 shall not affect title to real property.
186 2 ~~5.~~ 6. A copy of any order or approved consent agreement
186 3 shall be issued to the plaintiff, the defendant, the county
186 4 sheriff of the county in which the order or consent decree is
186 5 initially entered, and the twenty=four=hour dispatcher for the
186 6 county sheriff. Any subsequent amendment or revocation of an
186 7 order or consent agreement shall be forwarded by the clerk to
186 8 all individuals and the county sheriff previously notified.
186 9 7. The clerk shall notify the county sheriff and the
186 10 twenty=four=hour dispatcher for the county sheriff in writing
186 11 so that the county sheriff and the county sheriff's dispatcher
186 12 receive written notice within six hours of filing the order,
186 13 approved consent agreement, amendment, or revocation. The
186 14 clerk may fulfill this requirement by sending the notice by
186 15 facsimile or other electronic transmission which reproduces
186 16 the notice in writing within six hours of filing the order.
186 17 8. The county sheriff's dispatcher shall notify all law
186 18 enforcement agencies having jurisdiction over the matter and
186 19 the twenty=four=hour dispatcher for the law enforcement
186 20 agencies upon notification by the clerk.
186 21 Sec. 222. Section 252B.5, subsection 12, paragraphs a and
186 22 b, Code 2009, are amended to read as follows:
186 23 a. ~~Comply~~ In compliance with federal procedures~~, to~~
186 24 periodically certify to the secretary of the United States
186 25 department of health and human services, a list of the names
186 26 of obligors determined by the unit to owe delinquent support,
186 27 under a support order as defined in section 252J.1, in excess
186 28 of two thousand five hundred dollars. The certification of
186 29 the delinquent amount owed may be based upon one or more
186 30 support orders being enforced by the unit if the delinquent
186 31 support owed exceeds two thousand five hundred dollars. The
186 32 certification shall include any amounts which are delinquent
186 33 pursuant to the periodic payment plan when a modified order
186 34 has been retroactively applied. The certification shall be in
186 35 a format and shall include any supporting documentation
187 1 required by the secretary.
187 2 b. All of the following shall apply to an action initiated
187 3 by the unit under this subsection:
187 4 (1) The obligor shall be sent a notice by regular mail in
187 5 accordance with federal law and regulations and the notice
187 6 shall remain in effect until support delinquencies have been
187 7 paid in full.
187 8 (2) The notice shall include all of the following:
187 9 (a) A statement regarding the amount of delinquent support
187 10 owed by the obligor.
187 11 (b) A statement providing information that if the
187 12 delinquency is in excess of two thousand five hundred dollars,
187 13 the United States secretary of state may apply a passport
187 14 sanction by revoking, restricting, limiting, or refusing to
187 15 issue a passport as provided in 42 U.S.C. } 652(k).
187 16 (c) Information regarding the procedures for challenging
187 17 the certification by the unit.
187 18 (3) (a) If the obligor chooses to challenge the
187 19 certification, the obligor shall notify the unit within the

time period specified in the notice to the obligor. The obligor shall include any relevant information with the challenge.

~~(2) (a)~~ (b) A challenge shall be based upon mistake of fact. For the purposes of this subsection, "mistake of fact" means a mistake in the identity of the obligor or a mistake in the amount of the delinquent child support owed if the amount did not exceed two thousand five hundred dollars on the date of the unit's decision on the challenge.

~~If the obligor chooses to challenge the certification, the obligor shall notify the unit within the time period specified in the notice to the obligor. The obligor shall include any relevant information with the challenge.~~

~~(b)~~ (4) Upon timely receipt of the challenge, the unit shall review the certification for a mistake of fact, or refer the challenge for review to the child support agency in the state chosen by the obligor as provided by federal law.

~~(c)~~ (5) Following the unit's review of the certification, the unit shall send a written decision to the obligor within ten days of timely receipt of the challenge.

~~(i)~~ (a) If the unit determines that a mistake of fact exists, the unit shall send notification in accordance with federal procedures withdrawing the certification for passport sanction.

~~(ii)~~ (b) If the unit determines that a mistake of fact does not exist, the obligor may contest the determination within ten days following the issuance of the decision by submitting a written request for a contested case proceeding pursuant to chapter 17A.

~~(3)~~ (6) Following issuance of a final decision under chapter 17A that no mistake of fact exists, the obligor may request a hearing before the district court pursuant to chapter 17A. The department shall transmit a copy of its record to the district court pursuant to chapter 17A. The scope of the review by the district court shall be limited to demonstration of a mistake of fact. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order are not grounds for a hearing under this subsection.

Sec. 223. Section 256B.2, Code 2009, is amended to read as follows:

256B.2 DEFINITIONS == POLICIES == FUNDS.

1. As used in this chapter:

a. "Children requiring special education" means persons under twenty=one years of age, including children under five years of age, who have a disability in obtaining an education because of a head injury, autism, behavioral disorder, or physical, mental, communication, or learning disability, as defined by the rules of the department of education.

~~2.~~ b. "Special education" means classroom, home, hospital, institutional, or other instruction designed to meet the needs of children requiring special education as defined in this subsection ~~1~~; transportation and corrective and supporting services required to assist children requiring special education, as defined in this subsection ~~1~~, in taking advantage of, or responding to, educational programs and opportunities, as defined by rules of the state board of education.

~~3.~~ 2. It is the policy of this state to require school districts and state operated educational programs to provide or make provision, as an integral part of public education, for a free and appropriate public education sufficient to meet the needs of all children requiring special education. This chapter is not to be construed as encouraging separate facilities or segregated programs designed to meet the needs of children requiring special education when the children can benefit from all or part of the education program as offered by the local school district. To the maximum extent possible, children requiring special education shall attend regular classes and shall be educated with children who do not require special education. Whenever possible, hindrances to learning and to the normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of special aids and services rather than by separate programs for those in need of special education. Special classes, separate schooling, or other removal of children requiring special education from the regular educational environment, shall occur only when, and to the extent that the nature or severity of the educational disability is such, that education in regular classes, even with the use of supplementary aids and services, cannot be

189 31 accomplished satisfactorily. For those children who cannot
189 32 adapt to the regular educational or home living conditions,
189 33 and who are attending facilities under chapters 263, 269, and
189 34 270, upon the request of the board of directors of an area
189 35 education agency, the department of human services shall
190 1 provide residential or detention facilities and the area
190 2 education agency shall provide special education programs and
190 3 services. The area education agencies shall cooperate with
190 4 the board of regents to provide the services required by this
190 5 chapter.
190 6 3. Special aids and services shall be provided to children
190 7 requiring special education who are less than five years of
190 8 age if the aids and services will reasonably permit the child
190 9 to enter the educational process or school environment when
190 10 the child attains school age.
190 11 4. Every child requiring special education shall, if
190 12 reasonably possible, receive a level of education commensurate
190 13 with the level provided each child who does not require
190 14 special education. The cost of providing such an education
190 15 shall be paid as provided in section 273.9, this chapter, and
190 16 chapter 257. It shall be the primary responsibility of each
190 17 school district to provide special education to children who
190 18 reside in that district if the children requiring special
190 19 education are properly identified, the educational program or
190 20 service has been approved, the teacher or instructor has been
190 21 licensed, the number of children requiring special education
190 22 needing that educational program or service is sufficient to
190 23 make offering the program or service feasible, and the program
190 24 or service cannot more economically and equably be obtained
190 25 from the area education agency, another school district,
190 26 another group of school districts, a qualified private agency,
190 27 or in cooperation with one or more other districts.
190 28 ~~4.~~ 5. Moneys received by the school district of the
190 29 child's residence for the child's education, derived from
190 30 moneys received through chapter 257, this chapter, and section
190 31 273.9 shall be paid by the school district of the child's
190 32 residence to the appropriate education agency, private agency,
190 33 or other school district providing special education for the
190 34 child pursuant to contractual arrangements as provided in
190 35 section 273.3, subsections 5 and ~~7~~ 6.
191 1 Sec. 224. Section 321A.39, Code 2009, is amended to read
191 2 as follows:
191 3 321A.39 LIABILITY INSURANCE == STATEMENT.
191 4 1. Whenever any dealer licensed under chapter 322 sells a
191 5 motor vehicle at retail and the transaction does not include
191 6 the sale of liability insurance coverage which will protect
191 7 the purchaser under the Iowa motor vehicle financial and
191 8 safety responsibility Act the purchase order or invoice
191 9 evidencing the transaction shall contain a statement in the
191 10 following form:
191 11 I understand that liability insurance coverage which would
191 12 protect me under the Iowa Motor Vehicle Financial and Safety
191 13 Responsibility Act IS NOT INCLUDED in my purchase of the
191 14 herein described motor vehicle. I have received a copy of
191 15 this statement.
191 16 .....
191 17 (Purchaser's signature)
191 18 2. The seller shall print or stamp the statement
191 19 conspicuously on the purchase order or invoice. The statement
191 20 shall be signed by the purchaser in the space provided on or
191 21 before the date of delivery of the motor vehicle described in
191 22 the purchase order or invoice and a copy of the statement
191 23 shall be given to the purchaser by the seller.
191 24 3. No civil liability shall arise on account of the
191 25 failure of any person to comply with the provisions of this
191 26 section.
191 27 4. Any person violating any provisions of this section
191 28 shall be deemed guilty of a misdemeanor and shall be punished
191 29 by a fine not exceeding fifty dollars.
191 30 Sec. 225. Section 805.8A, subsection 12, paragraph e, Code
191 31 2009, is amended to read as follows:
191 32 e. (1) Violations of the schedule of axle and tandem axle
191 33 and gross or group of axle weight violations in section
191 34 321.463 shall be scheduled violations subject to the
191 35 provisions, procedures, and exceptions contained in sections
192 1 805.6 through 805.11, irrespective of the amount of the fine
192 2 under that schedule.
192 3 (a) Violations of the schedule of weight violations shall
192 4 be chargeable, where the fine charged does not exceed one
192 5 thousand dollars, only by uniform citation and complaint.
192 6 (b) Violations of the schedule of weight violations, where

