House Study Bill 240

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

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

A BILL FOR

An Act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2129HC 83
lh/rj/5

PAG LIN

1 1 DIVISION I
1 2 MISCELLANEOUS CHANGES
1 3 Section 1. Section 1.1, Code 2009, is amended to read as
1 4 follows:
1 5 1.1 STATE BOUNDARIES.
1 6 The boundaries of the state are as defined in the preamble
1 7 of the Constitution of the State of Iowa.
1 8 Sec. 2. Section 2.32A, subsection 1, Code 2009, is amended
1 9 to read as follows:
1 10 1. A member of the general assembly who is charged with
1 11 making an appointment to a statutory board, commission,
1 12 council, or committee shall make the appointment prior to the
1 13 fourth Monday in January of the first regular session of each
1 14 general assembly and in accordance with section 69.16B. If
1 15 multiple appointing members are charged with making
1 16 appointments of public members to the same board, commission,
1 17 council, or committee, including as provided in section
1 18 333A.2, the appointing members shall consult with one another
1 19 in making the appointments. If the senate appointing member
1 20 for a legislative appointment is the president, majority
1 21 leader, or the minority leader, the appointing ~~authority~~
1 22 member shall consult with the other two leaders in making the
1 23 appointment. If the house of representatives appointing
1 24 member is the speaker, majority leader, or minority leader,
1 25 the appointing member shall consult with the other two leaders
1 26 in making the appointment.
1 27 Sec. 3. Section 7C.13, subsection 2, Code 2009, is amended
1 28 to read as follows:
1 29 2. ANNUAL REPORT AND AUDIT. The qualified student loan
1 30 bond issuer shall submit an annual report to the governor,
1 31 general assembly, and the auditor of state by January 15
1 32 setting forth its operations and activities conducted and
1 33 newly implemented in the previous fiscal year related to use
1 34 of the allocation of the state ceiling in accordance with this
1 35 chapter and the outlook for the future. The report shall
2 1 describe how the operations and activities serve students and
2 2 parents. The annual audit of the qualified student loan bond
2 3 issuer shall be filed with the office of auditor of state.
2 4 Sec. 4. Section 7E.5, subsection 1, paragraph s, Code
2 5 2009, is amended to read as follows:
2 6 s. The department of human rights, created in section
2 7 216A.1, which has primary responsibility for services relating
2 8 to Latino persons, women, persons with disabilities, community
2 9 action agencies, criminal and juvenile justice planning, ~~the~~
2 10 ~~status of African=Americans~~ African Americans, deaf and
2 11 hard=of=hearing persons, ~~status of Iowans~~ persons of Asian and
2 12 Pacific Islander heritage, and ~~Native=Americans~~ Native
2 13 Americans.
2 14 Sec. 5. Section 8.6, subsection 9, unnumbered paragraph 1,
2 15 Code 2009, is amended to read as follows:
2 16 BUDGET REPORT. ~~The director shall~~ To prepare and file in
2 17 the department of management, on or before the first day of
2 18 December of each year, a state budget report, which shall show

2 19 in detail the following:
2 20 Sec. 6. Section 8.11, subsection 2, paragraph b, Code
2 21 2009, is amended to read as follows:
2 22 b. "Minority persons" includes individuals who are women,
2 23 persons with a disability, ~~Blacks~~ African Americans, Latinos,
2 24 Asians or Pacific Islanders, American Indians, and Alaskan
2 25 Native Americans.
2 26 Sec. 7. Section 9D.3, subsection 4, paragraph a, Code
2 27 2009, is amended to read as follows:
2 28 a. File with the secretary proof of professional liability
2 29 and errors and omissions insurance in an amount of at least
2 30 one million dollars annually.
2 31 Sec. 8. Section 9G.7, Code 2009, is amended to read as
2 32 follows:
2 33 9G.7 CORRECTIONS.
2 34 The secretary of state is authorized and required to
2 35 correct all clerical errors of the secretary's office in name
3 1 of grantee and description of tract of land conveyed by the
3 2 state, found upon the records of such office~~; the~~. The
3 3 secretary shall attach an official certificate to each
3 4 conveyance so corrected, giving the reasons therefor; record
3 5 the same with the record of the original conveyance, and make
3 6 the necessary corrections in the tract and plat books of the
3 7 secretary's office. Such corrections, when made in accordance
3 8 with ~~the foregoing provisions~~ this section, shall have the
3 9 force and effect of a deed originally correct, subject to
3 10 prior rights accrued without notice.
3 11 Sec. 9. Section 9H.4, subsection 1, paragraph b,
3 12 subparagraph (3), subparagraph division (a), unnumbered
3 13 paragraph 1 and subparagraph subdivisions (i) and (iv), Code
3 14 2009, are amended to read as follows:
3 15 The agricultural land is used by a corporation or limited
3 16 liability company, including any trade or business which is
3 17 under common control, as provided in 26 U.S.C. } 414 for the
3 18 primary purpose of testing, developing, or producing animals
3 19 for sale or resale to farmers as breeding stock. However,
3 20 after July 1, 1989, to qualify under this subparagraph
3 21 ~~subdivision~~ division, the following conditions must be
3 22 satisfied:
3 23 (i) The corporation or limited liability company must not
3 24 hold the agricultural land other than as a lessee. The term
3 25 of the lease must be for not more than twelve years. The
3 26 corporation or limited liability company shall not renew a
3 27 lease. The corporation or limited liability company shall not
3 28 enter into a lease under this subparagraph subdivision ~~part~~,
3 29 if the corporation or limited liability company has ever
3 30 entered into another lease under this subparagraph (3),
3 31 whether or not the lease is in effect. However, this
3 32 subparagraph does not apply to a domestic corporation
3 33 organized under chapter 504, Code 1989, or current chapter
3 34 504.
3 35 (iv) The corporation or limited liability company must
4 1 deliver a copy of the lease to the secretary of state. The
4 2 secretary of state shall notify the lessee of receipt of the
4 3 copy of the lease. However, this subparagraph ~~subdivision~~
4 4 division does not apply to a domestic corporation organized
4 5 under chapter 504, Code 1989, or current chapter 504.
4 6 Sec. 10. Section 12A.7, subsections 1, 2, and 7, Code
4 7 2009, are amended to read as follows:
4 8 1. ~~Pledging~~ Pledges or ~~assigning~~ assignments of the
4 9 revenue of a project with respect to which the bonds are to be
4 10 issued or the revenue of other property or facilities.
4 11 2. ~~Setting~~ The setting aside of reserves or sinking funds,
4 12 and their regulation, investment, and disposition.
4 13 7. ~~Defining~~ Definitions of the acts or omissions to act
4 14 which constitute a default in the duties of the issuer to
4 15 holders of bonds, specifying any rights and remedies of the
4 16 holders in the event of a default, and restricting the
4 17 individual right of action by holders.
4 18 Sec. 11. Section 15.102, subsection 7, paragraph b,
4 19 subparagraph (3), Code 2009, is amended to read as follows:
4 20 (3) "Minority person" means an individual who is ~~a Black~~
4 21 an African American, Latino, Asian or Pacific Islander,
4 22 American Indian, or Alaskan native American.
4 23 Sec. 12. Section 15.247, subsection 8, paragraph b,
4 24 subparagraph (2), Code 2009, is amended to read as follows:
4 25 (2) ~~Black~~ African American.
4 26 Sec. 13. Section 15.316, Code 2009, is amended to read as
4 27 follows:
4 28 15.316 PURPOSE.
4 29 The purpose of this ~~program~~ part is to assist communities

and rural areas of the state with their economic development efforts and to increase employment opportunities for Iowans by increasing the level of economic activity and development within the state.

Sec. 14. Section 15.317, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The department shall establish a community economic betterment program to effectuate the purposes of this part by providing financial assistance for small business gap financing, new business opportunities, and new product and entrepreneurial development. These purposes may be accomplished by providing the following types of assistance:

Sec. 15. Section 15.339, subsection 2, Code 2009, is amended to read as follows:

2. The department shall establish ~~a~~ an entrepreneurial ventures assistance program to provide financial and technical assistance to early=stage industry companies and entrepreneurs. The purpose of the program is to encourage the development of entrepreneurial venture planning and managerial skills in conjunction with the delivery of a financial assistance program for business start=ups and expansions. An applicant eligible for the program includes an individual who is participating in or has successfully completed a recognized entrepreneurial venture development curriculum, or a business whose principal participants have successfully completed a recognized entrepreneurial venture development curriculum.

Sec. 16. Section 15E.63, subsection 2, Code 2009, is amended to read as follows:

2. The board shall consist of five voting members and four nonvoting advisory members who are members of the general assembly. Members shall be selected based upon demonstrated expertise and competence in the supervision of investment managers, in the fiduciary management of investment funds, or in the management and administration of tax credit allocation programs. Members shall not have an interest in any person to whom a tax credit is allocated and issued by the board.

a. The five voting members shall be appointed by the governor and confirmed by the senate pursuant to section 2.32. ~~The five voting members shall be appointed to five=year staggered terms that shall be structured to allow the term of one member to expire each year.~~ One nonvoting member shall be appointed by the majority leader of the senate after consultation with the president of the senate and one nonvoting member shall be appointed by the minority leader of the senate. One nonvoting member shall be appointed by the speaker of the house of representatives after consultation with the majority leader of the house of representatives and one nonvoting member shall be appointed by the minority leader of the house of representatives.

b. The five voting members shall be appointed to five=year staggered terms that shall be structured to allow the term of one member to expire each year. The nonvoting members shall serve terms as provided in section 69.16B. Vacancies shall be filled in the same manner as the appointment of the original members.

c. Members shall be compensated by the board for direct expenses and mileage but members shall not receive a director's fee, per diem, or salary for service on the board. ~~Members shall be selected based upon demonstrated expertise and competence in the supervision of investment managers, in the fiduciary management of investment funds, or in the management and administration of tax credit allocation programs. Members shall not have an interest in any person to whom a tax credit is allocated and issued by the board.~~

Sec. 17. Section 15G.201A, Code 2009, is amended to read as follows:

15G.201A CLASSIFICATION OF RENEWABLE FUEL.

For purposes of this ~~division~~ subchapter, ethanol blended fuel and biodiesel fuel shall be classified in the same manner as provided in section 214A.2.

Sec. 18. Section 15G.205, subsection 3, Code 2009, is amended to read as follows:

3. Moneys in the renewable fuel infrastructure fund are appropriated to the department exclusively to support and market the renewable fuel infrastructure programs as provided in sections 15G.203 and 15G.204, and as allocated in financial incentives by the renewable fuel infrastructure board created in section 15G.202. Up to fifty thousand dollars shall be allocated each fiscal year to the department to support the administration of the programs. The department may use up to one and one=half percent of the program funds to market the

~~program~~ programs. Otherwise the moneys shall not be transferred, used, obligated, appropriated, or otherwise encumbered except to allocate as financial incentives under the programs.

Sec. 19. Section 16.5, subsection 1, paragraph f, Code 2009, is amended to read as follows:

f. By rule, ~~the authority shall~~ adopt procedures relating to competitive bidding, including the identification of those circumstances under which competitive bidding by the authority, either formally or informally, shall be required. In any bidding process, the authority may administer its own bidding and procurement or may utilize the services of the department of administrative services or any other agency. Except when such rules apply, the authority and all contracts made by it in carrying out its public and essential governmental functions with respect to any of its programs shall be exempt from the provisions and requirements of all laws or rules of the state which require competitive bids in connection with the letting of such contracts.

Sec. 20. Section 16.100A, subsection 6, paragraph b, Code 2009, is amended to read as follows:

b. The council shall elect a chairperson and vice chairperson from the membership of the council. The chairperson and vice chairperson shall each serve two=year terms. The positions of chairperson and vice chairperson shall not ~~both~~ be held by members who are both either general public members or agency directors. The position of chairperson shall rotate between agency director members and general public members.

Sec. 21. Section 23A.2, subsection 10, paragraph e, Code 2009, is amended to read as follows:

e. The operation of a county enterprise, as defined in section 331.461, subsection 1~~,~~ or ~~331.461, subsection~~ 2.

Sec. 22. Section 29A.33, Code 2009, is amended to read as follows:

29A.33 PER CAPITA ALLOWANCE TO UNIT.

Each unit of the national guard showing attendance and actual drill of those present for such drills as are prescribed in compliance with the National Defense Act or its amendments and such regulations as prescribed by the secretary of defense, shall receive an annual allowance for military purposes, in the sum of five dollars per capita, to be paid in semiannual installments on the basis of two dollars and fifty cents per capita. For the purpose of computing each semiannual installment the per capita strength shall be the average enlisted strength of the unit, for that semiannual period~~,~~; however, if the average attendance of any unit during any semiannual period falls below fifty percent of the average enlisted strength of such unit in that period, the allowance shall not be paid for that period. The semiannual periods shall begin January 1 and July 1. The allowance shall be paid from the funds appropriated for the support and maintenance of the national guard, and the adjutant general shall prescribe regulations requiring an itemized statement of the allowance and governing its expenditure. The allowance shall be used for morale purposes and for the welfare of the troops. The allowance shall not be used to purchase an alcoholic beverage or beer.

Sec. 23. Section 29B.17, Code 2009, is amended to read as follows:

29B.17 JURISDICTION OF GENERAL COURTS=MARTIAL.

Subject to section 29B.16, general courts=martial have jurisdiction to try persons subject to this code for any offense made punishable by this code and may, under such limitations as the adjutant general may prescribe, adjudge any one or a combination of the following punishments:

1. A fine of not more than five thousand dollars~~;~~.

2. Forfeiture of not more than twenty days' pay and allowances~~;~~.

3. A reprimand~~;~~.

4. Dismissal or dishonorable discharge~~;~~.

5. Reduction of a noncommissioned officer to the ranks~~;~~ ~~or~~.

~~6. Any combination of these punishments.~~

Sec. 24. Section 48A.27, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. If a registered voter submits a change of name, telephone number, or address under this subsection, the commissioner shall not change the political party or nonparty political organization affiliation in the registered voter's prior registration ~~other than that~~ unless otherwise indicated

by the registered voter.

Sec. 25. Section 49.13, subsection 5, paragraph a, subparagraph (3), Code 2009, is amended to read as follows:

(3) Receive credit in at least four subjects, each of one period or hour, or the equivalent thereof, at all times. The eligible subjects are language arts, social studies, mathematics, science, health, physical education, fine arts, foreign language, and vocational education. Coursework taken as a postsecondary enrollment option for which a school district or accredited nonpublic school grants academic credit toward high school graduation shall be used in determining eligibility. A student shall not be denied eligibility if the student's school program deviates from the traditional two=semester school year. Each student wishing to participate under this subsection shall be passing all coursework for which credit is given and shall be making adequate progress toward graduation requirements at the end of each grading period. At the end of a grading period that is the final grading period in a school year, a student who receives a failing grade in any course for which credit is awarded is ineligible to participate under this subsection. A student who is eligible at the close of a semester is academically eligible to participate under this subsection until the beginning of the subsequent semester. A student with a disability who has an individualized education program shall not be denied eligibility to participate under this subsection on the basis of scholarship if the student is making adequate progress, as determined by school officials, towards the goals and objectives ~~on~~ of the student's individualized education program.

Sec. 26. Section 50.29, Code 2009, is amended to read as follows:

50.29 CERTIFICATE OF ELECTION.

1. When any person is thus declared elected, there shall be delivered to that person a certificate of election, under the official seal of the county, in substance as follows:

STATE OF IOWA)
..... County.)

At an election held in said county on the ... day of ....., ~~A.D.~~ (month) ... (year), ... (candidate's name) was elected to the office of ..... for the term of ... years from the ... day of ....., ~~A.D.~~ (month) ... ~~(or if~~ (year) [if elected to fill a vacancy, for the residue of the term ending on the ... day of ....., ~~A.D.~~ (month) ... ~~)~~(year)], and until a successor is elected and qualified.

.....,
President of Board of Canvassers.
Witness, ...,
County Commissioner of Elections
(clerk).

2. ~~Such~~ The certificate of election is presumptive evidence of the person's election and qualification.

Sec. 27. Section 68A.405, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. Except as set out in ~~section~~ subsection 2, published material designed to expressly advocate the nomination, election, or defeat of a candidate for public office or the passage or defeat of a ballot issue shall include on the published material an attribution statement disclosing who is responsible for the published material.

Sec. 28. Section 68A.503, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. Except as provided in subsection 3, it is unlawful for a member, employee, or representative of a committee, ~~or its employee or representative, except~~ other than a ballot issue committee, or for a candidate or a representative of a candidate for office ~~or the representative of the candidate,~~ to solicit, request, or knowingly receive from an insurance company, savings and loan association, bank, credit union, or corporation organized pursuant to the laws of this state, the United States, or any other state, territory, or foreign country, whether for profit or not, or ~~its~~ from an officer, agent, or representative, any money, property, or thing of value belonging to the insurance company, savings and loan association, bank, credit union, or corporation for ~~campaign~~ either of the following purposes:

(1) Campaign expenses~~, or to~~.

(2) To expressly advocate that the vote of an elector be used to nominate, elect, or defeat a candidate for public office.

Sec. 29. Section 84A.1A, subsection 1, Code 2009, is

11 28 amended to read as follows:
11 29 1. An Iowa workforce development board is created,
11 30 consisting of nine voting members appointed by the governor
11 31 and eight ex officio, nonvoting members.
11 32 a. The governor shall appoint the nine voting members of
11 33 the workforce development board for a term of four years
11 34 beginning and ending as provided by section 69.19, subject to
11 35 confirmation by the senate, and the governor's appointments
12 1 shall include persons knowledgeable in the area of workforce
12 2 development. Of the nine voting members, one member shall
12 3 represent a nonprofit organization involved in workforce
12 4 development services, four members shall represent employers,
12 5 and four members shall represent nonsupervisory employees. Of
12 6 the members appointed by the governor to represent
12 7 nonsupervisory employees, two members shall be from statewide
12 8 labor organizations, one member shall be an employee
12 9 representative of a labor management council, and one member
12 10 shall be a person with experience in worker training programs.
12 11 The governor shall consider recommendations from statewide
12 12 labor organizations for the members representing
12 13 nonsupervisory employees. Not more than five of the voting
12 14 members shall be from the same political party.
12 15 b. The ex officio, nonvoting members are four legislative
12 16 members; one president, or the president's designee, of the
12 17 university of northern Iowa, the university of Iowa, or Iowa
12 18 state university of science and technology, designated by the
12 19 state board of regents on a rotating basis; one representative
12 20 from the largest statewide public employees' organization
12 21 representing state employees; one president, or the
12 22 president's designee, of an independent Iowa college,
12 23 appointed by the Iowa association of independent colleges and
12 24 universities; and one superintendent, or the superintendent's
12 25 designee, of a community college, appointed by the Iowa
12 26 association of community college presidents. The legislative
12 27 members are two state senators, one appointed by the president
12 28 of the senate after consultation with the majority leader of
12 29 the senate, and one appointed by the minority leader of the
12 30 senate from their respective parties; and two state
12 31 representatives, one appointed by the speaker of the house of
12 32 representatives after consultation with the majority leader of
12 33 the house of representatives, and one appointed by the
12 34 minority leader of the house of representatives from their
12 35 respective parties. The legislative members shall serve for
13 1 terms as provided in section 69.16B. ~~Not more than five of~~
~~13 2 the voting members shall be from the same political party. Of~~
~~13 3 the nine voting members, one member shall represent a~~
~~13 4 nonprofit organization involved in workforce development~~
~~13 5 services, four members shall represent employers, and four~~
~~13 6 members shall represent nonsupervisory employees. Of the~~
~~13 7 members appointed by the governor to represent nonsupervisory~~
~~13 8 employees, two members shall be from statewide labor~~
~~13 9 organizations, one member shall be an employee representative~~
~~13 10 of a labor management council, and one member shall be a~~
~~13 11 person with experience in worker training programs. The~~
~~13 12 governor shall consider recommendations from statewide labor~~
~~13 13 organizations for the members representing nonsupervisory~~
~~13 14 employees. The governor shall appoint the nine voting members~~
~~13 15 of the workforce development board for a term of four years~~
~~13 16 beginning and ending as provided by section 69.19, subject to~~
~~13 17 confirmation by the senate, and the governor's appointments~~
~~13 18 shall include persons knowledgeable in the area of workforce~~
~~13 19 development.~~
13 20 Sec. 30. Section 96.9, subsection 1, paragraph e, Code
13 21 2009, is amended to read as follows:
13 22 e. All money credited to this state's account in the
13 23 unemployment trust fund pursuant to section 903 of the Social
13 24 Security Act ~~[42~~, codified at 42 U.S.C. } 501==503,
13 25 1103==1105, ~~1321==1324]~~ 1321==1324. All moneys in the
13 26 unemployment compensation fund shall be mingled and undivided.
13 27 Sec. 31. Section 100C.1, subsection 2, Code 2009, is
13 28 amended to read as follows:
13 29 2. "Alarm system contractor" means a person engaging in or
13 30 representing ~~oneself as~~ that the person is engaging in the
13 31 business of layout, installation, repair, alteration,
13 32 addition, maintenance, or maintenance inspection of alarm
13 33 systems in this state.
13 34 Sec. 32. Section 103A.1, Code 2009, is amended to read as
13 35 follows:
14 1 103A.1 ESTABLISHMENT.
14 2 This ~~chapter~~ division shall be known as the "State Building
14 3 Code Act".

Sec. 33. Section 103A.8A, Code 2009, is amended to read as follows:

103A.8A ENERGY CONSERVATION REQUIREMENTS.

The state building code commissioner shall adopt as a part of the state building code a requirement that new single=family or two=family residential construction shall comply with energy conservation requirements. The requirements adopted by the commissioner shall be based upon a nationally recognized standard or code for energy conservation. The requirements shall only apply to single=family or two=family residential construction commenced after the adoption of the requirements. Notwithstanding any other provision of this chapter to the contrary, the energy conservation requirements adopted by the commissioner and approved by the council shall apply to new single=family or two=family residential construction commenced on or after July 1, 2008, and shall supersede and replace any minimum requirements for energy conservation adopted or enacted by ~~the~~ a governmental subdivision prior to that date applicable to such construction. The state building code commissioner may provide training to builders, contractors, and other interested persons on the adopted energy conservation requirements.

Sec. 34. Section 124.203, Code 2009, is amended to read as follows:

124.203 SUBSTANCES LISTED IN SCHEDULE I == CRITERIA.

1. The board shall recommend to the general assembly that ~~it~~ the general assembly place a substance in schedule I ~~any~~ if the substance is not already included therein ~~if~~ and the board finds that the substance:

~~1.~~ a. Has high potential for abuse; and

~~2.~~ b. Has no accepted medical use in treatment in the United States; or lacks accepted safety for use in treatment under medical supervision.

2. If the board finds that any substance included in schedule I does not meet these criteria, ~~it~~ the board shall recommend that the general assembly place the substance in a different schedule or remove ~~it~~ the substance from the list of controlled substances, as appropriate.

Sec. 35. Section 124.205, Code 2009, is amended to read as follows:

124.205 SUBSTANCES LISTED IN SCHEDULE II == CRITERIA.

1. The board shall recommend to the general assembly that ~~it~~ the general assembly place a substance in schedule II ~~any~~ if the substance is not already included therein ~~if~~ and the board finds that:

~~1.~~ a. The substance has high potential for abuse;

~~2.~~ b. The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

~~3.~~ c. Abuse of the substance may lead to severe psychic or physical dependence.

2. If the board finds that any substance included in schedule II does not meet these criteria, ~~it~~ the board shall recommend that the general assembly place the substance in a different schedule or remove ~~it~~ the substance from the list of controlled substances, as appropriate.

Sec. 36. Section 124.207, Code 2009, is amended to read as follows:

124.207 SUBSTANCES LISTED IN SCHEDULE III == CRITERIA.

1. The board shall recommend to the general assembly that ~~it~~ the general assembly place a substance in schedule III ~~any~~ if the substance is not already included therein ~~if~~ and the board finds that:

~~1.~~ a. The substance has a potential for abuse which is less than that of the substances listed in schedules I and II;

~~2.~~ b. The substance has currently accepted medical use in treatment in the United States; and

~~3.~~ c. Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

2. If the board finds that any substance included in schedule III does not meet these criteria, ~~it~~ the board shall recommend that the general assembly place the substance in a different schedule or remove ~~it~~ the substance from the list of controlled substances, as appropriate.

Sec. 37. Section 124.209, Code 2009, is amended to read as follows:

124.209 SUBSTANCES LISTED IN SCHEDULE IV == CRITERIA.

1. The board shall recommend to the general assembly that ~~it~~ the general assembly place a substance in schedule IV ~~any~~ if the substance is not already included therein ~~if~~ and the

16 15 board finds that:
16 16 ~~1.~~ a. The substance has a low potential for abuse
16 17 ~~relative to~~ when compared with the substances listed in
16 18 schedule III;
16 19 ~~2.~~ b. The substance has currently accepted medical use in
16 20 treatment in the United States; and
16 21 ~~3.~~ c. Abuse of the substance may lead to limited physical
16 22 dependence or psychological dependence ~~relative to~~ when
16 23 compared with the substances listed in schedule III.
16 24 2. If the board finds that any substance included in
16 25 schedule IV does not meet these criteria, ~~it~~ the board shall
16 26 recommend that the general assembly place the substance in a
16 27 different schedule or remove ~~it~~ the substance from the list of
16 28 controlled substances, as appropriate.
16 29 Sec. 38. Section 124.211, Code 2009, is amended to read as
16 30 follows:
16 31 124.211 SCHEDULE V == CRITERIA.
16 32 1. The board shall recommend to the general assembly that
16 33 ~~it~~ the general assembly place a substance in schedule V ~~any~~ if
16 34 any substance is not already included therein ~~if~~ and the board
16 35 finds that:
17 1 ~~1.~~ a. The substance has a low potential for abuse
17 2 ~~relative to~~ when compared with the substances listed in
17 3 schedule IV;
17 4 ~~2.~~ b. The substance has currently accepted medical use in
17 5 treatment in the United States; and
17 6 ~~3.~~ c. The substance has limited physical dependence or
17 7 psychological dependence liability ~~relative to~~ when compared
17 8 with the controlled substances listed in schedule IV.
17 9 2. If the board finds that any substance included in
17 10 schedule V does not meet these criteria, ~~it~~ the board shall
17 11 recommend that the general assembly place the substance in a
17 12 different schedule or remove ~~it~~ the substance from the list of
17 13 controlled substances, as appropriate.
17 14 Sec. 39. Section 135.17, subsection 3, Code 2009, is
17 15 amended to read as follows:
17 16 3. By June 30 annually, each local board shall furnish the
17 17 department with evidence that each ~~person~~ student enrolled in
17 18 any public or nonpublic school within the local board's
17 19 jurisdiction has met the dental screening requirement in this
17 20 section.
17 21 Sec. 40. Section 135.62, subsection 2, Code 2009, are
17 22 amended to read as follows:
17 23 2. There is established a state health facilities council
17 24 consisting of five persons appointed by the governor. The
17 25 council shall be within the department for administrative and
17 26 budgetary purposes.
17 27 a. QUALIFICATIONS. The members of the council shall be
17 28 chosen so that the council as a whole is broadly
17 29 representative of various geographical areas of the state, and
17 30 no more than three of its members are affiliated with the same
17 31 political party. Each council member shall be a person who
17 32 has demonstrated by prior activities an informed concern for
17 33 the planning and delivery of health services. ~~No~~ A member of
17 34 the council~~, nor~~ and any spouse of a member~~,~~ shall not, during
17 35 the time that member is serving on the council, do either of
18 1 the following:
18 2 (1) Be a health care provider nor be otherwise directly or
18 3 indirectly engaged in the delivery of health care services nor
18 4 have a material financial interest in the providing or
18 5 delivery of health services~~; nor.~~
18 6 (2) Serve as a member of any board or other policymaking
18 7 or advisory body of an institutional health facility, a health
18 8 maintenance organization, or any health or hospital insurer.
18 9 b. APPOINTMENTS. Terms of council members shall be six
18 10 years, beginning and ending as provided in section 69.19. A
18 11 member shall be appointed in each odd=numbered year to succeed
18 12 each member whose term expires in that year. Vacancies shall
18 13 be filled by the governor for the balance of the unexpired
18 14 term. Each appointment to the council is subject to
18 15 confirmation by the senate. A council member is ineligible
18 16 for appointment to a second consecutive term, unless first
18 17 appointed to an unexpired term of three years or less.
18 18 c. CHAIRPERSON. The governor shall designate one of the
18 19 council members as chairperson. That designation may be
18 20 changed not later than July 1 of any odd=numbered year,
18 21 effective on the date of the organizational meeting held in
18 22 that year under paragraph ~~"c" of this subsection~~ "d".
18 23 ~~c.~~ d. MEETINGS. The council shall hold an organizational
18 24 meeting in July of each odd=numbered year, or as soon
18 25 thereafter as the new appointee or appointees are confirmed

18 26 and have qualified. Other meetings shall be held as necessary
18 27 to enable the council to expeditiously discharge its duties.
18 28 Meeting dates shall be set upon adjournment or by call of the
18 29 chairperson upon five days' notice to the other members.
18 30 e. COMPENSATION. Each member of the council shall receive
18 31 a per diem as specified in section 7E.6 and reimbursement for
18 32 actual expenses while engaged in official duties.
18 33 ~~d.~~ f. DUTIES. The council shall do all of the following:
18 34 (1) Make the final decision, as required by section
18 35 135.69, with respect to each application for a certificate of
19 1 need accepted by the department.
19 2 (2) Determine and adopt such policies as are authorized by
19 3 law and are deemed necessary to the efficient discharge of its
19 4 duties under this division.
19 5 (3) Have authority to direct staff personnel of the
19 6 department assigned to conduct formal or summary reviews of
19 7 applications for certificates of need.
19 8 (4) Advise and counsel with the director concerning the
19 9 provisions of this division, and the policies and procedures
19 10 adopted by the department pursuant to this division.
19 11 (5) Review and approve, prior to promulgation, all rules
19 12 adopted by the department under this division.
19 13 Sec. 41. Section 135.107, Code 2009, is amended to read as
19 14 follows:
19 15 135.107 CENTER FOR RURAL HEALTH AND PRIMARY CARE
19 16 ESTABLISHED == DUTIES.
19 17 1. The center for rural health and primary care is
19 18 established within the department. ~~There is established an~~
~~19 19 advisory committee to the center for rural health and primary~~
~~19 20 care consisting of one representative, approved by the~~
~~19 21 respective agency, of each of the following agencies: the~~
~~19 22 department of agriculture and land stewardship, the Iowa~~
~~19 23 department of public health, the department of inspections and~~
~~19 24 appeals, the national institute for rural health policy, the~~
~~19 25 rural health resource center, the institute of agricultural~~
~~19 26 medicine and occupational health, and the Iowa state~~
~~19 27 association of counties. The governor shall appoint two~~
~~19 28 representatives of consumer groups active in rural health~~
~~19 29 issues and a representative of each of two farm organizations~~
~~19 30 active within the state, a representative of an agricultural~~
~~19 31 business in the state, a practicing rural family physician, a~~
~~19 32 practicing rural physician assistant, a practicing rural~~
~~19 33 advanced registered nurse practitioner, and a rural health~~
~~19 34 practitioner who is not a physician, physician assistant, or~~
~~19 35 advanced registered nurse practitioner, as members of the~~
~~20 1 advisory committee. The advisory committee shall also include~~
~~20 2 as members two state representatives, one appointed by the~~
~~20 3 speaker of the house of representatives and one by the~~
~~20 4 minority leader of the house, and two state senators, one~~
~~20 5 appointed by the majority leader of the senate and one by the~~
~~20 6 minority leader of the senate.~~
20 7 ~~The advisory committee shall regularly meet with the~~
~~20 8 administrative head of the center as well as the director of~~
~~20 9 the center for agricultural health and safety established~~
~~20 10 under section 262.78. The head of the center and the director~~
~~20 11 of the center for agricultural health and safety shall consult~~
~~20 12 with the advisory committee and provide the committee with~~
~~20 13 relevant information regarding their agencies.~~
20 14 ~~A simple majority of the membership of the advisory~~
~~20 15 committee shall constitute a quorum. Action may be taken by~~
~~20 16 the affirmative vote of a majority of the advisory committee~~
~~20 17 membership.~~
20 18 2. The center for rural health and primary care shall do
20 19 all of the following:
20 20 a. Provide technical planning assistance to rural
20 21 communities and counties exploring innovative means of
20 22 delivering rural health services through community health
20 23 services assessment, planning, and implementation, including
20 24 but not limited to hospital conversions, cooperative
20 25 agreements among hospitals, physician and health practitioner
20 26 support, recruitment and retention of primary health care
20 27 providers, public health services, emergency medical services,
20 28 medical assistance facilities, rural health care clinics, and
20 29 alternative means which may be included in the long=term
20 30 community health services assessment and developmental plan.
20 31 The center for rural health and primary care shall encourage
20 32 collaborative efforts of the local boards of health, hospital
20 33 governing boards, and other public and private entities
20 34 located in rural communities to adopt a long=term community
20 35 health services assessment and developmental plan pursuant to
21 1 rules adopted by the department and perform the duties

21 2 required of the Iowa department of public health in section
21 3 135B.33.
21 4 b. Provide technical assistance to assist rural
21 5 communities in improving Medicare reimbursements through the
21 6 establishment of rural health clinics, defined pursuant to 42
21 7 U.S.C. } 1395(x), and distinct part skilled nursing facility
21 8 beds.
21 9 c. Coordinate services to provide research for the
21 10 following items:
21 11 (1) Examination of the prevalence of rural occupational
21 12 health injuries in the state.
21 13 (2) Assessment of training and continuing education
21 14 available through local hospitals and others relating to
21 15 diagnosis and treatment of diseases associated with rural
21 16 occupational health hazards.
21 17 (3) Determination of continuing education support
21 18 necessary for rural health practitioners to diagnose and treat
21 19 illnesses caused by exposure to rural occupational health
21 20 hazards.
21 21 (4) Determination of the types of actions that can help
21 22 prevent agricultural accidents.
21 23 (5) Surveillance and reporting of disabilities suffered by
21 24 persons engaged in agriculture resulting from diseases or
21 25 injuries, including identifying the amount and severity of
21 26 agricultural=related injuries and diseases in the state,
21 27 identifying causal factors associated with
21 28 agricultural=related injuries and diseases, and indicating the
21 29 effectiveness of intervention programs designed to reduce
21 30 injuries and diseases.
21 31 d. Cooperate with the center for agricultural health and
21 32 safety established under section 262.78, the center for health
21 33 effects of environmental contamination established under
21 34 section 263.17, and the department of agriculture and land
21 35 stewardship. The agencies shall coordinate programs to the
22 1 extent practicable.
22 2 e. Administer grants for farm safety education efforts
22 3 directed to rural families for the purpose of preventing
22 4 farm=related injuries to children.
22 5 3. The center for rural health and primary care shall
22 6 establish a primary care provider recruitment and retention
22 7 endeavor, to be known as PRIMECARRE. The endeavor shall
22 8 include a community grant program, a primary care provider
22 9 loan repayment program, and a primary care provider community
22 10 scholarship program. The endeavor shall be developed and
22 11 implemented in a manner to promote and accommodate local
22 12 creativity in efforts to recruit and retain health care
22 13 professionals to provide services in the locality. The focus
22 14 of the endeavor shall be to promote and assist local efforts
22 15 in developing health care provider recruitment and retention
22 16 programs. ~~Eligibility under any of the programs established~~
~~22 17 under the primary care provider recruitment and retention~~
~~22 18 endeavor shall be based upon a community health services~~
~~22 19 assessment completed under subsection 2, paragraph "a". A~~
~~22 20 community or region, as applicable, shall submit a letter of~~
~~22 21 intent to conduct a community health services assessment and~~
~~22 22 to apply for assistance under this subsection. The letter~~
~~22 23 shall be in a form and contain information as determined by~~
~~22 24 the center. A letter of intent shall be submitted to the~~
~~22 25 center by January 1 preceding the fiscal year for which an~~
~~22 26 application for assistance is to be made. Assistance under~~
~~22 27 this subsection shall not be granted until such time as the~~
~~22 28 community or region making application has completed the~~
~~22 29 community health services assessment and adopted a long=term~~
~~22 30 community health services assessment and developmental plan.~~
~~22 31 In addition to any other requirements, a developmental plan~~
~~22 32 shall include a clear commitment to informing high school~~
~~22 33 students of the health care opportunities which may be~~
~~22 34 available to such students.~~
22 35 ~~The center for rural health and primary care shall seek~~
~~23 1 additional assistance and resources from other state~~
~~23 2 departments and agencies, federal agencies and grant programs,~~
~~23 3 private organizations, and any other person, as appropriate.~~
~~23 4 The center is authorized and directed to accept on behalf of~~
~~23 5 the state any grant or contribution, federal or otherwise,~~
~~23 6 made to assist in meeting the cost of carrying out the purpose~~
~~23 7 of this subsection. All federal grants to and the federal~~
~~23 8 receipts of the center are appropriated for the purpose set~~
~~23 9 forth in such federal grants or receipts. Funds appropriated~~
~~23 10 by the general assembly to the center for implementation of~~
~~23 11 this subsection shall first be used for securing any available~~
~~23 12 federal funds requiring a state match, with remaining funds~~

~~being used for the community grant program.~~

~~The center for rural health and primary care may, to further the purposes of this subsection, provide financial assistance in the form of grants to support the effort of a community which is clearly part of the community's long=term community health services assessment and developmental plan. Efforts for which such grants may be awarded include, but are not limited to, the procurement of clinical equipment, clinical facilities, and telecommunications facilities, and the support of locum tenens arrangements and primary care provider mentor programs.~~

a. COMMUNITY GRANT PROGRAM.

(1) The center for rural health and primary care shall adopt rules establishing an application process to be used by the center to establish a grant assistance program as provided in this paragraph, and establishing the criteria to be used in evaluating the applications. Selection criteria shall include a method for prioritizing grant applications based on illustrated efforts to meet the health care provider needs of the locality and surrounding area. Such assistance may be in the form of a forgivable loan, grant, or other nonfinancial assistance as deemed appropriate by the center. An application submitted shall contain a commitment of at least a dollar=for=dollar match of the grant assistance. Application may be made for assistance by a single community or group of communities.

(2) Grants awarded under the program shall be subject to the following limitations:

~~(1)~~ (a) Ten thousand dollars for a single community or region with a population of ten thousand or less. An award shall not be made under this program to a community with a population of more than ten thousand.

~~(2)~~ (b) An amount not to exceed one dollar per capita for a region in which the population exceeds ten thousand. For purposes of determining the amount of a grant for a region, the population of the region shall not include the population of any community with a population of more than ten thousand located in the region.

b. PRIMARY CARE PROVIDER LOAN REPAYMENT PROGRAM.

(1) A primary care provider loan repayment program is established to increase the number of health professionals practicing primary care in federally designated health professional shortage areas of the state. Under the program, loan repayment may be made to a recipient for educational expenses incurred while completing an accredited health education program directly related to obtaining credentials necessary to practice the recipient's health profession.

(2) The center for rural health and primary care shall adopt rules relating to the establishment and administration of the primary care provider loan repayment program. Rules adopted pursuant to this paragraph shall provide, at a minimum, for all of the following:

(a) Determination of eligibility requirements and qualifications of an applicant to receive loan repayment under the program, including but not limited to years of obligated service, clinical practice requirements, and residency requirements. One year of obligated service shall be provided by the applicant in exchange for each year of loan repayment, unless federal requirements otherwise require. Loan repayment under the program shall not be approved for a health provider whose license or certification is restricted by a medical regulatory authority of any jurisdiction of the United States, other nations, or territories.

(b) Identification of federally designated health professional shortage areas of the state and prioritization of such areas according to need.

(c) Determination of the amount and duration of the loan repayment an applicant may receive, giving consideration to the availability of funds under the program, and the applicant's outstanding educational loans and professional credentials.

(d) Determination of the conditions of loan repayment applicable to an applicant.

(e) Enforcement of the state's rights under a loan repayment program contract, including the commencement of any court action.

(f) Cancellation of a loan repayment program contract for reasonable cause.

(g) Participation in federal programs supporting repayment of loans of health care providers and acceptance of gifts, grants, and other aid or amounts from any person, association,

25 24 foundation, trust, corporation, governmental agency, or other
25 25 entity for the purposes of the program.
25 26 (h) Upon availability of state funds, determine
25 27 eligibility criteria and qualifications for participating
25 28 communities and applicants not located in federally designated
25 29 shortage areas.
25 30 (i) Other rules as necessary.
25 31 (3) The center for rural health and primary care may enter
25 32 into an agreement under chapter 28E with the college student
25 33 aid commission for the administration of this program.
25 34 c. PRIMARY CARE PROVIDER COMMUNITY SCHOLARSHIP PROGRAM.
25 35 (1) A primary care provider community scholarship program
26 1 is established to recruit and to provide scholarships to train
26 2 primary health care practitioners in federally designated
26 3 health professional shortage areas of the state. Under the
26 4 program, scholarships may be awarded to a recipient for
26 5 educational expenses incurred while completing an accredited
26 6 health education program directly related to obtaining the
26 7 credentials necessary to practice the recipient's health
26 8 profession.
26 9 (2) The department shall adopt rules relating to the
26 10 establishment and administration of the primary care provider
26 11 community scholarship program. Rules adopted pursuant to this
26 12 paragraph shall provide, at a minimum, for all of the
26 13 following:
26 14 (a) Determination of eligibility requirements and
26 15 qualifications of an applicant to receive scholarships under
26 16 the program, including but not limited to years of obligated
26 17 service, clinical practice requirements, and residency
26 18 requirements. One year of obligated service shall be provided
26 19 by the applicant in exchange for each year of scholarship
26 20 receipt, unless federal requirements otherwise require.
26 21 (b) Identification of federally designated health
26 22 professional shortage areas of the state and prioritization of
26 23 such areas according to need.
26 24 (c) Determination of the amount of the scholarship an
26 25 applicant may receive.
26 26 (d) Determination of the conditions of scholarship to be
26 27 awarded to an applicant.
26 28 (e) Enforcement of the state's rights under a scholarship
26 29 contract, including the commencement of any court action.
26 30 (f) Cancellation of a scholarship contract for reasonable
26 31 cause.
26 32 (g) Participation in federal programs supporting
26 33 scholarships for health care providers and acceptance of
26 34 gifts, grants, and other aid or amounts from any person,
26 35 association, foundation, trust, corporation, governmental
27 1 agency, or other entity for the purposes of the program.
27 2 (h) Upon availability of state funds, determination of
27 3 eligibility criteria and qualifications for participating
27 4 communities and applicants not located in federally designated
27 5 shortage areas.
27 6 (i) Other rules as necessary.
27 7 (3) The center for rural health and primary care may enter
27 8 into an agreement under chapter 28E with the college student
27 9 aid commission for the administration of this program.
27 10 4. a. Eligibility under any of the programs established
27 11 under the primary care provider recruitment and retention
27 12 endeavor shall be based upon a community health services
27 13 assessment completed under subsection 2, paragraph "a". A
27 14 community or region, as applicable, shall submit a letter of
27 15 intent to conduct a community health services assessment and
27 16 to apply for assistance under this subsection. The letter
27 17 shall be in a form and contain information as determined by
27 18 the center. A letter of intent shall be submitted to the
27 19 center by January 1 preceding the fiscal year for which an
27 20 application for assistance is to be made.
27 21 b. Assistance under this subsection shall not be granted
27 22 until such time as the community or region making application
27 23 has completed the community health services assessment and
27 24 adopted a long=term community health services assessment and
27 25 developmental plan. In addition to any other requirements, a
27 26 developmental plan shall include a clear commitment to
27 27 informing high school students of the health care
27 28 opportunities which may be available to such students.
27 29 c. The center for rural health and primary care shall seek
27 30 additional assistance and resources from other state
27 31 departments and agencies, federal agencies and grant programs,
27 32 private organizations, and any other person, as appropriate.
27 33 The center is authorized and directed to accept on behalf of
27 34 the state any grant or contribution, federal or otherwise,

27 35 made to assist in meeting the cost of carrying out the purpose
28 1 of this subsection. All federal grants to and the federal
28 2 receipts of the center are appropriated for the purpose set
28 3 forth in such federal grants or receipts. Funds appropriated
28 4 by the general assembly to the center for implementation of
28 5 this subsection shall first be used for securing any available
28 6 federal funds requiring a state match, with remaining funds
28 7 being used for the community grant program.
28 8 d. The center for rural health and primary care may, to
28 9 further the purposes of this subsection, provide financial
28 10 assistance in the form of grants to support the effort of a
28 11 community which is clearly part of the community's long=term
28 12 community health services assessment and developmental plan.
28 13 Efforts for which such grants may be awarded include but are
28 14 not limited to the procurement of clinical equipment, clinical
28 15 facilities, and telecommunications facilities, and the support
28 16 of locum tenens arrangements and primary care provider mentor
28 17 programs.
28 18 5. a. There is established an advisory committee to the
28 19 center for rural health and primary care consisting of one
28 20 representative, approved by the respective agency, of each of
28 21 the following agencies: the department of agriculture and
28 22 land stewardship, the Iowa department of public health, the
28 23 department of inspections and appeals, the national institute
28 24 for rural health policy, the rural health resource center, the
28 25 institute of agricultural medicine and occupational health,
28 26 and the Iowa state association of counties. The governor
28 27 shall appoint two representatives of consumer groups active in
28 28 rural health issues and a representative of each of two farm
28 29 organizations active within the state, a representative of an
28 30 agricultural business in the state, a practicing rural family
28 31 physician, a practicing rural physician assistant, a
28 32 practicing rural advanced registered nurse practitioner, and a
28 33 rural health practitioner who is not a physician, physician
28 34 assistant, or advanced registered nurse practitioner, as
28 35 members of the advisory committee. The advisory committee
29 1 shall also include as members two state representatives, one
29 2 appointed by the speaker of the house of representatives and
29 3 one by the minority leader of the house, and two state
29 4 senators, one appointed by the majority leader of the senate
29 5 and one by the minority leader of the senate.
29 6 b. The advisory committee shall regularly meet with the
29 7 administrative head of the center as well as the director of
29 8 the center for agricultural health and safety established
29 9 under section 262.78. The head of the center and the director
29 10 of the center for agricultural health and safety shall consult
29 11 with the advisory committee and provide the committee with
29 12 relevant information regarding their agencies.
29 13 c. A simple majority of the membership of the advisory
29 14 committee shall constitute a quorum. Action may be taken by
29 15 the affirmative vote of a majority of the advisory committee
29 16 membership.
29 17 Sec. 42. Section 135.141, subsection 2, paragraph j, Code
29 18 2009, is amended to read as follows:
29 19 j. Adopt rules pursuant to chapter 17A for the
29 20 administration of this division of this chapter including
29 21 rules adopted in cooperation with the Iowa pharmacy
29 22 association and the Iowa hospital association for the
29 23 development of a surveillance system to monitor supplies of
29 24 drugs, antidotes, and vaccines to assist in detecting a
29 25 potential public health disaster. Prior to adoption, the
29 26 rules shall be approved by the state board of health and the
29 27 administrator of the homeland security and emergency
29 28 management division of the department of public defense.
29 29 ~~Prior to adoption, the rules shall be approved by the state~~
~~29 30 board of health and the administrator of the homeland security~~
~~29 31 and emergency management division of the department of public~~
~~29 32 defense.~~
29 33 Sec. 43. Section 135.157, unnumbered paragraph 1, Code
29 34 2009, is amended to read as follows:
29 35 As used in this ~~chapter~~ division, unless the context
30 1 otherwise requires:
30 2 Sec. 44. Section 135.159, subsection 3, paragraph i, Code
30 3 2009, is amended to read as follows:
30 4 i. For children, coordinate with and integrate guidelines,
30 5 data, and information from existing newborn and child health
30 6 programs and entities, including but not limited to the
30 7 healthy opportunities for parents to experience success ==
30 8 healthy families Iowa program, the community empowerment
30 9 program, the center for congenital and inherited disorders
30 10 screening and health care programs, standards of care for

30 11 pediatric health guidelines, the office of multicultural
30 12 health established in section 135.12, the oral health bureau
30 13 established in section 135.15, and other similar programs and
30 14 services.
30 15 Sec. 45. Section 135B.7, Code 2009, is amended to read as
30 16 follows:
30 17 135B.7 RULES AND ENFORCEMENT.
30 18 1. a. The department, with the advice and approval of the
30 19 hospital licensing board and approval of the state board of
30 20 health, shall adopt rules setting out the standards for the
30 21 different types of hospitals to be licensed under this
30 22 chapter. The department shall enforce the rules.
30 23 b. Rules or standards shall not be adopted or enforced
30 24 which would have the effect of denying a license to a hospital
30 25 or other institution required to be licensed, solely by reason
30 26 of the school or system of practice employed or permitted to
30 27 be employed by physicians in the hospital, if the school or
30 28 system of practice is recognized by the laws of this state.
30 29 2. a. The rules shall state that a hospital shall not
30 30 deny clinical privileges to physicians and surgeons, podiatric
30 31 physicians, osteopathic physicians and surgeons, dentists,
30 32 certified health service providers in psychology, physician
30 33 assistants, or advanced registered nurse practitioners
30 34 licensed under chapter 148, 148C, 149, 152, or 153, or section
30 35 154B.7, solely by reason of the license held by the
31 1 practitioner or solely by reason of the school or institution
31 2 in which the practitioner received medical schooling or
31 3 postgraduate training if the medical schooling or postgraduate
31 4 training was accredited by an organization recognized by the
31 5 council on postsecondary accreditation or an accrediting group
31 6 recognized by the United States department of education.
31 7 b. A hospital may establish procedures for interaction
31 8 between a patient and a practitioner. The rules shall not
31 9 prohibit a hospital from limiting, restricting, or revoking
31 10 clinical privileges of a practitioner for violation of
31 11 hospital rules, regulations, or procedures established under
31 12 this paragraph, when applied in good faith and in a
31 13 nondiscriminatory manner.
31 14 c. This ~~paragraph~~ subsection shall not require a hospital
31 15 to expand the hospital's current scope of service delivery
31 16 solely to offer the services of a class of providers not
31 17 currently providing services at the hospital. This section
31 18 shall not be construed to require a hospital to establish
31 19 rules which are inconsistent with the scope of practice
31 20 established for licensure of practitioners to whom this
31 21 ~~paragraph~~ subsection applies.
31 22 d. This section shall not be construed to authorize the
31 23 denial of clinical privileges to a practitioner or class of
31 24 practitioners solely because a hospital has as employees of
31 25 the hospital identically licensed practitioners providing the
31 26 same or similar services.
31 27 3. The rules shall require that a hospital establish and
31 28 implement written criteria for the granting of clinical
31 29 privileges. The written criteria shall include but are not
31 30 limited to consideration of all of the following:
31 31 a. The ability of an applicant for privileges to provide
31 32 patient care services independently and appropriately in the
31 33 hospital~~; the~~.
31 34 b. The license held by the applicant to practice~~;~~.
31 35 c. The training, experience, and competence of the
32 1 applicant~~; and the~~.
32 2 d. The relationship between the applicant's request for
32 3 the granting of privileges and the hospital's current scope of
32 4 patient care services, as well as the hospital's determination
32 5 of the necessity to grant privileges to a practitioner
32 6 authorized to provide comprehensive, appropriate, and
32 7 cost=effective services.
32 8 4. The department shall also adopt rules requiring
32 9 hospitals to establish and implement protocols for responding
32 10 to the needs of patients who are victims of domestic abuse, as
32 11 defined in section 236.2.
32 12 Sec. 46. Section 135B.28, Code 2009, is amended to read as
32 13 follows:
32 14 135B.28 HOSPITAL BILL.
32 15 1. The hospital bill shall properly include the charges
32 16 for pathology and radiology services as long as the name of
32 17 the doctor is stated and it fairly appears that the charge is
32 18 for medical services.
32 19 2. The ~~said~~ hospital bill shall also contain a statement
32 20 substantially in the following form:
32 21 "The pathology and radiology charges are for medical

32 22 services rendered by or under the direction of the doctor
32 23 listed above and are collected by the hospital on behalf of
32 24 the doctor, from which charges an agreed sum will be retained
32 25 by the hospital in accordance with an existing agreement to
32 26 which retention you consented at the time of your admission to
32 27 the hospital."
32 28 3. Upon the effective date of regulations which may be
32 29 adopted by the United States department of health and human
32 30 services prohibiting combined billing by hospitals and
32 31 hospital=based physicians under Title XVIII of the federal
32 32 Social Security Act, the charges for all pathology and
32 33 radiology services in a hospital, may upon the mutual
32 34 agreement of the hospital, physician and third=party payer, be
32 35 billed separately, the hospital component of the charges being
33 1 included in the hospital bill and the doctor component being
33 2 billed by the doctor.
33 3 Sec. 47. Section 135C.16, subsection 2, Code 2009, is
33 4 amended to read as follows:
33 5 2. a. The department shall prescribe by rule that any
33 6 licensee or applicant for license desiring to make specific
33 7 types of physical or functional alterations or additions to
33 8 its facility or to construct new facilities shall, before
33 9 commencing the alteration or additions or new construction,
33 10 submit plans and specifications to the department for
33 11 preliminary inspection and approval or recommendations with
33 12 respect to compliance with the department's rules and
33 13 standards.
33 14 b. When the plans and specifications have been properly
33 15 approved by the department or other appropriate state agency,
33 16 for a period of at least five years from completion of the
33 17 construction or alteration, the facility or the portion of the
33 18 facility constructed or altered in accord with the plans and
33 19 specifications shall not ~~for a period of at least five years~~
33 20 ~~from completion of the construction or alteration~~ be
33 21 considered deficient or ineligible for licensing by reason of
33 22 failure to meet any rule or standard established subsequent to
33 23 approval of the plans and specifications.
33 24 c. When construction or alteration of a facility or
33 25 portion of a facility has been completed in accord with plans
33 26 and specifications submitted as required by this subsection
33 27 and properly approved by the department or other appropriate
33 28 state agency, and it is discovered that the facility or
33 29 portion of a facility is not in compliance with a requirement
33 30 of this chapter or of the rules or standards adopted pursuant
33 31 to it and in effect at the time the plans and specifications
33 32 were submitted, and the deficiency was apparent from the plans
33 33 and specifications submitted but was not noted or objected to
33 34 by the department or other appropriate state agency, the
33 35 department or agency responsible for the oversight shall
34 1 either waive the requirement or reimburse the licensee or
34 2 applicant for any costs which are necessary to bring the new
34 3 or reconstructed facility or portion of a facility into
34 4 compliance with the requirement and which the licensee or
34 5 applicant would not have incurred if the facility or portion
34 6 of the facility had been constructed in compliance with the
34 7 requirements of this chapter or of the rules or standards
34 8 adopted pursuant to it and in effect at the time the plans and
34 9 specifications were submitted.
34 10 d. If within two years from the completion of the
34 11 construction or alteration of the facility or portion thereof,
34 12 a department or agency of the state orders that the new or
34 13 reconstructed facility or portion thereof be brought into
34 14 compliance with the requirements of this chapter or the rules
34 15 or standards adopted pursuant to it and in effect at the time
34 16 the plans and specifications were submitted, the state shall
34 17 have a claim for damages to the extent of any reimbursement
34 18 paid to the licensee or applicant against any person who
34 19 designed the facility or portion thereof for negligence in the
34 20 preparation of the plans and specifications therefor, subject
34 21 to all defenses based upon the negligence of the state in
34 22 reviewing and approving those plans and specifications, but
34 23 not thereafter.
34 24 e. The provisions of this subsection shall not apply where
34 25 the deficiency presents a clear and present danger to the
34 26 safety of the residents of the facility.
34 27 Sec. 48. Section 136B.2, Code 2009, is amended to read as
34 28 follows:
34 29 136B.2 RADON TESTING INFORMATION == DISCLOSURE.
34 30 1. a. A person certified or credentialed pursuant to
34 31 section 136B.1 shall, within thirty days of the provision of
34 32 any radon testing services or abatement measures or at the

34 33 request of the department prior to testing or abatement,
34 34 disclose to the department the address or location of the
34 35 building, the name of the owner of the building where the
35 1 services or measures were or will be provided, and the results
35 2 of any tests or abatement measures performed.
35 3 b. A person shall not disclose to any other person, except
35 4 to the department, the address or owner of a nonpublic
35 5 building that the person tested for the presence of radon gas
35 6 and radon progeny, unless the owner of the building waives, in
35 7 writing, this right of confidentiality. Any test results
35 8 disclosed shall be results of a test performed within the five
35 9 years prior to the date of the disclosure.
35 10 2. a. Notwithstanding the requirements of this section,
35 11 disclosure to any person of the results of a test performed on
35 12 a nonpublic building for the presence of radon gas and radon
35 13 progeny is not required if the results do not exceed the
35 14 currently established United States environmental protection
35 15 agency action guidelines.
35 16 b. A person who tests a nonpublic building which the
35 17 person owns is not required to disclose to any person the
35 18 results of a test for the presence of radon gas or progeny if
35 19 the test is performed by the person who owns the nonpublic
35 20 building.
35 21 ~~2. A person certified or credentialed pursuant to section~~
~~35 22 136B.1 shall, within thirty days of the provision of any radon~~
~~35 23 testing services or abatement measures or at the request of~~
~~35 24 the department prior to testing or abatement, disclose to the~~
~~35 25 department the address or location of the building, the name~~
~~35 26 of the owner of the building where the services or measures~~
~~35 27 were or will be provided, and the results of any tests or~~
~~35 28 abatement measures performed.~~
35 29 Sec. 49. Section 139A.21, subsection 7, Code 2009, is
35 30 amended to read as follows:
35 31 7. The department shall adopt rules specifying the
35 32 requirements for the operation of an emergency information
35 33 system operated by a registrant pursuant to section 206.12,
35 34 subsection ~~2~~ 3, paragraph "c", which shall not exceed
35 35 requirements adopted by a poison control center as defined in
36 1 section 206.2. The rules shall specify the qualifications of
36 2 individuals staffing an emergency information system and shall
36 3 specify the maximum amount of time that a registrant may take
36 4 to provide the information to a poison control center or an
36 5 attending physician treating a patient exposed to the
36 6 registrant's product.
36 7 Sec. 50. Section 147.8, Code 2009, is amended to read as
36 8 follows:
36 9 147.8 RECORD OF LICENSES.
36 10 A board shall keep the following information available for
36 11 public inspection for each person licensed by the board:
36 12 ~~name, address~~
36 13 1. Name.
36 14 2. Address of record~~, the~~.
36 15 3. The number of the license~~, and the~~.
36 16 4. The date of issuance of the license.
36 17 Sec. 51. Section 147.11, subsection 1, Code 2009, is
36 18 amended to read as follows:
36 19 1. A licensee who allows the license to become inactive or
36 20 lapsed by failing to renew the license, as provided in section
36 21 147.10, may ~~be reactivated~~ reactivate the license upon payment
36 22 of a reactivation fee and compliance with other terms
36 23 established by board rule.
36 24 Sec. 52. Section 147.13, subsection 18, Code 2009, is
36 25 amended to read as follows:
36 26 18. For respiratory care ~~therapy~~, the board of respiratory
36 27 care.
36 28 Sec. 53. Section 147.87, Code 2009, is amended to read as
36 29 follows:
36 30 147.87 ENFORCEMENT.
36 31 A board shall enforce the provisions of this chapter and
36 32 ~~its~~ the board's enabling statute and for that purpose may
36 33 request the department of inspections and appeals to make
36 34 necessary investigations. Every licensee and member of a
36 35 board shall furnish the board or the department of inspections
37 1 and appeals such evidence as the member or licensee may have
37 2 relative to any alleged violation which is being investigated.
37 3 Sec. 54. Section 147.89, Code 2009, is amended to read as
37 4 follows:
37 5 147.89 REPORT OF VIOLATORS.
37 6 Every licensee and member of a board shall report to ~~its~~
~~37 7 respective~~ the board the name of any person, without the
37 8 required license if the licensee or member of the board has

reason to believe the person is practicing the profession without a license.

Sec. 55. Section 148.3, subsection 1, paragraph a, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A diploma issued by a medical college or college of osteopathic medicine and surgery approved by the board, or ~~present~~ other evidence of equivalent medical education approved by the board. The board may accept, in lieu of a diploma from a medical college approved by the board, all of the following:

Sec. 56. Section 153.36, subsection 1, Code 2009, is amended to read as follows:

1. Sections 147.44 ~~to 147.71, except section 147.57~~, 147.48, 147.49, 147.53, and 147.55, and sections 147.87 ~~to~~ through 147.92 shall not apply to the practice of dentistry.

Sec. 57. Section 159.5, subsections 12 and 13, Code 2009, are amended to read as follows:

12. a. Establish a swine tuberculosis eradication program including~~,~~ but not limited to all of the following:

~~a.~~ (1) The inspection of swine herds in this state when the department finds that an animal from a swine herd has, or is believed to have, tuberculosis~~;~~.

~~b.~~ (2) Ear tagging or otherwise physically marking all swine reacting positively to tests for tuberculosis~~;~~.

~~c.~~ (3) Condemning any swine which has tuberculosis~~;~~.

~~d.~~ (4) Depopulating any swine herd where tuberculosis is found to be generally present~~; and~~.

~~e.~~ (5) Compensate the owners of condemned swine as provided under section 165.18, following the general procedures for filing claims and paying indemnities as provided in chapter 165.

b. If the department finds that the source of the tuberculosis in a swine herd is from another species of animal, except bovine, located on or near the premises on which the affected swine herd is located, the department may destroy those animals and indemnify the owners of the condemned animals as provided in chapter 163.

13. Establish and maintain a division of soil conservation. The division administrator shall be appointed by the secretary from a list of names of persons recommended by the soil conservation committee, pursuant to section 161A.4, subsection ~~2~~ 6, paragraph "c", and shall serve at the pleasure of the secretary.

Sec. 58. Section 159.20, subsection 2, Code 2009, is amended to read as follows:

2. As used in this subchapter~~, "agricultural~~:

a. "Agricultural commodity" means any unprocessed agricultural product, including animals, agricultural crops, and forestry products grown, raised, produced, or fed in Iowa for sale in commercial channels. ~~"Commercial~~

b. "Commercial channels" means the processes ~~of~~ for sale of an agricultural commodity or unprocessed product from the agricultural commodity to any person, public or private, who resells the agricultural commodity for breeding, processing, slaughter, or distribution.

Sec. 59. Section 161A.4, Code 2009, is amended to read as follows:

161A.4 SOIL CONSERVATION DIVISION == COMMITTEE.

1. The soil conservation division is established within the department to perform the functions conferred upon it in this chapter and chapters 161C, 161E, 161F, 207, and 208. The division shall be administered in accordance with the policies of the state soil conservation committee, which shall advise the division and which shall approve administrative rules proposed by the division for the administration of this chapter and chapters 161C, 161E, 161F, 207, and 208 before the rules are adopted pursuant to section 17A.5. If a difference exists between the committee and secretary regarding the content of a proposed rule, the secretary shall notify the chairperson of the committee of the difference within thirty days from the committee's action on the rule. The secretary and the committee shall meet to resolve the difference within thirty days after the secretary provides the committee with notice of the difference.

~~The state soil conservation committee consists of a chairperson and eight other voting members. The following shall serve as ex officio nonvoting members of the committee: the director of the Iowa cooperative extension service in agriculture and home economics, or the director's designee; and the director of the department of natural resources or the~~

~~39 20 director's designee. Nine voting members shall be appointed~~
~~39 21 by the governor subject to confirmation by the senate. Six of~~
~~39 22 the appointive members shall be persons engaged in actual~~
~~39 23 farming operations, one of whom shall be a resident of each of~~
~~39 24 six geographic regions in the state, including northwest,~~
~~39 25 southwest, north central, south central, northeast, and~~
~~39 26 southeast Iowa, and no more than one of whom shall be a~~
~~39 27 resident of any one county. The boundaries of the geographic~~
~~39 28 regions shall be established by rule. The seventh, eighth,~~
~~39 29 and ninth appointive members shall be chosen by the governor~~
~~39 30 from the state at large with one appointed to be a~~
~~39 31 representative of cities, one appointed to be a representative~~
~~39 32 of the mining industry, and one appointee who is a farmer~~
~~39 33 actively engaged in tree farming. The committee may invite~~
~~39 34 the secretary of agriculture of the United States to appoint~~
~~39 35 one person to serve with the other members, and the president~~
~~40 1 of the Iowa county engineers association may designate a~~
~~40 2 member of the association to serve in the same manner, but~~
~~40 3 these persons have no vote and shall serve in an advisory~~
~~40 4 capacity only. The committee may perform acts, hold public~~
~~40 5 hearings, and propose and approve rules pursuant to chapter~~
~~40 6 17A as necessary for the execution of its functions.~~
40 7 ~~2. The committee shall recommend three persons to the~~
~~40 8 secretary of agriculture who shall appoint from the persons~~
~~40 9 recommended an administrative director to head the division~~
~~40 10 who shall serve at the pleasure of the secretary. After~~
~~40 11 reviewing the names submitted, the secretary may request the~~
~~40 12 soil conservation committee to submit additional names for~~
~~40 13 consideration. The committee shall recommend to the secretary~~
~~40 14 each year a budget for the division. The secretary, at the~~
~~40 15 earliest opportunity and prior to formulating a budget, shall~~
~~40 16 meet with representatives of the committee to discuss the~~
~~40 17 committee's recommendation. The committee or division may~~
~~40 18 call upon the attorney general of the state for necessary~~
~~40 19 legal services. The committee may delegate to its~~
~~40 20 chairperson, to one or more of its members, or to one or more~~
~~40 21 agents or employees, powers and duties as it deems proper.~~
~~40 22 Upon request of the committee, for the purpose of carrying out~~
~~40 23 any of the functions assigned the committee or the department~~
~~40 24 by law, the supervising officer of any state agency, or of any~~
~~40 25 state institution of learning shall, insofar as possible under~~
~~40 26 available appropriations, and having due regard to the needs~~
~~40 27 of the agency to which the request is directed, assign or~~
~~40 28 detail the request to the staff or personnel of the agency or~~
~~40 29 institution of learning, and make the special reports,~~
~~40 30 surveys, or studies as the committee requests.~~
40 31 ~~3. The committee shall designate its chairperson, and may~~
~~40 32 change the designation. The members appointed by the governor~~
~~40 33 shall serve for a period of six years. Members shall be~~
~~40 34 appointed in each odd=numbered year to succeed members whose~~
~~40 35 terms expire as provided by section 69.19. Appointments may~~
~~41 1 be made at other times and for other periods as necessary to~~
~~41 2 fill vacancies on the committee. Members shall not be~~
~~41 3 appointed to serve more than two complete six=year terms.~~
~~41 4 Members designated to represent the director of the department~~
~~41 5 of natural resources and the director of the Iowa cooperative~~
~~41 6 extension service in agriculture and home economics shall~~
~~41 7 serve at the pleasure of the officer making the designation.~~
~~41 8 A majority of the voting members of the committee constitutes~~
~~41 9 a quorum, and the concurrence of a majority of the voting~~
~~41 10 members of the committee in any matter within their duties is~~
~~41 11 required for its determination. Members are entitled to~~
~~41 12 actual expenses necessarily incurred in the discharge of their~~
~~41 13 duties as members of the committee. The expenses paid to the~~
~~41 14 committee members shall be paid from funds appropriated to the~~
~~41 15 department. Each member of the committee may also be eligible~~
~~41 16 to receive compensation as provided in section 7E.6. The~~
~~41 17 committee shall provide for the execution of surety bonds for~~
~~41 18 all employees and officers who are entrusted with funds or~~
~~41 19 property, shall provide for the keeping of a full and accurate~~
~~41 20 record of all proceedings and of all resolutions and orders~~
~~41 21 issued or adopted, and shall provide for an annual audit of~~
~~41 22 the accounts of receipts and disbursements.~~
41 23 ~~4.~~ 2. In addition to other duties and powers conferred
41 24 upon the division of soil conservation, the division has the
41 25 following duties and powers:
41 26 a. To offer assistance as appropriate to the commissioners
41 27 of soil and water conservation districts in carrying out any
41 28 of their powers and programs.
41 29 b. To take notice of each district's long=range resource
41 30 conservation plan established under section 161A.7, in order

41 31 to keep the commissioners of each of the several districts
41 32 informed of the activities and experience of all other
41 33 districts, and to facilitate an interchange of advice and
41 34 experience between such districts and cooperation between
41 35 them.
42 1 c. To coordinate the programs of the soil and water
42 2 conservation districts so far as this may be done by advice
42 3 and consultation.
42 4 d. To secure the cooperation and assistance of the United
42 5 States and any of its agencies, and of agencies of this state,
42 6 in the work of such districts.
42 7 e. To disseminate information throughout the state
42 8 concerning the activities and program of the soil and water
42 9 conservation districts.
42 10 f. To render financial aid and assistance to soil and
42 11 water conservation districts for the purpose of carrying out
42 12 the policy stated in this chapter.
42 13 g. To assist each soil and water conservation district in
42 14 developing a district soil and water resource conservation
42 15 plan as provided under section 161A.7. The plan shall be
42 16 developed according to rules adopted by the division to
42 17 preserve and protect the public interest in the soil and water
42 18 resources of this state for future generations and for this
42 19 purpose to encourage, promote, facilitate, and where such
42 20 public interest requires, to mandate the conservation and
42 21 proper control of and use of the soil and water resources of
42 22 this state, by measures including~~,~~ but not limited to~~,~~ the
42 23 control of floods, the control of erosion by water or by wind,
42 24 the preservation of the quality of water for its optimum use
42 25 for agricultural, irrigation, recreational, industrial, and
42 26 domestic purposes, all of which shall be presumed to be
42 27 conducive to the public health, convenience, and welfare, both
42 28 present and future.
42 29 h. To file the district soil and water resource
42 30 conservation plans as part of a state soil and water resource
42 31 conservation plan. The state plan shall contain on a
42 32 statewide basis the information required for a district plan
42 33 under this section.
42 34 i. To establish a position of state drainage coordinator
42 35 for drainage districts and drainage and levee districts which
43 1 will keep the management of those districts informed of the
43 2 activities and experience of all other such districts and
43 3 facilitate an interchange of advice, experience and
43 4 cooperation among the districts, coordinate by advice and
43 5 consultation the programs of the districts, secure the
43 6 cooperation and assistance of the United States and its
43 7 agencies and of the agencies of this state and other states in
43 8 the work of the districts, disseminate information throughout
43 9 the state concerning the activities and programs of the
43 10 districts and provide other appropriate assistance to the
43 11 districts.
43 12 ~~5.~~ 3. The division, in consultation with the
43 13 commissioners of the soil and water conservation districts,
43 14 shall conduct a biennial review to survey the availability of
43 15 private soil and water conservation control contractors in
43 16 each district. A report containing the results of the review
43 17 shall be prepared and posted on the department's internet
43 18 site.
43 19 4. A state soil conservation committee is established
43 20 within the department.
43 21 a. The nine voting members of the committee shall be
43 22 appointed by the governor subject to confirmation by the
43 23 senate pursuant to section 2.32, and shall include the
43 24 following:
43 25 (1) Six of the members shall be persons engaged in actual
43 26 farming operations, one of whom shall be a resident of each of
43 27 six geographic regions in the state, including northwest,
43 28 southwest, north central, south central, northeast, and
43 29 southeast Iowa, and no more than one of whom shall be a
43 30 resident of any one county. The boundaries of the geographic
43 31 regions shall be established by rule.
43 32 (2) The seventh, eighth, and ninth appointive members
43 33 shall be chosen by the governor from the state at large, with
43 34 one appointed to be a representative of cities, one appointed
43 35 to be a representative of the mining industry, and one
44 1 appointee who is a farmer actively engaged in tree farming.
44 2 b. The committee may invite the secretary of agriculture
44 3 of the United States to appoint one person to serve with the
44 4 other members, and the president of the Iowa county engineers
44 5 association may designate a member of the association to serve
44 6 in the same manner, but these persons have no vote and shall

44 7 serve in an advisory capacity only.
44 8 c. The following shall serve as ex officio nonvoting
44 9 members of the committee:
44 10 (1) The director of the Iowa cooperative extension service
44 11 in agriculture and home economics, or the director's designee.
44 12 (2) The director of the department of natural resources or
44 13 the director's designee.
44 14 5. a. The committee shall designate its chairperson, and
44 15 may change the designation. The members appointed by the
44 16 governor shall serve for a period of six years. Members shall
44 17 be appointed in each odd=numbered year to succeed members
44 18 whose terms expire as provided by section 69.19. Appointments
44 19 may be made at other times and for other periods as necessary
44 20 to fill vacancies on the committee. Members shall not be
44 21 appointed to serve more than two complete six=year terms.
44 22 Members designated to represent the director of the department
44 23 of natural resources and the director of the Iowa cooperative
44 24 extension service in agriculture and home economics shall
44 25 serve at the pleasure of the officer making the designation.
44 26 b. A majority of the voting members of the committee
44 27 constitutes a quorum, and the concurrence of a majority of the
44 28 voting members of the committee in any matter within their
44 29 duties is required for its determination.
44 30 c. Members are entitled to actual expenses necessarily
44 31 incurred in the discharge of their duties as members of the
44 32 committee. The expenses paid to the committee members shall
44 33 be paid from funds appropriated to the department. Each
44 34 member of the committee may also be eligible to receive
44 35 compensation as provided in section 7E.6. The committee shall
45 1 provide for the execution of surety bonds for all employees
45 2 and officers who are entrusted with funds or property, shall
45 3 provide for the keeping of a full and accurate record of all
45 4 proceedings and of all resolutions and orders issued or
45 5 adopted, and shall provide for an annual audit of the accounts
45 6 of receipts and disbursements.
45 7 6. a. The committee may perform acts, hold public
45 8 hearings, and propose and approve rules pursuant to chapter
45 9 17A as necessary for the execution of its functions.
45 10 b. The committee shall recommend to the secretary each
45 11 year a budget for the division. The secretary, at the
45 12 earliest opportunity and prior to formulating a budget, shall
45 13 meet with representatives of the committee to discuss the
45 14 committee's recommendation.
45 15 c. The committee shall recommend three persons to the
45 16 secretary of agriculture who shall appoint from the persons
45 17 recommended an administrative director to head the division
45 18 and serve at the pleasure of the secretary. After reviewing
45 19 the names submitted, the secretary may request that the soil
45 20 conservation committee submit additional names for
45 21 consideration.
45 22 7. The committee or division may call upon the attorney
45 23 general of the state for necessary legal services. The
45 24 committee may delegate to its chairperson, to one or more of
45 25 its members, or to one or more agents or employees, powers and
45 26 duties as it deems proper. Upon request of the committee, for
45 27 the purpose of carrying out any of the functions assigned the
45 28 committee or the department by law, the supervising officer of
45 29 any state agency, or of any state institution of learning
45 30 shall, insofar as possible under available appropriations, and
45 31 having due regard to the needs of the agency to which the
45 32 request is directed, assign or detail the request to the staff
45 33 or personnel of the agency or institution of learning, and
45 34 make the special reports, surveys, or studies as the committee
45 35 requests.
46 1 Sec. 60. Section 161A.7, Code 2009, is amended to read as
46 2 follows:
46 3 161A.7 POWERS OF DISTRICTS AND COMMISSIONERS.
46 4 1. A soil and water conservation district organized under
46 5 this chapter has the following powers, in addition to others
46 6 granted in other sections of this chapter:
46 7 ~~1.~~ a. To conduct surveys, investigations, and research
46 8 relating to the character of soil erosion and erosion,
46 9 floodwater, and sediment damages, and the preventive and
46 10 control measures needed, to publish the results of such
46 11 surveys, investigations or research, and to disseminate
46 12 information concerning such preventive and control measures;
46 13 provided, however, that in order to avoid duplication of
46 14 research activities, no district shall initiate any research
46 15 program except in cooperation with the Iowa agricultural
46 16 experiment station located at Ames, Iowa, and pursuant to a
46 17 cooperative agreement entered into between the Iowa

46 18 agricultural experiment station and such district.
46 19 ~~2.~~ b. To conduct demonstrational projects within the
46 20 district on lands owned or controlled by this state or any of
46 21 its agencies, with the consent and cooperation of the agency
46 22 administering and having jurisdiction thereof, and on any
46 23 other lands within the district upon obtaining the consent of
46 24 the owner or occupier of such lands or the necessary rights or
46 25 interests in such lands, in order to demonstrate by example
46 26 the means, methods, and measures by which soil and soil
46 27 resources may be conserved, and soil erosion in the form of
46 28 soil blowing and soil washing may be prevented and controlled;
46 29 provided, however, that in order to avoid duplication of
46 30 agricultural extension activities, no district shall initiate
46 31 any demonstrational projects, except in cooperation with the
46 32 Iowa agricultural extension service whose offices are located
46 33 at Ames, Iowa, and pursuant to a cooperative agreement entered
46 34 into between the Iowa agricultural extension service and such
46 35 district.
47 1 ~~3.~~ c. To carry out preventive and control measures within
47 2 the district, including~~,~~ but not limited to~~,~~ crop rotations,
47 3 engineering operations, methods of cultivation, the growing of
47 4 vegetation, changes in use of land, and the measures listed in
47 5 section 161A.2, on lands owned or controlled by this state or
47 6 any of its agencies, with the consent and cooperation of the
47 7 agency administering and having jurisdiction thereof, and on
47 8 any other lands within the district, upon obtaining the
47 9 consent of the owner or occupier of such lands or the
47 10 necessary rights or interests in such lands. Any approval or
47 11 permits from the council required under other provisions of
47 12 law shall be obtained by the district prior to initiation of
47 13 any construction activity.
47 14 ~~4.~~ d. To cooperate, or enter into agreements with, and
47 15 within the limits of appropriations duly made available to it
47 16 by law, to furnish financial or other aid to any agency,
47 17 governmental or otherwise, or any owner or occupier of lands
47 18 within the district, in the carrying on of erosion=control and
47 19 watershed protection and flood prevention operations within
47 20 the district, subject to such conditions as the commissioners
47 21 may deem necessary to advance the purposes of this chapter.
47 22 ~~5.~~ e. To obtain options upon and to acquire, by purchase,
47 23 exchange, lease, gift, grant, bequest, devise or otherwise,
47 24 any property, real or personal, or rights or interests
47 25 therein; to maintain, administer, and improve any properties
47 26 acquired, to receive income from such properties and to expend
47 27 such income in carrying out the purposes and provisions of
47 28 this chapter; and to sell, lease or otherwise dispose of any
47 29 of its property or interests therein in furtherance of the
47 30 purposes and provisions of this chapter.
47 31 ~~6.~~ f. To make available on such terms as it shall
47 32 prescribe, to landowners or occupiers within the district,
47 33 agricultural and engineering machinery and equipment,
47 34 fertilizer, lime, and such other material or equipment as will
47 35 assist such landowners or occupiers to carry on operations
48 1 upon their lands for the conservation of soil resources and
48 2 for the prevention and control of soil erosion and for the
48 3 prevention of erosion, floodwater, and sediment damages.
48 4 ~~7.~~ g. To construct, improve, and maintain such structures
48 5 as may be necessary or convenient for the performance of any
48 6 of the operations authorized in this chapter. Any approval or
48 7 permits from the council required under other provisions of
48 8 law shall be obtained by the district prior to initiation of
48 9 any construction activity.
48 10 ~~8.~~ h. To develop comprehensive plans for the conservation
48 11 of soil resources and for the control and prevention of soil
48 12 erosion and for the prevention of erosion, floodwater, and
48 13 sediment damages within the district, which plans shall
48 14 specify in such detail as may be possible, the acts,
48 15 procedures, performances, and avoidances which are necessary
48 16 or desirable for the effectuation of such plans, including the
48 17 specification of engineering operations, methods of
48 18 cultivation, the growing of vegetation, cropping programs,
48 19 tillage practices, and changes in use of land; and to publish
48 20 such plans and information and bring them to the attention of
48 21 owners and occupiers of lands within the district.
48 22 ~~9.~~ i. To sue and be sued in the name of the district; to
48 23 have a seal, which seal shall be judicially noticed; to have
48 24 perpetual succession unless terminated as hereinafter
48 25 provided; to make and execute contracts and other instruments,
48 26 necessary or convenient to the exercise of its powers; to
48 27 make, and from time to time amend and repeal, rules not
48 28 inconsistent with this chapter, to carry into effect its

48 29 purposes and powers.
48 30 ~~10.~~ j. To accept donations, gifts, and contributions in
48 31 money, services, materials, or otherwise, from the United
48 32 States or any of its agencies, or from this state or any of
48 33 its agencies, and to use or expend such moneys, services,
48 34 materials, or other contributions in carrying on its
48 35 operations.
49 1 ~~11. As a condition to the extending of any benefits under~~
~~49 2 this chapter to, or the performance of work upon, any lands~~
~~49 3 not owned or controlled by this state or any of its agencies,~~
~~49 4 the commissioners may require contributions in money,~~
~~49 5 services, materials, or otherwise to any operations conferring~~
~~49 6 such benefits, and may require landowners or occupiers to~~
~~49 7 enter into and perform such agreements or covenants as to the~~
~~49 8 permanent use of such lands as will tend to prevent or control~~
~~49 9 erosion thereon.~~
49 10 ~~12. No provisions with respect to the acquisition,~~
~~49 11 operation, or disposition of property by other public bodies~~
~~49 12 shall be applicable to a district organized hereunder unless~~
~~49 13 the legislature shall specifically so state.~~
49 14 ~~13. After the formation of any district under the~~
~~49 15 provisions of this chapter, all participation hereunder shall~~
~~49 16 be purely voluntary, except as specifically stated herein.~~
49 17 ~~14.~~ k. Subject to the approval of the state soil
49 18 conservation committee, to change the name of the soil and
49 19 water conservation district.
49 20 ~~15.~~ l. To provide for the restoration of permanent soil
49 21 and water conservation practices which are damaged or
49 22 destroyed because of a disaster emergency as provided in
49 23 section 161A.75.
49 24 ~~16. The commissioners shall, as a condition for the~~
~~49 25 receipt of any state cost=sharing funds for permanent soil~~
~~49 26 conservation practices, require the owner of the land on which~~
~~49 27 the practices are to be established to covenant and file, in~~
~~49 28 the office of the soil and water conservation district of the~~
~~49 29 county in which the land is located, an agreement identifying~~
~~49 30 the particular lands upon which the practices for which state~~
~~49 31 cost=sharing funds are to be received will be established, and~~
~~49 32 providing that the project will not be removed, altered, or~~
~~49 33 modified so as to lessen its effectiveness without the consent~~
~~49 34 of the commissioners, obtained in advance and based on~~
~~49 35 guidelines drawn up by the state soil conservation committee,~~
~~50 1 for a period of twenty years after the date of receiving~~
~~50 2 payment. The commissioners shall assist the division in the~~
~~50 3 enforcement of this subsection. The agreement does not create~~
~~50 4 a lien on the land, but is a charge personally against the~~
~~50 5 owner of the land at the time of removal, alteration, or~~
~~50 6 modification if an administrative order is made under section~~
~~50 7 161A.61, subsection 3.~~
50 8 ~~17.~~ m. To encourage local school districts to provide
50 9 instruction in the importance of and in some of the basic
50 10 methods of soil conservation, as a part of course work
50 11 relating to conservation of natural resources and
50 12 environmental awareness required in rules adopted by the state
50 13 board of education pursuant to section 256.11, subsections 3
50 14 and 4, and to offer technical assistance to schools in
50 15 developing such instructional programs.
50 16 ~~18.~~ n. To develop a soil and water resource conservation
50 17 plan for the district.
50 18 ~~a.~~ (1) The district plan shall contain a comprehensive
50 19 long=range assessment of soil and surface water resources in
50 20 the district consistent with rules approved by the committee
50 21 under section 161A.4. In developing the plan the district may
50 22 receive technical support from the United States department of
50 23 agriculture natural resources conservation service and the
50 24 county board of supervisors in the county where the district
50 25 is located. The division and the Iowa cooperative extension
50 26 service in agriculture and home economics may provide
50 27 technical support to the district. The support may include~~,~~
50 28 but is not limited to~~,~~ the following: ~~assessing~~
50 29 (a) Assessing the condition of soil and surface water in
50 30 the district, including an evaluation of the type, amount, and
50 31 quality of soil and water, the threat of soil erosion and
50 32 erosion, floodwater, and sediment damages, and necessary
50 33 preventative and control measures~~; developing.~~
50 34 (b) Developing methods to maintain or improve soil and
50 35 water condition~~; and cooperating.~~
51 1 (c) Cooperating with other state and federal agencies to
51 2 carry out this support.
51 3 ~~b.~~ (2) The title page of the district plan and a
51 4 notification stating where the plan may be reviewed shall be

recorded with the recorder in the county in which the district is located, and updated as necessary, after the committee approves and the administrator of the division signs the district plan. The commissioners shall provide notice of the recording and may provide a copy of the approved district plan to the county board of supervisors in the county where the district is located. The district plan shall be filed with the division as part of the state soil and water resource conservation plan provided in section 161A.4.

~~19.~~ o. To enter into agreements pursuant to chapter 161C with the owner or occupier of land within the district or cooperating districts, or any other private entity or public agency, in carrying out water protection practices, including district and multidistrict projects to protect this state's groundwater and surface water from point and nonpoint sources of contamination, including but not limited to agricultural drainage wells, sinkholes, sedimentation, and chemical pollutants.

2. As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the commissioners may require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may require landowners or occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

3. The commissioners shall, as a condition for the receipt of any state cost=sharing funds for permanent soil conservation practices, require the owner of the land on which the practices are to be established to covenant and file, in the office of the soil and water conservation district of the county in which the land is located, an agreement identifying the particular lands upon which the practices for which state cost=sharing funds are to be received will be established, and providing that the project will not be removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on guidelines drawn up by the state soil conservation committee, for a period of twenty years after the date of receiving payment. The commissioners shall assist the division in the enforcement of this subsection. The agreement does not create a lien on the land, but is a charge personally against the owner of the land at the time of removal, alteration, or modification if an administrative order is made under section 161A.61, subsection 3.

4. No provisions with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the general assembly shall specifically so state.

5. After the formation of any district under the provisions of this chapter, all participation hereunder shall be purely voluntary, except as specifically stated herein.

Sec. 61. Section 161A.61, subsection 3, Code 2009, is amended to read as follows:

3. The commissioners may also cause an inspection of land within the district on which they have reasonable grounds to believe that a permanent soil and water conservation practice established with public cost=sharing funds is not being properly maintained or is being altered in violation of section 161A.7, subsection ~~16~~ 3. If the commissioners find that the practices are not being maintained or have been altered in violation of section 161A.7, subsection ~~16~~ 3, the commissioners shall issue an administrative order to the landowner who made the unauthorized removal, alteration or modification to maintain, repair, or reconstruct the permanent soil and water conservation practices. The requirement for maintenance and repair is for the length of life as defined in section 161A.7, subsection ~~16~~ 3. Public cost=sharing funds are not available for the work under this order. If the landowner fails to comply with the administrative order, the commissioners may petition the district court for an order compelling compliance with the order. Upon receiving satisfactory proof, the court shall issue an order directing compliance with the administrative order and may modify the administrative order. The provisions of section 161A.50 relating to notice, appeals and contempt of court shall apply to proceedings under this subsection.

Sec. 62. Section 161C.4, Code 2009, is amended to read as follows:

161C.4 WATER PROTECTION FUND.

1. A water protection fund is created within the division. The fund is composed of money appropriated by the general assembly for that purpose, and moneys available to and obtained or accepted by the state soil conservation committee from the United States or private sources for placement in the fund. The fund shall be a revolving fund from which moneys may be used for loans, grants, administrative costs, and cost=sharing.