192 7 the fine charged exceeds one thousand dollars shall, when the
192 8 violation is admitted and section 805.9 applies, be chargeable
192 9 upon uniform citation and complaint, indictment, or county
192 10 attorney's information, but otherwise shall be chargeable only
192 11 upon indictment or county attorney's information.
192 12 (2) In all cases of charges under the schedule of weight
192 13 violations, the charge shall specify the amount of fine
192 14 charged under the schedule. Where a defendant is convicted
192 15 and the fine under the foregoing schedule of weight violations
192 16 exceeds one thousand dollars, the conviction shall be of an
192 17 indictable offense although section 805.9 is employed and
192 18 whether the violation is charged upon uniform citation and
192 19 complaint, indictment, or county attorney's information.
192 20 DIVISION III
192 21 RELATED CHANGES
192 22 Sec. 226. Section 96.3, subsection 4, Code 2009, is
192 23 amended to read as follows:
192 24 4. DETERMINATION OF BENEFITS. With respect to benefit
192 25 years beginning on or after July 1, 1983, an eligible
192 26 individual's weekly benefit amount for a week of total
192 27 unemployment shall be an amount equal to the following
192 28 fractions of the individual's total wages in insured work paid
192 29 during that quarter of the individual's base period in which
192 30 such total wages were highest; the director shall determine
192 31 annually a maximum weekly benefit amount equal to the
192 32 following percentages, to vary with the number of dependents,
192 33 of the statewide average weekly wage paid to employees in
192 34 insured work which shall be effective the first day of the
192 35 first full week in July:

If the number of dependents is:	The weekly benefit amount shall equal the following fraction of high quarter wages:	Subject to the following maximum percentage of the statewide average weekly wage:
0	1/23	53%
1	1/22	55%
2	1/21	57%
3	1/20	60%
4 or more	1/19	65%

193 13 The maximum weekly benefit amount, if not a multiple of one
193 14 dollar shall be rounded to the lower multiple of one dollar.
193 15 However, until such time as sixty=five percent of the
193 16 statewide average weekly wage exceeds one hundred ninety
193 17 dollars, the maximum weekly benefit amounts shall be
193 18 determined using the statewide average weekly wage computed on
193 19 the basis of wages reported for calendar year 1981. As used
193 20 in this section "dependent" means dependent as defined in
193 21 section 422.12, subsection 1, paragraph ~~"c"~~ "a", as if the
193 22 individual claimant was a taxpayer, except that an individual
193 23 claimant's nonworking spouse shall be deemed to be a dependent
193 24 under this section. "Nonworking spouse" means a spouse who
193 25 does not earn more than one hundred twenty dollars in gross
193 26 wages in one week.
193 27 Sec. 227. Section 147.1, subsection 5, paragraph e, Code
193 28 2009, is amended to read as follows:
193 29 e. The board of trustees of a licensed hospital when
193 30 performing a function relating to the reporting required by
193 31 section 147.135, subsection ~~3~~ 4.
193 32 Sec. 228. Section 203D.5, subsection 1, Code 2009, is
193 33 amended to read as follows:
193 34 1. The board shall review annually the debits of and
193 35 credits to the grain depositors and sellers indemnity fund
194 1 created in section 203D.3 and shall make any adjustments in
194 2 the per=bushel fee required under section 203D.3, subsection
194 3 2, and the dealer=warehouse fee required under section 203D.3,
194 4 subsection 3, that are necessary to maintain the fund within
194 5 the limits established under this section. Not later than the
194 6 first day of May of each year, the board shall determine the
194 7 proposed amount of the per=bushel fee based on the expected
194 8 volume of grain on which the fee is to be collected and that
194 9 is likely to be handled under this chapter, and shall also
194 10 determine any adjustment to the dealer=warehouse fee. The
194 11 board shall make any changes in the previous year's fees in
194 12 accordance with chapter 17A. Changes in the fees shall become
194 13 effective on the following first day of July. The per=bushel
194 14 fee shall not exceed one=quarter cent per bushel on all
194 15 purchased grain as defined in section ~~203D.3~~ 203D.1. Until
194 16 the per=bushel fee is adjusted or waived as provided in this
194 17 section, the per=bushel fee is one=quarter cent on all

194 18 purchased grain.
194 19 Sec. 229. Section 216B.3, subsection 15, Code 2009, is
194 20 amended to read as follows:
194 21 15. Develop a plan to provide telephone yellow pages
194 22 information without charge to persons declared to be blind
194 23 under the standards in section 422.12, subsection ~~1~~ 2,
194 24 paragraph ~~"e"~~ "a", subparagraph (5). The department may apply
194 25 for federal funds to support the service. The program shall
194 26 be limited in scope by the availability of funds.
194 27 Sec. 230. Section 236.6, subsection 1, Code 2009, is
194 28 amended to read as follows:
194 29 1. When the court is unavailable from the close of
194 30 business at the end of the day or week to the resumption of
194 31 business at the beginning of the day or week, a petition may
194 32 be filed before a district judge, or district associate judge
194 33 designated by the chief judge of the judicial district, who
194 34 may grant emergency relief in accordance with section 236.5,
194 35 subsection ~~2~~ 1, paragraph "b", if the district judge or
195 1 district associate judge deems it necessary to protect the
195 2 plaintiff from domestic abuse, upon good cause shown in an ex
195 3 parte proceeding. Present danger of domestic abuse to the
195 4 plaintiff constitutes good cause for purposes of this
195 5 subsection.
195 6 Sec. 231. Section 237.3, subsection 2, paragraph g,
195 7 subparagraph (5), Code 2009, is amended to read as follows:
195 8 (5) Educational programs, including special education as
195 9 defined in section 256B.2, subsection ~~2~~ 1, paragraph "b",
195 10 where appropriate, which are approved by the state board of
195 11 education. The department shall not promulgate rules which
195 12 regulate individual licensees in the subject areas enumerated
195 13 in this paragraph.
195 14 Sec. 232. Section 238.17, Code 2009, is amended to read as
195 15 follows:
195 16 238.17 FORMS FOR REGISTRATION AND RECORD == PRESERVATION.
195 17 1. The administrator shall prescribe forms for the
195 18 registration and record of persons cared for by any
195 19 child=placing agency licensed under this chapter and for
195 20 reports required by said administrator from the agencies.
195 21 2. If, for any reason, a child=placing agency as defined
195 22 by section ~~238.2~~ 238.1 shall cease to exist, all records of
195 23 registration and placement and all other records of any kind
195 24 and character kept by such child=placing agency shall be
195 25 turned over to the administrator, for preservation, to be kept
195 26 by the said administrator as a permanent record.
195 27 Sec. 233. Section 256F.9, Code 2009, is amended to read as
195 28 follows:
195 29 256F.9 PROCEDURES AFTER REVOCATION == STUDENT ENROLLMENT.
195 30 If a charter school contract is revoked in accordance with
195 31 this chapter, a nonresident student who attended the school,
195 32 and any siblings of the student, shall be determined to have
195 33 shown good cause as provided in section 282.18, subsection ~~16~~
195 34 14, and may submit an application to another school district
195 35 according to section 282.18 at any time. Applications and
196 1 notices required by section 282.18 shall be processed and
196 2 provided in a prompt manner. The application and notice
196 3 deadlines in section 282.18 do not apply to a nonresident
196 4 student application under these circumstances.
196 5 Sec. 234. Section 306C.10, subsection 9, Code 2009, is
196 6 amended to read as follows:
196 7 9. "Information center" means a site, either with or
196 8 without structures or buildings, established and maintained at
196 9 a rest area for the purpose of providing "information of
196 10 specific interest to the traveling public", as ~~that phrase is~~
196 11 defined in section ~~306C.11, subsection 5~~ 306C.10.
196 12 Sec. 235. Section 313.4, subsection 6, paragraph a, Code
196 13 2009, is amended to read as follows:
196 14 a. A transfer of jurisdiction fund is created in the
196 15 office of the treasurer of state under the control of the
196 16 department. For each fiscal year in the period beginning July
196 17 1, 2003, and ending June 30, 2013, there is transferred from
196 18 the primary road fund to the transfer of jurisdiction fund one
196 19 and seventy=five hundredths percent of the moneys credited to
196 20 the primary road fund pursuant to section 312.2, subsection 1,
196 21 paragraph "a".
196 22 Sec. 236. Section 313.4, subsection 7, unnumbered
196 23 paragraph 1, Code 2009, is amended to read as follows:
196 24 For the fiscal year beginning July 1, 2013, and ending June
196 25 30, 2014, and each subsequent fiscal year, there is
196 26 transferred the following percentages of the moneys credited
196 27 to the primary road fund pursuant to section 312.2, subsection
196 28 1, paragraph "a", to the following funds:

Sec. 237. Section 314.21, subsection 1, Code 2009, is amended to read as follows:

1. a. The living roadway trust fund is created in the office of the treasurer of state. The moneys in this fund shall be used exclusively for the development and implementation of integrated roadside vegetation plans. Except as provided in subsections 2 and 3, the moneys shall only be expended for areas on or adjacent to road, street, and highway right=of=ways. The state department of transportation in consultation with the department of natural resources shall establish standards relating to the type of projects available for assistance. For the fiscal period beginning July 1, 1988, and ending March 31, 1990, the moneys in the fund shall be expended as follows: fifty=six percent on state department of transportation projects; thirty percent on county projects; and fourteen percent on city projects.

b. A city or county which has a project which qualifies for the use of these funds shall submit a request for the funds to the state department of transportation. A city or county may, at its option, apply moneys allocated for use on city or county projects under this subsection toward qualifying projects on the primary system. The state department of transportation in consultation with the department of natural resources shall determine which projects qualify for the funds and which projects shall be funded if the requests for the funds exceed the availability of the funds. In ranking applications for funds, the department shall consider the proportion of political subdivision matching funds to be provided, if any, and the proportion of private contributions to be provided, if any. In considering the proportion of political subdivision matching funds provided, the department shall consider only those moneys which are in addition to those which the political subdivision has historically provided toward such projects. Funds allocated to the cities, the counties, and the department which are not programmed by the end of each fiscal year shall be available for redistribution to any eligible applicant regardless of the original allocation of funds. Such funds shall be awarded for eligible projects based upon their merit in meeting the program objectives established by the department under section 314.22. The department shall submit a report of all projects funded in the previous fiscal year to the governor and to the general assembly on January 15 of each year.

c. Beginning April 1, 1990, the moneys in the living roadway trust fund shall be allocated between the state, counties, and cities in the same proportion that the road use tax funds are allocated under section 312.2, ~~subsections~~ subsection 1, ~~2, 3, and 4~~ paragraphs "a", "b", "c", and "d". However, after April 1, 1990, a city or county shall not be eligible to receive moneys from the living roadway trust fund unless the city or county has an integrated roadside vegetation management plan in place consistent with the objectives in section 314.22.

Sec. 238. Section 321.233, Code 2009, is amended to read as follows:

321.233 ROAD WORKERS EXEMPTED.

This chapter, except sections 321.277 and 321.280, does not apply to persons and motor vehicles and other equipment while actually engaged in work upon the surface of a highway officially closed to traffic but does apply to such persons and vehicles when traveling to or from such work. The minimum speed restriction of section 321.285, subsection ~~6~~ 5, and the provisions of sections 321.297, 321.298, and 321.323 do not apply to road workers operating maintenance equipment on behalf of any state or local authority while engaged in road maintenance, road blading, snow and ice control and removal, and granular resurfacing work on a highway, whether or not the highway is closed to traffic.

Sec. 239. Section 327G.30, Code 2009, is amended to read as follows:

327G.30 ADJUSTMENT OF EXPENSE.

1. If a grade crossing surface of a railroad track and a highway, street, or alley shall require repairs or maintenance, the costs for the maintenance may be paid as provided in section 312.2, subsection ~~5~~ 2.

2. If the railroad corporation and the jurisdiction having authority agree on the method of crossing maintenance and establish an agreement to each contribute costs as provided in section 312.2, subsection ~~5~~ 2, a copy of the agreement shall be filed with the department which shall allocate an amount of

the cost for the work if funds are available in the highway railroad grade crossing surface repair fund. The department shall make appropriate notification if the fund is exhausted in which case agreements shall not be made under this section until additional funds are available. The fund shall be administered by the department.

3. Upon completion of the agreed repair work, a statement of costs shall be filed with the department by the railroad corporation in a form and manner prescribed by the department. The department, upon approval of the statement, shall pay to the railroad corporation an amount of the cost of the work from the highway railroad grade crossing surface repair fund as provided in section 312.2, subsection ~~5~~ 2. The owner of the track and the jurisdiction entering into the agreement shall each pay the cost as provided in section 312.2, subsection ~~5~~ 2.

Sec. 240. Section 331.362, subsection 9, Code 2009, is amended to read as follows:

9. A county may regulate traffic on and use of the secondary roads, in accordance with sections 321.236 to 321.250, 321.254, 321.255, 321.285, subsection ~~5~~ 4, sections 321.352, 321.471 to 321.473, and other applicable provisions of chapter 321, and sections 321G.9, 321I.10, and 327G.15.

Sec. 241. Section 422.8, subsection 4, Code 2009, is amended to read as follows:

4. The amount of minimum tax paid to another state or foreign country by a resident taxpayer of this state from preference items derived from sources outside of Iowa shall be allowed as a credit against the tax computed under this division except that the credit shall not exceed what the amount of state alternative minimum tax would have been on the same preference items which were taxed by the other state or foreign country. The limitation on this credit shall be computed according to the following formula: The total of preference items earned outside of Iowa and taxed by another state or foreign country shall be divided by the total of preference items of the resident taxpayer of Iowa. In computing this quotient, those items excludable under section 422.5, subsection ~~1~~ 2, paragraph ~~"k"~~ "b", subparagraph (1) shall not be used in computing the preference items. This quotient multiplied times the net state alternative minimum tax as determined in section 422.5, subsection ~~1~~ 2, ~~paragraph "k"~~ on the total of preference items as if entirely earned in Iowa shall be the maximum tax credit against the Iowa alternative minimum tax. However, the maximum tax credit will not be allowed to the extent that the minimum tax imposed by the other state or foreign country is less than the maximum tax credit computed above.

Sec. 242. Section 422.11B, Code 2009, is amended to read as follows:

422.11B MINIMUM TAX CREDIT.

1. a. There is allowed as a credit against the tax determined in section 422.5, subsection 1, paragraphs "a" through "j" for a tax year an amount equal to the minimum tax credit for that tax year.

b. The minimum tax credit for a tax year is the excess, if any, of the net minimum tax imposed for all prior tax years beginning on or after January 1, 1987, over the amount allowable as a credit under this section for those prior tax years.

2. a. The allowable credit under subsection 1 for a tax year shall not exceed the excess, if any, of the tax determined in section 422.5, subsection 1, paragraphs "a" through "j" over the state alternative minimum tax as determined in section 422.5, subsection ~~1, paragraph "k"~~ 2.

b. The net minimum tax for a tax year is the excess, if any, of the tax determined in section 422.5, subsection ~~1~~ 2, ~~paragraph "k"~~ for the tax year over the tax determined in section 422.5, subsection 1, paragraphs "a" through "j" for the tax year.

Sec. 243. Section 422.13, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. However, if that part of the net income of a nonresident which is allocated to Iowa pursuant to section 422.8, subsection 2, is less than one thousand dollars the nonresident is not required to make and sign a return except when the nonresident is subject to the state alternative minimum tax imposed pursuant to section 422.5, subsection ~~1, paragraph "k"~~ 2.

Sec. 244. Section 422.13, subsection 1A, Code 2009, is amended to read as follows:

1A. Notwithstanding any other provision in this section, a resident of this state is not required to make and file a return if the person's net income is equal to or less than the appropriate dollar amount listed in section 422.5, subsection ~~2~~ 3, upon which tax is not imposed. A nonresident of this state is not required to make and file a return if the person's total net income in section 422.5, subsection 1, paragraph "j", is equal to or less than the appropriate dollar amount provided in section 422.5, subsection ~~2~~ 3, upon which tax is not imposed. For purposes of this subsection, the amount of a lump sum distribution subject to separate federal tax shall be included in net income for purposes of determining if a resident is required to file a return and the portion of the lump sum distribution that is allocable to Iowa is included in total net income for purposes of determining if a nonresident is required to make and file a return.

Sec. 245. Section 437A.14, subsection 4, Code 2009, is amended to read as follows:

4. a. Notwithstanding subsections 2 and 3, the chief financial officer of any local taxing authority and any designee of such officer shall have access to any computations made by the director pursuant to the provisions of this chapter, and any tax return or other information used by the director in making such computations, which affect the replacement tax owed by any such taxpayer.

b. Notwithstanding this section, providing information relating to the kilowatt=hours of electricity or therms of natural gas delivered by a taxpayer in a competitive service area to the task force established in section 437A.15, subsection 7, ~~or to the study committee established in section 476.6, subsection 20,~~ is not a violation of this section.

Sec. 246. Section 455B.178, Code 2009, is amended to read as follows:

455B.178 JUDICIAL REVIEW.

Except as provided in section 455B.191, subsection ~~6~~ 5, judicial review of any order or other action of the commission or of the director may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of said Act, petitions for judicial review may be filed in the district court of the county in which the alleged offense was committed or such final order was entered.