2. The fund shall be divided into two accounts, the water quality protection projects account and the water protection practices account. The first account shall be used to carry out water quality protection projects to protect the state's surface and groundwater from point and nonpoint sources of contamination. The second account shall be used to establish water protection practices with individual landowners including but not limited to woodland establishment and protection, establishment of native grasses and forbs, sinkhole management, agricultural drainage well management, streambank stabilization, grass waterway establishment, stream buffer strip establishment, and erosion control structure construction. Twenty=five percent of funds appropriated to the water protection practices account shall be used for woodland establishment and protection, and establishment of native grasses and forbs. Soil and water conservation district commissioners shall give priority to applications for practices that implement their soil and water resource conservation plan. ~~The fund shall be a revolving fund from which moneys may be used for loans, grants, administrative costs, and cost=sharing.~~

3. In administering the fund the division may:

~~1.~~ a. Contract, sue and be sued, and adopt rules necessary to carry out the provisions of this section, but the division or committee shall not in any manner directly or indirectly pledge the credit of this state.

~~2.~~ b. Authorize payment from the water protection fund and from fees for costs, commissions, and other reasonable expenses.

Sec. 63. Section 169.8, Code 2009, is amended to read as follows:

169.8 QUALIFICATIONS.

1. a. Any person desiring a license to practice veterinary medicine in this state shall make written application to the board on a form approved by the board. The application shall show that the applicant is a graduate of an accredited or approved college of veterinary medicine or the holder of an ECFVG certificate. The application shall also show such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board.

b. If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for license without examination under section 169.10, the board may grant a license to the applicant.

c. If an applicant is found not qualified to take the examination or for a license without examination, the secretary of the board shall immediately notify the applicant in writing of such finding and the grounds therefor. An applicant found unqualified may request a hearing on the question of the applicant's qualification under the procedure set forth in section 169.14. Any applicant who is found not qualified shall be allowed the return of the application fee.

d. Based upon an applicant's education, experience, and training, the board may grant a limited license to an applicant to perform a restricted range of activities within the practice of veterinary medicine, as specified by the board.

~~Every individual licensed under this chapter shall keep the license displayed in the place at which an office is maintained.~~

2. a. The name, location, number of years of practice of the person to whom a license is issued, the number of the certificate, and the date of registration thereof shall be entered in a book kept in the office of the department of agriculture and land stewardship, to be known as the "registry book", and the same shall be open to public inspection.

b. When any person licensed to practice under this chapter changes residence, the board shall be notified within thirty days and such change shall be noted in the registry book.

3. Every individual licensed under this chapter shall keep the license displayed in the place at which an office is

maintained.

Sec. 64. Section 169.13, Code 2009, is amended to read as follows:

169.13 DISCIPLINE OF LICENSEES.

1. The board of veterinary medicine, after due notice and hearing, may revoke or suspend a license to practice veterinary medicine if it determines that a veterinarian licensed to practice veterinary medicine is guilty of any of the following acts or offenses:

~~1.~~ a. Knowingly making misleading, deceptive, untrue, or fraudulent representation in the practice of the profession.

~~2.~~ b. Being convicted of a felony in the courts of this state or another state, territory, or country. Conviction as used in this paragraph includes a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding in which a finding or verdict of guilt is made or returned, but the adjudication or guilt is either withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state is conclusive evidence.

~~3.~~ c. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of veterinary medicine.

~~4.~~ d. Having the person's license to practice veterinary medicine revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

~~5.~~ e. Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice veterinary medicine.

~~6.~~ f. Being adjudged mentally incompetent by a court of competent jurisdiction. The adjudication shall automatically suspend a license for the duration of the license unless the board orders otherwise.

~~7.~~ g. Being guilty of a willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of veterinary medicine as defined in rules adopted by the board, in which proceeding actual injury to an animal need not be established; or the committing by a veterinarian of an act contrary to honesty, justice, or good morals, whether the act is committed in the course of the practice or otherwise, and whether committed within or without this state.

~~8.~~ h. Inability to practice veterinary medicine with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition. ~~The board, upon probable cause, may compel a veterinarian to submit to a mental or physical examination by designated physicians. Failure of a veterinarian to submit to an examination constitutes an admission to the allegations made against that veterinarian and the finding of fact and decision of the board may be entered without the taking of testimony or presentation of evidence. At reasonable intervals, a veterinarian shall be afforded an opportunity to demonstrate that the veterinarian can resume the competent practice of veterinary medicine with reasonable skill and safety to animals.~~

~~A person licensed to practice veterinary medicine who makes application for the renewal of the person's license as required by section 169.12 gives consent to submit to a mental or physical examination as provided by this paragraph when directed in writing by the board. All objections shall be waived as to the admissibility of the examining physician's testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a veterinarian in another proceeding and are confidential except for other actions filed against a veterinarian to revoke or suspend that person's license.~~

~~9.~~ i. Willful or repeated violation of lawful rules adopted by the board or violation of a lawful order of the board, previously entered by the board in a disciplinary hearing.

2. a. The board, upon probable cause, may compel a veterinarian to submit to a mental or physical examination by designated physicians. Failure of a veterinarian to submit to an examination constitutes an admission to the allegations

58 3 made against that veterinarian and the finding of fact and
58 4 decision of the board may be entered without the taking of
58 5 testimony or presentation of evidence. At reasonable
58 6 intervals, a veterinarian shall be afforded an opportunity to
58 7 demonstrate that the veterinarian can resume the competent
58 8 practice of veterinary medicine with reasonable skill and
58 9 safety to animals.
58 10 b. A person licensed to practice veterinary medicine who
58 11 makes application for the renewal of the person's license as
58 12 required by section 169.12 gives consent to submit to a mental
58 13 or physical examination as provided by this paragraph when
58 14 directed in writing by the board. All objections shall be
58 15 waived as to the admissibility of the examining physician's
58 16 testimony or examination reports on the grounds that they
58 17 constitute privileged communication. The medical testimony or
58 18 examination reports shall not be used against a veterinarian
58 19 in another proceeding and are confidential except for other
58 20 actions filed against a veterinarian to revoke or suspend that
58 21 person's license.
58 22 Sec. 65. Section 172A.4, Code 2009, is amended to read as
58 23 follows:
58 24 172A.4 PROOF OF FINANCIAL RESPONSIBILITY REQUIRED.
58 25 1. ~~No~~ A license shall not be issued by the secretary to a
58 26 dealer or broker until the applicant has furnished proof of
58 27 financial responsibility as provided in this section. The
58 28 proof may be in the following forms:
58 29 ~~1.~~ a. (1) A bond of a surety company authorized to do
58 30 business in the state of Iowa in the form prescribed by and to
58 31 the satisfaction of the secretary, conditioned for the payment
58 32 of a judgment against the applicant furnishing the bond
58 33 because of nonpayment of obligations in connection with the
58 34 purchase of animals.
58 35 ~~a.~~ (a) The amount of bond for an established dealer or
59 1 broker who does not maintain a business location in this state
59 2 shall be not less than the nearest multiple of five thousand
59 3 dollars above twice the average daily value of purchases of
59 4 livestock originating in this state, handled by such applicant
59 5 during the preceding twelve months or such parts thereof as
59 6 the applicant was purchasing livestock. The bond of a person
59 7 who does not maintain a business location in this state shall
59 8 be conditioned for the payment only of those claims which
59 9 arise from purchases of livestock originating in this state.
59 10 ~~b.~~ (b) The amount of bond for an established dealer or
59 11 broker who maintains one or more business locations in this
59 12 state shall be not less than the nearest multiple of five
59 13 thousand dollars above twice the average daily value of
59 14 purchases of livestock originating in this state handled by
59 15 the applicant during the preceding twelve months or such parts
59 16 thereof as the applicant was purchasing livestock. The bond
59 17 of a person who maintains one or more business locations in
59 18 this state shall be conditioned for the payment only of those
59 19 claims which arise from purchases of livestock originating in
59 20 this state.
59 21 ~~c.~~ (c) If a new dealer or broker not previously covered
59 22 by this chapter applies for a license, the amount of bond
59 23 shall be based on twice the estimated average daily value of
59 24 purchases of livestock originating in this state.
59 25 ~~d.~~ (d) For the purpose of computing average daily value,
59 26 two hundred sixty is deemed the number of business days in a
59 27 year.
59 28 ~~e.~~ (e) Whenever a dealer or broker's weekly purchases
59 29 exceed one hundred fifty percent of the dealer's or broker's
59 30 average weekly volume, the department shall require additional
59 31 bond in an amount determined by the department.
59 32 ~~f.~~ (2) The licensee and surety of the bond shall be held
59 33 and firmly bound unto the secretary as trustee for all persons
59 34 who may be damaged because of nonpayment of obligations in
59 35 connection with the purchase of animals originating in this
60 1 state. Any person damaged because of such nonpayment may
60 2 maintain suit in the person's own behalf to recover on the
60 3 bond, even though not named as a party to the bond.
60 4 ~~g.~~ (3) For purposes of ~~subsection 1~~ this paragraph "a",
60 5 "purchases of livestock originating in this state" shall not
60 6 include purchases by dealers or brokers from their
60 7 subsidiaries.
60 8 ~~2.~~ b. A bond equivalent may be filed in lieu of a bond.
60 9 The bond equivalent shall be in the form of a trust agreement
60 10 and the fund of the trust shall be in the form of fully
60 11 negotiable obligations of the United States or certificates of
60 12 deposit insured by the Federal Deposit Insurance Corporation
60 13 or the Federal Savings and Loan Insurance Corporation.

(1) The trust agreement shall be in the form prescribed by the secretary and executed to the satisfaction of the secretary. The trustee of the trust agreement shall be an institution located in this state in which the funds are invested or deposited.

(2) The trust agreement shall provide as beneficiary, the secretary for the benefit of those persons damaged because of nonpayment of obligations in connection with the purchase of animals originating in this state. The fund in trust shall be an amount calculated in the exact manner as provided in ~~subsection 1~~ paragraph "a". The fund in trust shall not be subject to attachment for any other claim, or to levy of execution upon a judgment based on any other claim.

~~3. Any person damaged by nonpayment of obligations or by any misrepresentation or fraud on the part of a broker or dealer may maintain an action against the broker or dealer, and the sureties on the bonds or the trustee of a trust fund. The aggregate liability of the sureties or the trust for all such damage shall not exceed the amount of the bond or trust. In the event that the aggregate claims exceed the total amount of the bond or trust, the amount payable on account of any claim shall be in the same proportion to the amount of the bond or trust as the individual claim bears to the aggregate claims.~~

~~Unless the person damaged files claim with the dealer or broker, and with the sureties or trustee, and with the department within ninety days after the date of the transaction on which the claim is based, the claimant shall be barred from maintaining an action on the bond or trust and from receiving any proceeds from the bond or trust.~~

~~4. Whenever the secretary determines that the business volume of the applicant or licensee is such as to render the bond or trust inadequate, the amount of the bond or trust shall be, upon notice, adjusted.~~

~~5. All bonds and trust agreements shall contain a provision requiring that at least thirty days' prior notice in writing be given to the secretary by the party terminating the bond or trust agreement as a condition precedent to termination.~~

~~Whenever a bond or a trust agreement is to be terminated by a cancellation by the surety or trustee, the secretary shall cause to be published notices of the proposed cancellation not less than ten days prior to the date the cancellation is effective. The notices shall be published as follows:~~

~~a. In the Iowa administrative code.~~

~~b. In a newspaper of general circulation in the county in which the licensee maintains a business location, or if the licensee maintains no business location in this state, then in the county where the licensee transacts a substantial part of the licensee's business.~~

~~c. By general news release to all news media. Failure by the secretary to cause the publication of notice as required by this paragraph shall not be deemed to prevent or delay the cancellation.~~

~~The termination of a bond or a trust agreement shall not release the parties from any liability arising out of the facts or transactions occurring prior to the termination date.~~

~~Trust funds shall not be withdrawn from trust by a licensee until the expiration of ninety days after the date of termination of the trust, and then only if no claims secured by the agreement have been filed with the secretary. If any claims have been filed with the secretary, the withdrawal of funds by the licensee shall not be permitted until the claims have been satisfied or released and evidence of the satisfaction or release filed with the secretary.~~

~~6.~~ c. A person who is not a resident of this state and who either maintains no business location in this state or maintains one or more business locations in this state, and a person who is a resident of this state and who maintains more than one business location in this state, may submit a consolidated proof of financial responsibility. The consolidated proof of financial responsibility shall consist of a bond or a trust agreement meeting all of the requirements of this section, except that the calculation of the amount of the bond or the amount of the trust fund shall be based on the average daily value of all purchases of livestock originating in this state. A person who submits consolidated proof of financial responsibility shall maintain separate records for each business location, and shall maintain such other records respecting purchases of livestock as the secretary by rule shall prescribe.

2. a. Any person damaged by nonpayment of obligations or by any misrepresentation or fraud on the part of a broker or dealer may maintain an action against the broker or dealer, and the sureties on the bonds or the trustee of a trust fund. The aggregate liability of the sureties or the trust for all such damage shall not exceed the amount of the bond or trust. In the event that the aggregate claims exceed the total amount of the bond or trust, the amount payable on account of any claim shall be in the same proportion to the amount of the bond or trust as the individual claim bears to the aggregate claims.

b. Unless the person damaged files claim with the dealer or broker, and with the sureties or trustee, and with the department within ninety days after the date of the transaction on which the claim is based, the claimant shall be barred from maintaining an action on the bond or trust and from receiving any proceeds from the bond or trust.

3. Whenever the secretary determines that the business volume of the applicant or licensee is such as to render the bond or trust inadequate, the amount of the bond or trust shall be, upon notice, adjusted.

4. All bonds and trust agreements shall contain a provision requiring that at least thirty days' prior notice in writing be given to the secretary by the party terminating the bond or trust agreement as a condition precedent to termination.

5. a. Whenever a bond or a trust agreement is to be terminated by a cancellation by the surety or trustee, the secretary shall cause to be published notices of the proposed cancellation not less than ten days prior to the date the cancellation is effective. The notices shall be published as follows:

(1) In the Iowa administrative code.

(2) In a newspaper of general circulation in the county in which the licensee maintains a business location, or if the licensee maintains no business location in this state, then in the county where the licensee transacts a substantial part of the licensee's business.

(3) By general news release to all news media. Failure by the secretary to cause the publication of notice as required by this subparagraph shall not be deemed to prevent or delay the cancellation.

b. The termination of a bond or a trust agreement shall not release the parties from any liability arising out of the facts or transactions occurring prior to the termination date.

c. Trust funds shall not be withdrawn from trust by a licensee until the expiration of ninety days after the date of termination of the trust, and then only if no claims secured by the agreement have been filed with the secretary. If any claims have been filed with the secretary, the withdrawal of funds by the licensee shall not be permitted until the claims have been satisfied or released and evidence of the satisfaction or release filed with the secretary.

Sec. 66. Section 175.28, Code 2009, is amended to read as follows:

175.28 TRUST ASSETS.

The authority shall make application to and receive from the secretary of agriculture of the United States, or any other proper federal official, pursuant and subject to the provisions of Pub. L. No. ~~499~~ 81=499, 64 Stat. 152 (1950), ~~(formerly~~ formerly codified at 40 U.S.C. } 440 et seq. ~~(1976))~~ (1976), all of the trust assets held by the United States in trust for the Iowa rural rehabilitation corporation now dissolved.

Sec. 67. Section 175.29, Code 2009, is amended to read as follows:

175.29 AGREEMENTS.

The authority may enter into agreements with the secretary of agriculture of the United States pursuant to Pub. L. No. ~~499 s.~~ 81=499 } 2(f) (1950) upon terms and conditions and for periods of time as mutually agreeable, authorizing the authority to accept, administer, expend and use in the state of Iowa all or any part of the trust assets or other funds in the state of Iowa which have been appropriated for use in carrying out the purposes of the Bankhead=Jones Farm Tenant Act and to do any and all things necessary to effectuate and carry out the purposes of said agreements.

Sec. 68. Section 175.30, Code 2009, is amended to read as follows:

175.30 USE OF ASSETS == INSURED OR GUARANTEED LOANS TO BEGINNING OR DISPLACED FARMERS.

1. As used in this section:
a. "Beginning farmer" includes an individual or partnership with a low or moderate net worth that became engaged in farming on or after January 1, 1982.
b. "Displaced farmer" means a person who discontinued farming on or after January 1, 1982, due to foreclosure or voluntary liquidation for financial reasons, and who was actively engaged in farming for at least one year prior to discontinuing farming.
2. The trust assets received under the application made pursuant to section 175.28 other than cash shall be taken on proper transfer or assignment from the department of human services to the authority and administered as provided in this chapter. These funds may be used for any of the purposes of this chapter, including but not limited to costs of administration and insuring or guaranteeing payment of all or a portion of loans made pursuant to this chapter.
3. a. Beginning August 11, 1983, the authority shall establish an insurance or guarantee loan program with those funds received pursuant to section 175.28 to the extent those funds were not committed under a program authorized by this chapter on August 11, 1983. This program shall provide for the insuring or guaranteeing of seventy=five percent of the amount of an agricultural loan, not in excess of twenty=five thousand dollars, made to a beginning or displaced farmer to provide operating moneys for farming purposes in this state.
b. The authority shall insure or guarantee only one such loan for each beginning or displaced farmer. The authority shall insure or guarantee a loan for only one year but with the option to extend the insurance or guarantee once for an additional year. The authority shall not insure or guarantee a loan where the ratio of the beginning or displaced farmer's liabilities, excluding the amount of the loan, to assets is greater than three to one.
c. Provision shall be made in the insuring or guaranteeing of a loan that only those funds set aside for this program as provided in this ~~paragraph~~ subsection shall be used for the payment of all or a portion of the loan insured or guaranteed. Provision shall also be made that the authority shall pay under its insurance or guarantee seventy=five percent of the actual amount of the default.
d. A mortgage lender which seeks to have a loan of the lender insured or guaranteed under this program shall apply to the authority for the insurance or guarantee pursuant to rules established by the authority for this purpose. This program shall not obligate the state, authority, or other agency except to the extent provided in this ~~paragraph~~ subsection.
e. The authority shall define by rule what constitutes a loan made to provide operating moneys which definition shall not include a loan made for acquisition of agricultural land or agricultural improvements, or the refinancing of an existing loan even if made for operating purposes. ~~As used in this section, "displaced farmer" means a person who discontinued farming on or after January 1, 1982 due to foreclosure or voluntary liquidation for financial reasons, and who was actively engaged in farming for at least one year prior to discontinuing farming. For the purposes of this section, "beginning farmer" includes an individual or partnership with a low or moderate net worth that became engaged in farming on or after January 1, 1982.~~
Sec. 69. Section 176A.3, Code 2009, is amended to read as follows:
176A.3 DEFINITION OF TERMS.
Whenever used or referred to in this chapter, unless a different meaning clearly appears from the context ~~(1) "county:~~
1. "County agricultural extension council" hereinafter referred to as "extension council" means the agency created and constituted as provided in section 176A.5.
2. "County agricultural extension district" hereinafter referred to as "extension district" means a governmental subdivision of this state, and a public body corporate organized in accordance with the provisions of this chapter for the purposes, with the powers, and subject to the restrictions ~~hereinafter~~ set forth~~; (2) "county agricultural extension council" hereinafter referred to as "extension council" means the agency created and constituted as provided in section 176A.5; (3)~~ in this chapter.
3. "Director of extension" means the "director of Iowa state university of science and technology extension service", and shall hereinafter be referred to as "director of

67 12 extension".
67 13 4. "Extension service" means the "cooperative extension
67 14 service in agriculture and home economics of Iowa state
67 15 university", and shall hereinafter be referred to as
67 16 "extension service".
67 17 5. "Iowa state university" means the "Iowa state
67 18 university of science and technology", and shall hereinafter
67 19 be referred to as "Iowa state university"~~; (4) "extension~~
~~67 20 service" means the "co=operative extension service in~~
~~67 21 agriculture and home economics of Iowa state university", and~~
~~67 22 shall hereinafter be referred to as "extension service"; (5)~~
~~67 23 "director of extension" means the "director of Iowa state~~
~~67 24 university of science and technology extension service", and~~
~~67 25 shall hereinafter be referred to as "director of extension"~~.
67 26 Sec. 70. Section 176A.8, subsection 3, Code 2009, is
67 27 amended to read as follows:
67 28 3. a. To and shall, at least ninety days prior to the
67 29 date fixed for the election of council members, appoint a
67 30 nominating committee consisting of four persons who are not
67 31 council members and designate the chairperson. The membership
67 32 of the nominating committee shall be gender balanced. The
67 33 nominating committee shall consider the geographic
67 34 distribution of potential nominees in nominating one or more
67 35 resident registered voters of the extension district as
68 1 candidates for election to each office to be filled at the
68 2 election. To qualify for the election ballot, each nominee
68 3 shall file a nominating petition signed by at least
68 4 twenty=five eligible electors of the district with the county
68 5 commissioner of elections at least sixty=nine days before the
68 6 date of election.
68 7 b. ~~The council~~ To and shall also provide for the
68 8 nomination by petition of candidates for election to
68 9 membership on the extension council. A nominating petition
68 10 shall be signed by at least twenty=five eligible electors of
68 11 the extension district and shall be filed with the county
68 12 commissioner of elections at least sixty=nine days before the
68 13 date of the election.
68 14 Sec. 71. Section 177.2, subsection 4, Code 2009, is
68 15 amended to read as follows:
68 16 4. Conduct, in cooperation with Iowa state university
68 17 college of agriculture and life sciences, testing and
68 18 ~~disseminating~~ disseminate information regarding the adaptation
68 19 and performance of crop cultivars.
68 20 Sec. 72. Section 177.3, subsection 2, paragraph b,
68 21 unnumbered paragraph 1, Code 2009, is amended to read as
68 22 follows:
68 23 The following persons representing the college of
68 24 agriculture and life sciences at Iowa state university:
68 25 Sec. 73. Section 177A.6, Code 2009, is amended to read as
68 26 follows:
68 27 177A.6 RULES.
68 28 1. The state entomologist shall, from time to time, ~~make~~
68 29 adopt rules for carrying out the provisions and requirements
68 30 of this chapter, including rules under which the inspectors
68 31 and other employees shall:
68 32 ~~1.~~ a. Inspect places, plants and plant products, and
68 33 things and substances used or connected therewith,
68 34 ~~2.~~ b. Investigate, control, eradicate and prevent the
68 35 dissemination of insect pests and diseases, and
69 1 ~~3.~~ c. Supervise or cause the treatment, cutting and
69 2 destruction of plants and plant products infested or infected
69 3 therewith.
69 4 2. The state entomologist, the entomologist's inspectors,
69 5 employees, or other authorized agents shall have authority to
69 6 enforce these rules which shall be published in the same
69 7 manner as are the other rules of the department.
69 8 3. ~~No~~ A nursery stock dealer shall not sell, offer for
69 9 sale, or distribute nursery products by any method, or under
69 10 any circumstances or condition, which ~~have~~ has the capacity
69 11 and tendency or effect of deceiving purchasers or prospective
69 12 customers as to quantity, size, grade, kind, species, age,
69 13 maturity, viability, condition, vigor, hardiness, number of
69 14 times transplanted, growth ability, growth characteristics,
69 15 rate of growth or time required before flowering or fruiting,
69 16 price, origin or place where grown, or in any other material
69 17 respect.
69 18 4. When under the provisions of this section it becomes
69 19 necessary for the state entomologist to verify sizes and
69 20 grades of nursery stock, or either of them, the entomologist
69 21 shall use as a guide the "American Standard for Nursery Stock"
69 22 as revised and approved by the American standards association,

69 23 inc.
69 24 Sec. 74. Section 186.1, Code 2009, is amended to read as
69 25 follows:
69 26 186.1 MEETINGS AND ORGANIZATION OF SOCIETY.
69 27 The Iowa state ~~horticultural~~ horticulture society shall
69 28 hold meetings each year, at times as it may fix, for the
69 29 transaction of business. The officers and board of directors
69 30 of the society shall be chosen as provided for in the
69 31 constitution of the society, for the period and in the manner
69 32 prescribed therein, but the secretary of agriculture or the
69 33 secretary's designee shall be a member of the board of
69 34 directors and of the executive committee. Any vacancy in the
69 35 offices filled by the society may be filled by the executive
70 1 committee for the unexpired portion of the term.
70 2 Sec. 75. Section 186.5, Code 2009, is amended to read as
70 3 follows:
70 4 186.5 APPROPRIATIONS.
70 5 All money appropriated by the state for the use of the Iowa
70 6 state ~~horticultural~~ horticulture society shall be paid on the
70 7 warrant of the director of the department of administrative
70 8 services, upon the order of the president and secretary of
70 9 said society, in such sums and at such times as may be for the
70 10 interests of said society. All expenditures from state funds
70 11 for the use of the Iowa state ~~horticultural~~ horticulture
70 12 society are to be approved by the secretary of agriculture.
70 13 Sec. 76. Section 190A.3, subsection 1, Code 2009, is
70 14 amended to read as follows:
70 15 1. The farm=to=school program ~~seeks~~ shall seek to link
70 16 elementary and secondary public and nonpublic schools in this
70 17 state with Iowa farms to provide schools with fresh and
70 18 minimally processed food for inclusion in school meals and
70 19 snacks, encourage children to develop healthy eating habits,
70 20 and provide Iowa farmers access to consumer markets.
70 21 Sec. 77. Section 190C.5, subsection 1, Code 2009, is
70 22 amended to read as follows:
70 23 1. ~~a.~~ The department acting as a state certifying agent
70 24 shall establish a schedule of fees by rule. ~~The fees shall be~~
~~70 25 charged to persons who are certified under this chapter,~~
~~70 26 including production operations and handling operations, in a~~
~~70 27 manner that is consistent with the national organic program.~~
70 28 a. The department shall establish the rate of fees based
70 29 on an estimate of the amount of revenues from the fees
70 30 required by the department to administer and enforce this
70 31 chapter.
70 32 b. The department shall annually review the estimate and
70 33 may change the rate of fees. The fees must be adjusted in
70 34 order to comply with this subsection.
70 35 c. The fees shall be charged to persons who are certified
71 1 under this chapter, including production operations and
71 2 handling operations, in a manner that is consistent with the
71 3 national organic program.
71 4 Sec. 78. Section 198.4, Code 2009, is amended to read as
71 5 follows:
71 6 198.4 LICENSES.
71 7 1. This section shall apply to any person:
71 8 a. Who manufactures a commercial feed within the state.
71 9 b. Who distributes a commercial feed in or into the state.
71 10 c. Whose name appears on the label of a commercial feed as
71 11 guarantor.
71 12 2. ~~The~~ A person shall obtain a license, for each facility
71 13 which distributes in or into the state, authorizing the person
71 14 to manufacture or distribute commercial feed before the person
71 15 engages in such activity. Any person who makes only retail
71 16 sales of commercial feed which bears labeling or other
71 17 approved indication that the commercial feed is from a
71 18 licensed manufacturer, guarantor, or distributor who has
71 19 assumed full responsibility for the tonnage inspection fee due
71 20 under section 198.9 is not required to obtain a license.
71 21 3. A broker shall not distribute a commercial feed in this
71 22 state without first obtaining a license from the secretary
71 23 issued on forms provided by the secretary. The forms must
71 24 identify the broker's name and place of business.
71 25 ~~2.~~ 4. A person obtaining a license under this section
71 26 shall pay to the secretary a license fee of ten dollars. Fees
71 27 relating to the issuance of licenses shall be paid by July 1
71 28 of each year.
71 29 Sec. 79. Section 202B.201, subsection 1, paragraph b,
71 30 subparagraph (1), Code 2009, is amended to read as follows:
71 31 (1) (a) (i) Directly or indirectly own, control, or
71 32 operate a swine operation in this state.
71 33 ~~(b)~~ (ii) Finance a swine operation in this state or

71 34 finance a person who directly or indirectly contracts for the
71 35 care and feeding of swine in this state.
72 1 ~~For purposes of subparagraph subdivision (a) and this~~
~~72 2 subparagraph subdivision, all of the following apply:~~
72 3 ~~(i) "Finance" means an action by a processor to directly~~
~~72 4 or indirectly loan money or to guarantee or otherwise act as a~~
~~72 5 surety.~~
72 6 ~~(ii) "Finance" or "control" does not include executing a~~
~~72 7 contract for the purchase of swine by a processor, including~~
~~72 8 but not limited to a contract that contains an unsecured~~
~~72 9 ledger balance or other price risk sharing arrangement.~~
~~72 10 "Finance" also does not include providing an unsecured open~~
~~72 11 account or an unsecured loan, if the unsecured open account or~~
~~72 12 unsecured loan is used for the purchase of feed for the swine~~
~~72 13 and the outstanding amount due by the debtor does not exceed~~
~~72 14 five hundred thousand dollars. However, the outstanding~~
~~72 15 amount due to support a single swine operation shall not~~
~~72 16 exceed two hundred fifty thousand dollars.~~
72 17 ~~(c)~~ (iii) Obtain a benefit of production associated with
72 18 feeding or otherwise maintaining swine, by directly or
72 19 indirectly assuming a morbidity or mortality production risk,
72 20 if the swine are fed or otherwise maintained as part of a
72 21 swine operation in this state or by a person who contracts for
72 22 the care and feeding of swine in this state.
72 23 ~~(d)~~ (iv) Directly or indirectly receive the net revenue
72 24 derived from a swine operation in this state or from a person
72 25 who contracts for the care and feeding of swine in this state.
72 26 (b) For purposes of subparagraph division (a),
72 27 subparagraph subdivisions (i) and (ii), both of the following
72 28 apply:
72 29 (i) "Finance" means an action by a processor to directly
72 30 or indirectly loan money or to guarantee or otherwise act as a
72 31 surety.
72 32 (ii) "Finance" or "control" does not include executing a
72 33 contract for the purchase of swine by a processor, including
72 34 but not limited to a contract that contains an unsecured
72 35 ledger balance or other price risk sharing arrangement.
73 1 "Finance" also does not include providing an unsecured open
73 2 account or an unsecured loan, if the unsecured open account or
73 3 unsecured loan is used for the purchase of feed for the swine
73 4 and the outstanding amount due by the debtor does not exceed
73 5 five hundred thousand dollars. However, the outstanding
73 6 amount due to support a single swine operation shall not
73 7 exceed two hundred fifty thousand dollars.
73 8 Sec. 80. Section 203.15, subsection 4, paragraph c, Code
73 9 2009, is amended to read as follows:
73 10 c. (1) A grain dealer must meet at least either of the
73 11 following conditions:
73 12 ~~(1)~~ (a) The grain dealer's last financial statement
73 13 required to be submitted to the department pursuant to section
73 14 203.3 is accompanied by an unqualified opinion based upon an
73 15 audit performed by a certified public accountant licensed in
73 16 this state.
73 17 ~~(2)~~ (b) The grain dealer files a bond with the department
73 18 in the amount of one hundred thousand dollars payable to the
73 19 department.
73 20 (2) (a) The bond filed with the department under this
73 21 paragraph shall be used to indemnify sellers for losses
73 22 resulting from a breach of a credit=sale contract as provided
73 23 by rules adopted by the department. The rules shall include,
73 24 but are not limited to, procedures and criteria for providing
73 25 notice, filing claims, valuing losses, and paying claims. The
73 26 bond provided in this paragraph shall be in addition to any
73 27 other bond required in this chapter.
73 28 (b) ~~A~~ The bond ~~filed with the department under this~~
~~73 29 paragraph~~ shall not be canceled by the issuer on less than
73 30 ninety days notice by certified mail to the department and the
73 31 principal. However, if an adequate replacement bond is filed
73 32 with the department, the department may authorize the
73 33 cancellation of the original bond before the end of the
73 34 ninety=day period.
73 35 (c) If an adequate replacement bond is not received by the
74 1 department within sixty days of the issuance of the notice of
74 2 cancellation, the department shall automatically suspend the
74 3 grain dealer's license. The department shall cause an
74 4 inspection of the licensed grain dealer immediately at the end
74 5 of the sixty=day period. If a replacement bond is not filed
74 6 within another thirty days following the suspension, the grain
74 7 dealer license shall be automatically revoked.
74 8 (3) When a license is revoked, the department shall
74 9 provide notice of the revocation by ordinary mail to the last

74 10 known address of each holder of an outstanding credit=sale
74 11 contract and all known sellers.
74 12 Sec. 81. Section 203D.1, subsection 4, Code 2009, is
74 13 amended to read as follows:
74 14 4. "First point of sale" means the initial transfer of
74 15 title to grain from a person who has produced the grain or
74 16 caused the grain to be produced ~~the grain~~ to the first
74 17 purchaser of the grain for consideration, conditional or
74 18 otherwise, in any manner or by any means.
74 19 Sec. 82. Section 203D.6, subsection 1, Code 2009, is
74 20 amended to read as follows:
74 21 1. PERSONS WHO MAY FILE CLAIMS == TIME OF FILING.
74 22 a. A depositor or seller may file a claim with the
74 23 department for indemnification of a loss from the grain
74 24 depositors and sellers indemnity fund. A claim shall be filed
74 25 in the manner prescribed by the board.
74 26 b. (1) A claim shall not be filed prior to the incurrence
74 27 date, which is the earlier of the following:
74 28 ~~a.~~ (a) The revocation, termination, or cancellation of
74 29 the license of the grain dealer or warehouse operator.
74 30 ~~b.~~ (b) The filing of a petition in bankruptcy by a
74 31 licensed grain dealer or licensed warehouse operator.
74 32 (2) To be timely, a claim shall be filed within one
74 33 hundred twenty days of the incurrence date.
74 34 Sec. 83. Section 206.5, subsections 2, 3, and 7, Code
74 35 2009, are amended to read as follows:
75 1 ~~2. The secretary shall adopt, by rule, requirements for~~
~~75 2 the examination, reexamination, and certification of~~
~~75 3 applicants.~~
75 4 ~~3.~~ 2. a. A commercial applicator shall choose between a
75 5 one=year certification for which the applicator shall pay a
75 6 thirty dollar fee or a three=year certification for which the
75 7 applicator shall pay a seventy=five dollar fee. A public
75 8 applicator shall choose between a one=year certification for
75 9 which the applicator shall pay a ten dollar fee or a
75 10 three=year certification for which the applicator shall pay a
75 11 fifteen dollar fee. A private applicator shall pay a fifteen
75 12 dollar fee for a three=year certification.
75 13 b. To be initially certified as a commercial, public, or
75 14 private applicator, a person must complete an educational
75 15 program which shall consist of an examination required to be
75 16 passed by the person. After initial certification the
75 17 commercial, public, or private applicator must renew the
75 18 certification by completing the educational program which
75 19 shall consist of either an examination or continuing
75 20 instructional courses. The commercial, public, or private
75 21 applicator must pass the examination each third year following
75 22 initial certification or may elect to attend two hours of
75 23 continuing instructional courses each year.
75 24 ~~The department shall adopt rules providing for the program~~
~~75 25 requirements which shall at least include the safe handling,~~
~~75 26 application, and storage of pesticides, the correct~~
~~75 27 calibration of equipment used for the application of~~
~~75 28 pesticides, and the effects of pesticides upon the~~
~~75 29 groundwater. The department shall adopt by rule criteria for~~
~~75 30 allowing a person required to be certified to complete either~~
~~75 31 a written or oral examination. The department shall~~
~~75 32 administer the instructional courses, by either teaching the~~
~~75 33 courses or selecting persons to teach the courses, according~~
~~75 34 to criteria as provided by rules adopted by the department.~~
~~75 35 The department shall, to the extent possible, select persons~~
~~76 1 to teach the courses in each county. The department is not~~
~~76 2 required to compensate persons selected to teach the courses.~~
~~76 3 In selecting persons, the department shall rely upon~~
~~76 4 organizations interested in the application of pesticides,~~
~~76 5 including associations representing pesticide applicators and~~
~~76 6 associations representing agricultural producers. The Iowa~~
~~76 7 cooperative extension service in agriculture and home~~
~~76 8 economics of Iowa state university of science and technology~~
~~76 9 shall cooperate with the department in administering the~~
~~76 10 instructional courses. The Iowa cooperative extension service~~
~~76 11 may teach courses, train persons selected to teach courses, or~~
~~76 12 distribute informational materials to persons teaching the~~
~~76 13 courses.~~
76 14 ~~c.~~ 3. A commercial, public, or private applicator is not
76 15 required to be certified to apply pesticides for a period of
76 16 twenty=one days from the date of initial employment if the
76 17 commercial, public, or private applicator is under the direct
76 18 supervision of a certified applicator. For the purposes of
76 19 this section, "under the direct supervision of" means that the
76 20 application of a pesticide is made by a competent person

76 21 acting under the instructions and control of a certified
76 22 applicator who is physically present, by being in sight or
76 23 hearing distance of the supervised person.
76 24 7. a. The secretary shall adopt, by rule, requirements
76 25 for the examination, reexamination, and certification of
76 26 applicants.
76 27 b. The department shall adopt rules providing for the
76 28 program requirements which shall at least include the safe
76 29 handling, application, and storage of pesticides, the correct
76 30 calibration of equipment used for the application of
76 31 pesticides, and the effects of pesticides upon the
76 32 groundwater.
76 33 (1) The department shall adopt by rule criteria for
76 34 allowing a person required to be certified to complete either
76 35 a written or oral examination.
77 1 (2) The department shall administer the instructional
77 2 courses, by either teaching the courses or selecting persons
77 3 to teach the courses, according to criteria as provided by
77 4 rules adopted by the department. The department shall, to the
77 5 extent possible, select persons to teach the courses in each
77 6 county. The department is not required to compensate persons
77 7 selected to teach the courses. In selecting persons, the
77 8 department shall rely upon organizations interested in the
77 9 application of pesticides, including associations representing
77 10 pesticide applicators and associations representing
77 11 agricultural producers.
77 12 (3) The Iowa cooperative extension service in agriculture
77 13 and home economics of Iowa state university of science and
77 14 technology shall cooperate with the department in
77 15 administering the instructional courses. The Iowa cooperative
77 16 extension service may teach courses, train persons selected to
77 17 teach courses, or distribute informational materials to
77 18 persons teaching the courses.
77 19 c. The secretary may adopt rules to provide for license
77 20 and certification adjustments, including fees, which may be
77 21 necessary to provide for an equitable transition for licenses
77 22 and certifications issued prior to January 1, 1989. The rules
77 23 shall also include a provision for renewal of certification
77 24 and for a thirty=day renewal grace period.
77 25 d. The secretary shall also adopt rules which allow for an
77 26 exemption from certification for a person who uses certain
77 27 services and is not solely a pesticide applicator, but who
77 28 uses the services as an incidental part of the person's
77 29 duties.
77 30 Sec. 84. Section 206.8, subsections 2 through 4, Code
77 31 2009, are amended to read as follows:
77 32 2. A pesticide dealer shall pay by June 30 of each year to
77 33 the department an annual license fee based on the gross retail
77 34 sales of all pesticides sold for use in this state by the
77 35 dealer in the previous year. The license fee shall be set as
78 1 follows:
78 2 a. (1) A pesticide dealer with less than one hundred
78 3 thousand dollars in gross retail pesticide sales shall have
78 4 the option to pay a license fee based on one=tenth of one
78 5 percent of the gross retail pesticide sales in the previous
78 6 year or to pay a license fee according to the following:
78 7 ~~(1)~~ (a) Twenty=five dollars, if the annual gross retail
78 8 pesticide sales are less than twenty=five thousand dollars.
78 9 ~~(2)~~ (b) Fifty dollars, if the annual gross retail
78 10 pesticide sales are twenty=five thousand dollars or more but
78 11 less than fifty thousand dollars.
78 12 ~~(3)~~ (c) Seventy=five dollars, if the annual gross retail
78 13 pesticide sales are fifty thousand dollars or more but less
78 14 than seventy=five thousand dollars.
78 15 ~~(4)~~ (d) One hundred dollars, if the annual gross retail
78 16 pesticide sales are seventy=five thousand dollars or more but
78 17 less than one hundred thousand dollars.
78 18 (2) The secretary shall provide for a three=month grace
78 19 period for licensure and shall impose a late fee of ten
78 20 dollars upon the licensure of a dealer applying for licensure
78 21 during the month of October, a late fee of fifteen dollars
78 22 upon the licensure of a dealer applying for licensure during
78 23 the month of November, a late fee of twenty=five dollars upon
78 24 the licensure of a dealer applying for licensure during the
78 25 month of December, and a late fee of twenty=five dollars upon
78 26 the licensure of a dealer applying for licensure for each
78 27 month after the month of December.
78 28 b. (1) A pesticide dealer with one hundred thousand
78 29 dollars or more in gross retail pesticide sales shall pay a
78 30 license fee based on one=tenth of one percent of the gross
78 31 retail pesticide sales in the previous year.

(2) The secretary shall provide for a three=month grace period for licensure and shall impose a late fee of two percent of the license fee upon the licensure of a dealer applying for licensure during the month of October, a late fee of four percent of the license fee upon the licensure of a dealer applying for licensure during the month of November, a late fee of five percent of the license fee upon the licensure of a dealer applying for licensure during the month of December, and a late fee of five percent upon the licensure of a dealer applying for licensure for each month after the month of December.

3. Up to twenty=five dollars of each annual license fee shall be retained by the department for administration of the program, and the remaining moneys collected shall be deposited in the agriculture management account of the groundwater protection fund.

~~3. This section shall not apply to either of the following:~~

~~a. A pesticide applicator who applies pesticides which are owned and furnished to the pesticide applicator by another person, if the pesticide applicator does not charge for the sale of the pesticides.~~

~~b. A federal, state, county, or municipal governmental entity which provides pesticides only for its own programs.~~

4. Application for a license required for manufacturers and distributors who are not engaged in the retail sale of pesticides shall be accompanied by a twenty=five dollar fee for each business location within the state required to be licensed, and shall be on a form prescribed by the secretary.

5. This section does not apply to either of the following:

a. A pesticide applicator who applies pesticides which are owned and furnished to the pesticide applicator by another person, if the pesticide applicator does not charge for the sale of the pesticides.

b. A federal, state, county, or municipal governmental entity which provides pesticides only for its own programs.

Sec. 85. Section 206.12, subsections 2 through 7, Code 2009, are amended to read as follows:

2. The registrant shall file with the department a statement containing:

a. The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant.

b. The name of the pesticide.

c. An ingredient statement in which the accepted common name and percentage by weight of each active ingredient is listed as well as the percentage of inert ingredients in the pesticides. A separate inert ingredient statement containing the common name of each inert ingredient listed in rank order according to weight of each inert ingredient in the pesticide shall also be submitted to the secretary. Except as required by subsection ~~4~~ 5, the registrant is not required to state the percentage composition or specific weight of any inert ingredient within a pesticide. The information required by this paragraph shall be submitted in a manner and according to procedures specified by the secretary.

~~Upon written request by the director of the department of natural resources, the secretary shall provide a copy of the ingredient statement and inert ingredient statement to the department. Upon written request by the director of the center for health effects of environmental contamination, the secretary shall provide a copy of the ingredient statement and inert ingredient statement to the center.~~

~~From on and after July 1, 1990, to December 31, 1991, the identity of an inert ingredient in a specific pesticide shall be treated as a confidential trade secret which is not subject to release under chapter 22.~~

~~On and after January 1, 1992, the identity of an inert ingredient in a specific pesticide shall be treated as a confidential trade secret if the following two conditions are met: the registrant states, at the time of registration, that the inert ingredient is a confidential trade secret; and the registrant certifies one of the following:~~

~~(1) The registrant has provided to any database system used by a poison control center operating in this state the information required by an attending physician to treat a patient for exposure or adverse reaction to the registrant's product, including the identification of all ingredients which are toxic to humans.~~

~~(2) The registrant operates an emergency information system as provided in section 139A.21 that is available to~~

~~81 8 poison control centers twenty=four hours a day every day of~~
~~81 9 the year. The emergency information system must provide~~
~~81 10 information to medical professionals required for the sole~~
~~81 11 purpose of treating a specific patient for exposure or adverse~~
~~81 12 reaction to the registrant's product, including the~~
~~81 13 identification of all ingredients which are toxic to humans,~~
~~81 14 and toxicological and medical management information.~~
81 15 ~~Poison control centers may share the information provided~~
~~81 16 by the registrant with an attending physician for the purpose~~
~~81 17 of treating a specific patient exposed to the registrant's~~
~~81 18 product. The secretary, the director of the department of~~
~~81 19 natural resources, and the director of the center for health~~
~~81 20 effects of environmental contamination shall treat the~~
~~81 21 presence of any inert ingredient in a particular pesticide~~
~~81 22 that meets the two conditions as a confidential trade secret~~
~~81 23 which is not subject to release under chapter 22. This~~
~~81 24 section does not prohibit research or monitoring of any aspect~~
~~81 25 of any inert ingredient. This section does not prohibit the~~
~~81 26 public disclosure of research, monitoring, published or~~
~~81 27 summary data relative to any inert ingredient so long as such~~
~~81 28 disclosure does not link an inert ingredient to a particular~~
~~81 29 brand of pesticide registered in this state.~~
81 30 ~~This section shall not be construed to prohibit the release~~
~~81 31 of information independently obtained from a source other than~~
~~81 32 registrations filed under this chapter which links an inert~~
~~81 33 ingredient to a pesticide registered in this state.~~
81 34 d. A complete copy of the labeling accompanying the
81 35 pesticide and a statement of all claims made and to be made
82 1 for it including directions for use.
82 2 e. A full description of the tests made and results
82 3 thereof upon which the claims are based, if requested by the
82 4 secretary. In the case of renewal or reregistration, a
82 5 statement may be required only with respect to information
82 6 which is different from that furnished when the pesticide was
82 7 registered or last reregistered.
82 8 3. a. Upon written request by the director of the
82 9 department of natural resources, the secretary shall provide a
82 10 copy of the ingredient statement and inert ingredient
82 11 statement to the department. Upon written request by the
82 12 director of the center for health effects of environmental
82 13 contamination, the secretary shall provide a copy of the
82 14 ingredient statement and inert ingredient statement to the
82 15 center.
82 16 b. From on and after July 1, 1990, to December 31, 1991,
82 17 the identity of an inert ingredient in a specific pesticide
82 18 shall be treated as a confidential trade secret which is not
82 19 subject to release under chapter 22.
82 20 c. On and after January 1, 1992, the identity of an inert
82 21 ingredient in a specific pesticide shall be treated as a
82 22 confidential trade secret if the following two conditions are
82 23 met: the registrant states, at the time of registration, that
82 24 the inert ingredient is a confidential trade secret; and the
82 25 registrant certifies one of the following:
82 26 (1) The registrant has provided to any database system
82 27 used by a poison control center operating in this state the
82 28 information required by an attending physician to treat a
82 29 patient for exposure or adverse reaction to the registrant's
82 30 product, including the identification of all ingredients which
82 31 are toxic to humans.
82 32 (2) The registrant operates an emergency information
82 33 system as provided in section 139A.21 that is available to
82 34 poison control centers twenty=four hours a day every day of
82 35 the year. The emergency information system must provide
83 1 information to medical professionals required for the sole
83 2 purpose of treating a specific patient for exposure or adverse
83 3 reaction to the registrant's product, including the
83 4 identification of all ingredients which are toxic to humans,
83 5 and toxicological and medical management information.
83 6 d. Poison control centers may share the information
83 7 provided by the registrant with an attending physician for the
83 8 purpose of treating a specific patient exposed to the
83 9 registrant's product. The secretary, the director of the
83 10 department of natural resources, and the director of the
83 11 center for health effects of environmental contamination shall
83 12 treat the presence of any inert ingredient in a particular
83 13 pesticide that meets the two conditions as a confidential
83 14 trade secret which is not subject to release under chapter 22.
83 15 This section does not prohibit research or monitoring of any
83 16 aspect of any inert ingredient.
83 17 e. This section does not prohibit the public disclosure of
83 18 research, monitoring, published or summary data relative to

83 19 any inert ingredient so long as such disclosure does not link
83 20 an inert ingredient to a particular brand of pesticide
83 21 registered in this state.
83 22 f. This section shall not be construed to prohibit the
83 23 release of information independently obtained from a source
83 24 other than registrations filed under this chapter which links
83 25 an inert ingredient to a pesticide registered in this state.
83 26 ~~3.~~ 4. The registrant, before selling or offering for sale
83 27 any pesticide for use in this state, shall register each brand
83 28 and grade of such pesticide with the secretary upon forms
83 29 furnished by the secretary, and the secretary shall set the
83 30 registration fee annually at one=fifth of one percent of gross
83 31 sales within this state with a minimum fee of two hundred
83 32 fifty dollars and a maximum fee of three thousand dollars for
83 33 each and every brand and grade to be offered for sale in this
83 34 state except as otherwise provided. The annual registration
83 35 fee for products with gross annual sales in this state of less
84 1 than one million five hundred thousand dollars shall be the
84 2 greater of two hundred fifty dollars or one=fifth of one
84 3 percent of the gross annual sales as established by affidavit
84 4 of the registrant. The secretary shall adopt by rule
84 5 exemptions to the minimum fee. Fifty dollars of each fee
84 6 collected shall be deposited in the general fund of the state,
84 7 shall be subject to the requirements of section 8.60, and
84 8 shall be used only for the purpose of enforcing the provisions
84 9 of this chapter and the remainder of each fee collected shall
84 10 be placed in the agriculture management account of the
84 11 groundwater protection fund.
84 12 ~~4.~~ 5. The secretary, whenever the secretary deems it
84 13 necessary in the administration of this chapter, may require
84 14 the submission of the complete formula of any pesticide. If
84 15 it appears to the secretary that the composition of the
84 16 article is such as to warrant the proposed claims for it and
84 17 if the article and its labeling and other material required to
84 18 be submitted comply with the requirements of this chapter, the
84 19 secretary shall register the article.
84 20 ~~5.~~ 6. If it does not appear to the secretary that the
84 21 article is such as to warrant the proposed claims for it or if
84 22 the article and its labeling and other material required to be
84 23 submitted do not comply with the provisions of this chapter,
84 24 the secretary shall notify the registrant of the manner in
84 25 which the article, labeling, or other material required to be
84 26 submitted fail to comply with this chapter so as to afford the
84 27 registrant an opportunity to make the necessary corrections.
84 28 ~~6.~~ 7. Notwithstanding any other provisions of this
84 29 chapter, registration is not required in the case of a
84 30 pesticide shipped from one plant within this state to another
84 31 plant within this state operated by the same person.
84 32 ~~7.~~ 8. a. Each licensee under section 206.8 shall file an
84 33 annual report at the time of application for licensure with
84 34 the secretary of agriculture in a form specified by the
84 35 secretary of agriculture and which includes the following
85 1 information:
85 2 (1) The gross retail sales of all pesticides sold at
85 3 retail for use in this state by a licensee with one hundred
85 4 thousand dollars or more in gross retail sales of the
85 5 pesticides sold for use in this state.
85 6 (2) The individual label name and dollar amount of each
85 7 pesticide sold at retail for which gross retail sales of the
85 8 individual pesticide are three thousand dollars or more.
85 9 b. A person who is subject to the household hazardous
85 10 materials permit requirements, and whose gross annual retail
85 11 sales of pesticides are less than ten thousand dollars for
85 12 each business location owned or operated by the person, shall
85 13 report annually, the individual label name of an individual
85 14 pesticide for which annual gross retail sales are three
85 15 thousand dollars or more. The information shall be submitted
85 16 on a form provided to household hazardous materials permittees
85 17 by the department of natural resources, and the department of
85 18 natural resources shall remit the forms to the department of
85 19 agriculture and land stewardship.
85 20 c. Notwithstanding the reporting requirements of this
85 21 section, the secretary of agriculture may, upon recommendation
85 22 of the advisory committee created pursuant to section 206.23,
85 23 and if the committee declares a pesticide to be a pesticide of
85 24 special concern, require the reporting of annual gross retail
85 25 sales of a pesticide.
85 26 d. A person who sells feed which contains a pesticide as
85 27 an integral part of the feed mixture, shall not be subject to
85 28 the reporting requirements of this section. However, a person
85 29 who manufactures feed which contains a pesticide as an

integral part of the feed mixture shall be subject to the licensing requirements of section 206.8.

e. The information collected and included in the report required under this section shall remain confidential. Public reporting concerning the information collected shall be performed in a manner which does not identify a specific brand name in the report.

Sec. 86. Section 216.8, Code 2009, is amended to read as follows:

216.8 UNFAIR OR DISCRIMINATORY PRACTICES == HOUSING.

1. It shall be an unfair or discriminatory practice for any person, owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will:

~~1.~~ a. To refuse to sell, rent, lease, assign, sublease, refuse to negotiate, or to otherwise make unavailable, or deny any real property or housing accommodation or part, portion, or interest therein, to any person because of the race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status of such person.

~~2.~~ b. To discriminate against any person because of the person's race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status, in the terms, conditions, or privileges of the sale, rental, lease assignment, or sublease of any real property or housing accommodation or any part, portion, or interest in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.

~~For purposes of this section, "person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title eleven of the United States Code, receivers, and fiduciaries.~~

~~3.~~ c. To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion, or interest therein, by persons of any particular race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status is unwelcome, objectionable, not acceptable, or not solicited.

~~4.~~ d. To discriminate against the lessee or purchaser of any real property or housing accommodation or part, portion, or interest of the real property or housing accommodation, or against any prospective lessee or purchaser of the property or accommodation, because of the race, color, creed, religion, sex, sexual orientation, gender identity, disability, age, or national origin of persons who may from time to time be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives, or in any similar capacity.

2. For purposes of this section, "person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title eleven of the United States Code, receivers, and fiduciaries.

Sec. 87. 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. 88. Section 225C.19, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. The services system shall be available twenty=four hours per day, seven days per week to any individual who is in or is determined by ~~self or~~ others to be in a crisis situation, regardless of whether the individual has been diagnosed with a mental illness or a co=occurring mental illness and substance abuse disorder~~, and~~. The system shall address all ages, income levels, and health coverage statuses.

Sec. 89. Section 225C.35, unnumbered paragraph 1, Code 2009, is amended to read as follows:

For purposes of this ~~division~~ subchapter, unless the context otherwise requires:

Sec. 90. Section 225C.36, Code 2009, is amended to read as follows:

225C.36 FAMILY SUPPORT SUBSIDY PROGRAM.

A family support subsidy program is created as specified in this ~~division~~ subchapter. The purpose of the family support subsidy program is to keep families together by defraying some of the special costs of caring for a family member at home. The department shall adopt rules to implement the purposes of this section and sections 225C.37 through 225C.42 which assure that families retain the greatest possible flexibility in determining appropriate use of the subsidy.

Sec. 91. Section 225C.51, unnumbered paragraph 1, Code 2009, is amended to read as follows:

For the purposes of this ~~division~~ subchapter:

Sec. 92. Section 225C.51, subsection 2, Code 2009, is amended to read as follows:

2. "Children's system" or "mental health services system for children and youth" means the mental health services system for children and youth implemented pursuant to this ~~division~~ subchapter.

Sec. 93. Section 231.42, Code 2009, is amended to read as follows:

231.42 LONG=TERM CARE RESIDENT'S ADVOCATE == DUTIES.

1. The Iowa commission of elder affairs, in accordance with section 712 of the federal Act, as codified at 42 U.S.C. } 3058g, shall establish the office of long=term care resident's advocate within the department.

2. a. The long=term care resident's advocate shall:

~~1.~~ (1) Investigate and resolve complaints about administrative actions that may adversely affect the health, safety, welfare, or rights of residents in long=term care facilities, excluding facilities licensed primarily to serve persons with mental retardation or mental illness.

~~2.~~ (2) Monitor the development and implementation of federal, state, and local laws, regulations, and policies that relate to long=term care facilities in Iowa.

~~3.~~ (3) Provide information to other agencies and to the public about the problems of residents in long=term care facilities, excluding facilities licensed primarily to serve persons with mental retardation or mental illness.

~~4.~~ (4) Train volunteers and assist in the development of citizens' organizations to participate in the long=term care resident's advocate program.

~~5.~~ (5) Carry out other activities consistent with the state long=term care ombudsman program provisions of the federal Act.

~~6.~~ (6) Administer the resident advocate committee program.

~~7.~~ (7) Report annually to the general assembly on the activities of the resident's advocate office.

b. The long=term care resident's advocate shall have access to long=term care facilities, private access to residents, access to residents' personal and medical records, and access to other records maintained by the facilities or governmental agencies pertaining only to the person on whose behalf a complaint is being investigated.

Sec. 94. Section 232.44, subsection 1, Code 2009, is amended to read as follows:

1. a. A hearing shall be held within forty=eight hours, excluding Saturdays, Sundays, and legal holidays, of the time of the child's admission to a shelter care facility, and within twenty=four hours, excluding Saturdays, Sundays, and legal holidays, of the time of a child's admission to a detention facility. If the hearing is not held within the time specified in this paragraph, the child shall be released from shelter care or detention.

b. Prior to the hearing a petition shall be filed, except where the child is already under the supervision of a juvenile court under a prior judgment.

c. If the child is placed in a detention facility in a county other than the county in which the child resides or in which the delinquent act allegedly occurred but which is within the same judicial district, the hearing may take place in the county in which the detention facility is located.

d. The child shall appear in person at the hearing required by this subsection.

Sec. 95. Section 235B.2, subsection 5, paragraph a,

90 17 subparagraph (3), Code 2009, is amended to read as follows:
90 18 (3) Sexual exploitation of a dependent adult by a
90 19 caretaker.
90 20 ~~"Sexual exploitation" means any consensual or nonconsensual~~
~~90 21 sexual conduct with a dependent adult for the purpose of~~
~~90 22 arousing or satisfying the sexual desires of the caretaker or~~
~~90 23 dependent adult, which includes but is not limited to kissing;~~
~~90 24 touching of the clothed or unclothed inner thigh, breast,~~
~~90 25 groin, buttock, anus, pubes, or genitals; or a sex act, as~~
~~90 26 defined in section 702.17. Sexual exploitation does not~~
~~90 27 include touching which is part of a necessary examination,~~
~~90 28 treatment, or care by a caretaker acting within the scope of~~
~~90 29 the practice or employment of the caretaker; the exchange of a~~
~~90 30 brief touch or hug between the dependent adult and a caretaker~~
~~90 31 for the purpose of reassurance, comfort, or casual friendship;~~
~~90 32 or touching between spouses.~~
90 33 Sec. 96. Section 235B.2, Code 2009, is amended by adding
90 34 the following new subsection:
90 35 NEW SUBSECTION. 13A. "Sexual exploitation" means any
91 1 consensual or nonconsensual sexual conduct with a dependent
91 2 adult for the purpose of arousing or satisfying the sexual
91 3 desires of the caretaker or dependent adult, which includes
91 4 but is not limited to kissing; touching of the clothed or
91 5 unclothed inner thigh, breast, groin, buttock, anus, pubes, or
91 6 genitals; or a sex act, as defined in section 702.17. "Sexual
91 7 exploitation" does not include touching which is part of a
91 8 necessary examination, treatment, or care by a caretaker
91 9 acting within the scope of the practice or employment of the
91 10 caretaker; the exchange of a brief touch or hug between the
91 11 dependent adult and a caretaker for the purpose of
91 12 reassurance, comfort, or casual friendship; or touching
91 13 between spouses.
91 14 Sec. 97. Section 235E.4, Code 2009, is amended to read as
91 15 follows:
91 16 235E.4 CHAPTER 235B APPLICATION.
91 17 Sections 235B.4 through 235B.20, when not inconsistent with
91 18 this chapter, shall apply to this chapter.
91 19 Sec. 98. Section 237.18, unnumbered paragraph 2, Code
91 20 2009, is amended to read as follows:
91 21 9. ~~The state board shall make~~ Make recommendations to the
91 22 general assembly, the department, to child=placing agencies,
91 23 the governor, the supreme court, the chief judge of each
91 24 judicial district, and to the judicial branch. The
91 25 recommendations shall include, but are not limited to,
91 26 identification of systemic problems in the foster care and the
91 27 juvenile justice systems, specific proposals for improvements
91 28 that assist the systems in being more cost=effective and
91 29 better able to protect the best interests of children, and
91 30 necessary changes relating to the data collected and the
91 31 annual report made under subsection 2, paragraph "b".
91 32 Sec. 99. Section 237A.5, subsection 2, paragraph c, Code
91 33 2009, is amended to read as follows:
91 34 c. Unless a record check has already been conducted in
91 35 accordance with paragraph "b", the department shall conduct a
92 1 criminal and child abuse record check in this state for a
92 2 person who is subject to a record check and may conduct such a
92 3 check in other states. In addition, the department may
92 4 conduct a dependent adult abuse, sex offender registry, or
92 5 other public or civil offense record check in this state or in
92 6 other states for a person who is subject to a record check.
92 7 If a record check performed pursuant to this paragraph
92 8 identifies an individual as a person subject to an evaluation,
92 9 an evaluation shall be performed to determine whether
92 10 prohibition of the person's involvement with child care is
92 11 warranted. The evaluation shall be performed in accordance
92 12 with procedures adopted for this purpose by the department.
92 13 Prior to performing an evaluation, the department shall notify
92 14 the affected person, licensee, registrant, or child care home
92 15 applying for or receiving public funding for providing child
92 16 care, that an evaluation will be conducted to determine
92 17 whether prohibition of the person's involvement with child
92 18 care is warranted.
92 19 ~~Prior to performing an evaluation, the department shall~~
~~92 20 notify the affected person, licensee, registrant, or child~~
~~92 21 care home applying for or receiving public funding for~~
~~92 22 providing child care, that an evaluation will be conducted to~~
~~92 23 determine whether prohibition of the person's involvement with~~
~~92 24 child care is warranted.~~
92 25 Sec. 100. Section 257.6, subsection 6, paragraph b, Code
92 26 2009, is amended to read as follows:
92 27 b. Continues enrollment in the district to take courses

92 28 either provided by the district~~,~~ or offered by community
92 29 colleges under the provisions of section 257.11, or to take
92 30 courses under the provisions of section 261E.6.
92 31 Sec. 101. Section 260C.11, subsection 1, Code 2009, is
92 32 amended to read as follows:
92 33 1. The governing board of a merged area is a board of
92 34 directors composed of one member elected from each director
92 35 district in the area by the electors of the respective
93 1 district. Members of the board shall be residents of the
93 2 district from which elected. Successors shall be chosen at
93 3 the regular school elections for members whose terms expire.
93 4 The term of a member of the board of directors is four years
93 5 and commences at the ~~organization~~ organizational meeting.
93 6 Vacancies on the board shall be filled at the next regular
93 7 meeting of the board by appointment by the remaining members
93 8 of the board. A member so chosen shall be a resident of the
93 9 district in which the vacancy occurred and shall serve until a
93 10 member is elected pursuant to section 69.12 to fill the
93 11 vacancy for the balance of the unexpired term. A vacancy is
93 12 defined in section 277.29. A member shall not serve on the
93 13 board of directors who is a member of a board of directors of
93 14 a local school district or a member of an area education
93 15 agency board.
93 16 Sec. 102. Section 260C.29, subsection 6, Code 2009, is
93 17 amended to read as follows:
93 18 6. For purposes of this section, "minority person" means a
93 19 person who is ~~Black~~ African American, Hispanic, Asian, or a
93 20 Pacific Islander, American Indian, or an Alaskan Native
93 21 American.
93 22 Sec. 103. Section 261.102, subsection 5, Code 2009, is
93 23 amended to read as follows:
93 24 5. "Minority person" means an individual who is ~~black~~
93 25 African American, Hispanic, Asian, or a Pacific islander,
93 26 American Indian, or an Alaskan Native American.
93 27 Sec. 104. Section 261D.3, subsection 3, Code 2009, is
93 28 amended to read as follows:
93 29 3. Nonlegislative members shall serve two=year terms
93 30 except as otherwise provided under the terms of the compact.
93 31 Legislative members shall serve two=year terms as provided in
93 32 section 69.16B. Nonlegislative members shall serve without
93 33 compensation, but shall receive their actual and necessary
93 34 expenses and travel. Legislative members shall receive actual
93 35 and necessary expenses pursuant to sections 2.10 and 2.12.
94 1 Vacancies on the commission shall be filled for the unexpired
94 2 portion of the term in the same manner as the original
94 3 appointments. If a legislative member ceases to be a member
94 4 of the general assembly, the legislative member shall no
94 5 longer serve as a member of the commission.
94 6 Sec. 105. Section 261E.7, subsection 2, Code 2009, is
94 7 amended to read as follows:
94 8 2. A student participating in the postsecondary enrollment
94 9 options ~~act~~ program is not eligible to enroll on a full=time
94 10 basis in an eligible postsecondary institution. A student
94 11 enrolled on such a full=time basis shall not receive any
94 12 payments under this section.
94 13 Sec. 106. Section 261F.1, subsection 5, paragraph n, Code
94 14 2009, is amended to read as follows:
94 15 n. Other services as identified and approved by the
94 16 attorney general through a public announcement, such as a
94 17 notice on the attorney general's ~~website~~ internet site.
94 18 Sec. 107. Section 272D.1, subsection 1, Code 2009, is
94 19 amended to read as follows:
94 20 1. "Certificate of noncompliance" means a document
94 21 provided by the unit certifying that the named person has
94 22 outstanding liability placed with the unit and has not entered
94 23 into an approved payment plan to pay the liability.
94 24 Sec. 108. Section 273.8, subsection 4, Code 2009, is
94 25 amended to read as follows:
94 26 4. ORGANIZATION.
94 27 a. The board of directors of each area education agency
94 28 shall meet and organize at the first regular meeting in
94 29 October following the regular school election at a suitable
94 30 place designated by the president. Directors whose terms
94 31 commence at the ~~organization~~ organizational meeting shall
94 32 qualify by taking the oath of office required by section
94 33 277.28 at or before the ~~organization~~ organizational meeting.
94 34 b. The provisions of section 260C.12 relating to
94 35 organization, officers, appointment of secretary and
95 1 treasurer, and meetings of the merged area board apply to the
95 2 area education agency board.
95 3 Sec. 109. Section 285.1, subsection 1, paragraph c, Code

2009, is amended to read as follows:

c. Children attending prekindergarten programs offered or sponsored by the district or nonpublic school and approved by the department of education or department of human services or children participating in preschool in an approved local program under chapter 256C may be provided transportation services. However, transportation services provided to nonpublic school children are not eligible for reimbursement under this chapter.

Sec. 110. Section 297.11, Code 2009, is amended to read as follows:

297.11 USE FORBIDDEN.

If the voters of such district at a regular election forbid ~~such~~ the use of any ~~such~~ schoolhouse or grounds, the board shall not permit ~~such~~ that use until the action of ~~such~~ the voters is rescinded by the voters at an election held on a date specified in section 39.2, subsection 4, paragraph "c".

Sec. 111. Section 314.14, subsection 1, paragraph c, unnumbered paragraph 1, Code 2009, is amended to read as follows:

"Socially and economically disadvantaged individuals" means those individuals who are citizens of the United States or who are lawfully admitted permanent residents and who are ~~Black~~ African Americans, Hispanic Americans, Native Americans, Asian=Pacific Americans, Asian=Indian Americans, or any other minority or individuals found to be disadvantaged by the United States small business administration. However, the department may also determine, on a case=by=case basis, that an individual who is not a member of one of the enumerated groups is socially and economically disadvantaged. A rebuttable presumption exists that individuals in the following groups are socially and economically disadvantaged:

Sec. 112. Section 314.14, subsection 1, paragraph c, subparagraph (1), Code 2009, is amended to read as follows:

(1) ~~"Black~~ "African Americans" which includes persons having origins in any of the black racial groups of Africa.

Sec. 113. Section 321.24, subsection 11, Code 2009, is amended to read as follows:

11. If the county treasurer or department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, or a junking certificate has been issued for the vehicle but a certificate of title will not be reissued under section 321.52, subsection 3, and the vehicle qualifies as an antique vehicle under section 321.115, subsection 1, the county treasurer or department may register the vehicle but shall, as a condition of issuing a certificate of title and registration receipt, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to conduct a surety business in this state. The owner of a vehicle subject to the bond requirements of this subsection shall apply for a certificate of title and registration for the vehicle at the county treasurer's office within thirty days of issuance of written authorization from the department. The bond shall be in an amount equal to one and one=half times the current value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title ~~of~~ for the vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or earlier if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. The department may authorize issuance of a certificate of title as provided in this subsection for a vehicle with an unreleased security interest upon presentation of satisfactory evidence that the security interest has been extinguished or that the holder of the security interest cannot be located to release the security interest as provided in section 321.50.

Sec. 114. Section 321.52, subsection 3, Code 2009, is amended to read as follows:

3. a. When a vehicle for which a certificate of title is issued is junked or dismantled by the owner, the owner shall detach the registration plates and surrender the plates to the county treasurer, unless the plates are properly assigned to another vehicle. The owner shall also surrender the certificate of title to the county treasurer.

b. Upon ~~surrendering~~ the surrender of the certificate of title and application for junking certificate, the county treasurer shall issue to the person, without fee, a junking certificate, which shall authorize the holder to possess, transport, or transfer ownership of the junked vehicle by endorsement of the junking certificate. The county treasurer shall hold the surrendered certificate of title, registration receipt, application for junking certificate, and, if applicable, the registration plates for a period of fourteen days following the issuance of a junking certificate under this subsection.

c. Within the fourteen=day period the person who was issued the junking certificate and to whom the vehicle was titled or assigned may surrender to the county treasurer the junking certificate, and upon the person's payment of appropriate fees and taxes and payment of any credit for annual registration fees received by the person for the vehicle under section 321.46, subsection 3, the county treasurer shall issue to the person a certificate of title for the vehicle. After the expiration of the fourteen=day period, a county treasurer shall not issue a certificate of title for a junked vehicle for which a junking certificate is issued. The county treasurer shall cancel the record of the vehicle and forward the certificate of title to the department.

d. However, upon application ~~the department upon~~ and a showing of good cause, the department may issue a certificate of title to a person after the fourteen=day period for a junked vehicle for which a junking certificate has been issued. For purposes of this subsection, "good cause" means that the junking certificate was obtained by mistake or inadvertence. If a person's application to the department is denied, the person may make application for a certificate of title under the bonding procedure as provided in section 321.24, if the vehicle qualifies as an antique vehicle under section 321.115, subsection 1, or the person may seek judicial review as provided under sections 17A.19 and 17A.20.

Sec. 115. Section 321.236, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Local authorities shall have no power to enact, enforce, or maintain any ordinance, rule or regulation in any way in conflict with, contrary to or inconsistent with the provisions of this chapter, and no such ordinance, rule or regulation of said local authorities heretofore or hereafter enacted shall have any force or effect~~, however~~. However, the provisions of this chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from doing any of the following:

Sec. 116. Section 321.292, Code 2009, is amended to read as follows:

321.292 CIVIL ACTION UNAFFECTED.

The ~~foregoing~~ provisions of section 321.285 shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident.

Sec. 117. Section 321.356, Code 2009, is amended to read as follows:

321.356 OFFICERS AUTHORIZED TO REMOVE.

Whenever any peace officer finds a vehicle standing upon a highway in violation of any of the ~~foregoing~~ provisions of sections 321.354 and 321.355 such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

Sec. 118. Section 321L.2, subsections 1 and 5, Code 2009, are amended to read as follows:

1. ~~a.~~ A resident of the state with a disability desiring a persons with disabilities parking permit shall apply to the department upon an application form furnished by the department providing the applicant's full legal name, address, date of birth, and social security number or Iowa driver's license number or Iowa nonoperator's identification card number, and shall also provide a statement from a physician

99 26 licensed under chapter 148 or 149, a physician assistant
99 27 licensed under chapter 148C, an advanced registered nurse
99 28 practitioner licensed under chapter 152, or a chiropractor
99 29 licensed under chapter 151, or a physician, physician
99 30 assistant, nurse practitioner, or chiropractor licensed to
99 31 practice in a contiguous state, written on the physician's,
99 32 physician assistant's, nurse practitioner's, or chiropractor's
99 33 stationery, stating the nature of the applicant's disability
99 34 and such additional information as required by rules adopted
99 35 by the department under section 321L.8. If the person is
100 1 applying for a temporary persons with disabilities parking
100 2 permit, the physician's, physician assistant's, nurse
100 3 practitioner's, or chiropractor's statement shall state the
100 4 period of time during which the person is expected to be
100 5 disabled and the period of time for which the permit should be
100 6 issued, not to exceed six months.
100 7 a. A person with a disability may apply for one of the
100 8 following persons with disabilities parking permits:
100 9 (1) Persons with disabilities registration plates. An
100 10 applicant may order persons with disabilities registration
100 11 plates pursuant to section 321.34. An applicant may order a
100 12 persons with disabilities registration plate for a trailer
100 13 used to transport a wheelchair pursuant to section 321.34 in
100 14 addition to persons with disabilities registration plates
100 15 ordered by the applicant for a motor vehicle used to tow such
100 16 a trailer pursuant to section 321.34.
100 17 (2) Persons with disabilities parking sticker. An
100 18 applicant who owns a motor vehicle for which the applicant has
100 19 been issued registration plates under section 321.34 or
100 20 registration plates as a seriously disabled veteran under
100 21 section 321.105 may apply to the department for a persons with
100 22 disabilities parking sticker to be affixed to the plates. The
100 23 persons with disabilities parking stickers shall bear the
100 24 international symbol of accessibility.
100 25 (3) Removable windshield placard. A person with a
100 26 disability may apply for a temporary removable windshield
100 27 placard which shall be valid for a period of up to six months
100 28 or a nonexpiring removable windshield placard, as determined
100 29 by the physician's, physician assistant's, nurse
100 30 practitioner's, or chiropractor's statement under this
100 31 subsection. A temporary removable windshield placard shall be
100 32 renewed within thirty days of the date of expiration. Persons
100 33 seeking temporary removable windshield placards shall be
100 34 required to furnish evidence upon initial application that
100 35 they have a temporary disability and, in addition, furnish
101 1 evidence at subsequent intervals that they remain temporarily
101 2 disabled. Temporary removable windshield placards shall be of
101 3 a distinctively different color from nonexpiring removable
101 4 windshield placards. A nonexpiring removable windshield
101 5 placard shall state on the face of the placard that it is a
101 6 nonexpiring placard. The department shall issue one
101 7 additional removable windshield placard upon the request of a
101 8 person with a disability.
101 9 b. The department may issue expiring removable windshield
101 10 placards to the following:
101 11 (1) An organization which has a program for transporting
101 12 persons with disabilities or elderly persons.
101 13 (2) A person in the business of transporting persons with
101 14 disabilities or elderly persons.
101 15 c. One expiring removable windshield placard may be issued
101 16 for each vehicle used by the organization or person for
101 17 transporting persons with disabilities or elderly persons. A
101 18 placard issued under this paragraph shall be renewed every
101 19 four years from the date of issuance and shall be surrendered
101 20 to the department if the organization or person is no longer
101 21 providing the service for which the placard was issued.
101 22 Notwithstanding section 321L.4, a person transporting persons
101 23 with disabilities or elderly persons in a motor vehicle for
101 24 which a placard has been issued under this paragraph may
101 25 display the placard in the motor vehicle and may use a persons
101 26 with disabilities parking space while the motor vehicle is
101 27 displaying the placard. A placard issued under this paragraph
101 28 shall be of a distinctively different color from a placard
101 29 issued under paragraph "a".
101 30 ~~c.~~ d. A new removable windshield placard can be issued if
101 31 the previously issued placard is reported lost, stolen, or
101 32 damaged. The placard reported as being lost or stolen shall
101 33 be invalidated by the department. A placard which is damaged
101 34 shall be returned to the department and exchanged for a new
101 35 placard in accordance with rules adopted by the department.
102 1 5. A seriously disabled veteran who has been provided with

an automobile or other vehicle by the United States government under the provisions of 38 U.S.C. } 1901 et seq. (1970) is not required to apply for a persons with disabilities parking permit under this section unless the veteran has been issued special registration plates or personalized plates for the vehicle. The regular registration plates issued for the disabled veteran's vehicle without fee pursuant to section 321.105 entitle the disabled veteran to all of the rights and privileges associated with persons with disabilities parking permits under this chapter.

Sec. 119. Section 321L.5, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. A new nonresidential facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide persons with disabilities parking spaces as stipulated below:

Total Parking Spaces in Lot	Required Minimum Number of Persons with Disabilities Parking Spaces
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	* 2 Percent of Total
1001 and over	** 20 Spaces Plus 1 for Each 100 Over 1000

~~* 2 Percent of Total~~

~~** 20 Spaces Plus 1 for Each 100 Over 1000~~

Sec. 120. Section 331.382, subsection 8, Code 2009, is amended to read as follows:

8. a. The board is subject to chapter 161F, chapters 357 through 358, or chapter 468, subchapters I through III, subchapter IV, parts 1 and 2, or subchapter V, as applicable, in acting relative to a special district authorized under any of those chapters.

b. However, the board may assume and exercise the powers and duties of a governing body under chapter 357, 357A, 357B, 358 or chapter 468, subchapter III, if a governing body established under one of those chapters has insufficient membership to perform its powers and duties, and the board, upon petition of the number of property owners within a proposed district and filing of a bond as provided in section 357A.2, may establish a service district within the unincorporated area of the county and exercise within the district the powers and duties granted in ~~chapter~~ chapters 357, 357A, 357B, 357C, 357I, 358, 359, chapter 384, division IV, or chapter 468, subchapter III.

Sec. 121. Section 358.9, Code 2009, is amended to read as follows:

358.9 SELECTION OF TRUSTEES == TERM OF OFFICE.

1. a. At the election provided for in section 358.7, the names of candidates for trustee of the district shall be written by the voters on blank ballots without formal nomination, and the board of supervisors which had jurisdiction of the proceedings for establishment of the sanitary district, together with the board of supervisors of any other county in which any part of the district is located, shall appoint three trustees from among the five persons receiving the greatest number of votes as trustees of the district. One of the trustees shall be designated to serve a term expiring on the first day of January which is not a Sunday or legal holiday following the next general election, one to serve a term expiring on the first day of January which is not a Sunday or legal holiday two years later, and one to serve a term expiring on the first day of January which is not a Sunday or legal holiday four years later. Thereafter, each term shall be for a term of years established by the board of supervisors, not less than three years or more than six years. Successors to trustees shall be elected by special election or at a special meeting of the board of trustees called for that purpose. For each special election called after the initial election, a candidate for office of trustee shall be nominated by a personal affidavit of the candidate or by petition of at least ten eligible electors of the district and the

104 13 candidate's personal affidavit, which shall be filed with the
104 14 county commissioner of elections at least twenty=five days
104 15 before the date of the election. The form of the candidate's
104 16 affidavit shall be substantially the same as provided in
104 17 section 45.3.
104 18 ~~Vacancies in the office of trustee of a sanitary district~~
~~104 19 shall be filled by the remaining members of the board for the~~
~~104 20 period until a successor is chosen in the manner prescribed by~~
~~104 21 this section or by section 69.12, whichever is applicable.~~
104 22 b. In lieu of a special election, successors to trustees
104 23 shall be elected at a special meeting of the board of trustees
104 24 called for that purpose. Upon its own motion, the board of
104 25 trustees may, or upon petition of landowners owning more than
104 26 fifty percent of the total land in the district, shall, call a
104 27 special meeting of the residents of the district to elect
104 28 successors to trustees of the board. Notice of the meeting
104 29 shall be given at least ten days before the date of the
104 30 meeting by publication of the notice in a newspaper of general
104 31 circulation in the district. The notice shall state the date,
104 32 times, and location of the meeting and that the meeting is
104 33 called for the purpose of electing one or more trustees to the
104 34 board.
104 35 2. If the petition to establish a sanitary district
105 1 requests a board of trustees of five members, the board of
105 2 supervisors shall select five trustees from among the seven
105 3 persons receiving the highest number of votes at the initial
105 4 election. Two trustees shall be designated to serve a term
105 5 expiring on the first day of January which is not a Sunday or
105 6 legal holiday following the next general election, two
105 7 trustees to serve a term expiring on the first day of January
105 8 which is not a Sunday or legal holiday two years later, and
105 9 one to serve a term expiring on the first day of January which
105 10 is not a Sunday or holiday four years later. Thereafter, each
105 11 term shall be for a term of years established by the board of
105 12 supervisors, not less than three years or more than six years.
105 13 Successors to a five=member board selected under this
105 14 ~~paragraph~~ subsection shall be chosen by election and after the
105 15 initial election, a candidate for office of trustee shall be
105 16 nominated by a personal affidavit of the candidate or by
105 17 petition of at least ten eligible electors of the district and
105 18 the candidate's personal affidavit, which shall be filed with
105 19 the commissioner of county elections at least sixty=nine days
105 20 before the date of the general election. The form of the
105 21 candidate's affidavit shall be substantially as provided in
105 22 section 45.3.
105 23 3. Upon request of a three=member board of trustees or
105 24 petition of the number of eligible electors of the district
105 25 equal to at least five percent of the residents of the
105 26 district filed at least ninety days before the next general
105 27 election, the board of supervisors shall provide for the
105 28 election of a five=member board of trustees with staggered
105 29 terms of office of not more than six years. The five=member
105 30 board of trustees shall become effective on the first day of
105 31 January which is not a Sunday or legal holiday after that
105 32 general election. The board of trustees or a petition of the
105 33 number of eligible electors of the district equal to at least
105 34 five percent of the residents of the district may also request
105 35 the board of supervisors to implement a plan to reduce the
106 1 number of trustees from five to three. The board of
106 2 supervisors shall allow incumbent trustees to serve their
106 3 unexpired terms of office.
106 4 4. Vacancies in the office of trustee of a sanitary
106 5 district shall be filled by the remaining members of the board
106 6 for the period until a successor is chosen in the manner
106 7 prescribed by this section or by section 69.12, whichever is
106 8 applicable.
106 9 Sec. 122. Section 411.8, subsection 1, paragraph b, Code
106 10 2009, is amended to read as follows:
106 11 b. (1) On the basis of the actuarial methods and
106 12 assumptions, rate of interest, and of the mortality, interest
106 13 and other tables adopted by the system, the actuary engaged by
106 14 the system to make each valuation required by this chapter
106 15 pursuant to the requirements of section 411.5, shall
106 16 immediately after making such valuation, determine the "normal
106 17 contribution rate". Except as otherwise provided in this
106 18 lettered paragraph, the normal contribution rate shall be the
106 19 rate percent of the earnable compensation of all members equal
106 20 to the rate required by the system to discharge its
106 21 liabilities, stated as a percentage of the earnable
106 22 compensation of all members, and reduced by the employee
106 23 contribution rate provided in paragraph "f" of this subsection

106 24 and the contribution rate representing the state appropriation
106 25 made as provided in section 411.20. However, the normal ~~rate~~
~~106 26 of~~ contribution rate shall not be less than seventeen percent.
106 27 (2) The normal ~~rate of~~ contribution rate shall be
106 28 determined by the actuary after each valuation.
106 29 Sec. 123. Section 421B.6, Code 2009, is amended to read as
106 30 follows:
106 31 421B.6 SALES EXCEPTIONS.
106 32 The provisions of this chapter shall not apply to a sale at
106 33 wholesale or a sale at retail made ~~(1) in~~ as follows:
106 34 1. In an isolated transaction~~; (2) where~~.
106 35 2. Where cigarettes are offered for sale, or sold in a
107 1 bona fide clearance sale for the purpose of discontinuing
107 2 trade in such cigarettes and said offer to sell, or sale shall
107 3 state the reason therefor and the quantity of such cigarettes
107 4 offered for sale, or to be sold~~; (3) where~~.
107 5 3. Where cigarettes are offered for sale~~,~~ or are sold as
107 6 imperfect or damaged, and ~~said~~ the offer to sell, or sale
107 7 shall state the reason therefor and the quantity of such
107 8 cigarettes offered for sale~~,~~ or to be sold.
107 9 Sec. 124. Section 422.11V, Code 2009, is amended to read
107 10 as follows:
107 11 422.11V REDEVELOPMENT TAX CREDIT.
107 12 The taxes imposed under this division, less the credits
107 13 allowed under section 422.12, shall be reduced by a
107 14 redevelopment tax credit allowed under chapter 15, subchapter
107 15 II, part 9.
107 16 Sec. 125. Section 422.33, subsection 26, Code 2009, is
107 17 amended to read as follows:
107 18 26. The taxes imposed under this division shall be reduced
107 19 by a redevelopment tax credit allowed under chapter 15,
107 20 subchapter II, part 9.
107 21 Sec. 126. Section 422.60, subsection 14, Code 2009, is
107 22 amended to read as follows:
107 23 14. The taxes imposed under this division shall be reduced
107 24 by a redevelopment tax credit allowed under chapter 15,
107 25 subchapter II, part 9.
107 26 Sec. 127. Section 424.16, subsection 1, paragraph a, Code
107 27 2009, is amended to read as follows:
107 28 a. The board shall notify each person who has previously
107 29 filed an environmental protection charge return, and any other
107 30 person known to the board who will owe the charge at any
107 31 address obtainable for that person, at least thirty days in
107 32 advance of the start of any calendar quarter during which ~~the~~
~~107 33 following will occur:~~
107 34 ~~An~~ an administrative change in the cost factor, pursuant to
107 35 section 424.3, subsection 5, becomes effective.
108 1 Sec. 128. Section 427B.20, Code 2009, is amended to read
108 2 as follows:
108 3 427B.20 LOCAL OPTION REMEDIAL ACTION PROPERTY TAX CREDIT
108 4 == PUBLIC HEARING.
108 5 1. As used in this division:
108 6 a. "Actual portion of the costs paid by the owner or
108 7 operator of an underground storage tank in connection with a
108 8 remedial action for which the Iowa comprehensive petroleum
108 9 underground storage tank fund shares in the cost of corrective
108 10 action" means the amount determined by the fund's board, or
108 11 the board's designee, as the administrator of the Iowa
108 12 comprehensive petroleum underground storage tank fund, and for
108 13 which the owner or operator was not reimbursed from any other
108 14 source.
108 15 b. "Small business" means a business with gross receipts
108 16 of less than five hundred thousand dollars per year.
108 17 ~~1.~~ 2. In order to further the public interests of
108 18 protecting the drinking water supply, preserving business and
108 19 industry within a community, preserving convenient access to
108 20 gas stations within a community, or other public purposes, a
108 21 city council or county board of supervisors may provide by
108 22 ordinance for partial or total property tax credits to owners
108 23 of small businesses that own or operate an underground storage
108 24 tank to reduce the amount of property taxes paid over the
108 25 permitted period in amounts not to exceed the actual portion
108 26 of costs paid by the business owner in connection with a
108 27 remedial action for which the Iowa comprehensive petroleum
108 28 underground storage tank fund shares in the cost of corrective
108 29 action, and for which the small business owner was not
108 30 reimbursed from any other source. A county board of
108 31 supervisors may grant credits only for property located
108 32 outside of the corporate limits of a city, and a city council
108 33 may grant credits only for property located within the
108 34 corporate limits of the city. The credit shall be taken on

the property where the underground storage tank is situated. The credit granted by the council or board shall not exceed the amount of taxes generated by the property for the respective city or county. The credit shall apply to property taxes payable in the fiscal year following the calendar year in which a cost of remedial action was paid by the small business owner.

~~As used in this division, "actual portion of the costs paid by the owner or operator of an underground storage tank in connection with a remedial action for which the Iowa comprehensive petroleum underground storage tank fund shares in the cost of corrective action" means the amount determined by the fund's board, or the board's designee, as the administrator of the Iowa comprehensive petroleum underground storage tank fund, and for which the owner or operator was not reimbursed from any other source.~~

~~As used in this division, "small business" means a business with gross receipts of less than five hundred thousand dollars per year.~~

~~2.~~ 3. The ordinance may be enacted not less than thirty days after a public hearing is held in accordance with section 335.6 in the case of a county, or section 362.3 in the case of a city. The ordinance shall designate the length of time the partial or total credit shall be available, and shall include a credit schedule and description of the terms and conditions of the credit.

~~3.~~ 4. A property tax credit provided under this section shall be paid for out of any available funds budgeted for that purpose by the city council or county board of supervisors. A city council may certify a tax for the general fund levy and a county board of supervisors may certify a tax for the rural county service fund levy for property tax credits authorized by this section.

~~4.~~ 5. The maximum permitted period of a tax credit granted under this section is ten years.

Sec. 129. Section 432.12L, Code 2009, is amended to read as follows:

432.12L REDEVELOPMENT TAX CREDIT.

The taxes imposed under this chapter shall be reduced by a redevelopment tax credit allowed under chapter 15, subchapter II, part 9.