Sec. 247. Section 600A.2, subsection 2, Code 2009, is amended to read as follows:

2. "Agency" means a child=placing agency as defined in section ~~238.2~~ 238.1 or the department.

Sec. 248. Section 600A.6B, subsections 1 and 2, Code 2009, are amended to read as follows:

1. A person filing a petition for termination of parental rights under this chapter or the person on whose behalf the petition is filed shall be responsible for the payment of reasonable attorney fees for counsel appointed pursuant to section 600A.6A unless the person filing the petition is a private child=placing agency as defined in section ~~238.2~~ 238.1 or unless the court determines that the person filing the petition or the person on whose behalf the petition is filed is indigent.

2. If the person filing the petition is a private child=placing agency as defined in section ~~238.2~~ 238.1 or if the person filing the petition or the person on whose behalf the petition is filed is indigent, the appointed attorney shall be paid reasonable attorney fees as determined by the state public defender.

DIVISION IV
EFFECTIVE DATES

Sec. 249. EFFECTIVE DATES.

1. The section of this Act that amends section 294A.9, subsection 9, Code 2009, being deemed of immediate importance, takes effect upon enactment.

2. The section of this Act that amends 2008 Iowa Acts, chapter 1191, section 109, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008.

EXPLANATION

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

DIVISION I == MISCELLANEOUS PROVISIONS. Code section

203 27 6B.14: Strikes the word "aforesaid" and adds after the word
203 28 "notices" the words "required by" and a citation to Code
203 29 section 6B.8, to clarify just which notices are being referred
203 30 to in this Code section.
203 31   Code sections 9D.1 and 9D.2: Moves a definition that
203 32 applies to the entire Code chapter, from Code section 9D.2,
203 33 and places it in alphabetical order with other definitions at
203 34 the beginning of the Code chapter, precedes the listing of
203 35 definitions with the standard phrasing relating to
204 1 applicability of the definitions, and renumbers the
204 2 definitions. Code section 9D.2 is also renumbered and
204 3 internal references are updated due to the elimination of the
204 4 definition from that Code section.
204 5   Code section 10.1: Changes the word "that" to "each" to
204 6 conform the language relating to percentage of ownership by
204 7 farmers cooperative associations to the initial language in
204 8 the same sentence that indicates that more than one type of
204 9 membership interest may be established.
204 10   Code section 15.103: Adds clarifying language in two
204 11 places to specify that the requirements relating to expertise
204 12 and active employment apply to the voting membership of the
204 13 economic development board.
204 14   Code section 15.247(2): Adds the name of the targeted
204 15 small business financial assistance program to the enabling
204 16 language for the program, moves some language, and adds
204 17 paragraph designations.
204 18   Code section 16.1(1): Substitutes the word "which" for the
204 19 word "and" and strikes an extraneous modifying phrase to
204 20 clarify the meaning of the word "powers" within the Code
204 21 chapter pertaining to the Iowa finance authority.
204 22   Code section 24.20: Substitutes a singular reference for a
204 23 plural reference to municipalities and adds the words "tax
204 24 rates and levies" after the word "such" to clarify that the
204 25 tax rates and levies certified by a given municipality are the
204 26 rates and levies for that particular municipality, unless the
204 27 particular rates or levies must be authorized by a vote of the
204 28 people.
204 29   Code section 26.14: Conforms phraseology relating to
204 30 determination of which bid is the lowest responsible bid on a
204 31 public improvement to other language that states that the bid
204 32 must be the lowest responsive, responsible bid.
204 33   Code section 42.3: Clarifies, in language in subsection 1,
204 34 paragraph "b", that provides that certain deadlines may be
204 35 extended, which dates and deadlines are actually intended.
205 1 Current language specifies the entire subsection, although the
205 2 dates that are to be extended under this paragraph are located
205 3 in paragraph "a". In addition, in subsection 2, language is
205 4 moved from the end of the sentence to a location which is
205 5 closer to the verb "transmit" to clarify that the language in
205 6 subsection 1 references the time frame in which the
205 7 transmission of information by the chief clerk of the house of
205 8 representatives or the secretary of the senate should occur
205 9 and not the reasons why the reapportionment plan was not
205 10 approved.
205 11   Code section 46.2A: Substitutes references to Code chapter
205 12 40 for Code chapter 42 in two places, because the
205 13 congressional districts are described in Code chapter 40, not
205 14 Code chapter 42.
205 15   Code section 49.36: Strikes the words "the foregoing" and
205 16 adds a cite to Code sections 49.32 and 49.35 to clarify in
205 17 which Code sections the phrase "group of petitioners" means an
205 18 organization which is not a political party as defined by law.
205 19   Code section 52.25(2): Strikes words relating to special
205 20 paper and inserts used in voting machines to conform to
205 21 changes made in 2007 Iowa Acts, chapter 190.
205 22   Code sections 62.1A and 62.2: Substitutes references to
205 23 the term "member" for references to "person" and "judge" or
205 24 "judges" and "officer" to conform terminology within this
205 25 provision to language used in Code chapter 61 to describe the
205 26 contest court that hears disputes concerning the election of
205 27 state officers and to distinguish references to the members of
205 28 the contest court from members of the judiciary. A
205 29 grammatical problem is also corrected in Code section 62.2.
205 30   Code section 68B.22(4): Conforms the term used to describe
205 31 an exception to a provision describing when a gift to a public
205 32 official or employee may be permitted to the term used in the
205 33 provision describing the exception for certain legislative
205 34 functions. This conforms this Code subsection to the changes
205 35 made by 2005 Iowa Acts, chapter 76, section 5.
206 1   Code section 73.16(2): Strikes an obsolete reference to an
206 2 initial quarterly report that was required to be made by state

government agencies or departments to the targeted small business marketing and compliance manager on September 30, 2007.

Code section 75.1(1): Substitutes the word "Ballots" for "All ballots" and the word "but" for the word "and" to clarify which ballots are not to be used to compute the total number of votes for and against a proposition to authorize the issuance of bonds by a city, county township, school corporation, or any local board or commission.

Code section 85.59: Numbers a provision and restructures language establishing definitions within a provision establishing when workers' compensation benefits may be awarded to inmates of a correctional institution to facilitate citation.

Code section 85.66: Conforms capitalization of the name of the fund to Code style and numbers this provision establishing the second injury fund to facilitate citation; substitutes a reference to identical language in another Code section for language specifying the amount that is to be reimbursed to the attorney general for services related to the second injury fund to eliminate the redundancy; and moves language regarding investments of surplus moneys by the treasurer of state to a location in the Code section which follows multiple provisions relating to disbursements by the treasurer from the fund.

Code section 89.11: Numbers this provision containing two separate instances in which the labor commissioner may seek an injunction against an owner, user, or person in charge of defective equipment and clarifies the second instance by adding conforming language relating to conduct from which the owner, user, or person is requested to be enjoined and conforming language describing the point in time in which the injunction may be sought.

Code section 96.19(17): Adds language conforming a reference to "the foregoing provisions" to other references within this Code subsection to "subsection 16 or section 96.8, subsection 3".

Code section 100B.1(1): Adds the word "voting" to this provision to clarify that these particular public members of the state fire service and emergency response council are voting members of the council. This change is consistent with initial language in this Code section specifying that the council has 11 voting members and one ex officio member.

Code section 100C.3(2): Strikes the word "not" and substitutes the word "confidential" for the word "public" to clarify that the criminal history check results are confidential public records under the public records law. This change is consistent with Code section 692.8A, which governs the dissemination of criminal history records under the public records chapter, Code chapter 22.

Code section 103.15(2): Rewrites the language referring to continuous employment of an employee to conform with changes made to that language by 2008 Iowa Acts, chapter 1092, section 20.

Code section 103.30: Adds the words "the employees are" to clarify that the time frame during which the electrical work of certain employees is not required to be inspected is when those employees are acting within the scope of their employment.

Code section 125.86(3): Conforms terminology used in language added to both this provision and Code section 229.15, subsection 2, by 2008 Iowa Acts, chapter 1082, to the terminology used to describe the persons and process used for hospitalization of persons for substance abuse treatment.

Code section 135.1(4): Strikes, within the definition of the term "physician" in the Code chapter relating to the department of public health, a phrase that refers to designations to be used by persons licensed as osteopaths. Code chapter 150, which provided for the licensing of osteopaths, was repealed by 2008 Iowa Acts, chapter 1088.

Code section 135.17(1): Strikes the words "or 150" to conform to the changes made in 2008 Iowa Acts, chapter 1088. The Code chapters relating to osteopathy and osteopathic medicine and surgery were repealed in that Act, but those persons licensed to perform osteopathic medicine and surgery under former Code chapter 150A were subsumed into Code chapter 148 (licensing procedures).

Code section 135.24(6): Adds a reference to the licensing of speech pathologists and audiologists to the list of other licensed health care providers regulated by boards of those particular professions and under the jurisdiction of the department of public health.