Sec. 130. Section 441.47, Code 2009, is amended to read as follows:

441.47 ADJUSTED VALUATIONS.

The director of revenue on or about August 15, 1977, and every two years thereafter shall order the equalization of the levels of assessment of each class of property in the several assessing jurisdictions by adding to or deducting from the valuation of each class of property such percentage in each case as may be necessary to bring the same to its taxable value as fixed in this chapter and chapters 427 to 443. The director shall adjust to actual value the valuation of any class of property as set out in the abstract of assessment when the valuation is at least five percent above or below actual value as determined by the director. For purposes of such value adjustments and before such equalization the director shall adopt, in the manner prescribed by chapter 17A, such rules as may be necessary to determine the level of assessment for each class of property in each county. The rules shall cover: ~~(1)~~

1. The proposed use of the assessment=sales ratio study set out in section 421.17, subsection 6~~; (2) the~~.

2. The proposed use of any statewide income capitalization studies~~; (3) the~~.

3. The proposed use of other methods that would assist the director in arriving at the accurate level of assessment of each class of property in each assessing jurisdiction.

Sec. 131. Section 455B.151, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The compliance advisory panel created in section 455B.150 shall review and report on the effectiveness of the small business stationary source technical and environmental compliance assistance program as provided in section 455B.133A. The compliance advisory panel shall do all of the following:

Sec. 132. Section 455B.171, subsection 27, Code 2009, is amended to read as follows:

27. "Semipublic sewage disposal system" means a system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a city, a sanitary district, or a designated and approved

111 11 management agency under } 1288 of the federal Water Pollution
111 12 Control Act ~~(33, codified at 33~~ U.S.C. } ~~1288)~~ 1288.
111 13 Sec. 133. Section 455B.176, subsections 1 through 9, Code
111 14 2009, are amended to read as follows:
111 15 1. The protection of the public health~~;~~.
111 16 2. The size, depth, surface area covered, volume,
111 17 direction and rate of flow, stream gradient, and temperature
111 18 of the affected water of the state~~;~~.
111 19 3. The character and uses of the land area bordering the
111 20 affected water of the state~~;~~.
111 21 4. The uses which have been made, are being made, or may
111 22 be made of the affected water of the state for public,
111 23 private, or domestic water supplies, irrigation; livestock
111 24 watering; propagation of wildlife, fish, and other aquatic
111 25 life; bathing, swimming, boating, or other recreational
111 26 activity; transportation; and disposal of sewage and wastes~~;~~.
111 27 5. The extent of contamination resulting from natural
111 28 causes including the mineral and chemical characteristics~~;~~.
111 29 6. The extent to which floatable or settleable solids may
111 30 be permitted~~;~~.
111 31 7. The extent to which suspended solids, colloids, or a
111 32 combination of solids with other suspended substances may be
111 33 permitted~~;~~.
111 34 8. The extent to which bacteria and other biological
111 35 organisms may be permitted~~;~~.
112 1 9. The amount of dissolved oxygen that is to be present
112 2 and the extent of the oxygen demanding substances which may be
112 3 permitted~~;~~.
112 4 Sec. 134. Section 455D.19, subsection 2, paragraph c, Code
112 5 2009, is amended to read as follows:
112 6 c. "Intentional introduction" means an act of deliberately
112 7 utilizing a regulated metal in the formulation of a package or
112 8 packaging component where its continued presence is desired in
112 9 the final package or packaging component to provide a specific
112 10 characteristic, appearance, or quality. Intentional
112 11 introduction does not include the use of a regulated metal as
112 12 a processing agent or intermediate to impart certain chemical
112 13 or physical changes during manufacturing, if the incidental
112 14 presence of a residue of the metal in the final package or
112 15 packaging component is neither desired nor deliberate, and if
112 16 the final package or packaging component is in compliance with
112 17 subsection 4, paragraph "c". Intentional introduction also
112 18 does not include the use of recycled materials as feedstock
112 19 for the manufacture of new packaging materials, if the
112 20 recycled materials contain amounts of a regulated metal and if
112 21 the new package or packaging component is in compliance with
112 22 subsection 4, paragraph "c".
112 23 ~~"Regulated metal" means any metal regulated under this~~
~~112 24 section.~~
112 25 Sec. 135. Section 455D.19, subsection 2, Code 2009, is
112 26 amended by adding the following new paragraph:
112 27 NEW PARAGRAPH. ga. "Regulated metal" means any metal
112 28 regulated under this section.
112 29 Sec. 136. Section 455E.11, subsection 2, paragraph b,
112 30 unnumbered paragraph 1, Code 2009, is amended to read as
112 31 follows:
112 32 An agriculture management account. Moneys collected from
112 33 the groundwater protection fee levied pursuant to section
112 34 200.8, subsection 4, the portion of the fees collected
112 35 pursuant to sections 206.8, subsection 2, and 206.12,
113 1 subsection ~~3~~ 4, and other moneys designated for the purpose of
113 2 agriculture management shall be deposited in the agriculture
113 3 management account. The agriculture management account shall
113 4 be used for the following purposes:
113 5 Sec. 137. Section 459.312, subsection 10, paragraph a,
113 6 subparagraph (2), subparagraph division (c), Code 2009, is
113 7 amended to read as follows:
113 8 (c) Regardless of the development of the state
113 9 comprehensive nutrient management strategy as provided in
113 10 subparagraph ~~subdivision~~ division (b), the department shall
113 11 adopt rules required to establish a phosphorus index. The
113 12 department shall cooperate with the United States department
113 13 of agriculture natural resource conservation service technical
113 14 committee for Iowa to refine and calibrate the phosphorus
113 15 index in adopting the rules. Rules adopted by the department
113 16 pursuant to this subparagraph (2) shall become effective on
113 17 July 1, 2003.
113 18 Sec. 138. Section 459.312, subsection 10, paragraph a,
113 19 unnumbered paragraph 2, Code 2009, is amended to read as
113 20 follows:
113 21 Subparagraph ~~subdivisions~~ divisions (b) through (e) and

this paragraph are repealed on the date that any person who has submitted an original manure management plan prior to April 1, 2002, is required to submit a manure management plan update which includes a phosphorus index as provided in subparagraph ~~subdivision~~ division (e), subparagraph subdivision ~~part~~ (i). The department shall publish a notice in the Iowa administrative bulletin published immediately prior to that date, and the director of the department shall deliver a copy of the notice to the Iowa Code editor.

Sec. 139. Section 466B.3, subsection 4, paragraph f, Code 2009, is amended to read as follows:

f. The dean of the college of agriculture and life sciences at Iowa state university or the dean's designee.

Sec. 140. Section 468.119, Code 2009, is amended to read as follows:

468.119 ANNEXATION OF ADDITIONAL LANDS.

1. After the establishment of a levee or drainage district, if the board becomes convinced that additional lands contiguous to the district, and without regard to county boundaries, are benefited by the improvement or that the same are then receiving benefit or will be benefited by a repair or improvement to said district as contemplated in section 468.126, it may adopt, with or without a petition from owners of the proposed annexed lands, a resolution of necessity for the annexation of such additional land and appoint an engineer with the qualifications provided in this subchapter, parts 1 through 5, to examine such additional lands, to make a survey and plat thereof showing their relation, elevation, and condition of drainage with reference to such established district, and to make and file with the auditor a report as in this subchapter, parts 1 through 5, provided for the original establishment of such district, said report to specify the character of the benefits received.

2. In the event the additional lands are a part of an existing drainage district, as an alternative procedure to that established by ~~the foregoing provisions of this section~~ subsection 1, the lands may be annexed in either of the following methods:

~~1.~~ a. (1) A petition, proposing that the lands be included in a contiguous drainage district and signed by at least twenty percent of the landowners of those lands to be annexed, shall be filed with the governing board of each affected district.

(2) The board of the district in which the lands are presently included may, at its next regular meeting or at a special meeting called for that purpose, adopt a resolution approving and consenting to the annexation~~; or.~~

~~2.~~ b. Whenever the owners of all of the land proposed to be annexed file a petition with the governing boards of the affected districts, the consent of the board in which the lands are then located shall not be required to consent to the annexation, and the board of the annexing district may proceed as provided in this section.

3. If either method of annexation provided for in ~~subsections 1 and~~ subsection 2 ~~of this section~~ is completed, the board of the district to which the lands are to be annexed may adopt a resolution of necessity for the annexation of the additional lands, as provided in this section.

4. The right of remonstrance, as provided under section 468.28, does not apply to the owners of lands being involuntarily annexed to an established district.

Sec. 141. Section 469.6, subsection 1, unnumbered paragraph 2, is amended by striking the unnumbered paragraph.

Sec. 142. Section 469.6, subsection 3, Code 2009, is amended to read as follows:

3. The members of the board shall be reimbursed for actual and necessary travel and related expenses incurred in the discharge of official duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.6. A legislative member is eligible for per diem and expenses as provided in section 2.10.

Sec. 143. Section 483A.25, Code 2009, is amended to read as follows:

483A.25 PHEASANT AND QUAIL RESTORATION PROGRAM == APPROPRIATIONS.

The revenue received from the resident hunting license fee increase in 2002 Acts, chapter 1141, for each fiscal year of the fiscal period beginning July 1, 2002, and ending June 30, 2007, is appropriated to the department. Of the amount appropriated to the department pursuant to this section, at least sixty percent shall be used to fund a pheasant and quail

115 33 restoration program. The department shall submit a report
115 34 annually on the pheasant and quail restoration program to the
115 35 chairpersons of the house ~~committee~~ and senate committees on
116 1 natural resources ~~and the senate committee on natural~~
~~116 2 resources and environment~~ not later than January 1, 2004, and
116 3 not later than January 1 of each subsequent year.
116 4 Sec. 144. Section 489.302, subsection 5, unnumbered
116 5 paragraph 1, Code 2009, is amended to read as follows:
116 6 Subject to subsection 3, a grant of authority not
116 7 pertaining to a transfer of real property and contained in an
116 8 effective statement of authority is conclusive in favor of a
116 9 person that gives value in reliance on the grant, except to
116 10 the extent that when the person gives value, ~~and~~ any of the
116 11 following applies:
116 12 Sec. 145. Section 489.302, subsection 6, unnumbered
116 13 paragraph 1, Code 2009, is amended to read as follows:
116 14 Subject to subsection 3, an effective statement of
116 15 authority that grants authority to transfer real property held
116 16 in the name of the limited liability company and that is
116 17 recorded by certified copy in the office for recording
116 18 transfers of the real property is conclusive in favor of a
116 19 person that gives value in reliance on the grant without
116 20 knowledge to the contrary, except to the extent that when the
116 21 person gives value, ~~and~~ any of the following applies:
116 22 Sec. 146. Section 489.401, subsection 4, paragraph d,
116 23 unnumbered paragraph 1, Code 2009, is amended to read as
116 24 follows:
116 25 If, within ninety consecutive days after the company ceases
116 26 to have any members, ~~and~~ all of the following occur:
116 27 Sec. 147. Section 490.1112, subsection 1, paragraph c,
116 28 Code 2009, is amended to read as follows:
116 29 c. The domestic corporation must notify each shareholder
116 30 of the domestic corporation, whether or not entitled to vote,
116 31 of the meeting of shareholders at which the plan is to be
116 32 submitted for approval. The notice must state that the
116 33 purpose, or one of the purposes, of the meeting is to consider
116 34 the plan of conversion and must contain or be accompanied by a
116 35 copy or summary of the plan of conversion. The notice shall
117 1 include or be accompanied by a copy of the ~~organic~~
117 2 organizational documents as they will be in effect immediately
117 3 after the conversion.
117 4 Sec. 148. Section 508.36, subsection 4, paragraph b,
117 5 subparagraph (1), subparagraph division (c), Code 2009, is
117 6 amended to read as follows:
117 7 (c) A modification of the tables identified in
117 8 subparagraph ~~subdivisions~~ divisions (a) and (b) approved by
117 9 the commissioner.
117 10 Sec. 149. Section 508.36, subsection 4, paragraph c,
117 11 subparagraph (1), subparagraph division (c), Code 2009, is
117 12 amended to read as follows:
117 13 (c) A modification of the tables identified in
117 14 subparagraph ~~subdivisions~~ divisions (a) and (b) approved by
117 15 the commissioner.
117 16 Sec. 150. Section 508.36, subsection 4, paragraph e,
117 17 subparagraph (1), subparagraph division (c), Code 2009, is
117 18 amended to read as follows:
117 19 (c) A modification of the tables identified in
117 20 subparagraph ~~subdivisions~~ divisions (a) and (b) approved by
117 21 the commissioner.
117 22 Sec. 151. Section 508.36, subsection 5, paragraph b,
117 23 subparagraph (1), subparagraph divisions (c), (d), and (e),
117 24 Code 2009, are amended to read as follows:
117 25 (c) For other annuities with cash settlement options and
117 26 guaranteed interest contracts with cash settlement options,
117 27 valued on an issue=year basis, except as stated in
117 28 subparagraph ~~subdivision~~ division (b), the formula for life
117 29 insurance stated in subparagraph ~~subdivision~~ division (a)
117 30 applies to annuities and guaranteed interest contracts with
117 31 guarantee durations in excess of ten years, and the formula
117 32 for single premium immediate annuities stated in subparagraph
117 33 ~~subdivision~~ division (b) applies to annuities and guaranteed
117 34 interest contracts with guarantee durations of ten years or
117 35 less.
118 1 (d) For other annuities with no cash settlement options
118 2 and for guaranteed interest contracts with no cash settlement
118 3 options, the formula for single premium immediate annuities
118 4 stated in subparagraph ~~subdivision~~ division (b) applies.
118 5 (e) For other annuities with cash settlement options and
118 6 guaranteed interest contracts with cash settlement options,
118 7 valued on a change=in=fund basis, the formula for single
118 8 premium immediate annuities stated in subparagraph ~~subdivision~~

118 9 division (b) applies.
118 10 Sec. 152. Section 508.36, subsection 5, paragraph b,
118 11 subparagraph (2), Code 2009, is amended to read as follows:
118 12 (2) However, if the calendar year statutory valuation
118 13 interest rate for any life insurance policies issued in any
118 14 calendar year determined under subparagraph (1), subparagraph
118 15 ~~subdivision~~ division (a) without reference to this sentence
118 16 differs from the corresponding actual rate for similar
118 17 policies issued in the immediately preceding calendar year by
118 18 less than one=half of one percent, the calendar year statutory
118 19 valuation interest rate for the life insurance policies is
118 20 equal to the corresponding actual rate for the immediately
118 21 preceding calendar year. For purposes of applying the
118 22 immediately preceding sentence, the calendar year statutory
118 23 valuation interest rate for life insurance policies issued in
118 24 a calendar year shall be determined for 1980, using the
118 25 reference interest rate defined in 1979, and shall be
118 26 determined for each subsequent calendar year regardless of the
118 27 operative date of section 508.37, subsection 5, paragraph "c".
118 28 Sec. 153. Section 508.36, subsection 5, paragraph c,
118 29 subparagraph (1), subparagraph division (c), unnumbered
118 30 paragraph 1, Code 2009, is amended to read as follows:
118 31 Weighting factors for other annuities and for guaranteed
118 32 interest contracts, except as stated in subparagraph
118 33 ~~subdivision~~ division (b), shall be as specified in
118 34 subparagraph ~~subdivision parts~~ subdivisions (i), (ii), and
118 35 (iii) of this subparagraph ~~subdivision~~ division, according to
119 1 the rules and definitions in subparagraph ~~subdivision parts~~
119 2 subdivisions (iv), (v), and (vi) of this subparagraph
119 3 ~~subdivision~~ division:
119 4 Sec. 154. Section 508.36, subsection 5, paragraph c,
119 5 subparagraph (1), subparagraph division (c), subparagraph
119 6 subdivision (ii), unnumbered paragraph 1, Code 2009, is
119 7 amended to read as follows:
119 8 For annuities and guaranteed interest contracts valued on a
119 9 change=in=fund basis, the factors shown in subparagraph
119 10 subdivision ~~part~~ (i) of this subparagraph ~~subdivision~~ division
119 11 increased by:
119 12 Sec. 155. Section 508.36, subsection 5, paragraph c,
119 13 subparagraph (1), subparagraph division (c), subparagraph
119 14 subdivision (iii), unnumbered paragraph 1, Code 2009, is
119 15 amended to read as follows:
119 16 For annuities and guaranteed interest contracts valued on
119 17 an issue=year basis, other than those with no cash settlement
119 18 options, which do not guarantee interest on considerations
119 19 received more than one year after issue or purchase and for
119 20 annuities and guaranteed interest contracts valued on a
119 21 change=in=fund basis which do not guarantee interest rates on
119 22 considerations received more than twelve months beyond the
119 23 valuation date, the factors shown in subparagraph subdivision
119 24 ~~part~~ (i) of this subparagraph ~~subdivision~~ division or derived
119 25 in subparagraph subdivision ~~part~~ (ii) of this subparagraph
119 26 ~~subdivision~~ division increased by:
119 27 Sec. 156. Section 508.36, subsection 5, paragraph c,
119 28 subparagraph (1), subparagraph division (c), subparagraph
119 29 subdivision (v), unnumbered paragraph 1, Code 2009, is amended
119 30 to read as follows:
119 31 "Plan type", as used in subparagraph ~~subdivision parts~~
119 32 subdivisions (i), (ii), and (iii) of this subparagraph
119 33 ~~subdivision~~ division, is defined as follows:
119 34 Sec. 157. Section 508C.8, subsection 8, paragraph a,
119 35 subparagraph (2), subparagraph division (b), subparagraph
120 1 subdivision (ii), Code 2009, is amended to read as follows:
120 2 (ii) However, the association shall not in any event be
120 3 obligated to cover more than an aggregate of three hundred
120 4 fifty thousand dollars in benefits with respect to any one
120 5 life under subparagraph ~~subdivision~~ division (a) and this
120 6 subparagraph ~~subdivision~~ division (b), or more than five
120 7 million dollars in benefits to one owner of multiple nongroup
120 8 policies of life insurance regardless of whether the policy
120 9 owner is an individual, firm, corporation, or other person,
120 10 and whether the persons insured are officers, managers,
120 11 employees, or other persons, and regardless of the number of
120 12 policies and contracts held by the owner.
120 13 Sec. 158. Section 508C.8, subsection 8, paragraph a,
120 14 subparagraph (2), subparagraph division (c), Code 2009, is
120 15 amended to read as follows:
120 16 (c) With respect to a plan sponsor whose plan owns,
120 17 directly or in trust, one or more unallocated annuity
120 18 contracts not included under subparagraph ~~subdivision~~ division
120 19 (b), not more than five million dollars in benefits,

regardless of the number of contracts held by the plan sponsor. However, where one or more such unallocated annuity contracts are covered contracts under this chapter and are owned by a trust or other entity for the benefit of two or more plan sponsors, the association shall provide coverage if the largest interest in the trust or entity owning the contract is held by a plan sponsor whose principal place of business is in the state but in no event shall the association be obligated to cover more than five million dollars in benefits in the aggregate with respect to all such unallocated contracts.

Sec. 159. Section 515.35, subsection 3, paragraph a, subparagraph (2), subparagraph division (c), subparagraph subdivision (ii), Code 2009, is amended to read as follows:

(ii) If the loan is fully collateralized by cash or cash equivalents, the cash or cash equivalent collateral may be reinvested by the company as provided in subparagraph ~~subdivision~~ division (b).

Sec. 160. Section 515.35, subsection 3, paragraph a, subparagraph (5), Code 2009, is amended to read as follows:

(5) Transfers of ownership of investments held as described in paragraph "a", subparagraph (1), subparagraph ~~subdivision~~ division (c), and subparagraphs (3) and (4) may be evidenced by bookkeeping entry on the books of the issuer of the investment, its transfer or recording agent, or the clearing corporation without physical delivery of certificate, if any, evidencing the company's investment.

Sec. 161. Section 515.35, subsection 4, paragraph h, subparagraph (1), unnumbered paragraph 2, Code 2009, is amended to read as follows:

All real estate specified in ~~subdivisions~~ subparagraph divisions (a), (b), and (c) ~~of this subparagraph~~ shall be sold and disposed of within three years after the company acquires title to it, or within three years after the real estate ceases to be necessary for the accommodation of the company's business, and the company shall not hold any of those properties for a longer period unless the company elects to hold the property under another paragraph of this section, or unless the company procures a certificate from the commissioner of insurance that its interest will suffer materially by the forced sale of those properties and that the time for the sale is extended to the time the commissioner directs in the certificate.

Sec. 162. Section 554.2709, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

When the buyer fails to pay the price as it becomes due the seller may recover, together with any incidental damages under ~~the next~~ section 554.2710, the price:

Sec. 163. Section 554.11101, Code 2009, is amended to read as follows:

554.11101 EFFECTIVE DATE.

Division 2 of ~~this Act [65GA~~ 1974 Iowa Acts, chapter ~~1249]~~ 1249, sections 9 to 72, the Iowa amendments to the Uniform Commercial Code pertaining primarily to security interests, and related amendments, shall become effective at 12:01 a.m. on January 1, 1975.

Sec. 164. Section 554.11102, Code 2009, is amended to read as follows:

554.11102 PRESERVATION OF OLD TRANSITION PROVISION.

The provisions of Article 10 of this chapter, sections 554.10101 ~~to~~, 554.10103, and 554.10105, shall continue to apply to this chapter as amended and for this purpose this chapter prior to amendment and this chapter as amended shall be considered one continuous statute.

Sec. 165. Section 602.4201, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. Rules of appellate procedure ~~6.1~~ 6.101 through ~~6.9~~ 6.105, 6.601 through 6.603, and 6.907.

Sec. 166. Section 714F.1, subsection 4, paragraphs a and b, Code 2009, are amended to read as follows:

a. The transfer of title to real property by a foreclosed homeowner during a foreclosure ~~proceeding~~, forfeiture ~~proceeding~~, or tax sale ~~proceeding~~, either by transfer of interest from the foreclosed homeowner or by creation of a mortgage or other lien or encumbrance during the process that allows the acquirer to obtain title to the property by redeeming the property as a junior lienholder.

b. The subsequent conveyance, or promise of a subsequent conveyance, of an interest back to the ~~affected~~ foreclosed homeowner by the acquirer or a person acting in participation with the acquirer that allows the foreclosed homeowner to

possess either the affected residence or other real property, which interest includes but is not limited to an interest in a contract for deed, purchase agreement, option to purchase, or lease.

Sec. 167. Section 714F.4, subsection 2, Code 2009, is amended to read as follows:

2. Cancellation occurs when the foreclosed homeowner delivers, by any means, written notice of cancellation, provided that, at a minimum, the contract and the notice of cancellation contains a physical address to which notice of cancellation may be mailed or otherwise delivered. A post office box does not constitute a physical address. A post office box may be designated for delivery by mail only if it is accompanied by a physical address at which the notice could be delivered by a method other than mail. An ~~electronically mailed~~ electronic mail address may be provided in addition to the physical address. If cancellation is mailed, delivery is effective upon mailing. If electronically mailed, cancellation is effective upon transmission.

Sec. 168. Section 714F.8, subsection 3, paragraph b, subparagraph (2), subparagraph division (c), Code 2009, is amended to read as follows:

(c) "Consideration" means any payment or thing of value provided to the foreclosed homeowner, including payment of unpaid rent or contract for deed payments owed by the foreclosed homeowner prior to the date of eviction or voluntary relinquishment of the property, reasonable costs paid to third parties necessary to complete the foreclosure reconveyance transaction, payment of money to satisfy a debt or legal obligation of the foreclosed homeowner that creates a lien against the affected residence, or the payment of reasonable cost of repairs for damage to the dwelling caused by the foreclosed homeowner; or a payment of a penalty imposed by a court for the filing of a frivolous claim under section 714F.9, subsection 6, but "consideration" shall not include amounts imputed as a down payment or fee to the foreclosure purchaser, or a person acting in participation with the foreclosure purchaser, incident to a contract for deed, lease, or option to purchase entered into as part of the foreclosure reconveyance, except for reasonable costs paid to third parties necessary to complete the foreclosure reconveyance.

Sec. 169. Section 716.5, Code 2009, is amended to read as follows:

716.5 CRIMINAL MISCHIEF IN THE THIRD DEGREE.

1. Criminal mischief is criminal mischief in the third degree if ~~the~~ any of the following apply:

a. The cost of replacing, repairing, or restoring the property ~~so~~ that is damaged, defaced, altered, or destroyed exceeds five hundred dollars, but does not exceed one thousand dollars~~, or if the~~.

b. The property is a deed, will, commercial paper or any civil or criminal process or other instrument having legal effect~~, or if the~~.

c. The act consists of rendering substantially less effective than before any light, signal, obstruction, barricade, or guard which has been placed or erected for the purpose of enclosing any unsafe or dangerous place or of alerting persons to an unsafe or dangerous condition.

~~Criminal mischief in the third degree is an aggravated misdemeanor.~~

~~A person commits criminal mischief in the third degree who does either of the following:~~

~~1.~~ d. ~~Intentionally~~ The person intentionally disinters human remains from a burial site without lawful authority.

~~2.~~ e. ~~Intentionally~~ The person intentionally disinters human remains that have state and national significance from an historical or scientific standpoint for the inspiration and benefit of the United States without the permission of the state archaeologist.

2. Criminal mischief in the third degree is an aggravated misdemeanor.

Sec. 170. 2008 Iowa Acts, chapter 1088, section 44, subsection 1, is amended to read as follows:

1. Persons who publicly profess to be physicians and surgeons~~,~~ or osteopathic physicians and surgeons, or who publicly profess to assume the duties incident to the practice of medicine and surgery or osteopathic medicine and surgery.

Sec. 171. 2008 Iowa Acts, chapter 1088, is amended by adding the following new section:

SEC. ___. Section 152B.13, subsection 1, paragraph a, Code 2007, is amended to read as follows:

1. A state board for respiratory care is established to administer this chapter. Membership of the board shall be established pursuant to section 147.14~~, subsection 15~~.

Sec. 172. 2008 Iowa Acts, chapter 1181, section 5, subsection 3, paragraph c, is amended to read as follows:

c. For the entrepreneurs with disabilities program pursuant to section 259.4, subsection 9, if enacted by 2008 Iowa Acts, ~~House~~ Senate File ~~2214~~ 2101:

..... $ 200,000

Sec. 173. Section 261E.12, subsection 1, paragraph d, as enacted by 2008 Iowa Acts, chapter 1181, section 63, is amended to read as follows:

d. For the fiscal year beginning July 1, 2008, and succeeding fiscal years, an amount up to five hundred thousand dollars to the department to provide advanced placement course examination fee remittance pursuant to section 261E.4A. If the funds appropriated for purposes of section ~~261E.5~~ 261E.4A are insufficient to distribute the amounts set out in section ~~261E.5~~ 261E.4A, subsection 3, to school districts, the department shall prorate the amount distributed to school districts based on the amount appropriated.

Sec. 174. 2008 Iowa Acts, chapter 1187, section 9, subsection 22, is amended to read as follows:

22. Of the funds appropriated in this section, $250,000 shall be used to implement the provisions in 2007 Iowa Acts, chapter 218, section ~~124~~ 126, as amended by the Eighty=second General Assembly, 2008 Session, relating to eligibility for certain persons with disabilities under the medical assistance program.

Sec. 175. 2008 Iowa Acts, chapter 1191, is amended by adding the following new section:

SEC. ___. EFFECTIVE DATE. The section of this Act amending section 100C.6, subsection 3, as enacted by 2008 Iowa Acts, House File 2646, section 1, takes effect August 1, 2009.

DIVISION II

CODE SECTION RENUMBERING

Sec. 176. Section 103A.9, Code 2009, is amended to read as follows:

103A.9 FACTORY=BUILT STRUCTURES.

1. The state building code shall contain provisions relating to the manufacture and installation of factory=built structures.

~~1.~~ a. Factory=built structures manufactured in Iowa, after the effective date of the code, shall be manufactured in accordance with the code, unless the commissioner determines the structure is manufactured for installation outside the state.

~~2.~~ b. Factory=built structures manufactured outside the state of Iowa, after the effective date of the code, and brought into Iowa for installation must, prior to installation, comply with the code.

~~3.~~ c. Factory=built structures manufactured prior to the effective date of the code, which prior to that date have never been installed, must comply with the code prior to installation.

~~4. a.~~ d. (1) All factory=built structures, without regard to manufacture date, shall be installed in accordance with the code in the governmental subdivisions which have adopted the state building code or any other building code. However, a governmental subdivision shall not require that a factory=built structure, that was manufactured in accordance with federally mandated standards, be renovated in accordance with the state building code or any other building code which the governmental subdivision has adopted when the factory=built structure is being moved from one lawful location to another unless such required renovation is in conformity with those specifications for the factory=built structure which existed when it was manufactured or the factory=built structure is being rented for occupancy.

~~b.~~ (2) Existing factory=built structures not constructed to be in compliance with federally mandated standards may be moved from one established manufactured home community or mobile home park to another and shall not be required to be renovated to comply with the state building code or any other building code which the governmental subdivision has adopted unless the factory=built structure is being rented for occupancy or has been declared a public nuisance according to standards generally applied to housing.

~~5.~~ e. Factory=built structures required to comply with the code provisions on manufacture, shall not be modified in any way prior to or during installation, unless prior approval

127 18 is obtained from the commissioner.
127 19 ~~6.~~ 2. The commissioner shall establish an insignia of
127 20 approval and provide that factory=built structures required to
127 21 comply with code provisions on manufacture bear an insignia of
127 22 approval prior to installation. The insignia may be issued
127 23 for other factory=built structures which meet code standards
127 24 and which were manufactured prior to the effective date of the
127 25 state building code.
127 26 ~~7.~~ 3. The commissioner may contract with local government
127 27 agencies for enforcement of the code relating to manufacture
127 28 of factory=built structures. Code provisions relating to
127 29 installation of factory=built structures shall be enforced by
127 30 the local building departments only in those governmental
127 31 subdivisions which have adopted the state building code or any
127 32 other building code.
127 33 Sec. 177. Section 123.127, Code 2009, is amended to read
127 34 as follows:
127 35 123.127 CLASS "A" AND SPECIAL CLASS "A" APPLICATION.
128 1 1. A class "A" permit shall be issued by the administrator
128 2 to any person who:
128 3 ~~1.~~ a. Submits a written application for such permit,
128 4 which application shall state under oath:
128 5 ~~a.~~ (1) The name and place of residence of the applicant
128 6 and the length of time the applicant has lived at such place
128 7 of residence.
128 8 ~~b.~~ (2) That the applicant is a citizen of the state of
128 9 Iowa.
128 10 ~~c.~~ (3) That the applicant is a person of good moral
128 11 character as defined by this chapter.
128 12 ~~d.~~ (4) The location of the premises where the applicant
128 13 intends to operate.
128 14 ~~e.~~ (5) The name of the owner of the premises and if such
128 15 owner is not the applicant, that such applicant is the actual
128 16 lessee of the premises.
128 17 ~~2.~~ b. Establishes:
128 18 ~~a.~~ (1) That the applicant is a person of good moral
128 19 character as defined by this chapter.
128 20 ~~b.~~ (2) That the premises where the applicant intends to
128 21 operate conform to all laws and health and fire regulations
128 22 applicable thereto.
128 23 ~~3.~~ c. Furnishes a bond in the form prescribed and to be
128 24 furnished by the division, with good and sufficient sureties
128 25 to be approved by the administrator conditioned upon the
128 26 faithful observance of this chapter, in the penal sum of five
128 27 thousand dollars, payable to the state.
128 28 ~~4.~~ d. Gives consent to a person, pursuant to section
128 29 123.30, subsection 1, to enter upon the premises without a
128 30 warrant during the business hours of the permittee to inspect
128 31 for violations of the provisions of this chapter or ordinances
128 32 and regulations that local authorities may adopt.
128 33 2. An applicant for a special class "A" permit shall
128 34 comply with the requirements for a class "A" permit and shall
128 35 also state on the application that the applicant holds or has
129 1 applied for a class "C" liquor control license or class "B"
129 2 beer permit.
129 3 Sec. 178. Section 123.128, subsection 1, paragraph a, Code
129 4 2009, is amended to read as follows:
129 5 a. All the information required of a class "A" applicant
129 6 by section 123.127, subsection 1, paragraph "a".
129 7 Sec. 179. Section 123.128, subsection 2, Code 2009, is
129 8 amended to read as follows:
129 9 2. Fulfills the requirements of section 123.127,
129 10 subsection ~~2~~ 1, paragraph "b", relating to class "A"
129 11 applicants.
129 12 Sec. 180. Section 123.129, subsection 1, Code 2009, is
129 13 amended to read as follows:
129 14 1. Submits a written application for such permit, which
129 15 application shall state under oath all the information
129 16 required of a class "A" applicant by section 123.127,
129 17 subsection 1, paragraph "a".
129 18 Sec. 181. Section 124.401D, Code 2009, is amended to read
129 19 as follows:
129 20 124.401D CONSPIRACY TO MANUFACTURE FOR DELIVERY OR
129 21 DELIVERY OR INTENT OR CONSPIRACY TO DELIVER AMPHETAMINE OR
129 22 METHAMPHETAMINE TO A MINOR.
129 23 1. a. It is unlawful for a person eighteen years of age
129 24 or older to act with, or enter into a common scheme or design
129 25 with, or conspire with one or more persons to manufacture for
129 26 delivery to a person under eighteen years of age a material,
129 27 compound, mixture, preparation, or substance that contains any
129 28 detectable amount of amphetamine, its salts, isomers, or salts

129 29 of its isomers, or methamphetamine, its salts, isomers, or
129 30 salts of its isomers.
129 31 b. A violation of this subsection is a felony punishable
129 32 under section 902.9, subsection 1.
129 33 c. A second or subsequent violation of this subsection is
129 34 a class "A" felony.
129 35 2. a. It is unlawful for a person eighteen years of age
130 1 or older to deliver, or possess with the intent to deliver to
130 2 a person under eighteen years of age, a material, compound,
130 3 mixture, preparation, or substance that contains any
130 4 detectable amount of amphetamine, its salts, isomers, or salts
130 5 of its isomers, or methamphetamine, its salts, isomers, or
130 6 salts of its isomers, or to act with, or enter into a common
130 7 scheme or design with, or conspire with one or more persons to
130 8 deliver or possess with the intent to deliver to a person
130 9 under eighteen years of age a material, compound, mixture,
130 10 preparation, or substance that contains any detectable amount
130 11 of amphetamine, its salts, isomers, or salts of its isomers,
130 12 or methamphetamine, its salts, isomers, or salts of its
130 13 isomers.
130 14 b. A violation of this subsection is a felony punishable
130 15 under section 902.9, subsection 1.
130 16 c. A second or subsequent violation of this subsection is
130 17 a class "A" felony.
130 18 Sec. 182. Section 124.413, Code 2009, is amended to read
130 19 as follows:
130 20 124.413 MANDATORY MINIMUM SENTENCE.
130 21 1. A person sentenced pursuant to section 124.401,
130 22 subsection 1, paragraph "a", "b", "c", "e", or "f", shall not
130 23 be eligible for parole until the person has served a minimum
130 24 period of confinement of one=third of the maximum
130 25 indeterminate sentence prescribed by law.
130 26 2. This section shall not apply if:
130 27 ~~1.~~ a. The offense is found to be an accommodation
130 28 pursuant to section 124.410; or
130 29 ~~2.~~ b. The controlled substance is marijuana.
130 30 Sec. 183. Section 124.502, subsection 1, paragraphs b
130 31 through d, Code 2009, are amended to read as follows:
130 32 b. A warrant shall issue only upon sworn testimony of an
130 33 officer or employee of the board duly designated and having
130 34 knowledge of the facts alleged, before the judicial officer,
130 35 establishing the grounds for issuing the warrant. If the
131 1 judicial officer is satisfied that grounds for the application
131 2 exist or that there is probable cause to believe they exist,
131 3 the officer shall issue a warrant identifying the area,
131 4 premises, building, or conveyance to be inspected, the purpose
131 5 of the inspection, and, if appropriate, the type of property
131 6 to be inspected, if any.
131 7 c. The warrant shall:
131 8 (1) State the grounds for its issuance and the name of
131 9 each person whose testimony has been taken in support thereof.
131 10 (2) Be directed to a person authorized by section 124.501
131 11 to execute it.
131 12 (3) Command the person to whom it is directed to inspect
131 13 the area, premises, building, or conveyance identified for the
131 14 purpose specified and, if appropriate, direct the seizure of
131 15 the property specified.
131 16 (4) Identify the item or types of property to be seized,
131 17 if any.
131 18 (5) Direct that it be served during normal business hours,
131 19 if appropriate, and designate the judge to whom it shall be
131 20 returned.
131 21 ~~c.~~ d. A warrant issued pursuant to this section must be
131 22 executed and returned within ten days after its date unless,
131 23 upon a showing of a need for additional time, the court so
131 24 instructs otherwise in the warrant. If property is seized
131 25 pursuant to a warrant, the person executing the warrant shall
131 26 give to the person from whom the property is seized, or the
131 27 person in charge of the premises from which the property is
131 28 seized, a copy of the warrant and a receipt for the property
131 29 seized or shall leave the copy and receipt at the place from
131 30 which the property is seized. The return of the warrant shall
131 31 be made promptly and shall be accompanied by a written
131 32 inventory of any property seized. The inventory shall be made
131 33 in the presence of the person executing the warrant and of the
131 34 person from whose possession or premises the property was
131 35 seized, if they are present, or in the presence of at least
132 1 one credible person other than the person executing the
132 2 warrant. A copy of the inventory shall be delivered to the
132 3 person from whom or from whose premises the property was
132 4 seized and to the applicant for the warrant.

~~d.~~ e. The judicial officer who has issued a warrant under this section shall require that there be attached to the warrant a copy of the return, and of all papers filed in connection with the return, and shall file them with the clerk of the district court for the county in which the inspection was made.

Sec. 184. Section 124C.2, Code 2009, is amended to read as follows:

124C.2 POWERS AND DUTIES OF THE COMMISSIONER.

1. The commissioner or the commissioner's designee may use funds appropriated or otherwise available to the department for the following purposes:

a. Administrative services for the identification, assessment, and cleanup of clandestine laboratory sites.

b. Payments to other government agencies or private contractors for services consistent with the management and cleanup of a clandestine laboratory site.

c. Emergency response activities involving clandestine laboratory sites, including surveillance, entry, security, cleanup, and disposal.

2. The commissioner may request the assistance of other state, federal, and local agencies as necessary.

~~2.~~ 3. The commissioner shall proceed, pursuant to this section, to collect all costs incurred in cleanup of a clandestine laboratory site from the person having control over a clandestine laboratory site.

~~3.~~ 4. The commissioner shall make all reasonable efforts to recover the full amount of moneys expended, through litigation or otherwise. Moneys recovered shall be deposited with the treasurer of state and credited to the department of public safety.

Sec. 185. Section 124C.4, subsection 4, Code 2009, is amended to read as follows:

4. Upon payment of a charge for which the commissioner has filed a notice of lien with a county, the commissioner shall immediately file with the county a satisfaction of the charge and the satisfaction of the charge shall be indicated on the index.

5. The attorney general, upon the request of the commissioner, shall bring an action at law or in equity, without bond, to enforce payment of any charges or penalties, and in such action the attorney general shall have the assistance of the county attorney of the county in which the action is pending.

6. The remedies available to the state in this chapter shall be cumulative and no action taken by the commissioner or attorney general shall be construed to be an election on the part of the state to pursue any remedy to the exclusion of any other remedy provided by law.

Sec. 186. Section 125.59, subsections 1 and 2, Code 2009, are amended to read as follows:

1. a. Of these funds, notwithstanding section 125.13, subsection 1, one=half of the transferred amount shall be used for grants to counties operating a substance abuse program involving only education, prevention, referral or posttreatment services, either with the counties' own employees or by contract with a nonprofit corporation. The grants shall not annually exceed ten thousand dollars to any one county, subject to the following conditions:

~~a.~~ (1) The money shall be paid to the county after expenditure by the county and submission of the requirements in ~~paragraph "b"~~ subparagraph (2) on the basis of one dollar for each three dollars spent by the county. The county may submit a quarterly claim for reimbursement.

~~b.~~ (2) The county shall submit an accounting of the expenditures and shall submit an annual financial report, a description of the program, and the results obtained within sixty days after the end of the fiscal year in which the money is granted.

b. If the transferred amount for this subsection exceeds grant requests funded to the ten thousand dollar maximum, the Iowa department of public health may use the remainder to increase grants pursuant to subsection 2.