208 14 Code section 135.37(6): Conforms language relating to
208 15 inspections and enforcement activities of the local boards of
208 16 health with respect to tattooing establishments with earlier
208 17 language describing an intent to avoid duplication of those
208 18 efforts with the same efforts by the department of public
208 19 health.
208 20 Code section 135.159: Strikes language referencing the
208 21 licensing of physicians pursuant to Code chapter 150 to
208 22 conform with changes made by 2008 Iowa Acts, chapter 1088,
208 23 which placed osteopathic physicians together with physicians
208 24 who possess an M.D. under the Code chapter 148 licensing
208 25 procedures and the authority of the board of medicine.
208 26 Code sections 135B.20, 136C.1, 136C.3, 142.1, 142C.2, and
208 27 162.2: Replaces the term "osteopathy" with the term
208 28 "osteopathic medicine" to correct a terminology change
208 29 oversight in 2008 Iowa Acts, chapter 1088.
208 30 Code section 135C.33(5): Corrects a reference by name to
208 31 the homemaker=home health aide services program in language
208 32 relating to child or dependent adult abuse and criminal record
208 33 checks.
208 34 Code section 137F.3A(1): Restructures and renumbers
208 35 language enumerating the conditions which must be met before
209 1 the department of inspections and appeals may employ
209 2 additional persons to enforce the provisions of the hotel
209 3 sanitation, home food establishment, and food establishment
209 4 and food processing plant Code chapters.
209 5 Code section 137F.6(1): Restructures language relating to
209 6 license fees charged to food establishments to conform to the
209 7 style of other provisions within this subsection.
209 8 Code section 142A.3: Restructures and renumbers language
209 9 establishing the commission on tobacco use prevention and
209 10 control and the advisory council to the commission.
209 11 Code section 144.14: Renumbers and conforms the phrase "of
209 12 finding" to the phrase "the child was found" which is used
209 13 elsewhere in the provision relating to reports and
209 14 certificates of birth for foundlings.
209 15 Code section 144C.2(3) and 144C.3(4): Changes the term
209 16 "assisted living program facility" to the term "assisted
209 17 living program" to conform the terminology used in Code
209 18 chapter 144C, which relates to final disposition of human
209 19 remains, with the terminology used in Code chapter 231C to
209 20 describe certified programs which provide housing with
209 21 services for assisted living.
209 22 Code section 147.14: Replaces a reference to Code chapter
209 23 147 with a reference to Code chapter 155 in language that
209 24 excludes persons licensed as nursing home administrators from
209 25 being public members of the board for nursing home
209 26 administrators to conform to changes made by 2008 Iowa Acts,
209 27 chapter 1088.
209 28 Code section 147.55: Rewrites the first paragraph in this
209 29 provision to clarify that, although a licensee's license may
209 30 be suspended or revoked if a licensee commits one of the
209 31 enumerated acts or offenses, the licensee as an individual
209 32 would be subject to discipline by the board for the licensee's
209 33 profession.
209 34 Code section 147.80: Adds language relating to
209 35 registration and certification of health care professionals to
210 1 reflect the fact that some of the health care professionals
210 2 regulated under Code chapter 147 and other Code chapters
210 3 register with or are issued a certificate by their respective
210 4 boards, instead of being licensed. This addition clarifies
210 5 that all of the health care profession boards have the same
210 6 authority to verify a practitioner's status before the board.
210 7 Code section 147.85: Updates language relating to
210 8 impersonation of a health care practitioner to conform to
210 9 other provisions throughout the Code, including Code sections
210 10 80.6, 103.38, 103.39, 155A.20, 169.18, 206.11, 341A.17,
210 11 542B.25, 542B.27, and 544A.15, which deal with impersonation
210 12 of various professionals, officials, or public employees.
210 13 Code section 147.135: Strikes references to "chapter 150,
210 14 or chapter 150A" to conform to the changes regarding physician
210 15 licensure in 2008 Iowa Acts, chapter 1088.
210 16 Code section 148.2A(2): Strikes the word "members" in
210 17 language relating to licensure of persons who may constitute a
210 18 member of a hearing panel for the board of medicine because of
210 19 the use of alternate members in the creation of the membership
210 20 of the hearing panels. Alternate members of the board of
210 21 medicine are only members of the hearing panel and not
210 22 otherwise "members of board" within the meaning of Code
210 23 section 148.2A.
210 24 Code section 148.3(2): Strikes the words "and collected by

210 25 the board and transmitted to" because the board of medicine
210 26 members do not themselves act as the collection agents for
210 27 unpaid license and renewal fees although the fees are paid to
210 28 the board.
210 29 Code section 148.6(2): Renumbers language relating to
210 30 investigations by the board of medicine based on allegations
210 31 of inability to practice medicine and surgery or osteopathic
210 32 medicine and surgery due to illness, substance abuse, or other
210 33 mental or physical condition.
210 34 Code section 148.14: Adds a reference to Code chapter 147
210 35 within the provision authorizing the appointment of
211 1 investigators for the board of medicine to correspond with
211 2 provisions in Code chapter 147 that provide for the common
211 3 power and responsibility for all of the health care profession
211 4 boards to perform various activities and duties.
211 5 Code section 148A.7: Numbers language internally in this
211 6 Code section prohibiting false use of titles by persons and
211 7 entities providing health care services.
211 8 Code sections 153.14 and 154B.5: Replaces the term
211 9 "osteopaths" with the term "osteopathic physicians" to correct
211 10 a terminology change oversight in 2008 Iowa Acts, chapter
211 11 1088.
211 12 Code sections 154A.6 and 155.17: Renumbers and changes a
211 13 reference to "such" information to a reference to information
211 14 "in violation of subsection 1" to eliminate unnumbered
211 15 paragraphs and to clarify what type of communication is
211 16 criminalized.
211 17 Code section 154C.3(1)(c)(5): Letters an unnumbered
211 18 paragraph in a provision relating to supervision of persons
211 19 who are applying for a license as an independent social worker
211 20 and renumbers the balance of the provision.
211 21 Code section 154F.2: Adds a reference to "osteopathic
211 22 physician" after the word "physician" to conform with changes
211 23 made by 2008 Iowa Acts, chapter 1088, in language relating to
211 24 the conducting of hearing tests.
211 25 Code section 155.2(1): Adds the words "this chapter and"
211 26 in language relating to qualifications for public membership
211 27 on the board for nursing home administrators because nursing
211 28 home administrators are licensed pursuant to Code chapters 147
211 29 and 155.
211 30 Code section 155A.15(2): Numbers an unnumbered paragraph,
211 31 containing an exception to prohibitions against delivery of
211 32 prescription drugs or devices with authorization to allow the
211 33 furnishing of prescription drugs to licensed health care
211 34 facilities for storage in secured emergency medical supplies,
211 35 to include the paragraph within a series of exceptions to
212 1 prohibitions against delivery prescription drugs to a person
212 2 without legal authorization. The initial language which
212 3 clarified that the former unnumbered paragraph was an
212 4 exception was deleted to conform the provision to the style of
212 5 the other exceptions.
212 6 Code sections 158.1 and 158.2: Redrafts language in Code
212 7 section 158.1 by conforming language defining what practices
212 8 constitute "barbering" to the standard style used in
212 9 definitions throughout the Code and by moving a prohibition
212 10 from the end of the definition to Code section 158.2, which
212 11 contains similar prohibitions.
212 12 Code section 159A.4: Reorganizes and renumbers provisions
212 13 establishing the renewable fuels and coproducts advisory
212 14 committee to group like subject matters together and clarify
212 15 which of the members are voting members.
212 16 Code section 161.1: Changes the word "section" to
212 17 "chapter" to clarify that the entire chapter is what is known
212 18 as the "Iowa Agrichemical Remediation Act".
212 19 Code section 161F.6: Reorganizes and numbers this
212 20 provision by separating applicability provisions from
212 21 definitions, grouping applicability provisions together in one
212 22 subsection, and breaking the definitions into a lettered list
212 23 within the other subsection.
212 24 Code section 166D.10: Reorganizes and renumbers this
212 25 provision to separate out the rules and the exceptions
212 26 enumerated for the sale, lease, exhibition, loan, movement, or
212 27 relocation of swine within this state.
212 28 Code section 169.5: Reorganizes, updates, and renumbers
212 29 this provision establishing the board for veterinary medicine.
212 30 Code section 175B.4: Adds the word "other" before the word
212 31 "programs" to clarify that, in addition to the Iowa farmers'
212 32 market nutrition program, the department of agriculture and
212 33 land stewardship may provide other programs to promote the
212 34 purposes of the federal farmers' market nutrition program.
212 35 Code section 190.12: Numbers provisions relating to