2. a. Of these funds, one=half of the transferred amount shall be used for prevention programs in addition to the amount budgeted for prevention programs by the department in the same fiscal year. The department shall use this additional prevention program money for grants to a county, person, or nonprofit agency operating a prevention program. A grant to a county, person, or nonprofit agency is subject to the following conditions:

134 16 ~~a.~~ (1) The money shall be paid to the county, person, or
134 17 nonprofit agency after submission of the requirements in
134 18 ~~paragraph "b"~~ subparagraph (2) on the basis of two dollars for
134 19 each dollar designated for prevention by the county, person,
134 20 or nonprofit agency.
134 21 ~~b.~~ (2) The county, person, or nonprofit agency shall
134 22 submit a description of the program.
134 23 ~~c.~~ (3) The county, person, or nonprofit agency shall
134 24 submit an annual financial report and the results obtained
134 25 before June 10 of the same fiscal year in which the money is
134 26 granted.
134 27 b. The department may consider in=kind contributions
134 28 received by a county, person, or nonprofit agency for matching
134 29 purposes required in paragraph "a", subparagraph (1).
134 30 Sec. 187. Section 125.81, Code 2009, is amended to read as
134 31 follows:
134 32 125.81 IMMEDIATE CUSTODY.
134 33 1. If a person filing an application requests that a
134 34 respondent be taken into immediate custody, and the court upon
134 35 reviewing the application and accompanying documentation,
135 1 finds probable cause to believe that the respondent is a
135 2 chronic substance abuser who is likely to injure the person or
135 3 other persons if allowed to remain at liberty, the court may
135 4 enter a written order directing that the respondent be taken
135 5 into immediate custody by the sheriff, and be detained until
135 6 the commitment hearing, which shall be held no more than five
135 7 days after the date of the order, except that if the fifth day
135 8 after the date of the order is a Saturday, Sunday, or a
135 9 holiday, the hearing may be held on the next business day.
135 10 The court may order the respondent detained for the period of
135 11 time until the hearing is held, and no longer except as
135 12 provided in section 125.88, in accordance with subsection ~~1~~ 2,
135 13 paragraph "a", if possible, and if not, then in accordance
135 14 with subsection 2, paragraph "b", or, only if neither of these
135 15 alternatives is available in accordance with subsection ~~3~~ 2,
135 16 paragraph "c".
135 17 2. Detention may be:
135 18 ~~1.~~ a. In the custody of a relative, friend, or other
135 19 suitable person who is willing and able to accept
135 20 responsibility for supervision of the respondent, with
135 21 reasonable restrictions as the court may order including but
135 22 not limited to restrictions on or a prohibition of any
135 23 expenditure, encumbrance, or disposition of the respondent's
135 24 funds or property.
135 25 ~~2.~~ b. In a suitable hospital, the chief medical officer
135 26 of which shall be informed of the reasons why immediate
135 27 custody has been ordered. The hospital may provide treatment
135 28 which is necessary to preserve the respondent's life, or to
135 29 appropriately control the respondent's behavior which is
135 30 likely to result in physical injury to the person or to others
135 31 if allowed to continue, and other treatment as deemed
135 32 appropriate by the chief medical officer.
135 33 ~~3.~~ c. In the nearest facility which is licensed to care
135 34 for persons with mental illness or substance abuse, provided
135 35 that detention in a jail or other facility intended for
136 1 confinement of those accused or convicted of a crime shall not
136 2 be ordered.
136 3 3. The respondent's attorney may be allowed by the court
136 4 to present evidence and arguments before the court's
136 5 determination under this section. If such an opportunity is
136 6 not provided at that time, respondent's attorney shall be
136 7 allowed to present evidence and arguments after the issuance
136 8 of the court's order of confinement and while the respondent
136 9 is confined.
136 10 Sec. 188. Section 125.91, subsection 2, paragraph a, Code
136 11 2009, is amended to read as follows:
136 12 a. A peace officer who has reasonable grounds to believe
136 13 that the circumstances described in subsection 1 are
136 14 applicable, may, without a warrant, take or cause that person
136 15 to be taken to the nearest available facility referred to in
136 16 section 125.81, subsection 2 ~~or 3~~, paragraph "b" or "c". Such
136 17 an intoxicated or incapacitated person may also be delivered
136 18 to a facility by someone other than a peace officer upon a
136 19 showing of reasonable grounds. Upon delivery of the person to
136 20 a facility under this section, the examining physician may
136 21 order treatment of the person, but only to the extent
136 22 necessary to preserve the person's life or to appropriately
136 23 control the person's behavior if the behavior is likely to
136 24 result in physical injury to the person or others if allowed
136 25 to continue. The peace officer or other person who delivered
136 26 the person to the facility shall describe the circumstances of

136 27 the matter to the examining physician. If the person is a
136 28 peace officer, the peace officer may do so either in person or
136 29 by written report. If the examining physician has reasonable
136 30 grounds to believe that the circumstances in subsection 1 are
136 31 applicable, the examining physician shall at once communicate
136 32 with the nearest available magistrate as defined in section
136 33 801.4, subsection 10. The magistrate shall, based upon the
136 34 circumstances described by the examining physician, give the
136 35 examining physician oral instructions either directing that
137 1 the person be released forthwith, or authorizing the person's
137 2 detention in an appropriate facility. The magistrate may also
137 3 give oral instructions and order that the detained person be
137 4 transported to an appropriate facility.
137 5 Sec. 189. Section 126.10, Code 2009, is amended to read as
137 6 follows:
137 7 126.10 DRUGS AND DEVICES == MISBRANDING == LABELING.
137 8 1. A drug or device is misbranded under any of the
137 9 following circumstances:
137 10 ~~1.~~ a. If its labeling is false or misleading in any
137 11 particular.
137 12 ~~2.~~ b. (1) If in a package form unless it bears a label
137 13 containing both of the following:
137 14 ~~a.~~ (a) The name and place of business of the
137 15 manufacturer, packer, or distributor.
137 16 ~~b.~~ (b) An accurate statement of the quantity of the
137 17 contents in terms of weight, measure, or numerical count.
137 18 (2) However, under ~~paragraph "a"~~ subparagraph (1),
137 19 subparagraph division (a), reasonable variations shall be
137 20 permitted, and exemptions as to small packages shall be
137 21 allowed, in accordance with rules adopted by the board.
137 22 ~~3.~~ c. If any word, statement, or other information
137 23 required by or under the authority of this chapter to appear
137 24 on the label or labeling is not prominently placed thereon
137 25 with such conspicuousness, as compared with other words,
137 26 statements, designs, or devices, in the labeling, and in such
137 27 terms as to render it likely to be read and understood by the
137 28 ordinary individual under customary conditions of purchase and
137 29 use.
137 30 ~~4.~~ d. If it is for use by humans and contains any
137 31 quantity of the narcotic or hypnotic substance alpha=eucaine,
137 32 barbituric acid, beta=eucaine, bromal, cannabis, carbromal,
137 33 chloral, coca, cocaine, codeine, heroin, marijuana, morphine,
137 34 opium, paraldehyde, peyote, or sulphonmethane; or any chemical
137 35 derivative of such a substance, which derivative, after
138 1 investigation, has been designated as habit forming, by rules
138 2 adopted by the board under this chapter or by regulations
138 3 adopted by the secretary pursuant to section 502(d) of the
138 4 federal Act; unless its label bears the name and quantity or
138 5 proportion of such substance or derivative and in
138 6 juxtaposition therewith the statement "Warning == May Be Habit
138 7 Forming."
138 8 ~~5. a.~~ e. (1) If it is a drug, unless both of the
138 9 following apply:
138 10 ~~(1)~~ (a) Its label bears, to the exclusion of any other
138 11 nonproprietary name except the applicable systematic chemical
138 12 name or the chemical formula:
138 13 ~~(a)~~ (i) The established name of the drug, as specified in
138 14 ~~paragraph "c"~~ subparagraph (3), if such exists; and
138 15 ~~(b)~~ (ii) If the drug is fabricated from two or more
138 16 ingredients, the established name and quantity of each active
138 17 ingredient, including the quantity, kind, and proportion of
138 18 any alcohol, and also including, whether active or not, the
138 19 established name and quantity or proportion of any bromides,
138 20 ether, chloroform, acetanilide, acetophenetidin, amidopyrine,
138 21 antipyrine, atropine, hyoscine, hyoscyamine, arsenic,
138 22 digitalis, digitalis glucosides, mercury, ouabain,
138 23 strophanthin, strychnine, thyroid, or any derivative or
138 24 preparation of any such substances, contained therein.
138 25 However, the requirement for stating the quantity of the
138 26 active ingredients, other than the quantity of those
138 27 specifically named in this subparagraph subdivision, applies
138 28 only to prescription drugs.
138 29 ~~(2)~~ (b) For a prescription drug, the established name of
138 30 the prescription drug or of an ingredient is printed, on the
138 31 label and on any labeling on which a name for the prescription
138 32 drug or an ingredient is used, prominently and in type at
138 33 least half as large as that used thereon for any proprietary
138 34 name or designation for the prescription drug or ingredient.
138 35 However, to the extent that compliance with ~~subparagraph (1),~~
139 1 subparagraph ~~subdivision (b)~~ division (a), subparagraph
139 2 subdivision (ii), or this subparagraph division is

139 3 impracticable, exemptions shall be allowed under rules or
139 4 regulations adopted by the board or the secretary under the
139 5 federal Act.
139 6 ~~b.~~ (2) If it is a device and it has an established name,
139 7 unless its label bears, to the exclusion of any other
139 8 nonproprietary name, its established name, as defined in
139 9 ~~paragraph "d"~~ subparagraph (4), prominently printed in type at
139 10 least half as large as that used thereon for any proprietary
139 11 name or designation for the device, except that to the extent
139 12 compliance with this ~~paragraph~~ subparagraph is impracticable,
139 13 exemptions shall be allowed under rules or regulations adopted
139 14 by the board or the secretary under the federal Act.
139 15 ~~c.~~ (3) As used in ~~paragraph "a"~~ subparagraph (1), the
139 16 term "established name", with respect to a drug or ingredient
139 17 thereof, means one of the following:
139 18 ~~(1)~~ (a) The applicable official name designated pursuant
139 19 to section 508 of the federal Act.
139 20 ~~(2)~~ (b) If no such official name exists and the drug or
139 21 ingredient is an article recognized in an official compendium,
139 22 then its official title in the compendium.
139 23 ~~(3)~~ (c) If neither subparagraph ~~(1)~~ division (a) nor ~~(2)~~
139 24 (b) applies, then the common or usual name, if any, of the
139 25 drug or ingredient. However, if subparagraph ~~(2)~~ division (b)
139 26 applies to an article recognized in the United States
139 27 Pharmacopoeia National Formulary and in the Homeopathic
139 28 Pharmacopoeia of the United States under different official
139 29 titles, the official title used in the United States
139 30 Pharmacopoeia National Formulary applies unless it is labeled
139 31 and offered for sale as a homeopathic drug, in which case the
139 32 official title used in the Homeopathic Pharmacopoeia of the
139 33 United States applies.
139 34 ~~d.~~ (4) As used in ~~paragraph "b"~~ subparagraph (2), the
139 35 term "established name" with respect to a device means one of
140 1 the following:
140 2 ~~(1)~~ (a) The applicable official name of the device
140 3 pursuant to section 508 of the federal Act.
140 4 ~~(2)~~ (b) If no such official name exists and the device is
140 5 an article recognized in an official compendium, then its
140 6 official title in the compendium.
140 7 ~~(3)~~ (c) If neither subparagraph ~~(1)~~ division (a) nor ~~(2)~~
140 8 (b) applies, then any common or usual name of the device.
140 9 ~~6.~~ f. (1) Unless its labeling bears both of the
140 10 following:
140 11 ~~a.~~ (a) Adequate directions for use.
140 12 ~~b.~~ (b) Adequate warnings against use in those
140 13 pathological conditions, or by children, where its use may be
140 14 dangerous to health, or against unsafe dosage or methods or
140 15 durations of administration or application, in the manner and
140 16 form necessary for the protection of users.
140 17 (2) However, if a requirement of ~~paragraph "a"~~
140 18 subparagraph (1), subparagraph division (a), as applied to a
140 19 drug or device, is not necessary for the protection of the
140 20 public health, the board or the secretary shall adopt rules or
140 21 regulations exempting the drug or device from that
140 22 requirement.
140 23 ~~7.~~ g. If it purports to be a drug the name of which is
140 24 recognized in an official compendium, unless it is packaged
140 25 and labeled as prescribed in the official compendium.
140 26 However, the method of packing may be modified with the
140 27 consent of the board or the secretary. If a drug is
140 28 recognized in both the United States Pharmacopoeia National
140 29 Formulary and the Homeopathic Pharmacopoeia of the United
140 30 States, it is subject to the requirements of the United States
140 31 Pharmacopoeia National Formulary with respect to packaging and
140 32 labeling unless it is labeled and offered for sale as a
140 33 homeopathic drug, in which case it is subject to the
140 34 Homeopathic Pharmacopoeia of the United States, and not to the
140 35 United States Pharmacopoeia National Formulary. However, if
141 1 an inconsistency exists between this ~~subsection~~ paragraph and
141 2 ~~subsection 5~~ paragraph "e" as to the name by which the drug or
141 3 its ingredients shall be designated, ~~subsection 5~~ paragraph
141 4 "e" prevails.
141 5 ~~8.~~ h. If it has been found by the board or the secretary
141 6 to be a drug liable to deterioration, unless it is packaged in
141 7 the form and manner, and its label bears a statement of the
141 8 precautions that the board or the secretary by rule or
141 9 regulation requires as necessary for the protection of public
141 10 health. Such a rule or regulation shall not be established
141 11 for a drug recognized in an official compendium until the
141 12 board or the secretary has informed the appropriate body
141 13 charged with the revision of the official compendium of the

need for such packaging or labeling requirements and that body has failed within a reasonable time to prescribe such requirements.

~~9. a.~~ i. (1) If it is a drug and its container is so made, formed, or filled as to be misleading.

~~b.~~ (2) If it is an imitation of another drug.

~~c.~~ (3) If it is offered for sale under the name of another drug.

~~10.~~ j. If it is dangerous to health when used in the dosage or manner, or with the frequency or duration prescribed, recommended, or suggested in its labeling.

~~11.~~ k. If it is, or purports to be, or is represented as a drug composed wholly or partly of insulin, unless both of the following apply:

~~a.~~ (1) It is from a batch with respect to which a certificate or release has been issued pursuant to section 506 of the federal Act.

~~b.~~ (2) The certificate or release is in effect with respect to the drug.

~~12.~~ l. (1) If it is, or purports to be, or is represented as a drug, composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or any other antibiotic drug, or any derivative thereof, unless both of the following apply:

~~a.~~ (a) It is from a batch with respect to which a certificate or release has been issued pursuant to section 507 of the federal Act.

~~b.~~ (b) The certificate or release is in effect with respect to the drug.

(2) However, this ~~subsection~~ paragraph "l" does not apply to any drug or class of drugs exempted by regulations adopted under section 507(c) or 507(d) of the federal Act.

~~13.~~ m. If it is a color additive, the intended use of which is for the purpose of coloring only, unless its packaging and labeling are in conformity with the packaging and labeling requirements applicable to that color additive, as contained in regulations adopted under section 706 of the federal Act.

~~14.~~ n. If it is a prescription drug distributed or offered for sale in this state, unless the manufacturer, packer, or distributor includes in all advertising and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to the prescription drug a true statement of all of the following:

~~a.~~ (1) The established name as defined in ~~subsection 5~~ paragraph "e", printed prominently and in type at least half as large as that used for any trade or brand name thereof.

~~b.~~ (2) The formula showing quantitatively each ingredient of the prescription drug to the extent required for labels under ~~subsection 5~~ paragraph "e".

~~c.~~ (3) Other information in brief summary relating to side effects, contraindications, and effectiveness as required in regulations adopted pursuant to section 701(e) of the federal Act.

~~15.~~ o. If it was manufactured, prepared, propagated, compounded, or processed in an establishment in this state not duly registered under section 510 of the federal Act, if it was not included on a list required by section 510(j) of the federal Act, if a notice or other information respecting it was not provided as required by that section or section 510(k) of the federal Act, or if it does not bear the symbols from the uniform system for identification of devices prescribed under section 510(e) of the federal Act that are required by regulation.

~~16.~~ p. If it is a drug and its packaging or labeling is in violation of an applicable regulation adopted pursuant to section 3 or 4 of the federal Poison Prevention Packaging Act of 1970, 15 U.S.C. } 1471 et seq.

~~17.~~ q. If a trademark, trade name, or other identifying mark, imprint, or device of another trademark, trade name, mark, or imprint or any likeness of the foregoing has been placed thereon or upon its container with intent to defraud.

~~18.~~ r. In the case of a restricted device distributed or offered for sale in this state, if either of the following applies:

~~a.~~ (1) Its advertising is false or misleading in any particular.

~~b.~~ (2) It is sold, distributed, or used in violation of regulations adopted pursuant to section 520(e) of the federal Act.

~~19.~~ s. In the case of a restricted device distributed or

143 25 offered for sale in this state, unless the manufacturer,
143 26 packer, or distributor includes in all advertising and other
143 27 descriptive printed matter issued by the manufacturer, packer,
143 28 or distributor with respect to the device both of the
143 29 following:
143 30 ~~a.~~ (1) A true statement of the device's established name
143 31 as defined in ~~subsection 5~~ paragraph "e", printed prominently
143 32 and in type at least half as large as that used for any trade
143 33 or brand name thereof.
143 34 ~~b.~~ (2) A brief statement of the intended uses of the
143 35 device and relevant warnings, precautions, side effects, and
144 1 contraindications; and in the case of a specific device made
144 2 subject to regulations adopted pursuant to the federal Act, a
144 3 full description of the components of the device or the
144 4 formula showing quantitatively each ingredient of the device
144 5 to the extent required in regulations under the federal Act.
144 6 ~~20.~~ t. If it is a device subject to a performance
144 7 standard established under section 514 of the federal Act,
144 8 unless it bears labeling as prescribed in that performance
144 9 standard.
144 10 ~~21.~~ u. If it is a device and there was a failure or
144 11 refusal to comply with any requirement prescribed under
144 12 section 518 of the federal Act respecting the device, or to
144 13 furnish material required by or under section 519 of the
144 14 federal Act respecting the device.
144 15 2. If an article is alleged to be misbranded because the
144 16 labeling or advertising is misleading, then in determining
144 17 whether the labeling or advertising is misleading, there shall
144 18 be taken into account, among other things, not only
144 19 representations made or suggested by statement, word, design,
144 20 device, or any combination thereof, but also the extent to
144 21 which the labeling or advertising fails to reveal facts
144 22 material in the light of such representations, or material
144 23 with respect to consequences which may result from the use of
144 24 the article to which the labeling or advertising relates,
144 25 under the conditions of use prescribed in the labeling or
144 26 advertising or under customary or usual conditions of use.
144 27 3. The representation of a drug, in its labeling, as an
144 28 antiseptic shall be considered to be a representation that it
144 29 is a germicide, except in the case of a drug purporting to be,
144 30 or represented as, an antiseptic for inhibitory use as a wet
144 31 dressing, ointment, dusting powder, or such other use as
144 32 involves prolonged contact with the body.
144 33 Sec. 190. Section 126.11, subsection 3, paragraphs a
144 34 through c, Code 2009, are amended to read as follows:
144 35 a. (1) This ~~lettered~~ paragraph "a" applies to a drug
145 1 intended for use by humans which is any of the following:
145 2 ~~(1)~~ (a) Is a habit=forming drug to which section 126.10,
145 3 subsection ~~4~~ 1, paragraph "d" applies.
145 4 ~~(2)~~ (b) Because of its toxicity or other potentiality for
145 5 harmful effect, or the method of its use, or the collateral
145 6 measures necessary to its use, is not safe for use except
145 7 under the supervision of a practitioner licensed by law to
145 8 administer the drug.
145 9 ~~(3)~~ (c) Is limited by an approved application under
145 10 section 505 of the federal Act to use under the professional
145 11 supervision of a practitioner licensed by law to administer
145 12 the drug.
145 13 (2) Such a drug shall be dispensed only upon a written,
145 14 electronic, or facsimile prescription of a practitioner
145 15 licensed by law to administer the drug, or upon an oral
145 16 prescription of such a practitioner which is reduced promptly
145 17 to writing and filed by the pharmacist, or by refilling any
145 18 such written, electronic, facsimile, or oral prescription if
145 19 the refilling is authorized by the prescriber either in the
145 20 original written, electronic, or facsimile prescription or by
145 21 oral order which is reduced promptly to writing and filed by
145 22 the pharmacist. The act of dispensing a drug contrary to this
145 23 paragraph "a" while the drug is held for sale results in the
145 24 drug being misbranded.
145 25 b. A drug dispensed by filling or refilling a written,
145 26 electronic, facsimile, or oral prescription of a practitioner
145 27 licensed by law to administer the drug is exempt from section
145 28 126.10, except subsection 1, ~~subsection 9, paragraphs "b" and~~
~~145 29 "c"~~ paragraph "a" and paragraph "i", subparagraphs (2) and
145 30 (3), and ~~subsections 11~~ subsection 1, paragraphs "k" and ~~12~~
145 31 "l", and the packaging requirements of ~~subsections 7, 8,~~
145 32 subsection 1, paragraphs "g", "h", and ~~16~~ "p", if the drug
145 33 bears a label containing the name and address of the
145 34 dispenser, the date of the prescription or of its filling, the
145 35 name of the prescriber, and, if stated in the prescription,

146 1 the name of the patient, and the directions for use and
146 2 cautionary statements, if any, contained in the prescription.
146 3 This exemption does not apply to a drug dispensed in the
146 4 course of the conduct of the business of dispensing drugs
146 5 pursuant to diagnosis by mail, or to a drug dispensed in
146 6 violation of paragraph "a" of this subsection.
146 7 c. The board may, by rule, remove a drug subject to
146 8 section 126.10, subsection ~~4~~ 1, paragraph "d", and section 505
146 9 of the federal Act from the requirements of paragraph "a" of
146 10 this subsection when such requirements are not necessary for
146 11 the protection of the public health.
146 12 Sec. 191. Section 135.67, Code 2009, is amended to read as
146 13 follows:
146 14 135.67 SUMMARY REVIEW PROCEDURE.
146 15 1. The department may waive the letter of intent
146 16 procedures prescribed by section 135.65 and substitute a
146 17 summary review procedure, which shall be established by rules
146 18 of the department, when it accepts an application for a
146 19 certificate of need for a project which meets any of the
146 20 criteria in ~~subsections 1~~ paragraphs "a" through ~~5~~ "e":
146 21 ~~1.~~ a. A project which is limited to repair or replacement
146 22 of a facility or equipment damaged or destroyed by a disaster,
146 23 and which will not expand the facility nor increase the
146 24 services provided beyond the level existing prior to the
146 25 disaster.
146 26 ~~2.~~ b. A project necessary to enable the facility or
146 27 service to achieve or maintain compliance with federal, state
146 28 or other appropriate licensing, certification or safety
146 29 requirements.
146 30 ~~3.~~ c. A project which will not change the existing bed
146 31 capacity of the applicant's facility or service, as determined
146 32 by the department, by more than ten percent or ten beds,
146 33 whichever is less, over a two=year period.
146 34 ~~4.~~ d. A project the total cost of which will not exceed
146 35 one hundred fifty thousand dollars.
147 1 ~~5.~~ e. Any other project for which the applicant proposes
147 2 and the department agrees to summary review.
147 3 2. The department's decision to disallow a summary review
147 4 shall be binding upon the applicant.
147 5 Sec. 192. Section 135B.33, Code 2009, is amended to read
147 6 as follows:
147 7 135B.33 TECHNICAL ASSISTANCE == PLAN == GRANTS.
147 8 1. Subject to availability of funds, the Iowa department
147 9 of public health shall provide technical planning assistance
147 10 to local boards of health and hospital governing boards to
147 11 ensure access to hospital services in rural areas. The
147 12 department shall encourage the local boards of health and
147 13 hospital governing boards to adopt a long=term community
147 14 health services and developmental plan including the
147 15 following:
147 16 ~~1.~~ a. An analysis of demographic trends in the health
147 17 facility services area, affecting health facility and
147 18 health=facility=related health care utilizations.
147 19 ~~2.~~ b. A review of inpatient services currently provided,
147 20 by type of service and the frequency of provision of that
147 21 service, and the cost=effectiveness of that service.
147 22 ~~3.~~ c. An analysis of resources available in proximate
147 23 health facilities and services that might be provided through
147 24 alternative arrangements with such health facilities.
147 25 ~~4.~~ d. An analysis of cooperative arrangements that could
147 26 be developed with other health facilities in the area that
147 27 could assist those health facilities in the provision of
147 28 services.
147 29 ~~5.~~ e. An analysis of community health needs, including
147 30 long=term care, nursing facility care, pediatric and maternity
147 31 services, and the health facilities' potential role in
147 32 facilitating the provision of services to meet these needs.
147 33 ~~6.~~ f. An analysis of alternative uses for existing health
147 34 facility space and real property, including use for community
147 35 health=related and human service=related purposes.
148 1 ~~7.~~ g. An analysis of mechanisms to meet indigent patient
148 2 care needs and the responsibilities for the care of indigent
148 3 patients.
148 4 ~~8.~~ h. An analysis of the existing tax levying of the
148 5 health facilities for patient care, on a per capita basis and
148 6 per hospital patient basis, and projections on future needs
148 7 for tax levying to continue for the provision of care.
148 8 2. Providers may cooperatively coordinate to develop one
148 9 long=term community health services and developmental plan for
148 10 a geographic area, provided the plan addresses the issues
148 11 enumerated in this section.

3. The health facilities may seek technical assistance or apply for matching grant funds for the plan development. The department shall require compliance with ~~subsections~~ subsection 1, paragraphs "a" through ~~8~~ "h" when the facility applies for matching grant funds.

Sec. 193. Section 144.17, Code 2009, is amended to read as follows:

144.17 PETITION TO ESTABLISH CERTIFICATE.

1. If a delayed certificate of birth is rejected under the provisions of section 144.15, a petition may be filed with the district court for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered.

2. a. The petition shall be made on a form prescribed and furnished by the state registrar and shall allege:

~~1.~~ (1) That the person for whom a delayed certificate of birth is sought was born in this state.

~~2.~~ (2) That no record of birth of that person can be found in the office of the state or county custodian of birth records.

~~3.~~ (3) That diligent efforts by the petitioner have failed to obtain the evidence required in accordance with section 144.15.

~~4.~~ (4) That the state registrar has refused to register a delayed certificate of birth.

~~5.~~ (5) Such other allegations as may be required.

b. The petition shall be accompanied by a statement of the registration official made in accordance with section 144.15 and all documentary evidence which was submitted to the registration official in support of such registration. The petition shall be verified by the petitioner.

Sec. 194. Section 144.43, Code 2009, is amended to read as follows:

144.43 VITAL RECORDS CLOSED TO INSPECTION == EXCEPTIONS.

1. To protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system kept by the state registrar, access to vital statistics records kept by the state registrar shall be limited to the state registrar and the state registrar's employees, and then only for administrative purposes.

2. a. It shall be unlawful for the state registrar to permit inspection of, or to disclose information contained in vital statistics records, or to copy or permit to be copied all or part of any such record except as authorized by regulation.

b. However, the following vital statistics records may be inspected and copied as of right under chapter 22 when they are in the custody of a county registrar or when they are in the custody of the state archivist and are at least seventy=five years old:

~~1.~~ (1) A record of birth.

~~2.~~ (2) A record of marriage.

~~3.~~ (3) A record of divorce, dissolution of marriage, or annulment of marriage.

~~4.~~ (4) A record of death if that death was not a fetal death.

3. A public record shall not be withheld from the public because it is combined with data processing software. The state registrar shall not implement any electronic data processing system for the storage, manipulation, or retrieval of vital records that would impair a county registrar's ability to permit the examination of a public record and the copying of a public record, as established by rule. If it is necessary to separate a public record from data processing software in order to permit the examination of the public record, the county registrar shall periodically generate a written log available for public inspection which contains the public record.

Sec. 195. Section 155A.13, subsection 4, Code 2009, is amended to read as follows:

4. a. The board shall adopt rules for the issuance of a hospital pharmacy license to a hospital which provides pharmacy services for its own use. The rules shall:

~~a.~~ (1) Recognize the special needs and circumstances of hospital pharmacies.

~~b.~~ (2) Give due consideration to the scope of pharmacy services that the hospital's medical staff and governing board elect to provide for the hospital's own use.

~~c.~~ (3) Consider the size, location, personnel, and financial needs of the hospital.

150 23 ~~d.~~ (4) Give recognition to the standards of the joint
150 24 commission on the accreditation of health care organizations
150 25 and the American osteopathic association and to the conditions
150 26 of participation under Medicare.
150 27 b. To the maximum extent possible, the board shall
150 28 coordinate the rules with the standards and conditions
150 29 described in paragraph ~~"d"~~ "a", subparagraph (4), and shall
150 30 coordinate its inspections of hospital pharmacies with the
150 31 Medicare surveys of the department of inspections and appeals
150 32 and with the board's inspections with respect to controlled
150 33 substances conducted under contract with the federal
150 34 government.
150 35 c. A hospital which provides pharmacy services by
151 1 contracting with a licensed pharmacy is not required to obtain
151 2 a hospital pharmacy license or a general pharmacy license.
151 3 Sec. 196. Section 155A.23, Code 2009, is amended to read
151 4 as follows:
151 5 155A.23 PROHIBITED ACTS.
151 6 1. A person shall not perform or cause the performance of
151 7 or aid and abet any of the following acts:
151 8 ~~1.~~ a. Obtaining or attempting to obtain a prescription
151 9 drug or device or procuring or attempting to procure the
151 10 administration of a prescription drug or device by:
151 11 ~~a.~~ (1) Engaging in fraud, deceit, misrepresentation, or
151 12 subterfuge.
151 13 ~~b.~~ (2) Forging or altering a written, electronic, or
151 14 facsimile prescription or any written, electronic, or
151 15 facsimile order.
151 16 ~~c.~~ (3) Concealing a material fact.
151 17 ~~d.~~ (4) Using a false name or giving a false address.
151 18 ~~2.~~ b. Willfully making a false statement in any
151 19 prescription, report, or record required by this chapter.
151 20 ~~3.~~ c. For the purpose of obtaining a prescription drug or
151 21 device, falsely assuming the title of or claiming to be a
151 22 manufacturer, wholesaler, pharmacist, pharmacy owner,
151 23 physician, dentist, podiatric physician, veterinarian, or
151 24 other authorized person.
151 25 ~~4.~~ d. Making or uttering any false or forged oral,
151 26 written, electronic, or facsimile prescription or oral,
151 27 written, electronic, or facsimile order.
151 28 ~~5.~~ e. Forging, counterfeiting, simulating, or falsely
151 29 representing any drug or device without the authority of the
151 30 manufacturer, or using any mark, stamp, tag, label, or other
151 31 identification device without the authorization of the
151 32 manufacturer.
151 33 ~~6.~~ f. Manufacturing, repackaging, selling, delivering, or
151 34 holding or offering for sale any drug or device that is
151 35 adulterated, misbranded, counterfeit, suspected of being
152 1 counterfeit, or that has otherwise been rendered unfit for
152 2 distribution.
152 3 ~~7.~~ g. Adulterating, misbranding, or counterfeiting any
152 4 drug or device.
152 5 ~~8.~~ h. Receiving any drug or device that is adulterated,
152 6 misbranded, stolen, obtained by fraud or deceit, counterfeit,
152 7 or suspected of being counterfeit, and delivering or
152 8 proffering delivery of such drug or device for pay or
152 9 otherwise.
152 10 ~~9.~~ i. Adulterating, mutilating, destroying, obliterating,
152 11 or removing the whole or any part of the labeling of a drug or
152 12 device or committing any other act with respect to a drug or
152 13 device that results in the drug or device being misbranded.
152 14 ~~10.~~ j. Purchasing or receiving a drug or device from a
152 15 person who is not licensed to distribute the drug or device to
152 16 that purchaser or recipient.
152 17 ~~11.~~ k. Selling or transferring a drug or device to a
152 18 person who is not authorized under the law of the jurisdiction
152 19 in which the person receives the drug or device to purchase or
152 20 possess the drug or device from the person selling or
152 21 transferring the drug or device.
152 22 ~~12.~~ l. Failing to maintain or provide records as required
152 23 by this chapter, chapter 124, or rules of the board.
152 24 ~~13.~~ m. Providing the board or any of its representatives
152 25 or any state or federal official with false or fraudulent
152 26 records or making false or fraudulent statements regarding any
152 27 matter within the scope of this chapter, chapter 124, or rules
152 28 of the board.
152 29 ~~14.~~ n. Distributing at wholesale any drug or device that
152 30 meets any of the following conditions:
152 31 ~~a.~~ (1) The drug or device was purchased by a public or
152 32 private hospital or other health care entity.
152 33 ~~b.~~ (2) The drug or device was donated or supplied at a

152 34 reduced price to a charitable organization.
152 35 ~~c.~~ (3) The drug or device was purchased from a person not
153 1 licensed to distribute the drug or device.
153 2 ~~d.~~ (4) The drug or device was stolen or obtained by fraud
153 3 or deceit.
153 4 ~~15.~~ o. Failing to obtain a license or operating without a
153 5 valid license when a license is required pursuant to this
153 6 chapter or chapter 147.
153 7 ~~16.~~ p. Engaging in misrepresentation or fraud in the
153 8 distribution of a drug or device.
153 9 ~~17.~~ q. Distributing a drug or device to a patient without
153 10 a prescription drug order or medication order from a
153 11 practitioner licensed by law to use or prescribe the drug or
153 12 device.
153 13 ~~18.~~ r. Distributing a drug or device that was previously
153 14 dispensed by a pharmacy or distributed by a practitioner
153 15 except as provided by rules of the board.
153 16 ~~19.~~ s. Failing to report any prohibited act.
153 17 2. Information communicated to a physician in an unlawful
153 18 effort to procure a prescription drug or device or to procure
153 19 the administration of a prescription drug shall not be deemed
153 20 a privileged communication.
153 21 3. ~~Subsections 6 and 7~~ Subsection 1, paragraphs "f" and
153 22 "g", shall not apply to the wholesale distribution by a
153 23 manufacturer of a prescription drug or device that has been
153 24 delivered into commerce pursuant to an application approved by
153 25 the federal food and drug administration.
153 26 Sec. 197. Section 159A.6, subsections 2 through 4, Code
153 27 2009, are amended to read as follows:
153 28 2. The office shall promote the advantages related to the
153 29 use of renewable fuels as an alternative to nonrenewable
153 30 fuels. Promotions shall be designed to inform the ultimate
153 31 consumer of advantages associated with using renewable fuels,
153 32 and emphasize the benefits to the natural environment. The
153 33 promotion shall inform consumers at the businesses of retail
153 34 dealers of motor vehicle fuels.
153 35 3. The committee shall develop standards for decals
154 1 required pursuant to section 214A.16, which shall be designed
154 2 to promote the advantages of using renewable fuels. The
154 3 standards may be incorporated within a model decal adopted by
154 4 the committee and approved by the office.
154 5 ~~3.~~ 4. The office shall promote the advantages related to
154 6 the use of coproducts derived from the production of renewable
154 7 fuels, including the use of coproducts used as livestock feed
154 8 or meal. Promotions shall be designed to inform the potential
154 9 purchasers of the advantages associated with using coproducts.
154 10 The office shall promote advantages associated with using
154 11 coproducts of ethanol production as livestock feed or meal to
154 12 cattle producers in this state.
154 13 ~~4.~~ 5. The office may contract to provide all or part of
154 14 these services.
154 15 Sec. 198. Section 159A.6B, Code 2009, is amended to read
154 16 as follows:
154 17 159A.6B TECHNICAL ASSISTANCE.
154 18 1. The office shall assist persons in revitalizing rural
154 19 regions of this state, by providing technical assistance to
154 20 new or existing renewable fuel production facilities,
154 21 including the establishment and operation of facilities, and
154 22 specifically facilities which create coproducts, including
154 23 coproducts which support livestock production operations. The
154 24 office shall consult with the Iowa corn growers association
154 25 and the Iowa soybean association. The office shall provide
154 26 planning assistance which may include evaluations of methods
154 27 to most profitably manage these operations. The business
154 28 planning assistance shall provide for adequate environmental
154 29 protection of this state's natural resources from the
154 30 operation of the facility.
154 31 2. The office may execute contracts in order to provide
154 32 technical support and outreach services for purposes of
154 33 assisting and educating interested persons as provided in this
154 34 section. The office may also contract with a consultant to
154 35 provide part or all of these services. The office may require
155 1 that a person receiving assistance pursuant to this section
155 2 contribute up to fifty percent of the amount required to
155 3 support the costs of contracting with the consultant to
155 4 provide assistance to the person. The office shall assist the
155 5 person in completing any technical information required in
155 6 order to receive assistance by the department of economic
155 7 development pursuant to the value=added agricultural products
155 8 and processes financial assistance program created pursuant to
155 9 section 15E.111.

3. The office shall cooperate with the department of economic development, the department of natural resources, and regents institutions or other universities and colleges as provided in section 15E.111, in order to carry out this section.

Sec. 199. Section 159A.7, subsection 1, Code 2009, is amended to read as follows:

1. A renewable fuels and coproducts fund is created in the state treasury under the control of the office of renewable fuels and coproducts. The fund may ~~also~~ include ~~other~~ moneys available to and obtained or accepted by the office, including moneys from the United States, other states in the union, foreign nations, state agencies, political subdivisions, and private sources.

1A. Moneys in the fund shall be used only to carry out the provisions of this section and sections 159A.3, 159A.4, 159A.5, 159A.6, 159A.6A, and 159A.6B within the state of Iowa.

Sec. 200. Section 161.8, subsection 1, Code 2009, is amended to read as follows:

1. A person is not required to comply with the requirements of this chapter, including the remediation of a site, unless the person is a responsible person who executes a remediation agreement with the board, as provided in this section. The remediation agreement shall provide for all of the following:

a. The terms and conditions required to perform remediation under a plan of remediation as provided in this section, and the payment of claims as provided in section 161.9.

b. A plan for remediation of a site where contamination has been discovered. The plan shall provide procedures for a remediation of the contaminated site, a schedule for providing for the remediation of the site according to remediation standards provided in section 161.5, and the classification and prioritization of sites as provided in section 161.6. The plan may be amended at any time, if approved by the department, if the amendment to the agreement is executed by the responsible person and the board. The plan shall be developed by the responsible person and approved by the department for each site subject to the agreement. The plan shall include all of the following:

(1) A determination as to the extent of the existing soil, groundwater, or surface water contamination.

(2) The proximity of the contamination and the likelihood that the contamination will affect a drinking water well.

(3) The characteristics of the site and the potential for migration of the contamination.

(4) Whether the site is classified as a high, medium, or low priority site, as provided in section 161.6.

1A. The department may require that an initial plan of remediation be submitted prior to execution of a remediation agreement. The department may require that the initial plan recommend whether a site be classified as a high or medium priority site. The department may require further investigation be conducted to determine the extent of the remediation which should be conducted on the site.

Sec. 201. Section 161A.5, subsection 3, Code 2009, is amended to read as follows:

3. At each general election a successor shall be chosen for each commissioner whose term will expire in the succeeding January.

a. Nomination of candidates for the office of commissioner shall be made by petition in accordance with chapter 45, except that each candidate's nominating petition shall be signed by at least twenty=five eligible electors of the district. The petition form shall be furnished by the county commissioner of elections.

b. Every candidate shall file with the nomination papers an affidavit stating the candidate's name, the candidate's residence, that the person is a candidate and is eligible for the office of commissioner, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

c. The signed petitions shall be filed with the county commissioner of elections not later than five p.m. on the sixty=ninth day before the general election.

d. The votes for the office of district commissioner shall

157 21 be canvassed in the same manner as the votes for county
157 22 officers, and the returns shall be certified to the
157 23 commissioners of the district. A plurality is sufficient to
157 24 elect commissioners, and a primary election for the office
157 25 shall not be held.
157 26 e. If the canvass shows that the two candidates receiving
157 27 the highest and the second highest number of votes for the
157 28 office of district commissioner are both residents of the same
157 29 township, the board shall certify as elected the candidate who
157 30 received the highest number of votes for the office and the
157 31 candidate receiving the next highest number of votes for the
157 32 office who is not a resident of the same township as the
157 33 candidate receiving the highest number of votes.
157 34 Sec. 202. Section 161A.47, Code 2009, is amended to read
157 35 as follows:
158 1 161A.47 INSPECTION OF LAND ON COMPLAINT.
158 2 1. The commissioners shall inspect or cause to be
158 3 inspected any land within the district to determine if land is
158 4 being damaged by sediment, from soil erosion occurring on
158 5 neighboring land in excess of the limits established by the
158 6 district's soil erosion control regulations. If the land is
158 7 privately owned, the commissioners shall make or cause to be
158 8 made the inspection, upon receiving a written complaint signed
158 9 by an owner or occupant of land claiming that the owner's or
158 10 occupant's land is being damaged by sediment. If the land is
158 11 subject to a public interest, the commissioners shall make or
158 12 cause to be made the inspection upon a majority vote of
158 13 commissioners at an open meeting held pursuant to chapter 21.
158 14 Land is subject to a public interest if the land is publicly
158 15 held, subject to an easement held by the public, or the
158 16 subject of an improvement made at public expense.
158 17 2. If, after the inspection, the commissioners find that
158 18 sediment damages are occurring to land which is owned or
158 19 occupied by the person filing the complaint or subject to a
158 20 public interest, and that excess soil erosion is occurring on
158 21 neighboring land, the commissioners shall issue an
158 22 administrative order to the landowner or landowners of record,
158 23 and to the occupant of the land if known to the commissioners.
158 24 The order shall describe the land and state as nearly as
158 25 possible the extent to which soil erosion on the land exceeds
158 26 the limits established by the district's regulations.
158 27 3. The order shall be delivered either by personal service
158 28 or by restricted certified mail to each of the persons to whom
158 29 it is directed, and shall:
158 30 ~~1.~~ a. In the case of erosion occurring on the site of any
158 31 construction project or similar undertaking involving the
158 32 removal of all or a major portion of the vegetation or other
158 33 cover, exposing bare soil directly to water or wind, state a
158 34 time not more than five days after service or mailing of the
158 35 notice of the order when work necessary to establish or
159 1 maintain erosion control practices must be commenced, and a
159 2 time not more than thirty days after service or mailing of the
159 3 notice of the order when the work is to be satisfactorily
159 4 completed.
159 5 ~~2.~~ b. In all other cases, state a time not more than six
159 6 months after service or mailing of the notice of the order, by
159 7 which work needed to establish or maintain the necessary soil
159 8 and water conservation practices or erosion control measures
159 9 must be commenced, and a time not more than one year after the
159 10 service or mailing of the notice of the order when the work is
159 11 to be satisfactorily completed, unless the requirements of the
159 12 order are superseded by the provisions of section 161A.48.
159 13 Sec. 203. Section 163.6, subsections 2 and 3, Code 2009,
159 14 are amended to read as follows:
159 15 2. The department may require that samples of blood be
159 16 collected from animals at a slaughtering establishment in
159 17 order to determine if the animals are infected with an
159 18 infectious or contagious disease, according to rules adopted
159 19 by the department of agriculture and land stewardship. Upon
159 20 approval by the department, the collection shall be performed
159 21 by either of the following:
159 22 a. A slaughtering establishment under an agreement
159 23 executed by the department and the slaughtering establishment.
159 24 b. A person authorized by the department.
159 25 3. An authorized person collecting samples shall have
159 26 access to areas where the animals are confined in order to
159 27 collect blood samples. The department shall notify the
159 28 slaughtering establishment in writing that samples of blood
159 29 must be collected for analysis. The notice shall be provided
159 30 in a manner required by the department.
159 31 ~~3.~~ 4. In carrying out this section, a person authorized

159 32 by the department to collect blood samples from animals as
159 33 provided in this section shall have the right to enter and
159 34 remain on the premises of the slaughtering establishment in
159 35 the same manner and on the same terms as a meat inspector
160 1 authorized by the department, including the right to access
160 2 facilities routinely available to employees of the
160 3 slaughtering establishment such as toilet and lavatory
160 4 facilities, lockers, cafeterias, areas reserved for work
160 5 breaks or dining, and storage facilities.
160 6 5. The slaughtering establishment shall provide a secure
160 7 area for the permanent storage of equipment used to collect
160 8 blood, an area reserved for collecting the blood, including
160 9 the storage of blood during the collection, and a refrigerated
160 10 area used to store blood samples prior to analysis. The area
160 11 reserved for collecting the blood shall be adjacent to the
160 12 area where the animals are killed, unless the authorized
160 13 person and the slaughtering establishment select another area.
160 14 6. The department is not required to compensate a
160 15 slaughtering establishment for allowing a person authorized by
160 16 the department to carry out this section.
160 17 Sec. 204. Section 172B.3, subsection 1, Code 2009, is
160 18 amended to read as follows:
160 19 1. DUTIES OF SECRETARY. The secretary, pursuant to
160 20 chapter 17A, shall prescribe a standard form of the
160 21 transportation certificate required by this chapter. Where
160 22 the laws of this state or of the United States require the
160 23 possession of another shipping document by a person
160 24 transporting livestock, or where the industry practice of
160 25 carriers requires the possession of a shipping document by a
160 26 person transporting livestock, and where such a document
160 27 contains all of the information other than signatures which is
160 28 prescribed in subsection 2, upon application of a carrier the
160 29 secretary by rule shall authorize the use of a specific
160 30 document in lieu of the standard form prescribed by the
160 31 secretary, but subject to any conditions the secretary may
160 32 impose.
160 33 a. A person who is in possession of a shipping document
160 34 approved by the secretary shall not be required to possess the
160 35 standard form transportation certificate prescribed by the
161 1 secretary, but the person may be required by a law enforcement
161 2 officer to execute the standard form transportation
161 3 certificate.
161 4 b. The form prescribed or authorized by the secretary
161 5 shall be executed in triplicate, and shall be retained as
161 6 provided in section 172B.4.
161 7 c. The secretary shall distribute, upon request, copies of
161 8 the prescribed standard form to veterinarians, marketing
161 9 agencies, carriers, law enforcement officers, and other
161 10 persons, and may collect a fee from the recipient totaling not
161 11 more than the cost of printing and postage. Nothing in this
161 12 chapter shall be construed to prohibit a person from causing
161 13 the reproduction of the standard form, and an accurate
161 14 reproduction of a standard current form may be used as a
161 15 transportation certificate for all purposes.
161 16 Sec. 205. Section 176A.10, Code 2009, is amended to read
161 17 as follows:
161 18 176A.10 COUNTY AGRICULTURAL EXTENSION EDUCATION TAX.
161 19 1. The extension council of each extension district shall,
161 20 at a meeting held before March 15, estimate the amount of
161 21 money required to be raised by taxation for financing the
161 22 county agricultural extension education program authorized in
161 23 this chapter. The annual tax levy and the amount of money to
161 24 be raised from the levy for the county agricultural extension
161 25 education fund shall not exceed the following:
161 26 ~~1.~~ a. (1) Except as provided in ~~paragraph "b"~~
161 27 subparagraph (2), for an extension district having a
161 28 population of less than thirty thousand, an annual levy of
161 29 twenty and one=fourth cents per thousand dollars of the
161 30 assessed valuation of the taxable property in the district up
161 31 to a maximum of seventy thousand dollars for the fiscal year
161 32 commencing July 1, 1985, and seventy=five thousand dollars for
161 33 each subsequent fiscal year.
161 34 ~~b.~~ (2) For an extension district having a population of
161 35 less than thirty thousand and as provided in subsection ~~6~~ 2,
162 1 an annual levy of thirty cents per thousand dollars of the
162 2 assessed valuation of the taxable property in the district up
162 3 to a maximum of eighty=seven thousand dollars payable during
162 4 the fiscal year commencing July 1, 1992, and an increase of
162 5 six thousand dollars in the amount payable during each
162 6 subsequent fiscal year.
162 7 ~~2. a.~~ b. (1) Except as provided in ~~paragraph "b"~~

162 8 subparagraph (2), for an extension district having a
162 9 population of thirty thousand or more but less than fifty
162 10 thousand, an annual levy of twenty and one=fourth cents per
162 11 thousand dollars of the assessed valuation of the taxable
162 12 property in the district up to a maximum of eighty=four
162 13 thousand dollars for the fiscal year commencing July 1, 1985,
162 14 and ninety thousand dollars for each subsequent fiscal year.
162 15 ~~b.~~ (2) For an extension district having a population of
162 16 thirty thousand or more but less than fifty thousand and as
162 17 provided in subsection ~~6~~ 2, an annual levy of twenty and
162 18 one=fourth cents per thousand dollars of the assessed
162 19 valuation of the taxable property in the district up to a
162 20 maximum of one hundred four thousand dollars payable during
162 21 the fiscal year commencing July 1, 1992, and an increase of
162 22 seven thousand dollars in the amount payable during each
162 23 subsequent fiscal year.
162 24 ~~3. a.~~ c. (1) Except as provided in ~~paragraph "b"~~
162 25 subparagraph (2), for an extension district having a
162 26 population of fifty thousand or more but less than ninety=five
162 27 thousand, an annual levy of thirteen and one=half cents per
162 28 thousand dollars of the assessed valuation of the taxable
162 29 property in the district up to a maximum of one hundred five
162 30 thousand dollars for the fiscal year commencing July 1, 1985,
162 31 and one hundred twelve thousand five hundred dollars for each
162 32 subsequent fiscal year.
162 33 ~~b.~~ (2) For an extension district having a population of
162 34 fifty thousand or more but less than ninety thousand and as
162 35 provided in subsection ~~6~~ 2, an annual levy of thirteen and
163 1 one=half cents per thousand dollars of the assessed valuation
163 2 of the taxable property in the district up to a maximum of one
163 3 hundred thirty thousand five hundred dollars payable during
163 4 the fiscal year commencing July 1, 1992, and an increase of
163 5 nine thousand dollars in the amount payable during each
163 6 subsequent fiscal year.
163 7 ~~4. a.~~ d. (1) Except as provided in ~~paragraph "b"~~
163 8 subparagraph (2), for an extension district having a
163 9 population of ninety=five thousand or more, an annual levy of
163 10 thirteen and one=half cents per thousand dollars of the
163 11 assessed valuation of the taxable property in the district up
163 12 to a maximum of one hundred forty thousand dollars for the
163 13 fiscal year commencing July 1, 1985, and one hundred fifty
163 14 thousand dollars for each subsequent fiscal year.
163 15 ~~b.~~ (2) For an extension district having a population of
163 16 ninety thousand or more but less than two hundred thousand and
163 17 as provided in subsection ~~6~~ 2, an annual levy of thirteen and
163 18 one=half cents per thousand dollars of the assessed valuation
163 19 of the taxable property in the district up to a maximum of one
163 20 hundred eighty thousand dollars payable during the fiscal year
163 21 commencing July 1, 1992, and an increase of fifteen thousand
163 22 dollars in the amount payable during each subsequent fiscal
163 23 year.
163 24 ~~5.~~ e. For an extension district having a population of
163 25 two hundred thousand or more and as provided in subsection ~~6~~
163 26 2, an annual levy of five cents per thousand dollars of the
163 27 assessed valuation of the taxable property in the district up
163 28 to a maximum of two hundred thousand dollars payable during
163 29 the fiscal year commencing July 1, 1992, and an increase of
163 30 twenty=five thousand dollars in the amount payable during each
163 31 subsequent fiscal year.
163 32 ~~6.~~ 2. An extension council of an extension district may
163 33 choose to be subject to the levy and revenue limits specified
163 34 in ~~paragraphs "b" of subsections 1, 2, 3, and 4~~ subparagraphs
163 35 (2) of subsection 1, paragraphs "a" through "d", and
164 1 subsection ~~5~~ 1, paragraph "e", for the purpose of the annual
164 2 levy for the fiscal year commencing July 1, 1991, which levy
164 3 is payable in the fiscal year beginning July 1, 1992. Before
164 4 an extension district may be subject to the levy and revenue
164 5 limits specified in ~~paragraphs "b" of subsections 1, 2, 3, and~~
~~164 6 4~~ subparagraphs (2) of subsection 1, paragraphs "a" through
164 7 "d", and subsection ~~5~~ 1, paragraph "e", for fiscal years
164 8 beginning on or after July 1, 1992, which levy is payable in
164 9 fiscal years beginning on or after July 1, 1993, the question
164 10 of whether the district shall be subject to the levy and
164 11 revenue limits as specified in such subsections must be
164 12 submitted to the registered voters of the district. The
164 13 question shall be submitted at the time of a state general
164 14 election. If the question is approved by a majority of those
164 15 voting on the question the levy and revenue limits specified
164 16 in ~~paragraphs "b" of subsections 1, 2, 3, and 4~~ subparagraphs
164 17 (2) of subsection 1, paragraphs "a" through "d", and
164 18 subsection ~~5~~ 1, paragraph "e", shall thereafter apply to the

extension district. The question need only be approved at one state general election. If a majority of those voting on the question vote against the question, the district may continue to submit the question at subsequent state general elections until approved.

3. The extension council in each extension district shall comply with chapter 24.

Sec. 206. Section 189A.5, Code 2009, is amended to read as follows:

189A.5 VETERINARIANS AND INSPECTORS.

1. The secretary shall administer this chapter and may appoint a person to act as the secretary's designee in the administration of this chapter.

a. The secretary shall employ veterinarians licensed in the state of Iowa as veterinary inspectors.

b. The secretary is also authorized to employ as meat inspectors other persons who have qualified and are skilled in the inspection of meat and poultry products and any other additional employees the secretary deems necessary to carry out the provisions of this chapter. The meat inspectors shall be under the supervision of the secretary's designee or a veterinary inspector if no designee is appointed.

c. The secretary may also enter into contracts with qualified individuals to perform inspection services as the secretary may designate for a fee per head or per unit volume to be determined by the secretary provided the persons are not employed in an establishment in which the inspection takes place.

d. The secretary may utilize any employee, agent, or equipment of the department in the enforcement of this chapter, and may assign to inspectors other duties related to the acceptance of meat and poultry products.

2. In order to accomplish the objectives stated in section 189A.3 the secretary shall:

~~1.~~ a. By regulations require antemortem and postmortem inspections, quarantine, segregation, and reinspections with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all establishments in this state, except those exempted by section 189A.4, at which livestock or poultry are slaughtered or livestock or poultry products are prepared for human food solely for distribution in intrastate commerce.

~~2.~~ b. By regulations require the identification of livestock and poultry for inspection purposes and the marking and labeling of livestock products or poultry products or their containers, or both, as "Iowa Inspected and Passed" if the products are found upon inspection to be not adulterated, and as "Iowa Inspected and Condemned" if they are found upon inspection to be adulterated; and the destruction for food purposes of all such condemned products under the supervision of an inspector.

~~3.~~ c. Prohibit the entry into official establishments of livestock products and poultry products not prepared under federal inspection or inspection pursuant to this chapter and further limit the entry of such articles and other materials into such establishments under such conditions as the secretary deems necessary to effectuate the purposes of this chapter.

~~4.~~ d. By regulations require that when livestock products and poultry products leave official establishments they shall bear directly thereon or on their containers, or both, all information required by subsection 17 of section 189A.2; and require approval of all labeling and containers to be used for such products when sold or transported in intrastate commerce to assure that they comply with the requirements of this chapter.

~~5.~~ e. Investigate the sanitary conditions of each establishment within ~~subsection 1~~ paragraph "a" of this ~~section~~ subsection and withdraw or otherwise refuse to provide inspection service at any such establishment where the sanitary conditions are such as to render adulterated any livestock products or poultry products prepared or handled thereat.

~~6.~~ f. Prescribe regulations relating to sanitation for all establishments required to have inspection under ~~subsection 1~~ paragraph "a" of this ~~section~~ subsection.

~~7.~~ g. By regulations require that both of the following classes of persons shall keep such records and for such periods as are specified in the regulations to fully and correctly disclose all transactions involved in their business, and to afford the secretary and the secretary's

representatives, including representatives of other governmental agencies designated by the secretary, access to such places of business, and opportunity at all reasonable times to examine the facilities, inventory, and records thereof, to copy the records, and to take reasonable samples of the inventory upon payment of the fair market value therefor:

~~a.~~ (1) Any person that engages in or for intrastate commerce in the business of slaughtering any livestock or poultry, or preparing, freezing, packaging or labeling, buying or selling, as a broker, wholesaler, or otherwise, transporting, or storing any livestock products or poultry products for human or animal food.

~~b.~~ (2) Any person that engages in or for intrastate commerce in business as a renderer or in the business of buying, selling, or transporting any dead, dying, disabled, or diseased livestock or poultry or parts of the carcasses of any such animals, including poultry, that died otherwise than by slaughter.

Sec. 207. Section 189A.7, subsections 1 and 8, Code 2009, are amended to read as follows:

1. Remove inspectors from any establishment that fails to destroy condemned products as required under section 189A.5, subsection 2, paragraph "b".

8. Adopt by reference or otherwise such provisions of the rules and regulations under the federal Acts, with such changes therein as the secretary deems appropriate to make them applicable to operations and transactions subject to this chapter, which shall have the same force and effect as if promulgated under this chapter, and promulgate such other rules and regulations as the secretary deems necessary for the efficient execution of the provisions of this chapter, including rules of practice providing opportunity for hearing in connection with issuance of orders under section 189A.5, subsection ~~5~~ 2, paragraph "e", and subsection 1, 2, or 3 of this section and prescribing procedures for proceedings in such cases; however, this shall not preclude a requirement that a label or container be withheld from use, or a refusal of inspection pursuant to the sections cited herein pending issuance of a final order in any such proceeding.

Sec. 208. Section 189A.10, subsection 3, Code 2009, is amended to read as follows:

3. No person shall violate any provision of the regulations or orders of the secretary under section 189A.5, subsection ~~7~~ 2, paragraph "g", or section 189A.7.

Sec. 209. Section 189A.17, subsection 5, Code 2009, is amended to read as follows:

5. a. Any person who neglects or refuses to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if it is in the person's power to do so, in obedience to the subpoena or lawful requirement of the secretary shall be guilty of a serious misdemeanor.

b. Any person who willfully makes, or causes to be made, any false entry or statement of fact in any report required to be made under this chapter, or who willfully makes, or causes to be made, any false entry in any account, record, or memorandum kept by any person subject to this chapter, or who willfully neglects or fails to make or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions pertaining to the business of such person, or who willfully leaves the jurisdiction of this state, or willfully mutilates, alters, or by any other means falsifies any documentary evidence of any person subject to this chapter or who willfully refuses to submit to the secretary or to any of the secretary's authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any person subject to this chapter in the person's possession or control, shall be deemed guilty of an aggravated misdemeanor.

c. If a person required by this chapter to file an annual or special report fails to do so within the time fixed by the secretary for filing it, and the failure continues for thirty days after notice of default, the person shall forfeit to this state the sum of one hundred dollars for each day of the continuance of the failure, which forfeiture is payable into the treasury of this state, and is recoverable in a civil suit in the name of the state brought in the district court of the county where the person has a principal office or in the district court of any county in which the person does business. The county attorneys shall prosecute for the recovery of such forfeitures.

169 6 d. Any officer or employee of this state who makes public
169 7 any information obtained by the secretary, without the
169 8 secretary's authority, unless directed by a court, or uses any
169 9 such information to the officer's or employee's advantage,
169 10 shall be deemed guilty of a serious misdemeanor.
169 11 6. The requirements of this chapter shall apply to
169 12 persons, establishments, animals, and articles regulated under
169 13 the federal Meat Inspection Act or the federal Poultry
169 14 Products Inspection Act to the extent provided for in said
169 15 federal Acts and also to the extent provided in this chapter
169 16 and in regulations the secretary may prescribe to promulgate
169 17 this chapter.
169 18 Sec. 210. Section 198.9, Code 2009, is amended to read as
169 19 follows:
169 20 198.9 INSPECTION FEES AND REPORTS.
169 21 1. a. An inspection fee to be fixed annually by the
169 22 secretary at a rate of not more than sixteen cents per ton,
169 23 shall be paid on commercial feed distributed in this state by
169 24 the person who first distributes the commercial feed, subject
169 25 to the following:
169 26 ~~a.~~ (1) The inspection fee is not required on the first
169 27 distribution, if made to a qualified buyer who, with approval
169 28 from the secretary, shall become responsible for the fee.
169 29 ~~b.~~ (2) A fee shall not be paid on a commercial feed if
169 30 the payment has been made by a previous distributor.
169 31 ~~c.~~ (3) A fee shall not be paid on customer=formula feeds
169 32 if the inspection fee is paid on the commercial feeds which
169 33 are used as components of the customer=formula feeds.
169 34 ~~d.~~ (4) A minimum semiannual fee shall be twenty dollars.
169 35 ~~e.~~ (5) A licensed manufacturer shall pay the inspection
170 1 fee on commercial feed that is fed to livestock owned by the
170 2 licensee.
170 3 b. In the case of a pet food or specialty pet food, which
170 4 is distributed in this state in packages of ten pounds or
170 5 less, each product shall be registered and an annual
170 6 registration fee of fifty dollars for each product shall be
170 7 paid by January 1 of each year in lieu of the per ton rate as
170 8 provided in this subsection. The inspection fee shall apply
170 9 to those same products distributed in packages of more than
170 10 ten pounds.
170 11 2. a. Each person who is liable for the payment of such
170 12 fee shall:
170 13 ~~a.~~ (1) File, not later than the last day of January and
170 14 July of each year, a semiannual statement, setting forth the
170 15 number of net tons of commercial feeds distributed in this
170 16 state during the preceding six months and upon filing the
170 17 statement shall pay the inspection fee at the rate stated in
170 18 subsection 1. Inspection fees which are due and owing and
170 19 have not been remitted to the secretary within fifteen days
170 20 following the due date shall have a delinquency fee of ten
170 21 percent of the amount due or fifty dollars, whichever is
170 22 greater, added to the amount due when payment is finally made.
170 23 The assessment of this delinquency fee does not prevent the
170 24 department from taking other actions as provided in this
170 25 chapter.
170 26 ~~b.~~ (2) Keep such records as may be necessary or required
170 27 by the secretary to indicate accurately the tonnage of
170 28 commercial feed distributed in this state, and the secretary
170 29 shall have the right to examine such records to verify
170 30 statements of tonnage.
170 31 b. Failure to make an accurate statement of tonnage or to
170 32 pay the inspection fee or comply as provided in this section
170 33 is sufficient cause for cancellation of the license of the
170 34 distributor.
170 35 3. Fees collected shall be deposited in the general fund
171 1 of the state and shall be subject to the requirements of
171 2 section 8.60. Moneys deposited under this section shall be
171 3 used for the payment of the costs of inspection, sampling,
171 4 analysis, supportive research, and other expenses necessary
171 5 for the administration of this chapter.
171 6 4. If there is an unencumbered balance of funds from the
171 7 fees deposited under this section on June 30 of any fiscal
171 8 year equal to or exceeding one hundred thousand dollars, the
171 9 secretary of agriculture shall reduce the per ton fee provided
171 10 for in subsection 1 for the next fiscal year in such amount as
171 11 will result in an ending estimated balance of the fees
171 12 deposited less costs paid for from those fees for June 30 of
171 13 the next fiscal year of one hundred thousand dollars.
171 14 Sec. 211. Section 199.1, unnumbered paragraph 2, Code
171 15 2009, is amended to read as follows:
171 16 26. The Iowa secretary of agriculture shall, by rule,

define the terms "breeder", "foundation", "registered", "certified" and "inbred", as used in this chapter.

Sec. 212. Section 199.3, subsection 2, paragraph h, Code 2009, is amended to read as follows:

h. (1) For each named agricultural seed:

~~(1)~~ (a) Percentage of germination, exclusive of hard seed.

~~(2)~~ (b) Percentage of hard seed, if present.

~~(3)~~ (c) The calendar month and year the test was completed to determine the percentages.

(2) Following ~~(1)~~ (a) and ~~(2)~~ (b), the "total germination and hard seed" may be stated as such, if desired.

Sec. 213. Section 199.3, subsection 5, paragraph c, Code 2009, is amended to read as follows:

c. (1) For each named vegetable seed:

~~(1)~~ (a) Percentage germination exclusive of hard seed.

~~(2)~~ (b) Percentage of hard seed, if present.

~~(3)~~ (c) The calendar month and year the test was completed to determine such percentages.

(2) Following ~~(1)~~ (a) and ~~(2)~~ (b) the "total germination and hard seed" may be stated as such, if desired.

Sec. 214. Section 199.15, Code 2009, is amended to read as follows:

199.15 PERMIT == FEE == FRAUD.

1. A person shall not sell, distribute, advertise, solicit orders for, offer or expose for sale, agricultural or vegetable seed without first obtaining from the department a permit to engage in the business. A permit is not required of persons selling seeds which have been packed and distributed by a person holding and having in force a permit. A permit is not required of persons selling or advertising seed of their own production, provided that the seed is stored or delivered to a purchaser only on or from the farm or premises where grown.

2. a. The fee for a new permit is ten dollars and the fee for a renewed permit is based on the gross annual sales of seeds in Iowa during the previous twelve=month period under the permit holder's label and all permits expire on the first day of July following date of issue.

b. Permits shall be issued subject to the following fee schedule:

Gross sales of seeds		Fee
Not more than	$ 25,000	$30
Over $25,000 but not exceeding	50,000	60
Over $50,000 but not exceeding	100,000	90
Over $100,000 but not exceeding	200,000	120

c. For each additional increment of one hundred thousand dollars of sales in Iowa the fee shall increase by thirty dollars. The fee shall not exceed one thousand five hundred dollars for a permit holder.

3. After due notice given at least ten days prior to a date of hearing fixed by the secretary, the department may revoke or refuse to renew a permit issued under this section if a violation of this chapter or if intent to defraud is established. The failure to fulfill a contract to repurchase the seed crop produced from any agricultural seed, if the crop meets the requirements set forth in the contract and the standards specified in this chapter, is prima facie evidence of intent to defraud the purchaser at the time of entering into the contract. However, this does not apply when seed stock is furnished by the contractor to the grower at no cost.

Sec. 215. Section 203.6, subsection 1, Code 2009, is amended to read as follows:

1. a. For the issuance or renewal of a license required under section 203.3, and for any inspection of a grain dealer, the fee shall be determined on the basis of all bushels of grain purchased during the grain dealer's previous fiscal year according to the grain dealer's financial statement required in section 203.3. The fee shall be calculated according to the following schedule:

~~a.~~ (1) If the total number of bushels purchased is thirty=five thousand or less, the license fee is sixty=six dollars and the inspection fee is eighty=three dollars.

~~b.~~ (2) If the total number of bushels purchased is more than thirty=five thousand, but not more than two hundred fifty thousand, the license fee is one hundred sixteen dollars and the inspection fee is one hundred twenty=five dollars.

~~c.~~ (3) If the total number of bushels purchased is more than two hundred fifty thousand, but not more than five hundred thousand, the license fee is one hundred sixty=six dollars and the inspection fee is one hundred ninety=one

173 28 dollars.
173 29 ~~d.~~ (4) If the total number of bushels purchased is more
173 30 than five hundred thousand, but not more than one million, the
173 31 license fee is two hundred ninety=one dollars and the
173 32 inspection fee is two hundred forty=nine dollars.
173 33 ~~e.~~ (5) If the total number of bushels purchased is more
173 34 than one million, but not more than one million eight hundred
173 35 fifty thousand, the license fee is four hundred ninety=eight
174 1 dollars and the inspection fee is three hundred seven dollars.
174 2 ~~f.~~ (6) If the total number of bushels purchased is more
174 3 than one million eight hundred fifty thousand, but not more
174 4 than three million two hundred thousand, the license fee is
174 5 seven hundred six dollars and the inspection fee is three
174 6 hundred seventy=four dollars.
174 7 ~~g.~~ (7) If the total number of bushels purchased is more
174 8 than three million two hundred thousand, the license fee is
174 9 nine hundred fifty=five dollars and the inspection fee is four
174 10 hundred forty dollars.
174 11 b. If the applicant did not purchase grain in the
174 12 applicant's previous fiscal year, the applicant shall pay the
174 13 fee specified in paragraph "a", subparagraph (1). If during
174 14 the licensee's fiscal year the number of bushels of grain
174 15 actually purchased exceeds thirty=five thousand, the licensee
174 16 shall notify the department and the license and inspection fee
174 17 shall be adjusted accordingly. Subsequent adjustments shall
174 18 be made as necessary. An applicant may elect licensing in any
174 19 category of this subsection. Fees for new licenses issued for
174 20 less than a full year shall be prorated from the date of
174 21 application.
174 22 Sec. 216. Section 203.12B, subsection 2, paragraph b, Code
174 23 2009, is amended to read as follows:
174 24 b. Upon being appointed as a receiver, the department
174 25 shall take custody and provide for the disposition of the
174 26 grain dealer assets of the grain dealer under the supervision
174 27 of the court.
174 28 (1) The petition shall be filed in the county in which the
174 29 grain dealer maintains its principal place of business in this
174 30 state. The court may issue ex parte any temporary order as it
174 31 determines necessary to preserve or protect the grain dealer
174 32 assets and the rights of interested sellers.
174 33 (2) The petition shall be accompanied by the department's
174 34 plan for disposition of grain dealer assets which shall
174 35 provide terms as may be necessary to preserve or protect the
175 1 grain dealer assets and the rights of interested sellers, less
175 2 expenses incurred by the department in connection with the
175 3 receivership. The plan may provide for the delivery or sale
175 4 of grain as provided in section 203C.4. The plan may provide
175 5 for the operation of the business of the grain dealer on a
175 6 temporary basis and any other course of action or procedure
175 7 which will serve the interests of interested sellers.
175 8 (3) The petition shall be filed with the clerk of the
175 9 district court who shall set a date for a hearing in the same
175 10 manner as provided in section 203C.3.
175 11 (4) Copies of the petition, the notice of hearing, and the
175 12 department's plan of disposition shall be delivered to the
175 13 following:
175 14 ~~(1)~~ (a) The grain dealer and each issuer who shall
175 15 receive copies delivered in the manner required for service of
175 16 an original notice.
175 17 ~~(2)~~ (b) Interested sellers as determined by the
175 18 department who shall receive copies delivered by ordinary
175 19 mail.
175 20 (5) The failure of a person to receive the required
175 21 notification shall not invalidate the proceedings on the
175 22 petition or any part of the petition for the appointment of
175 23 the department as the receiver.
175 24 (6) A person is not a party to the action unless admitted
175 25 by the court upon application.
175 26 Sec. 217. Section 203C.15, Code 2009, is amended to read
175 27 as follows:
175 28 203C.15 INSURANCE REQUIRED == EXCEPTION.
175 29 1. All agricultural products in storage in a licensed
175 30 warehouse and all agricultural products which have been
175 31 deposited temporarily in a licensed warehouse pending storage
175 32 or for purposes other than storage, shall be kept fully
175 33 insured by the warehouse operator for the current value of the
175 34 agricultural products against loss by fire, inherent
175 35 explosion, or windstorm.
176 1 a. The insurance shall be carried in an insurance company
176 2 or companies authorized to do business in this state, and
176 3 evidence of the insurance coverage in a form approved by the

176 4 department shall be filed with the department. An insurance
176 5 policy shall not be canceled by the insurance company on less
176 6 than ninety days' notice by certified mail to the department
176 7 and the principal unless the policy is being replaced with
176 8 another policy and evidence of the new policy is filed with
176 9 the department at the time of cancellation of the policy on
176 10 file.
176 11 b. The insurance shall be provided by, and carried in the
176 12 name of, the warehouse operator. However, whenever the
176 13 department shall receive notice from an insurance company that
176 14 it has canceled the insurance of a licensed warehouse, the
176 15 department shall automatically suspend the warehouse license
176 16 if replacement insurance is not received by the department
176 17 within seventy=five days of receipt of the notice of
176 18 cancellation. The department shall cause an inspection of the
176 19 licensed warehouse immediately at the end of the seventy=five
176 20 day period. If replacement insurance is not filed within
176 21 another ten days following suspension, the warehouse license
176 22 shall be automatically revoked.
176 23 2. When a license is revoked, the department shall notify
176 24 each holder of an outstanding warehouse receipt and all known
176 25 persons who have grain retained in open storage of the
176 26 revocation. The department shall further notify each receipt
176 27 holder and all known persons who have grain retained in open
176 28 storage that the grain must be removed from the warehouse not
176 29 later than the thirtieth day following the revocation. The
176 30 notice shall be sent by ordinary mail to the last known
176 31 address of each person having grain in storage as provided in
176 32 this subsection.
176 33 3. Claimants against the insurance have precedence in the
176 34 following order:
176 35 ~~1.~~ a. Holders of warehouse receipts other than the
177 1 warehouse operator and owners of bulk grain other than the
177 2 warehouse operator.
177 3 ~~2.~~ b. Owners of all other agricultural products as their
177 4 interests appear.
177 5 ~~3.~~ c. Warehouse operators who have warehouse receipts.
177 6 ~~4.~~ d. Warehouse operators owners of bulk grain.
177 7 4. However, notwithstanding the insurance requirements set
177 8 forth in this section, a licensed warehouse may exclude from
177 9 the insurance coverage stored grain to which title is fully
177 10 vested in the United States government or any of its
177 11 subdivisions or agencies, provided that the licensed warehouse
177 12 has on file with the United States government or any of its
177 13 subdivisions or agencies a current and accepted uninsured
177 14 storage rate under the provisions of their uniform grain
177 15 storage agreement. The licensed warehouse shall file a copy
177 16 of the current uninsured tariff rate with the department
177 17 immediately upon acceptance of the uninsured rate by the
177 18 United States government or any of its subdivisions or
177 19 agencies.
177 20 Sec. 218. Section 203C.17, subsection 8, Code 2009, is
177 21 amended to read as follows:
177 22 8. a. Every licensed warehouse operator shall, on or
177 23 before July 1 of each year, send a statement for each holder
177 24 of a warehouse receipt covering grain held for more than one
177 25 year at that warehouse to the holder's last known address.
177 26 The statement shall show the amount of all grain held pursuant
177 27 to warehouse receipt for such warehouse receipt holder and the
177 28 amount of any storage charges held by the licensed warehouse
177 29 operator against that grain. However, a licensed warehouse
177 30 operator need not prepare this annual statement for a holder
177 31 of a warehouse receipt, if the licensed warehouse operator
177 32 prepares such statements monthly, quarterly or for any other
177 33 period more frequent than annually.
177 34 b. The failure to prepare a statement required by this
177 35 subsection is a simple misdemeanor.
178 1 c. Violation of this section shall not constitute grounds
178 2 for suspension, revocation, or modification of the license of
178 3 anyone licensed under this chapter.
178 4 Sec. 219. Section 207.14, subsections 1, 2, 4, and 7, Code
178 5 2009, are amended to read as follows:
178 6 1. a. When on the basis of an inspection, the
178 7 administrator determines that a condition or practice exists
178 8 which creates an imminent danger to the health or safety of
178 9 the public or can reasonably be expected to cause significant,
178 10 imminent environmental harm to land, air, or water resources,
178 11 the administrator shall immediately order a cessation of coal
178 12 mining and reclamation operations to the extent necessary
178 13 until the administrator determines that the condition,
178 14 practice, or violation has been abated, or until the order is

178 15 modified, vacated, or terminated by the division pursuant to
178 16 procedures set out in this section.
178 17 b. If the administrator finds that the ordered cessation
178 18 will not completely abate the imminent danger to health or
178 19 safety of the public or the significant imminent environmental
178 20 harm, the administrator shall require the operator to take
178 21 whatever steps the administrator deems necessary to abate the
178 22 imminent danger or the significant environmental harm.
178 23 2. a. When on the basis of an inspection, the
178 24 administrator determines that any operator is in violation of
178 25 any requirement of this chapter or permit condition, but the
178 26 violation does not create an imminent danger to the health or
178 27 safety of the public or cannot be reasonably expected to cause
178 28 significant, imminent environmental harm, the administrator
178 29 shall issue a notice to the operator fixing a reasonable time
178 30 but not more than ninety days for the abatement of the
178 31 violation and providing opportunity for public hearing.
178 32 b. If upon expiration of the time as fixed the
178 33 administrator finds in writing that the violation has not been
178 34 abated, the administrator, notwithstanding sections 17A.18 and
178 35 17A.18A, shall immediately order a cessation of coal mining
179 1 and reclamation operations relating to the violation until the
179 2 order is modified, vacated, or terminated by the administrator
179 3 pursuant to procedures outlined in this section. In the order
179 4 of cessation issued by the administrator under this
179 5 subsection, the administrator shall include the steps
179 6 necessary to abate the violation in the most expeditious
179 7 manner possible.
179 8 4. a. A permittee may request in writing an appeal to the
179 9 committee of a decision made in a hearing under subsection 3
179 10 within thirty days of the decision. The committee shall
179 11 review the record made in the contested case hearing, and may
179 12 hear additional evidence upon a showing of good cause for
179 13 failure to present the evidence in the hearing, or if evidence
179 14 concerning events occurring after the hearing is deemed
179 15 relevant to the proceeding. However, the committee shall not
179 16 review a decision in a proceeding if the division seeks to
179 17 collect a civil penalty pursuant to section 207.15, and those
179 18 decisions are final agency actions subject to direct judicial
179 19 review as provided in chapter 17A.
179 20 b. The contested case hearing shall be scheduled within
179 21 thirty days of receipt of the request by the division. If the
179 22 decision in the contested case is to revoke the permit, the
179 23 permittee shall be given a specific period to complete
179 24 reclamation, or the attorney general shall be requested to
179 25 institute bond forfeiture proceedings.
179 26 7. a. A permittee issued a notice or order under this
179 27 section or any person having an interest which is or may be
179 28 adversely affected by the notice or order or by its
179 29 modification, vacation or termination may apply to the
179 30 committee for review within thirty days of receipt of the
179 31 notice or order or within thirty days of its modification,
179 32 vacation or termination. The review shall be treated as a
179 33 contested case under chapter 17A.
179 34 b. Pending completion of any investigation or hearings
179 35 required by this section, the applicant may file with the
180 1 division a written request that the administrator grant
180 2 temporary relief from any notice or order issued under this
180 3 section together with a detailed statement giving reasons for
180 4 granting such relief.
180 5 c. The administrator shall issue an order or decision
180 6 granting or denying the request for relief within five days of
180 7 its receipt. The administrator may grant such relief under
180 8 such conditions as the administrator may prescribe if all of
180 9 the following occur:
180 10 ~~a.~~ (1) A hearing has been held in the locality of the
180 11 permit area in which all parties were given an opportunity to
180 12 be heard. The hearing need not be held as a contested case
180 13 under chapter 17A.
180 14 ~~b.~~ (2) The applicant shows that there is substantial
180 15 likelihood that the findings of the committee will be
180 16 favorable to the applicant.
180 17 ~~c.~~ (3) Such relief will not adversely affect the health
180 18 or safety of the public or cause significant, imminent
180 19 environmental harm to land, air or water resources.
180 20 Sec. 220. Section 216.6, subsection 1, paragraph c, Code
180 21 2009, is amended to read as follows:
180 22 c. Employer, employment agency, labor organization, or the
180 23 employees, agents, or members thereof to directly or
180 24 indirectly advertise or in any other manner indicate or
180 25 publicize that individuals of any particular age, race, creed,

color, sex, sexual orientation, gender identity, national origin, religion, or disability are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation.

(1) If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

(2) An employer, employment agency, or their employees, servants, or agents may offer employment or advertise for employment to only persons with disabilities, when other applicants have available to them other employment compatible with their ability which would not be available to persons with disabilities because of their disabilities. Any such employment or offer of employment shall not discriminate among persons with disabilities on the basis of race, color, creed, sex, sexual orientation, gender identity, or national origin.

Sec. 221. Section 216.16, subsections 2 and 6, Code 2009, are amended to read as follows:

2. 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 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 conciliation agreement has been executed under section 216.15, the commission has served notice of hearing upon the respondent pursuant to section 216.15, subsection 5, or 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.

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

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

Sec. 222. Section 216B.3, subsection 16, paragraph b, Code 2009, is amended to read as follows:

b. Of all new passenger vehicles and light pickup trucks purchased by the commission, a minimum of ten percent of all such vehicles and trucks purchased shall be equipped with engines which utilize alternative methods of propulsion, including but not limited to any of the following:

(1) A flexible fuel which is any of the following:

(a) E=85 gasoline as provided in section 214A.2.

(b) B=20 biodiesel blended fuel as provided in section 214A.2.

(c) A renewable fuel approved by the office of renewable fuels and coproducts pursuant to section 159A.3.

(2) Compressed or liquefied natural gas.

(3) Propane gas.

(4) Solar energy.

(5) Electricity.

c. The provisions of ~~this~~ paragraph "b" do not apply to vehicles and trucks purchased and directly used for law enforcement or off=road maintenance work.

Sec. 223. Section 222.60, Code 2009, is amended to read as follows:

222.60 COSTS PAID BY COUNTY OR STATE == DIAGNOSIS AND EVALUATION.

1. All necessary and legal expenses for the cost of admission or commitment or for the treatment, training, instruction, care, habilitation, support and transportation of persons with mental retardation, as provided for in the county management plan provisions implemented pursuant to section 331.439, subsection 1, in a state resource center, or in a special unit, or any public or private facility within or without the state, approved by the director of the department of human services, shall be paid by either:

~~1.~~ a. The county in which such person has legal settlement as defined in section 252.16.

~~2.~~ b. The state when such person has no legal settlement or when such settlement is unknown.

2. a. Prior to a county of legal settlement approving the

183 2 payment of expenses for a person under this section, the
183 3 county may require that the person be diagnosed to determine
183 4 if the person has mental retardation or that the person be
183 5 evaluated to determine the appropriate level of services
183 6 required to meet the person's needs relating to mental
183 7 retardation. The diagnosis and the evaluation may be
183 8 performed concurrently and shall be performed by an individual
183 9 or individuals approved by the county who are qualified to
183 10 perform the diagnosis or the evaluation. Following the
183 11 initial approval for payment of expenses, the county of legal
183 12 settlement may require that an evaluation be performed at
183 13 reasonable time periods.
183 14 b. The cost of a county=required diagnosis and an
183 15 evaluation is at the county's expense. In the case of a
183 16 person without legal settlement or whose legal settlement is
183 17 unknown, the state may apply the diagnosis and evaluation
183 18 provisions of this ~~paragraph~~ subsection at the state's
183 19 expense.
183 20 c. A diagnosis or an evaluation under this section may be
183 21 part of a county's central point of coordination process under
183 22 section 331.440, provided that a diagnosis is performed only
183 23 by an individual qualified as provided in this section.
183 24 3. a. A diagnosis of mental retardation under this
183 25 section shall be made only when the onset of the person's
183 26 condition was prior to the age of eighteen years and shall be
183 27 based on an assessment of the person's intellectual
183 28 functioning and level of adaptive skills. The diagnosis shall
183 29 be made by an individual who is a psychologist or psychiatrist
183 30 who is professionally trained to administer the tests required
183 31 to assess intellectual functioning and to evaluate a person's
183 32 adaptive skills.
183 33 b. A diagnosis of mental retardation shall be made in
183 34 accordance with the criteria provided in the diagnostic and
183 35 statistical manual of mental disorders, fourth edition,
184 1 published by the American psychiatric association.
184 2 Sec. 224. Section 229.10, subsection 1, Code 2009, is
184 3 amended to read as follows:
184 4 1. a. An examination of the respondent shall be conducted
184 5 by one or more licensed physicians, as required by the court's
184 6 order, within a reasonable time. If the respondent is
184 7 detained pursuant to section 229.11, subsection ~~2~~ 1, paragraph
184 8 "b", the examination shall be conducted within twenty=four
184 9 hours. If the respondent is detained pursuant to section
184 10 229.11, subsection 1, paragraph "a" or ~~3~~ "c", the examination
184 11 shall be conducted within forty=eight hours. If the
184 12 respondent so desires, the respondent shall be entitled to a
184 13 separate examination by a licensed physician of the
184 14 respondent's own choice. The reasonable cost of the
184 15 examinations shall, if the respondent lacks sufficient funds
184 16 to pay the cost, be paid from county funds upon order of the
184 17 court.
184 18 b. Any licensed physician conducting an examination
184 19 pursuant to this section may consult with or request the
184 20 participation in the examination of any qualified mental
184 21 health professional, and may include with or attach to the
184 22 written report of the examination any findings or observations
184 23 by any qualified mental health professional who has been so
184 24 consulted or has so participated in the examination.
184 25 c. If the respondent is not taken into custody under
184 26 section 229.11, but the court is subsequently informed that
184 27 the respondent has declined to be examined by the licensed
184 28 physician or physicians pursuant to the court order, the court
184 29 may order such limited detention of the respondent as is
184 30 necessary to facilitate the examination of the respondent by
184 31 the licensed physician or physicians.
184 32 Sec. 225. Section 229.11, Code 2009, is amended to read as
184 33 follows:
184 34 229.11 JUDGE MAY ORDER IMMEDIATE CUSTODY.
184 35 1. If the applicant requests that the respondent be taken
185 1 into immediate custody and the judge, upon reviewing the
185 2 application and accompanying documentation, finds probable
185 3 cause to believe that the respondent has a serious mental
185 4 impairment and is likely to injure the respondent or other
185 5 persons if allowed to remain at liberty, the judge may enter a
185 6 written order directing that the respondent be taken into
185 7 immediate custody by the sheriff or the sheriff's deputy and
185 8 be detained until the hospitalization hearing. The
185 9 hospitalization hearing shall be held no more than five days
185 10 after the date of the order, except that if the fifth day
185 11 after the date of the order is a Saturday, Sunday, or a
185 12 holiday, the hearing may be held on the next succeeding

business day. If the expenses of a respondent are payable in whole or in part by a county, for a placement in accordance with ~~subsection 1~~ paragraph "a", the judge shall give notice of the placement to the central point of coordination process, and for a placement in accordance with ~~subsection 2~~ paragraph "b" or ~~3~~ "c", the judge shall order the placement in a hospital or facility designated through the central point of coordination process. The judge may order the respondent detained for the period of time until the hearing is held, and no longer, in accordance with ~~subsection 1~~ paragraph "a", if possible, and if not then in accordance with ~~subsection 2~~ paragraph "b", or, only if neither of these alternatives is available, in accordance with ~~subsection 3~~ paragraph "c". Detention may be:

~~1.~~ a. In the custody of a relative, friend or other suitable person who is willing to accept responsibility for supervision of the respondent, and the respondent may be placed under such reasonable restrictions as the judge may order including~~,~~ but not limited to~~,~~ restrictions on or a prohibition of any expenditure, encumbrance or disposition of the respondent's funds or property; or

~~2.~~ b. In a suitable hospital the chief medical officer of which shall be informed of the reasons why immediate custody has been ordered and may provide treatment which is necessary to preserve the respondent's life, or to appropriately control behavior by the respondent which is likely to result in physical injury to the respondent or to others if allowed to continue, but may not otherwise provide treatment to the respondent without the respondent's consent; or

~~3.~~ c. In the nearest facility in the community which is licensed to care for persons with mental illness or substance abuse, provided that detention in a jail or other facility intended for confinement of those accused or convicted of crime shall not be ordered.

2. The clerk shall furnish copies of any orders to the respondent and to the applicant if the applicant files a written waiver signed by the respondent.

Sec. 226. Section 229.12, subsection 3, Code 2009, is amended to read as follows:

3. a. The respondent's welfare shall be paramount and the hearing shall be conducted in as informal a manner as may be consistent with orderly procedure, but consistent therewith the issue shall be tried as a civil matter. Such discovery as is permitted under the Iowa rules of civil procedure shall be available to the respondent. The court shall receive all relevant and material evidence which may be offered and need not be bound by the rules of evidence. There shall be a presumption in favor of the respondent, and the burden of evidence in support of the contentions made in the application shall be upon the applicant.

b. The licensed physician or qualified mental health professional who examined the respondent shall be present at the hearing unless the court for good cause finds that the licensed physician's or qualified mental health professional's presence or testimony is not necessary. The applicant, respondent, and the respondent's attorney may waive the presence or the telephonic appearance of the licensed physician or qualified mental health professional who examined the respondent and agree to submit as evidence the written report of the licensed physician or qualified mental health professional. The respondent's attorney shall inform the court if the respondent's attorney reasonably believes that the respondent, due to diminished capacity, cannot make an adequately considered waiver decision. "Good cause" for finding that the testimony of the licensed physician or qualified mental health professional who examined the respondent is not necessary may include~~,~~ but is not limited to~~,~~ such a waiver. If the court determines that the testimony of the licensed physician or qualified mental health professional is necessary, the court may allow the licensed physician or the qualified mental health professional to testify by telephone.

c. If upon completion of the hearing the court finds that the contention that the respondent is seriously mentally impaired has not been sustained by clear and convincing evidence, it shall deny the application and terminate the proceeding.