213 1 bacterial and coliform limits in frozen desserts and clarifies
213 2 that the limitations on finding certain levels in samples
213 3 apply to all of the standards set out in the table contained
213 4 in this Code section.
213 5 Code section 191.6: Updates the name of the federal agency
213 6 and the Code of federal regulations citation pertaining to the
213 7 standards for oleo, oleomargarine, or margarine that is
213 8 manufactured or sold in this state to reflect the name of the
213 9 current federal agency in charge of setting that type of
213 10 standard and the currently applicable federal regulations.
213 11 Code section 200.14: Updates language and letters
213 12 unnumbered paragraphs within this provision relating to the
213 13 adoption of rules regarding safety standards for use of
213 14 anhydrous ammonia by the secretary of agriculture.
213 15 Code section 203C.18: Changes a reference from "the Act"
213 16 to "this chapter" to reflect the fact that Code chapter 203C
213 17 is the Iowa warehouse Act.
213 18 Code sections 203D.1 and 203D.3: Moves a definition of the
213 19 term "purchased grain" from Code section 203D.3 to Code
213 20 section 203D.1 and places it in alphabetical order with other
213 21 definitions for Code chapter 203D.
213 22 Code section 206.6(5): Adds paragraph designations to
213 23 eliminate unnumbered paragraphs and then adds the words "a
213 24 nonresident person is" to complete and clarify a sentence in a
213 25 paragraph that limits when the secretary of agriculture may
213 26 adopt rules for issuing an aviation license to a nonresident
213 27 person to those situations when the nonresident is engaged in
213 28 the aerial application of pesticides.
213 29 Code section 207.15(1), (2), and (5): Adds paragraph
213 30 designations to eliminate unnumbered paragraphs and
213 31 substitutes the words "account for" for the word "consider" to
213 32 clarify that the division of soil conservation of the
213 33 department of agriculture and land stewardship may reassess
213 34 any penalty if necessary to account for facts that were not
213 35 available when the original assessment was made.
214 1 Code section 216.8A(3): Restructures a sentence relating
214 2 to nondiscriminatory conditions that may be imposed by a
214 3 landlord in a renter's agreement to conform the provision with
214 4 the balance of the paragraph that establishes what constitutes
214 5 discrimination in housing.
214 6 Code section 216.16: Renumbers and restructures a portion
214 7 of this section relating to the issuance of a 60=day
214 8 administrative release by the civil rights commission to break
214 9 the reasons that a release will not be issued into a numbered
214 10 list.
214 11 Code section 216E.7: Substitutes a Code chapter reference
214 12 to Code chapter 154F to reflect changes made by 2008 Iowa
214 13 Acts, chapter 1088, to shift authority and responsibilities
214 14 for licensing of audiologists from Code chapter 147 to 154F.
214 15 Code section 229.15: Strikes references to Code chapters
214 16 150 and 150A to conform to changes made regarding physician
214 17 licensure in 2008 Iowa Acts, chapter 1088, in language
214 18 establishing the conditions under which a psychiatric advanced
214 19 registered nurse practitioner may complete a periodic report
214 20 on a patient who has been hospitalized due to chronic mental
214 21 illness.
214 22 Code sections 235.1, 238.1, and 238.2: Consolidates,
214 23 duplicates, and relocates various definitions to clarify that
214 24 definitions contained in Code chapter 235 are also applicable
214 25 in Code chapter 238. In Code section 235.1, a paragraph
214 26 containing definitions that apply in this chapter governing
214 27 child welfare and Code chapter 238 is split and the
214 28 definitions are placed into an alphabetical, numbered list.
214 29 The definitions of the terms "state division",
214 30 "administrator", and "child" from Code section 235.1 are added
214 31 to Code section 238.1, along with a definition of
214 32 "child=placing agency" which is taken from Code section 238.2,
214 33 and all of the definitions are placed in an alphabetical,
214 34 numbered list. Code section 238.2 is then repealed as
214 35 redundant.
215 1 Code sections 235B.3A, 235E.3, 236.12, and 709.22:
215 2 Conforms, in several notice provisions, a provision that
215 3 describes additional information that must be given to victims
215 4 of certain crimes relating to shelters, support groups, and
215 5 crisis lines operating in the area by striking a paragraph
215 6 that follows a description of the contents of a statement of
215 7 rights and subsuming the contents of that paragraph into the
215 8 paragraph which precedes that statement description.
215 9 Code section 235E.2(13)(a): Adds language referencing an
215 10 employee organization in two places which express conditions
215 11 and in which the term "union representative" appears, to

conform the language to language that appears earlier in this paragraph that provides that an employee organization or union representative may observe the investigative interview of an alleged dependent adult abuser under certain conditions.

Code section 235E.4: Clarifies, by adding the word "where", that Code sections 235B.4 through 235B.20, to the extent that they are not inconsistent with Code chapter 235E, apply to Code chapter 235E.

Code section 249A.6(1)(a): Corrects a drafting error in the language in this subparagraph by changing the reference to "paragraph "a"" to a reference to subparagraph (1), which refers to the rights to payments of medical care referred to in this subparagraph.

Code section 252B.5(8): Letters unnumbered paragraphs and deletes an obsolete phrase relating to adoption of rules by the department of human services regarding review of requests for modification of support obligations.

Code section 256D.2A: Adds the term "budget" to clarify that the year period of time during which a school is to expend funds to reduce class size is the budget year, which for school districts commences on July 1 of each calendar year.

Code section 256D.4A: Strikes the word "section" and replaces it with the word "chapter" because the payments and expenditures referred to in this Code section are authorized in other Code sections within this Code chapter.

Code section 257.11(3): Changes the word "of" to the word "times" and the word "and" to the word "or" to clarify the relationship between the numeric and percentage components in the formula used to calculate the amount of additional weighting to be assigned for pupils who attend community college=offered classes. The numeric and percentage components of the formula in this paragraph are described in this paragraph in reverse order from that used in other places in this Code section.

Code section 260C.14: Substitutes the word "program" for "Act" in three places to reflect the repeal of the former postsecondary enrollment options Act, previously contained in Code chapter 261C, and the enactment of the postsecondary enrollment options program in new Code chapter 261E in 2008 Iowa Acts, chapter 1181.

Code section 262.9(4): Splits apart, in language describing duties of the state board of regents, two provisions which articulate the two different duties of managing both real and personal property of the regents institutions and purchasing soybean=based inks. Incorrect internal references to the entire Code section are also changed to refer only to the requirement to purchase soybean=based inks in what becomes new subsection 4A.

Code section 279.13(1): Changes the word "applicants" to the singular form "the applicant" to conform with prior language regarding the search for criminal and child abuse background information regarding an individual who is seeking employment as a teacher in a school district.

Code section 282.18: Streamlines language relating to open enrollment of children in schools by combining the two subsections that deal with school desegregation and conforming the language currently contained in subsection 12 to reflect the changes made to subsection 3 in 2008 Iowa Acts, chapter 1071; by moving language relating to adoption of school policies regarding "insufficient classroom space" to become part of subsection 2, where the issue first arises; by renumbering the provision to accommodate the changes and eliminate unnumbered paragraphs; and by correcting internal references.

Code section 282.26: Numbers the paragraphs in this provision regarding high school students attending college courses to allow substitution of specific subsection references in lieu of a more general reference to "the foregoing provisions".

Code section 294A.9: Adds the repeal, on the same date, of a subsection which serves only to repeal other subsections on June 30, 2009. This provision takes effect upon enactment.

Code section 294A.25: Adds the word "fiscal" before the word "year" to conform later language regarding later appropriations to the initial reference to the "fiscal year beginning July 1, 2009".

Code section 297.10: Updates language in this provision regarding compensation for use of school property to clarify that the "such use" is the use of a schoolhouse and schoolhouse grounds and that the compensation paid is to be

217 23 used for supplies for that school property.
217 24 Code section 298.3: Renumbers this provision to eliminate
217 25 unnumbered paragraphs and changes the term "energy
217 26 conservation measures" to "energy management improvement" to
217 27 reflect the changes made to Code sections 473.19, 473.20, and
217 28 473.20A by 2008 Iowa Acts, chapter 1126.
217 29 Code section 298.18: Numbers and letters unnumbered
217 30 paragraphs in this Code section and replaces references to
217 31 "hereinafter" provided and referred to "herein" with language
217 32 indicating that the reader will find the language or exception
217 33 indicated within this Code section.
217 34 Code sections 306C.10 and 306C.11: Moves a definition of
217 35 the term "specific information of interest to the traveling
218 1 public" from Code section 306C.11 to Code section 306C.10 to
218 2 place it in alphabetical order within the other definitions
218 3 that apply within that division of Code chapter 306C and
218 4 renumbers Code section 306C.11 to eliminate unnumbered
218 5 paragraphs.
218 6 Code section 307.21: Restructures the provision to
218 7 separate language establishing the general duties of the
218 8 administrator of administrative services of the department of
218 9 transportation from more specific requirements relating to the
218 10 manner in which certain of those duties are to be carried out
218 11 and from permissive language that allows the administrator to
218 12 perform administrative services duties in cooperation with the
218 13 department of administrative services.
218 14 Code section 312.2: Renumbers this provision to separate
218 15 the allotments of road use tax funds made by the treasurer of
218 16 state to the primary road fund, the secondary road fund, the
218 17 farm=to=market road fund, and the street construction fund of
218 18 cities from the credits that are made prior to the allotments
218 19 for various specific uses and to eliminate an unnumbered
218 20 paragraph.
218 21 Code section 314.2: Strikes the words "the foregoing
218 22 provisions" and substitutes "this section" to clarify that the
218 23 prohibition against state or county officials or employees
218 24 having interests in any contract for highway, bridge, or
218 25 culvert construction, reconstructions, improvement, or
218 26 maintenance is the provision that, if violated, will
218 27 invalidate the contract and prevent recovery of consideration
218 28 under the contract.
218 29 Code section 321.52A: Strikes an obsolete reference to a
218 30 provision under which this surcharge is no longer imposed.
218 31 Before a change in the system used by the department of
218 32 transportation to note security interests on certificates of
218 33 title, a surcharge was issued when an owner requested that a
218 34 new certificate be issued that showed the notation. This was
218 35 because the notation had to be manually added to the
219 1 certificate, rather than being generated automatically upon
219 2 notation of the interest in the department of transportation's
219 3 system. Because of the changeover in the department's
219 4 computer system, the new certificates are generated
219 5 automatically, without the additional manual intervention, and
219 6 the department ceased imposition of the surcharge for issuance
219 7 of a certificate of title for this type of notation.
219 8 Code sections 321.92 and 321.463: Renumbers and eliminates
219 9 a redundant reference to a "paragraph "b"" in a definition
219 10 which is combined with another definition into a numbered list
219 11 in Code section 321.463. Language relating to fraudulent
219 12 altering or defacing of product identification plates is
219 13 stricken from Code section 321.463 and is moved to Code
219 14 section 321.92.
219 15 Code section 321.231(5): Strikes the word "foregoing" and
219 16 inserts "of this section" to clarify that none of the
219 17 provisions of this Code section relieve an authorized
219 18 emergency vehicle operator or police bicycle rider from the
219 19 duty to drive or ride safely.
219 20 Code section 321.285: Renumbers this provision
219 21 establishing speed restrictions on motor vehicles to eliminate
219 22 unnumbered paragraphs; clarifies language that sets out the
219 23 general rules applicable to lawful speeds by moving language
219 24 referring to the lawful speed to a location after the listing
219 25 of a number of exceptions; substitutes "unless otherwise
219 26 provided in this section or by" for "notwithstanding any" to
219 27 clarify that some of the exceptions to the general 55 miles
219 28 per hour speed limit are contained within this Code section;
219 29 and supplies some missing words to complete the sentence
219 30 establishing what the appropriate speed is on various
219 31 secondary roads under certain conditions.
219 32 Code section 321.488: Strikes the word "foregoing" to
219 33 clarify that any provision within the Code chapter that

applies to the making of arrests without a warrant.

Code sections 321.506 and 461B.8: Strikes the word "foregoing" and adds "of this chapter" to clarify that the other qualifying language in this provision, that narrows the applicability of this provision to language relative to service of original notice of suit on nonresidents, is the controlling factor in determining the validity of service of process under Code chapters 321 and 461B.

Code section 321.376: Adds a reference to "osteopathic physician" after the word "physician" and strikes a reference to Code chapter 150A to conform with changes made by 2008 Iowa Acts, chapter 1088, in language relating to the conducting of hearing tests.

Code section 321A.7: Updates language in this provision regarding suspension of licenses until proof of financial responsibility has been filed by inserting words to clarify the meaning of certain clauses, dividing sentences currently conjoined with semicolons, and adding language that indicates that certain conditions precede the department taking certain actions under this Code section.

Code section 330A.10: Numbers a provision to eliminate unnumbered paragraphs and replaces the words "aforementioned provisions" with "subsection 1" to clarify that subsection 1 is the provision being excepted in language authorizing an authority to deposit funds in any bank or trust company if an agreement is reached with the bond holders.

Code section 331.653(27): Replaces a reference to Code section 297.28 that was inadvertently stricken in 2008 Iowa Acts, chapter 1181, section 37.

Code section 335.22: Strikes the words "the foregoing" and adds specific Code section references to Code sections 335.18 through 335.21 to clarify that the proceedings under those Code sections, in this Code chapter pertaining to county zoning, are to have preference over all other civil actions and proceedings.

Code section 358.8: Strikes the words "the foregoing" and adds specific Code section references to Code sections 358.4 and 358.5 to clarify that the expenses incurred under those sections, together with the costs of the election, are to be paid by those who will be benefited by the proposed sanitary district.

Code section 358C.9: Strikes the words "the preceding" and adds specific Code section references to Code sections 358C.5 and 358C.6 to clarify that the expenses incurred under those sections, together with the costs of the election, are to be paid by those who will be benefited by the proposed real estate improvement district.

Code section 364.17(3): Renumbers and moves language relating to enforcement procedures to the end of this subsection to eliminate unnumbered paragraphs in this provision relating to enforcement of city housing code violations. The movement of the language relating to enforcement procedures may also correct an old drafting error. In both the original and reprinted versions of 1980 House File 2536, which established this Code section, the paragraph containing this language was located at the end of subsection 3. It was not until what is now paragraph "h" was added by amendment that the language appeared before the last paragraph.

Code section 384.84(2) and (3): Conforms the language toward the end of two paragraphs, relating to discontinuance of utility or enterprise services on rental property or premises, to language toward the beginning of the paragraphs which refers to the property or premises.

Code section 414.19: Strikes the words "the foregoing" and adds specific Code section references to Code sections 414.15 through 414.18 to clarify that the proceedings under those Code sections, in this Code chapter pertaining to city zoning, are to have preference over all other civil actions and proceedings.

Code section 421B.3: Changes the word "the" to the word "a" to conform to later language indicating that each violation of the prohibition against cigarette sales at less than cost is treated as a new violation.

Code section 422.5: Renumbers, changes subsection lead=in language, and corrects internal references in this provision establishing the process for computation of personal income tax so that the structure of the provision conforms to the steps that must be taken to compute the tax.

Code section 422.7(12), (28), (43), and (53): Renumbers to eliminate unnumbered paragraphs in this provision establishing

the computation mechanism for calculation of personal "net income". Obsolete language providing for a waiver of certain requirements under a small business tax loan program that was phased out in the mid 1980s is deleted. A reference to a savings refund adjustment that was eliminated by 2008 Iowa Acts, chapter 1178, in favor of a state match adjustment, is also deleted. References to the term "adjusted gross income" are added in language relating to when a taxpayer may take the increasing expensing allowance to clarify what computation is being performed for state tax purposes.

Code section 422.12: Restructures this provision enumerating the deductions that may be taken from personal income tax liability by moving definitions to the beginning of the provision and renumbering and correcting internal references as necessary.

Code section 422.35(6), (6A), (20), and (24): Renumbers to eliminate unnumbered paragraphs in this provision establishing the computation mechanism for calculation of corporate "net income". Obsolete language providing for a waiver of certain requirements under a small business tax loan program that was phased out in the mid 1980s is deleted. References to the term "taxable income" are added in language relating to when a taxpayer may take the increasing expensing allowance to clarify what computation is being performed for state tax purposes.

Code section 423.3(57): Combines two unnumbered paragraphs containing the initial portion of a definition of what constitutes a sale of food and food ingredients that are exempt from sales tax and conforms the terms used to the definitions which follow the language of the new combined paragraph.

Code sections 435.1, 435.2, 435.26, 435.34, and 435.35: Moves language contained in definition provisions relating to the imposition of property taxes on mobile, modular, and manufactured homes to duplicate one provision that applies to both manufactured home communities and mobile home parks and to create a new Code section 435.2 that specifies when each of the types of home is to be assessed and taxed as real estate. Language relating to taxation of modular homes is moved from its current location in Code section 435.34 and consolidated with related provisions in new Code section 435.2, and the balance of Code section 435.34, which conflicts with language found in Code section 435.22, is eliminated by the Code section's repeal. Language in Code section 435.35, which conflicts with provisions in Code section 435.1, is eliminated by that Code section's repeal, and the remainder moved to Code section 435.26. Obsolete language relating to classification of manufactured home communities or mobile home parks and the applicability of the manufactured home communities or mobile home parks residential landlord and tenant Act is stricken.

Code sections 437A.3, 437A.15, and 437A.19: Renumbers Code section 437A.19 to eliminate unnumbered paragraphs and corrects several internal references to subsections within Code section 437A.19 that appear in Code sections 437A.3 and 437A.15. The reference changes contained in subsection 29 of Code section 437A.3 and 437A.15, subsection 3, are based on the renumbering changes in Code section 437A.19. The internal reference change and strike of additional in Code section 437A.15, subsection 3, paragraph "a", correct a drafting error made in 2007 Iowa Acts, chapter 150, when Code section 437A.19, subsection 2, paragraph "b", was amended and subparagraph (2) was deleted.

Code section 450.7(1): Redrafts an initial exception as a limitation and renumbers this provision to eliminate unnumbered paragraphs.

Code section 455A.8: Breaks the membership of the Brushy creek recreation trails advisory board out into a numbered list and clarifies which of the 10 members of the board are voting and which are ex officio nonvoting members.

Code section 455B.191: Reorganizes and clarifies this pollution and hazardous substance control provision by moving the definition of "hazardous substance" to the beginning of the Code section, renumbering the provision, breaking the enumeration of prohibited acts into a numbered list, and segregating the applicable penalties into separate provisions.

Code section 455G.4(6): Changes the name of the senate committee to which the report relating to claims against the Iowa comprehensive underground storage tank fund must be submitted, to conform this provision to the changes made during the 2009 Session of the 83rd General Assembly to the name and duties of the former senate committee on natural

224 21 resources and environment.
224 22 Code section 456A.26: Strikes the words "The foregoing
224 23 sections" and inserts references to Code sections 456A.23
224 24 through 456A.25 to clarify which provisions are not to be
224 25 construed as authorizing the commission to change any penalty
224 26 for violations of game laws, license fees, or change open
224 27 seasons or bag limits for any fish, game, bird, or fur=bearing
224 28 animal.
224 29 Code section 476.6(20): Strikes an obsolete subsection
224 30 that refers to the replacement tax study committee. The
224 31 committee began meeting in 2000, concluded its business in
224 32 2007, and submitted its final report on November 15, 2007.
224 33 Code section 483A.27: Adds words to clarify that a hunter
224 34 safety and ethics education course from another state,
224 35 country, or province that meets the international hunter
225 1 education standards is valid for purposes of meeting the
225 2 requirements for a hunting license in Iowa and that a
225 3 "department=approved" hunter safety and ethics education
225 4 course or shooting sports activities course is what an
225 5 instructor certified by the department may conduct on public
225 6 school property if the proper school board approval is
225 7 obtained.
225 8 Code section 489.108(3): Strikes language and adds the
225 9 word "either" to conform this provision, that specifies two
225 10 situations in which the secretary of state shall authorize the
225 11 use of a noncompliant name by a limited liability company, to
225 12 standard language used to indicate when only two alternatives
225 13 are available under a statute.
225 14 Code section 489.702(5): Corrects in subsection 5,
225 15 paragraph "b", of this Code section an internal reference to
225 16 the provision in which a person is appointed to wind up the
225 17 activities of a limited liability company. The appointment
225 18 provisions are found in subsection 4, not subsection 3.
225 19 Code section 489.1203(10) and (11): Corrects incorrect
225 20 citations to the language that specifies when distributions by
225 21 a limited liability company series are not permissible. The
225 22 listing of situations that was intended to be cited is
225 23 contained in subsection 5 of this Code section, not in Code
225 24 section 489.405.
225 25 Code section 490.831(1): Changes the word "precludes" to
225 26 "does not preclude" in this provision relating to the
225 27 liability of directors of corporations to the corporation or
225 28 to the corporation's shareholders to conform the codified
225 29 version of this provision to the meaning of this provision in
225 30 the language of the original model Act.
225 31 Code section 496C.14: Renumbers this provision to
225 32 eliminate unnumbered paragraphs, strikes the words "the
225 33 foregoing provisions of this section", and adds the words
225 34 "subsections 1 through 4" to clarify when purchase of shares
225 35 of a corporate shareholder is required.
226 1 Code section 499.36A(1): Substitutes the word
226 2 "association" for the word "cooperative" to conform this last
226 3 sentence, relating to when an association director is not
226 4 liable because of having performed director's duties, to the
226 5 initial sentence that requires discharge of duties in good
226 6 faith.
226 7 Code section 502.602(3): Adds the word "or" to this
226 8 provision to clarify where the correct end of the series
226 9 describing when the commissioner of insurance may apply to the
226 10 district court under the uniform securities Act to enforce
226 11 compliance with a subpoena.
226 12 Code section 505.8(7): Adds "and osteopathic physicians"
226 13 after the word "physicians" and strikes the references to Code
226 14 chapters "150, and 150A" to conform with changes made by 2008
226 15 Iowa Acts, chapter 1088, to place osteopathic physicians under
226 16 the same Code chapter 148 licensing procedures and authority
226 17 of the board of medicine as physicians who have a diploma from
226 18 a medical college and have passed the required examinations
226 19 and to repeal the Code chapters under which osteopathic
226 20 physicians were previously regulated.
226 21 Code section 520.14: Strikes the word "foregoing" and adds
226 22 references to Code sections 520.2 through 520.13 to clarify
226 23 which Code sections an attorney must comply with before an
226 24 attorney can exchange reciprocal or interinsurance contracts
226 25 or solicit or negotiate applications for reciprocal or
226 26 interinsurance contracts.
226 27 Code section 541A.3: Adds the word "savings" between the
226 28 words "state" and "match" to conform the terminology used to
226 29 describe the payments made by the state to holders of
226 30 individual development accounts to the correct term: "state
226 31 savings match".

Code section 554.10103: Strikes a reference to "the following" section, which was repealed by 2007 Iowa Acts, chapter 30, and replaces it with a reference to Code section 554.7103, which is the successor statute to former Code section 554.10104.

Code section 556F.17: Replaces the word "aforesaid" with "provided in this chapter" and "same according to the foregoing provisions" with "property" to clarify that any property that is found or recovered and may be considered abandoned under Code chapter 556F cannot be traded, sold, loaned, or taken out of the state by the finder until the person has the right to do so or the person forfeits the right to the property.

Code section 602.10111: Strikes the words "the foregoing provisions of" and leaves the words "this article" to clarify what procedures an out=of=state attorney must comply with in order to appear as an attorney in state court in Iowa.

Code section 692.18: Numbers this provision and conforms the language in what is numbered as subsection 2 to confidentiality provisions found in Code section 22.7 that relate to confidentiality of intelligence data under the public records law, Code chapter 22.

Code section 707.7: Numbers this provision, moves exclusionary language to the end of this provision prohibiting feticide, and conforms the language of these provisions to changes made by 2008 Iowa Acts, chapter 1088, which placed osteopathic physicians under the same Code chapter 148 licensing procedures and authority of the board of medicine as physicians who have a diploma from a medical college and have passed the required examinations and repealed the Code chapters under which osteopathic physicians were previously regulated.

Code section 714.8(18): Changes the word "price" to "product" in two places in definition of the term "universal price code label" to correct the term and to conform to terminology used elsewhere in the Code.

Code section 714E.1(3): Changes the word "from" to "for" to clarify that the foreclosure consultant is attempting to obtain a forbearance, modification, or repayment plan on behalf of a beneficiary or mortgagee.

Code section 714E.4(1): Clarifies that the enumerated actions, if taken by a foreclosure consultant, are a violation of Code chapter 714E.

Code section 714F.3(2): Clarifies language relating to survival of a foreclosure reconveyance contract and conforms a Code reference to the language specifying the requirements for those contracts to an earlier reference in this Code section to those same contract requirements.

Code section 714F.6: Splits a run=on sentence and rewrites the latter half of the sentence to clarify the form a waiver of a foreclosed homeowner's right to cancel must take.

Code section 714F.9(2): Strikes the words "of any amount" to conform to later language in this provision that sets threshold limits on the amount of exemplary damages that may be awarded by the court.

Code section 728.15: Restructures this provision to move a definition of the word "person" to the beginning of the Code section, conform internal uses of terminology and grammar, breaks the elements of the offense into a numeric list, and places the penalty provisions in a list in a subsection at the end of this Code section.

Code section 805.8B: Changes, in two paragraphs in subsections 2 and 2A, the word "identification" to "decal" to conform to a terminology change that was made in Code sections 321G.5 and 321I.6 by 2007 Iowa Acts, chapter 141.

Code section 820.11: Strikes a reference to "the last" section and replaces it with a reference to Code section 820.10 to clarify which Code section, if disobeyed, would be deemed a simple misdemeanor.

2008 Iowa Acts, chapter 1130, section 4 (Code section 35B.6(1)): Moves a phrase in this Iowa Act which prohibits the employment of members of a county commission of veteran affairs by the commission to be a part of language relating to the power of the commission to employ certain persons. As a result of amendments made in this section of this Act, the sentence which related to the powers of the county commissions was split in two and this phrase was inadvertently made a part of language relating to the compensation of employees of the commission.

2008 Iowa Acts, chapter 1130, section 7 (Code section 35B.14): Clarifies a series which permits a county board of

supervisors to appropriate funds for the expenses of food, clothing, shelter, utilities, medical benefits, and a funeral for veterans, their surviving spouses, and minor children who reside in the county. The inclusion of new language in this section of this Act relating to appropriation of funds for training for an executive director of a county commission of veteran affairs inadvertently disrupted the original series which clearly allowed the appropriation for the latter expenses.

2008 Iowa Acts, chapter 1191, section 109: Corrects a lead=in to this Act so that it correctly reflects the addition of a new paragraph "n" to subsection 5 of Code section 257.31, not Code section 257.11. Subsection 5 of Code section 257.11 contains only two lettered paragraphs, and section 108 of this same Act refers to the addition of the language relating to the submission of requests to the school budget review committee by school districts on the basis of language added to Code section 257.31, subsection 5, paragraph "n". This section of this Act is effective upon enactment and applies retroactively to July 1, 2008.

Code sections 147.57 and 147.114: Requires the Code editor to transfer Code section 147.57, which pertains to dental hygienists, and Code section 147.114, which pertains to inspectors appointed by the dental board, to appropriate locations in Code chapter 153, which pertains to the practice of dentistry.

Code sections 216.18 and 216.18A: Requires the Code editor to transfer Code section 216.18A to become subsection 2 of Code section 216.18 and to number the first paragraph in Code section 216.18 as subsection 1. The Code editor is also directed to correct any internal references necessary to complete the transfer.

DIVISION II. Restructures, numbers, and renumbers provisions in volume II of the Code and in scattered locations in other Code volumes. Occasionally, minor changes are made in text to conform to existing style of a Code section when language is moved within a Code section or from one Code section to another location.

DIVISION III. Makes internal reference changes based on the numbering, renumbering, and restructuring of Code sections elsewhere in this Act.

DIVISION IV. Contains effective date and applicability provisions.

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