Sec. 227. Section 229.22, subsection 2, Code 2009, is amended to read as follows:

2. a. In the circumstances described in subsection 1, any peace officer who has reasonable grounds to believe that a

187 24 person is mentally ill, and because of that illness is likely
187 25 to physically injure the person's self or others if not
187 26 immediately detained, may without a warrant take or cause that
187 27 person to be taken to the nearest available facility as
187 28 defined in section 229.11, ~~subsections 2~~ subsection 1,
187 29 paragraphs "b" and ~~3~~ "c". A person believed mentally ill, and
187 30 likely to injure the person's self or others if not
187 31 immediately detained, may be delivered to a hospital by
187 32 someone other than a peace officer. Upon delivery of the
187 33 person believed mentally ill to the hospital, the examining
187 34 physician may order treatment of that person, including
187 35 chemotherapy, but only to the extent necessary to preserve the
188 1 person's life or to appropriately control behavior by the
188 2 person which is likely to result in physical injury to that
188 3 person or others if allowed to continue. The peace officer
188 4 who took the person into custody, or other party who brought
188 5 the person to the hospital, shall describe the circumstances
188 6 of the matter to the examining physician. If the person is a
188 7 peace officer, the peace officer may do so either in person or
188 8 by written report. If the examining physician finds that
188 9 there is reason to believe that the person is seriously
188 10 mentally impaired, and because of that impairment is likely to
188 11 physically injure the person's self or others if not
188 12 immediately detained, the examining physician shall at once
188 13 communicate with the nearest available magistrate as defined
188 14 in section 801.4, subsection 10. The magistrate shall, based
188 15 upon the circumstances described by the examining physician,
188 16 give the examining physician oral instructions either
188 17 directing that the person be released forthwith or authorizing
188 18 the person's detention in an appropriate facility. The
188 19 magistrate may also give oral instructions and order that the
188 20 detained person be transported to an appropriate facility.
188 21 b. If the magistrate orders that the person be detained,
188 22 the magistrate shall, by the close of business on the next
188 23 working day, file a written order with the clerk in the county
188 24 where it is anticipated that an application may be filed under
188 25 section 229.6. The order may be filed by facsimile if
188 26 necessary. The order shall state the circumstances under
188 27 which the person was taken into custody or otherwise brought
188 28 to a facility, and the grounds supporting the finding of
188 29 probable cause to believe that the person is seriously
188 30 mentally impaired and likely to injure the person's self or
188 31 others if not immediately detained. The order shall confirm
188 32 the oral order authorizing the person's detention including
188 33 any order given to transport the person to an appropriate
188 34 facility. The clerk shall provide a copy of that order to the
188 35 chief medical officer of the facility to which the person was
189 1 originally taken, to any subsequent facility to which the
189 2 person was transported, and to any law enforcement department
189 3 or ambulance service that transported the person pursuant to
189 4 the magistrate's order.
189 5 Sec. 228. Section 229A.7, subsection 5, Code 2009, is
189 6 amended to read as follows:
189 7 5. a. At trial, the court or jury shall determine
189 8 whether, beyond a reasonable doubt, the respondent is a
189 9 sexually violent predator. If the case is before a jury, the
189 10 verdict shall be unanimous that the respondent is a sexually
189 11 violent predator.
189 12 b. If the court or jury determines that the respondent is
189 13 a sexually violent predator, the respondent shall be committed
189 14 to the custody of the director of the department of human
189 15 services for control, care, and treatment until such time as
189 16 the person's mental abnormality has so changed that the person
189 17 is safe to be placed in a transitional release program or
189 18 discharged. The determination may be appealed.
189 19 Sec. 229. Section 229A.8, subsection 5, paragraph e, Code
189 20 2009, is amended to read as follows:
189 21 e. (1) The burden is on the committed person to show by a
189 22 preponderance of the evidence that there is competent evidence
189 23 which would lead a reasonable person to believe a final
189 24 hearing should be held to determine either of the following:
189 25 ~~(1)~~ (a) The mental abnormality of the committed person
189 26 has so changed that the person is not likely to engage in
189 27 predatory acts constituting sexually violent offenses if
189 28 discharged.
189 29 ~~(2)~~ (b) The committed person is suitable for placement in
189 30 a transitional release program pursuant to section 229A.8A.
189 31 (2) If the committed person shows by a preponderance of
189 32 the evidence that a final hearing should be held on either
189 33 determination under subparagraph (1), subparagraph division
189 34 (a) or ~~(2)~~ (b), or both, the court shall set a final hearing

189 35 within sixty days of the determination that a final hearing be
190 1 held.
190 2 Sec. 230. Section 231.32, subsection 2, Code 2009, is
190 3 amended to read as follows:
190 4 2. a. The commission shall designate an area agency to
190 5 serve each planning and service area, after consideration of
190 6 the views offered by units of general purpose local
190 7 government. An area agency may be:
190 8 ~~a.~~ (1) An established office of aging which is operating
190 9 within a planning and service area designated by the
190 10 commission.
190 11 ~~b.~~ (2) Any office or agency of a unit of general purpose
190 12 local government, which is designated for the purpose of
190 13 serving as an area agency by the chief elected official of
190 14 such unit.
190 15 ~~c.~~ (3) Any office or agency designated by the appropriate
190 16 chief elected officials of any combination of units of general
190 17 purpose local government to act on behalf of the combination
190 18 for such purpose.
190 19 ~~d.~~ (4) Any public or nonprofit private agency in a
190 20 planning and service area or any separate organizational unit
190 21 within such agency which is under the supervision or direction
190 22 for this purpose of the department of elder affairs and which
190 23 can engage in the planning or provision of a broad range of
190 24 supportive services or nutrition services within the planning
190 25 and service area.
190 26 b. Each area agency shall provide assurance, determined
190 27 adequate by the commission, that the area agency has the
190 28 ability to develop an area plan and to carry out, directly or
190 29 through contractual or other arrangements, a program in
190 30 accordance with the plan within the planning and service area.
190 31 In designating an area agency on aging within the planning and
190 32 service area, the commission shall give preference to an
190 33 established office of aging, unless the commission finds that
190 34 no such office within the planning and service area has the
190 35 capacity to carry out the area plan.
191 1 Sec. 231. Section 232.2, subsections 11 and 21, Code 2009,
191 2 are amended to read as follows:
191 3 11. a. "Custodian" means a stepparent or a relative
191 4 within the fourth degree of consanguinity to a child who has
191 5 assumed responsibility for that child, a person who has
191 6 accepted a release of custody pursuant to division IV, or a
191 7 person appointed by a court or juvenile court having
191 8 jurisdiction over a child.
191 9 b. The rights and duties of a custodian with respect to a
191 10 child are as follows:
191 11 ~~a.~~ (1) To maintain or transfer to another the physical
191 12 possession of that child.
191 13 ~~b.~~ (2) To protect, train, and discipline that child.
191 14 ~~c.~~ (3) To provide food, clothing, housing, and medical
191 15 care for that child.
191 16 ~~d.~~ (4) To consent to emergency medical care, including
191 17 surgery.
191 18 ~~e.~~ (5) To sign a release of medical information to a
191 19 health professional.
191 20 c. All rights and duties of a custodian shall be subject
191 21 to any residual rights and duties remaining in a parent or
191 22 guardian.
191 23 21. a. "Guardian" means a person who is not the parent of
191 24 a child, but who has been appointed by a court or juvenile
191 25 court having jurisdiction over the child, to have a permanent
191 26 self=sustaining relationship with the child and to make
191 27 important decisions which have a permanent effect on the life
191 28 and development of that child and to promote the general
191 29 welfare of that child. A guardian may be a court or a
191 30 juvenile court. Guardian does not mean conservator, as
191 31 defined in section 633.3, although a person who is appointed
191 32 to be a guardian may also be appointed to be a conservator.
191 33 b. Unless otherwise enlarged or circumscribed by a court
191 34 or juvenile court having jurisdiction over the child or by
191 35 operation of law, the rights and duties of a guardian with
192 1 respect to a child shall be as follows:
192 2 ~~a.~~ (1) To consent to marriage, enlistment in the armed
192 3 forces of the United States, or medical, psychiatric, or
192 4 surgical treatment.
192 5 ~~b.~~ (2) To serve as guardian ad litem, unless the
192 6 interests of the guardian conflict with the interests of the
192 7 child or unless another person has been appointed guardian ad
192 8 litem.
192 9 ~~c.~~ (3) To serve as custodian, unless another person has
192 10 been appointed custodian.

192 11 ~~d.~~ (4) To make periodic visitations if the guardian does
192 12 not have physical possession or custody of the child.
192 13 ~~e.~~ (5) To consent to adoption and to make any other
192 14 decision that the parents could have made when the
192 15 parent=child relationship existed.
192 16 ~~f.~~ (6) To make other decisions involving protection,
192 17 education, and care and control of the child.
192 18 Sec. 232. Section 232.2, subsection 22, paragraph a, Code
192 19 2009, is amended to read as follows:
192 20 a. "Guardian ad litem" means a person appointed by the
192 21 court to represent the interests of a child in any judicial
192 22 proceeding to which the child is a party, and includes a court
192 23 appointed special advocate, except that a court appointed
192 24 special advocate shall not file motions or petitions pursuant
192 25 to section 232.54, ~~subsections~~ subsection 1, paragraphs "a"
192 26 and ~~4~~ "d", section 232.103, subsection 2, paragraph "c", and
192 27 section 232.111.
192 28 Sec. 233. Section 232.22, subsection 3, paragraph c, Code
192 29 2009, is amended to read as follows:
192 30 c. (1) A room in a facility intended or used for the
192 31 detention of adults if there is probable cause to believe that
192 32 the child has committed a delinquent act which if committed by
192 33 an adult would be a felony, or aggravated misdemeanor under
192 34 section 708.2 or 709.11, a serious or aggravated misdemeanor
192 35 under section 321J.2, or a violation of section 123.46, and if
193 1 all of the following apply:
193 2 ~~(1)~~ (a) The child is at least fourteen years of age.
193 3 ~~(2)~~ (b) The child has shown by the child's conduct,
193 4 habits, or condition that the child constitutes an immediate
193 5 and serious danger to another or to the property of another,
193 6 and a facility or place enumerated in paragraph "a" or "b" is
193 7 unavailable, or the court determines that the child's conduct
193 8 or condition endangers the safety of others in the facility.
193 9 ~~(3)~~ (c) The facility has an adequate staff to supervise
193 10 and monitor the child's activities at all times.
193 11 ~~(4)~~ (d) The child is confined in a room entirely
193 12 separated from detained adults, is confined in a manner which
193 13 prohibits communication with detained adults, and is permitted
193 14 to use common areas of the facility only when no contact with
193 15 detained adults is possible.
193 16 (2) However, if the child is to be detained for a
193 17 violation of section 123.46 or section 321J.2, placement in a
193 18 facility pursuant to this paragraph "c" shall be made only
193 19 after an attempt has been made to notify the parents or legal
193 20 guardians of the child and request that the parents or legal
193 21 guardians take custody of the child. If the parents or legal
193 22 guardians cannot be contacted, or refuse to take custody of
193 23 the child, an attempt shall be made to place the child in
193 24 another facility, including but not limited to a local
193 25 hospital or shelter care facility. Also, a child detained for
193 26 a violation of section 123.46 or section 321J.2 pursuant to
193 27 this paragraph "c" shall only be detained in a facility with
193 28 adequate staff to provide continuous visual supervision of the
193 29 child.
193 30 Sec. 234. Section 232.22, subsection 5, Code 2009, is
193 31 amended to read as follows:
193 32 5. a. A child shall not be detained in a facility under
193 33 subsection 3, paragraph "c" for a period of time in excess of
193 34 six hours without the oral or written order of a judge or a
193 35 magistrate authorizing the detention. A judge or magistrate
194 1 may authorize detention in a facility under subsection 3,
194 2 paragraph "c" for a period of time in excess of six hours but
194 3 less than twenty=four hours, excluding weekends and legal
194 4 holidays, but only if all of the following occur or exist:
194 5 ~~a.~~ (1) The facility serves a geographic area outside a
194 6 standard metropolitan statistical area as determined by the
194 7 United States census bureau.
194 8 ~~b.~~ (2) The court determines that an acceptable
194 9 alternative placement does not exist pursuant to criteria
194 10 developed by the department of human services.
194 11 ~~c.~~ (3) The facility has been certified by the department
194 12 of corrections as being capable of sight and sound separation
194 13 pursuant to this section and section 356.3.
194 14 ~~d.~~ (4) The child is awaiting an initial hearing before
194 15 the court pursuant to section 232.44.
194 16 b. The restrictions contained in this subsection relating
194 17 to the detention of a child in a facility under subsection 3,
194 18 paragraph "c" do not apply if the court has waived its
194 19 jurisdiction over the child for the alleged commission of a
194 20 felony offense pursuant to section 232.45.
194 21 Sec. 235. Section 232.49, subsection 3, Code 2009, is

194 22 amended to read as follows:
194 23 3. a. At any time after the filing of a delinquency
194 24 petition the court may order a physical or mental examination
194 25 of the child if the following circumstances apply:
194 26 ~~a.~~ (1) The court finds such examination to be in the best
194 27 interest of the child; and
194 28 ~~b.~~ (2) The parent, guardian or custodian and the child's
194 29 counsel agree.
194 30 b. An examination shall be conducted on an outpatient
194 31 basis unless the court, the child's counsel and the parent,
194 32 guardian or custodian agree that it is necessary the child be
194 33 committed to a suitable hospital, facility or institution for
194 34 the purpose of examination. Commitment for examination shall
194 35 not exceed thirty days and the civil commitment provisions of
195 1 chapter 229 shall not apply.
195 2 Sec. 236. Section 232.52, subsection 6, Code 2009, is
195 3 amended to read as follows:
195 4 6. a. When the court orders the transfer of legal custody
195 5 of a child pursuant to subsection 2, paragraph "d", "e", or
195 6 "f", the order shall state that reasonable efforts as defined
195 7 in section 232.57 have been made. If deemed appropriate by
195 8 the court, the order may include a determination that
195 9 continuation of the child in the child's home is contrary to
195 10 the child's welfare. The inclusion of such a determination
195 11 shall not under any circumstances be deemed a prerequisite for
195 12 entering an order pursuant to this section. However, the
195 13 inclusion of such a determination, supported by the record,
195 14 may be used to assist the department in obtaining federal
195 15 funding for the child's placement. If such a determination is
195 16 included in the order, unless the court makes a determination
195 17 that further reasonable efforts are not required, reasonable
195 18 efforts shall be made to prevent permanent removal of a child
195 19 from the child's home and to encourage reunification of the
195 20 child with the child's parents and family. The reasonable
195 21 efforts may include but are not limited to early intervention
195 22 and follow=up programs implemented pursuant to section
195 23 232.191.
195 24 b. When the court orders the transfer of legal custody of
195 25 a child pursuant to subsection 2, paragraph "d", and the child
195 26 is sixteen years of age or older, the order shall specify the
195 27 services needed to assist the child in preparing for the
195 28 transition from foster care to adulthood. If the child has a
195 29 case permanency plan, the court shall consider the written
195 30 transition plan of services and needs assessment developed for
195 31 the child's case permanency plan. If the child does not have
195 32 a case permanency plan containing the transition plan and
195 33 needs assessment at the time the transfer order is entered,
195 34 the written transition plan and needs assessment shall be
195 35 developed and submitted for the court's consideration no later
196 1 than six months from the date of the transfer order. The
196 2 court shall modify the initial transfer order as necessary to
196 3 specify the services needed to assist the child in preparing
196 4 for the transition from foster care to adulthood. If the
196 5 transition plan identifies services or other support needed to
196 6 assist the child when the child becomes an adult and the court
196 7 deems it to be beneficial to the child, the court may
196 8 authorize the individual who is the child's guardian ad litem
196 9 or court appointed special advocate to continue a relationship
196 10 with and provide advice to the child for a period of time
196 11 beyond the child's eighteenth birthday.
196 12 Sec. 237. Section 232.54, Code 2009, is amended to read as
196 13 follows:
196 14 232.54 TERMINATION, MODIFICATION, OR VACATION AND
196 15 SUBSTITUTION OF DISPOSITIONAL ORDER.
196 16 1. At any time prior to its expiration, a dispositional
196 17 order may be terminated, modified, or vacated and another
196 18 dispositional order substituted therefor only in accordance
196 19 with the following provisions:
196 20 ~~1.~~ a. With respect to a dispositional order made pursuant
196 21 to section 232.52, subsection 2, paragraph "a", "b", or "c",
196 22 and upon the motion of a child, a child's parent or guardian,
196 23 a child's guardian ad litem, a person supervising the child
196 24 under a dispositional order, a county attorney, or upon its
196 25 own motion, the court may terminate the order and discharge
196 26 the child, modify the order, or vacate the order and
196 27 substitute another order pursuant to the provisions of section
196 28 232.52. Notice shall be afforded all parties, and a hearing
196 29 shall be held at the request of any party.
196 30 ~~2.~~ b. With respect to a dispositional order made pursuant
196 31 to section 232.52, subsection 2, paragraphs "d" and "e", the
196 32 court shall grant a motion of the person to whom custody has

196 33 been transferred for termination of the order and discharge of
196 34 the child, for modification of the order by imposition of less
196 35 restrictive conditions, or for vacation of the order and
197 1 substitution of a less restrictive order unless there is clear
197 2 and convincing evidence that there has not been a change of
197 3 circumstance sufficient to grant the motion. Notice shall be
197 4 afforded all parties, and a hearing shall be held at the
197 5 request of any party or upon the court's own motion.
197 6 ~~3.~~ c. With respect to a dispositional order made pursuant
197 7 to section 232.52, subsection 2, paragraphs "d", or "e", or
197 8 "f", the court shall grant a motion of a person or agency to
197 9 whom custody has been transferred for modification of the
197 10 order by transfer to an equally restrictive placement, unless
197 11 there is clear and convincing evidence that there has not been
197 12 a change of circumstance sufficient to grant the motion.
197 13 Notice shall be afforded all parties, and a hearing shall be
197 14 held at the request of any party or upon the court's own
197 15 motion.
197 16 ~~4.~~ d. With respect to a dispositional order made pursuant
197 17 to section 232.52, subsection 2, paragraphs "d", "e", or "f",
197 18 the court may, after notice and hearing, either grant or deny
197 19 a motion of the child, the child's parent or guardian, or the
197 20 child's guardian ad litem, to terminate the order and
197 21 discharge the child, to modify the order either by imposing
197 22 less restrictive conditions or by transfer to an equally or
197 23 less restrictive placement, or to vacate the order and
197 24 substitute a less restrictive order. A motion may be made
197 25 pursuant to this paragraph no more than once every six months.
197 26 ~~5.~~ e. With respect to a dispositional order made pursuant
197 27 to section 232.52, subsection 2, paragraphs "d" and "e", the
197 28 court may, after notice and a hearing at which there is
197 29 presented clear and convincing evidence to support such an
197 30 action, either grant or deny a motion by a county attorney or
197 31 by a person or agency to whom custody has been transferred, to
197 32 modify an order by imposing more restrictive conditions or to
197 33 vacate the order and substitute a more restrictive order.
197 34 ~~6.~~ f. With respect to a temporary transfer order made
197 35 pursuant to section 232.52, subsection 9, if the court finds
198 1 that removal of a child from the state training school is
198 2 necessary to safeguard the child's physical or emotional
198 3 health and is in the best interests of the child, the court
198 4 shall grant the director's motion for a substitute
198 5 dispositional order to place the child in a facility which has
198 6 been designated to be an alternative placement site for the
198 7 state training school.
198 8 ~~7.~~ g. With respect to a juvenile court dispositional
198 9 order entered regarding a child who has received a youthful
198 10 offender deferred sentence under section 907.3A, the
198 11 dispositional order may be terminated prior to the child
198 12 reaching the age of eighteen upon motion of the child, the
198 13 person or agency to whom custody of the child has been
198 14 transferred, or the county attorney following a hearing before
198 15 the juvenile court if it is shown by clear and convincing
198 16 evidence that it is in the best interests of the child and the
198 17 community to terminate the order. The hearing may be waived
198 18 if all parties to the proceeding agree. The dispositional
198 19 order regarding a child who has received a youthful offender
198 20 deferred sentence may also be terminated prior to the child
198 21 reaching the age of eighteen upon motion of the county
198 22 attorney, if the waiver of the child to district court was
198 23 conditioned upon the terms of an agreement between the county
198 24 attorney and the child, and the child violates the terms of
198 25 the agreement after the waiver order has been entered. The
198 26 district court shall discharge the child's youthful offender
198 27 status upon receiving a termination order under this section.
198 28 ~~8.~~ h. With respect to a dispositional order entered
198 29 regarding a child who has received a youthful offender
198 30 deferred sentence under section 907.3A, the juvenile court
198 31 may, in the case of a child who violates the terms of the
198 32 order, modify or terminate the order in accordance with the
198 33 following:
198 34 ~~a.~~ (1) After notice and hearing at which the facts of the
198 35 child's violation of the terms of the order are found, the
199 1 juvenile court may refuse to modify the order, modify the
199 2 order and impose a more restrictive order, or, after an
199 3 assessment of the child by a juvenile court officer in
199 4 consultation with the judicial district department of
199 5 correctional services and if the child is age fourteen or
199 6 over, terminate the order and return the child to the
199 7 supervision of the district court under chapter 907.
199 8 ~~b.~~ (2) The juvenile court shall only terminate an order

199 9 under this ~~subsection~~ paragraph "h" if after considering the
199 10 best interests of the child and the best interests of the
199 11 community the court finds that the child should be returned to
199 12 the supervision of the district court.
199 13 ~~c.~~ (3) A youthful offender over whom the juvenile court
199 14 has terminated the dispositional order under this ~~subsection~~
199 15 paragraph "h" shall be treated in the manner of an adult who
199 16 has been arrested for a violation of probation under section
199 17 908.11 for sentencing purposes only.
199 18 2. Notice requirements of this section shall be satisfied
199 19 by providing reasonable notice to the persons required to be
199 20 provided notice for adjudicatory hearings under section
199 21 232.37, except that notice shall be waived regarding a person
199 22 who was notified of the adjudicatory hearing and who failed to
199 23 appear. At a hearing under this section all relevant and
199 24 material evidence shall be admitted.
199 25 Sec. 238. Section 232.55, subsection 2, Code 2009, is
199 26 amended to read as follows:
199 27 2. a. Adjudication and disposition proceedings under this
199 28 division are not admissible as evidence against a person in a
199 29 subsequent proceeding in any other court before or after the
199 30 person reaches majority except in a sentencing proceeding
199 31 after conviction of the person for an offense other than a
199 32 simple or serious misdemeanor.
199 33 b. Adjudication and disposition proceedings may properly
199 34 be included in a presentence investigation report prepared
199 35 pursuant to chapter 901 and section 906.5.
200 1 c. However, the use of adjudication and disposition
200 2 proceedings pursuant to this subsection shall be subject to
200 3 the restrictions contained in section 232.150.
200 4 3. This section does not apply to dispositional orders
200 5 entered regarding a child who has received a youthful offender
200 6 deferred sentence under section 907.3A who is not discharged
200 7 from probation before or upon the child's eighteenth birthday.
200 8 Sec. 239. Section 232.71B, subsection 11, Code 2009, is
200 9 amended to read as follows:
200 10 11. FACILITY PROTOCOL.
200 11 a. The department shall apply a protocol, developed in
200 12 consultation with facilities providing care to children, for
200 13 conducting an assessment of reports of abuse of children
200 14 allegedly caused by employees of facilities providing care to
200 15 children. As part of such an assessment, the department shall
200 16 notify the licensing authority for the facility, the governing
200 17 body of the facility, and the administrator in charge of the
200 18 facility of any of the following:
200 19 ~~a.~~ (1) A violation of facility policy noted in the
200 20 assessment.
200 21 ~~b.~~ (2) An instance in which facility policy or lack of
200 22 facility policy may have contributed to the reported incident
200 23 of alleged child abuse.
200 24 ~~c.~~ (3) An instance in which general practice in the
200 25 facility appears to differ from the facility's written policy.
200 26 b. The licensing authority, the governing body, and the
200 27 administrator in charge of the facility shall take any lawful
200 28 action which may be necessary or advisable to protect children
200 29 receiving care.
200 30 Sec. 240. Section 232.182, subsection 5, Code 2009, is
200 31 amended to read as follows:
200 32 5. After the hearing is concluded, the court shall make
200 33 and file written findings as to whether reasonable efforts, as
200 34 defined in section 232.102, subsection 10, have been made and
200 35 whether the voluntary foster family care placement is in the
201 1 child's best interests.
201 2 a. The court shall order foster family care placement in
201 3 the child's best interests if the court finds that all of the
201 4 following conditions exist:
201 5 ~~a.~~ (1) The child has an emotional, physical, or
201 6 intellectual disability which requires care and treatment.
201 7 ~~b.~~ (2) The child's parent, guardian, or custodian has
201 8 demonstrated a willingness or ability to fulfill the
201 9 responsibilities defined in the case permanency plan.
201 10 ~~c.~~ (3) Reasonable efforts have been made and the
201 11 placement is in the child's best interests.
201 12 ~~d.~~ (4) A determination that services or support provided
201 13 to the family of a child with mental retardation, other
201 14 developmental disability, or organic mental illness will not
201 15 enable the family to continue to care for the child in the
201 16 child's home.
201 17 b. If the court finds that reasonable efforts have not
201 18 been made and that services or support are available to
201 19 prevent the placement, the court may order the services or

support to be provided to the child and the child's family.

c. If the court finds that the foster care placement is necessary and the child's parent, guardian, or custodian has not demonstrated a commitment to fulfill the responsibilities defined in the child's case permanency plan, the court shall cause a child in need of assistance petition to be filed.

Sec. 241. Section 237.3, subsection 2, paragraph g, Code 2009, is amended to read as follows:

g. (1) The adequacy of programs available to children receiving child foster care provided by agencies, including but not limited to:

~~(1)~~ (a) Dietary services.

~~(2)~~ (b) Social services.

~~(3)~~ (c) Activity programs.

~~(4)~~ (d) Behavior management procedures.

~~(5)~~ (e) Educational programs, including special education as defined in section 256B.2, subsection 2 where appropriate, which are approved by the state board of education.

(2) The department shall not promulgate rules which regulate individual licensees in the subject areas enumerated in this paragraph "g".

Sec. 242. Section 249A.3, subsections 2, 4, 5A, 5B, and 14, Code 2009, are amended to read as follows:

2. a. Medical assistance may also, within the limits of available funds and in accordance with section 249A.4, subsection 1, be provided to, or on behalf of, other individuals and families who are not excluded under subsection 5 of this section and whose incomes and resources are insufficient to meet the cost of necessary medical care and services in accordance with the following order of priorities:

~~a.~~ (1) As allowed under 42 U.S.C. } 1396a(a)(10)(A)(ii)(XIII), individuals with disabilities, who are less than sixty=five years of age, who are members of families whose income is less than two hundred fifty percent of the most recently revised official poverty guidelines published by the United States department of health and human services for the family, who have earned income and who are eligible for medical assistance or additional medical assistance under this section if earnings are disregarded. As allowed by 42 U.S.C. } 1396a(r)(2), unearned income shall also be disregarded in determining whether an individual is eligible for assistance under this ~~paragraph~~ subparagraph. For the purposes of determining the amount of an individual's resources under this ~~paragraph~~ subparagraph and as allowed by 42 U.S.C. } 1396a(r)(2), a maximum of ten thousand dollars of available resources shall be disregarded, and any additional resources held in a retirement account, in a medical savings account, or in any other account approved under rules adopted by the department shall also be disregarded. Individuals eligible for assistance under this ~~paragraph~~ subparagraph, whose individual income exceeds one hundred fifty percent of the official poverty guidelines published by the United States department of health and human services for an individual, shall pay a premium. The amount of the premium shall be based on a sliding fee schedule adopted by rule of the department and shall be based on a percentage of the individual's income. The maximum premium payable by an individual whose income exceeds one hundred fifty percent of the official poverty guidelines shall be commensurate with the cost of state employees' group health insurance in this state. The payment to and acceptance by an automated case management system or the department of the premium required under this ~~paragraph~~ subparagraph shall not automatically confer initial or continuing program eligibility on an individual. A premium paid to and accepted by the department's premium payment process that is subsequently determined to be untimely or to have been paid on behalf of an individual ineligible for the program shall be refunded to the remitter in accordance with rules adopted by the department.

~~b.~~ (2) (a) As provided under the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000, Pub. L. No. 106=354, women who meet all of the following criteria:

~~(1)~~ (i) Are not described in 42 U.S.C. } 1396a(a)(10)(A)(i).

~~(2)~~ (ii) Have not attained age sixty=five.

~~(3)~~ (iii) Have been screened for breast and cervical cancer under the United States centers for disease control and prevention breast and cervical cancer early detection program established under 42 U.S.C. } 300k et seq., in accordance with the requirements of 42 U.S.C. } 300n, and need treatment for breast or cervical cancer. A woman is considered screened for

203 31 breast and cervical cancer under this subparagraph subdivision
203 32 if the woman is screened by any provider or entity, and the
203 33 state grantee of the United States centers for disease control
203 34 and prevention funds under Title XV of the federal Public
203 35 Health Services Act has elected to include screening
204 1 activities by that provider or entity as screening activities
204 2 pursuant to Title XV of the federal Public Health Services
204 3 Act. This screening includes but is not limited to breast or
204 4 cervical cancer screenings or related diagnostic services
204 5 provided by family planning or community health centers and
204 6 breast cancer screenings funded by the Susan G. Komen
204 7 foundation which are provided to women who meet the
204 8 eligibility requirements established by the state grantee of
204 9 the United States centers for disease control and prevention
204 10 funds under Title XV of the federal Public Health Services
204 11 Act.
204 12 ~~(4)~~ (iv) Are not otherwise covered under creditable
204 13 coverage as defined in 42 U.S.C. } 300gg(c).
204 14 (b) A woman who meets the criteria of this ~~paragraph~~
204 15 subparagraph (2) shall be presumptively eligible for medical
204 16 assistance.
204 17 ~~c.~~ (3) Individuals who are receiving care in a hospital
204 18 or in a basic nursing home, intermediate nursing home, skilled
204 19 nursing home or extended care facility, as defined by section
204 20 135C.1, and who meet all eligibility requirements for federal
204 21 supplemental security income except that their income exceeds
204 22 the allowable maximum therefor, but whose income is not in
204 23 excess of the maximum established by subsection 4 for
204 24 eligibility for medical assistance and is insufficient to meet
204 25 the full cost of their care in the hospital or health care
204 26 facility on the basis of standards established by the
204 27 department.
204 28 ~~d.~~ (4) Individuals under twenty=one years of age living
204 29 in a licensed foster home, or in a private home pursuant to a
204 30 subsidized adoption arrangement, for whom the department
204 31 accepts financial responsibility in whole or in part and who
204 32 are not eligible under subsection 1.
204 33 ~~e.~~ (5) Individuals who are receiving care in an
204 34 institution for mental diseases, and who are under twenty=one
204 35 years of age and whose income and resources are such that they
205 1 are eligible for the family investment program, or who are
205 2 sixty=five years of age or older and who meet the conditions
205 3 for eligibility in paragraph "a" ~~of this subsection,~~
205 4 subparagraph (1).
205 5 ~~f.~~ (6) Individuals and families whose incomes and
205 6 resources are such that they are eligible for federal
205 7 supplemental security income or the family investment program,
205 8 but who are not actually receiving such public assistance.
205 9 ~~g.~~ (7) Individuals who are receiving state supplementary
205 10 assistance as defined by section 249.1 or other persons whose
205 11 needs are considered in computing the recipient's assistance
205 12 grant.
205 13 ~~h.~~ (8) Individuals under twenty=one years of age who
205 14 qualify on a financial basis for, but who are otherwise
205 15 ineligible to receive assistance under the family investment
205 16 program.
205 17 ~~i.~~ (9) As allowed under 42 U.S.C. }
205 18 1396a(a)(10)(A)(ii)(XVII), individuals under twenty=one years
205 19 of age who were in foster care under the responsibility of the
205 20 state on the individual's eighteenth birthday, and whose
205 21 income is less than two hundred percent of the most recently
205 22 revised official poverty guidelines published by the United
205 23 States department of health and human services. Medical
205 24 assistance may be provided for an individual described by this
205 25 ~~paragraph~~ subparagraph regardless of the individual's
205 26 resources.
205 27 ~~j.~~ (10) Women eligible for family planning services under
205 28 a federally approved demonstration waiver.
205 29 ~~k.~~ (11) Individuals and families who would be eligible
205 30 under subsection 1 or ~~2 of this section~~ this subsection except
205 31 for excess income or resources, or a reasonable category of
205 32 those individuals and families.
205 33 ~~l.~~ (12) Individuals who have attained the age of
205 34 twenty=one but have not yet attained the age of sixty=five who
205 35 qualify on a financial basis for, but who are otherwise
206 1 ineligible to receive, federal supplemental security income or
206 2 assistance under the family investment program.
206 3 b. Notwithstanding the provisions of this subsection
206 4 establishing priorities for individuals and families to
206 5 receive medical assistance, the department may determine
206 6 within the priorities listed in this subsection which persons

206 7 shall receive medical assistance based on income levels
206 8 established by the department, subject to the limitations
206 9 provided in subsection 4.
206 10 4. Discretionary medical assistance, within the limits of
206 11 available funds and in accordance with section 249A.4,
206 12 subsection 1, may be provided to or on behalf of those
206 13 individuals and families described in subsection 2, paragraph
206 14 ~~"k"~~ "a", subparagraph (11), of this section.
206 15 5A. In determining eligibility for children under
206 16 subsection 1, paragraphs "b", "f", "g", "j", "k", "n", and
206 17 "s"; subsection 2, ~~paragraphs "c", "e", "f", "h",~~ paragraph
206 18 "a", subparagraphs (3), (5), (6), (8), and ~~"k"~~ (11); and
206 19 subsection 5, paragraph "b", all resources of the family,
206 20 other than monthly income, shall be disregarded.
206 21 5B. In determining eligibility for adults under subsection
206 22 1, paragraphs "b", "e", "h", "j", "k", "n", "s", and "t";
206 23 subsection 2, ~~paragraphs "d", "e", "h", "k",~~ paragraph "a",
206 24 subparagraphs (4), (5), (8), (11), and ~~"l"~~ (12); and
206 25 subsection 5, paragraph "b", one motor vehicle per household
206 26 shall be disregarded.
206 27 14. Once initial eligibility for the family medical
206 28 assistance program=related medical assistance is determined
206 29 for a child described under subsection 1, paragraph "b", "f",
206 30 "g", "j", "k", "l", or "n" or under subsection 2, paragraph
206 31 ~~"e", "f", or "h",~~ "a", subparagraph (5), (6), or (8), the
206 32 department shall provide continuous eligibility for a period
206 33 of up to twelve months, until the child's next annual review
206 34 of eligibility under the medical assistance program, if the
206 35 child would otherwise be determined ineligible due to excess
207 1 countable income but otherwise remains eligible.
207 2 Sec. 243. Section 249A.4, subsection 7, Code 2009, is
207 3 amended to read as follows:
207 4 7. Shall provide for the professional freedom of those
207 5 licensed practitioners who determine the need for or provide
207 6 medical care and services, and shall provide freedom of choice
207 7 to recipients to select the provider of care and services,
207 8 except when the recipient is eligible for participation in a
207 9 health maintenance organization or prepaid health plan which
207 10 limits provider selection and which is approved by the
207 11 department.
207 12 a. However, this shall not limit the freedom of choice to
207 13 recipients to select providers in instances where such
207 14 provider services are eligible for reimbursement under the
207 15 medical assistance program but are not provided under the
207 16 health maintenance organization or under the prepaid health
207 17 plan, or where the recipient has an already established
207 18 program of specialized medical care with a particular
207 19 provider. The department may also restrict the recipient's
207 20 selection of providers to control the individual recipient's
207 21 overuse of care and services, provided the department can
207 22 document this overuse. The department shall promulgate rules
207 23 for determining the overuse of services, including rights of
207 24 appeal by the recipient.
207 25 b. Advanced registered nurse practitioners licensed
207 26 pursuant to chapter 152 shall be regarded as approved
207 27 providers of health care services, including primary care, for
207 28 purposes of managed care or prepaid services contracts under
207 29 the medical assistance program. This paragraph shall not be
207 30 construed to expand the scope of practice of an advanced
207 31 registered nurse practitioner pursuant to chapter 152.
207 32 Sec. 244. Section 249A.6, subsection 3, paragraph c, Code
207 33 2009, is amended to read as follows:
207 34 c. An attorney representing an applicant for or recipient
207 35 of assistance on a claim upon which the department has a lien
208 1 under this section shall notify the department of the claim of
208 2 which the attorney has actual knowledge, prior to filing a
208 3 claim, commencing an action or negotiating a settlement offer.
208 4 (1) Actual knowledge under this section shall include the
208 5 notice to the attorney pursuant to subsection 2.
208 6 (2) The mailing and deposit in a United States post office
208 7 or public mailing box of the notice, addressed to the
208 8 department at its state or district office location, is
208 9 adequate legal notice of the claim.
208 10 Sec. 245. Section 252J.8, subsection 4, Code 2009, is
208 11 amended to read as follows:
208 12 4. a. A licensing authority that is issued a certificate
208 13 of noncompliance shall initiate procedures for the suspension,
208 14 revocation, or denial of issuance or renewal of licensure to
208 15 an individual. The licensing authority shall utilize existing
208 16 rules and procedures for suspension, revocation, or denial of
208 17 the issuance or renewal of a license.

208 18 b. In addition, the licensing authority shall provide
208 19 notice to the individual of the licensing authority's intent
208 20 to suspend, revoke, or deny issuance or renewal of a license
208 21 under this chapter. The suspension, revocation, or denial
208 22 shall be effective no sooner than thirty days following
208 23 provision of notice to the individual.
208 24 c. The notice shall state all of the following:
208 25 ~~a.~~ (1) The licensing authority intends to suspend,
208 26 revoke, or deny issuance or renewal of an individual's license
208 27 due to the receipt of a certificate of noncompliance from the
208 28 unit.
208 29 ~~b.~~ (2) The individual must contact the unit to schedule a
208 30 conference or to otherwise obtain a withdrawal of a
208 31 certificate of noncompliance.
208 32 ~~c.~~ (3) Unless the unit furnishes a withdrawal of a
208 33 certificate of noncompliance to the licensing authority within
208 34 thirty days of the issuance of the notice under this section,
208 35 the individual's license will be revoked, suspended, or
209 1 denied.
209 2 ~~d.~~ (4) If the licensing authority's rules and procedures
209 3 conflict with the additional requirements of this section, the
209 4 requirements of this section shall apply.
209 5 (5) Notwithstanding section 17A.18, the individual does
209 6 not have a right to a hearing before the licensing authority
209 7 to contest the authority's actions under this chapter but may
209 8 request a court hearing pursuant to section 252J.9 within
209 9 thirty days of the provision of notice under this ~~section~~
209 10 subsection.
209 11 Sec. 246. Section 252J.9, Code 2009, is amended to read as
209 12 follows:
209 13 252J.9 DISTRICT COURT HEARING.
209 14 1. Following the issuance of a written decision by the
209 15 unit under section 252J.6 which includes the issuance of a
209 16 certificate of noncompliance, or following provision of notice
209 17 to the individual by a licensing authority pursuant to section
209 18 252J.8, an individual may seek review of the decision and
209 19 request a hearing before the district court as follows:
209 20 a. If the action is a result of section 252J.2, subsection
209 21 2, paragraph "a", in the county in which the underlying
209 22 support order is filed, by filing an application with the
209 23 district court, and sending a copy of the application to the
209 24 unit by regular mail.
209 25 b. If the action is a result of section 252J.2, subsection
209 26 2, paragraph "b", and the individual is not an obligor, in a
209 27 county in which the dependent child or children reside if the
209 28 child or children reside in Iowa; in the county in which the
209 29 dependent child or children last received public assistance if
209 30 the child or children received public assistance in Iowa; or
209 31 in the county in which the individual resides if the action is
209 32 the result of a request from a child support agency in a
209 33 foreign jurisdiction.
209 34 2. An application shall be filed to seek review of the
209 35 decision by the unit or following issuance of notice by the
210 1 licensing authority no later than within thirty days after the
210 2 issuance of the notice pursuant to section 252J.8. The clerk
210 3 of the district court shall schedule a hearing and mail a copy
210 4 of the order scheduling the hearing to the individual and the
210 5 unit and shall also mail a copy of the order to the licensing
210 6 authority, if applicable. The unit shall certify a copy of
210 7 its written decision and certificate of noncompliance,
210 8 indicating the date of issuance, and the licensing authority
210 9 shall certify a copy of a notice issued pursuant to section
210 10 252J.8, to the court prior to the hearing.
210 11 ~~2.~~ 3. The filing of an application pursuant to this
210 12 section shall automatically stay the actions of a licensing
210 13 authority pursuant to section 252J.8. The hearing on the
210 14 application shall be scheduled and held within thirty days of
210 15 the filing of the application. However, if the individual
210 16 fails to appear at the scheduled hearing, the stay shall be
210 17 lifted and the licensing authority shall continue procedures
210 18 pursuant to section 252J.8.
210 19 ~~3.~~ 4. The scope of review by the district court shall be
210 20 limited to demonstration of a mistake of fact relating to the
210 21 delinquency of the obligor or the noncompliance of the
210 22 individual with a subpoena or warrant. Issues related to
210 23 visitation, custody, or other provisions not related to the
210 24 support provisions of a support order are not grounds for a
210 25 hearing under this chapter.
210 26 ~~4.~~ 5. Support orders shall not be modified by the court
210 27 in a hearing under this chapter.
210 28 ~~5.~~ 6. If the court finds that the unit was in error in

210 29 issuing a certificate of noncompliance, or in failing to issue
210 30 a withdrawal of a certificate of noncompliance, the unit shall
210 31 issue a withdrawal of a certificate of noncompliance to the
210 32 appropriate licensing authority.
210 33 Sec. 247. Section 257.11, subsection 4, paragraph b, Code
210 34 2009, is amended to read as follows:
210 35 b. Notwithstanding paragraph "a", a school district which
211 1 received supplementary weighting for an alternative high
211 2 school program for the school budget year beginning July 1,
211 3 1999, shall receive an amount of supplementary weighting for
211 4 the next three school budget years as follows:
211 5 (1) For the budget year beginning July 1, 2000, the
211 6 greater of the amount of supplementary weighting determined
211 7 pursuant to paragraph "a", or sixty=five percent of the amount
211 8 received for the budget year beginning July 1, 1999.
211 9 (2) For the budget year beginning July 1, 2001, the
211 10 greater of the amount of supplementary weighting determined
211 11 pursuant to paragraph "a", or forty percent of the amount
211 12 received for the budget year beginning July 1, 1999.
211 13 (3) For the budget year beginning July 1, 2002, and
211 14 succeeding budget years, the amount of supplementary weighting
211 15 determined pursuant to paragraph "a".
211 16 c. If a school district receives an amount pursuant to
211 17 ~~this~~ paragraph "b" which exceeds the amount the district would
211 18 otherwise have received pursuant to paragraph "a", the
211 19 department of management shall annually determine the amount
211 20 of the excess that would have been state aid and the amount
211 21 that would have been property tax if the school district had
211 22 generated that amount pursuant to paragraph "a", and shall
211 23 include the amounts in the state aid payments and property tax
211 24 levies of school districts. The department of management
211 25 shall recalculate the supplementary weighting amount received
211 26 each year to reflect the amount of the reduction in funding
211 27 from one budget year to the next pursuant to paragraph "b",
211 28 subparagraphs (1) through (3). It is the intent of the
211 29 general assembly that when weights are recalculated under this
211 30 subsection, the total amounts generated by each weight shall
211 31 be approximately equal.
211 32 Sec. 248. Section 275.41, subsection 5, Code 2009, is
211 33 amended to read as follows:
211 34 5. The board of the newly formed district shall appoint an
211 35 acting superintendent and an acting board secretary. The
212 1 appointment of the acting superintendent shall not be subject
212 2 to the continuing contract provision of sections 279.20,
212 3 279.23, and 279.24.
212 4 6. Section 49.8, subsection 4, shall not permit a director
212 5 to remain on the board of a school district after the
212 6 effective date of a boundary change which places the
212 7 director's residence outside the boundaries of the district.
212 8 Vacancies so caused on any board shall be filled in the manner
212 9 provided in sections 279.6 and 279.7.
212 10 Sec. 249. Section 280.10, Code 2009, is amended to read as
212 11 follows:
212 12 280.10 EYE=PROTECTIVE DEVICES.
212 13 1. Every student and teacher in any public or nonpublic
212 14 school shall wear industrial quality eye=protective devices at
212 15 all times while participating, and while in a room or other
212 16 enclosed area where others are participating, in any phase or
212 17 activity of a course which may subject the student or teacher
212 18 to the risk or hazard of eye injury from the materials or
212 19 processes used in any of the following courses:
212 20 ~~1.~~ a. Vocational or industrial arts shops or laboratories
212 21 involving experience with any of the following:
212 22 ~~a.~~ (1) Hot molten metals.
212 23 ~~b.~~ (2) Milling, sawing, turning, shaping, cutting,
212 24 grinding or stamping of any solid materials.
212 25 ~~c.~~ (3) Heat treatment, tempering or kiln firing of any
212 26 metal or other materials.
212 27 ~~d.~~ (4) Gas or electric arc welding.
212 28 ~~e.~~ (5) Repair or servicing of any vehicle while in the
212 29 shop.
212 30 ~~f.~~ (6) Caustic or explosive materials.
212 31 ~~2.~~ b. Chemical or combined chemical=physical laboratories
212 32 involving caustic or explosive chemicals or hot liquids or
212 33 solids when risk is involved. Visitors to such shops and
212 34 laboratories shall be furnished with and required to wear the
212 35 necessary safety devices while such programs are in progress.
213 1 2. It shall be the duty of the teacher or other person
213 2 supervising the students in said courses to see that the above
213 3 requirements are complied with. Any student failing to comply
213 4 with such requirements may be temporarily suspended from

213 5 participation in the course and the registration of a student
213 6 for the course may be canceled for willful, flagrant or
213 7 repeated failure to observe the above requirements.
213 8 3. The board of directors of each local public school
213 9 district and the authorities in charge of each nonpublic
213 10 school shall provide the safety devices required herein. Such
213 11 devices may be paid for from the general fund, but the board
213 12 may require students and teachers to pay for the safety
213 13 devices and shall make them available to students and teachers
213 14 at no more than the actual cost to the district or school.
213 15 4. "Industrial quality eye=protective devices", as used in
213 16 this section, means devices meeting American ~~National~~
~~213 17 Standard, Practice~~ national standard, practice for
213 18 ~~Occupational~~ occupational and ~~Educational Eye~~ educational eye
213 19 and ~~Face Protection~~ face protection promulgated by the
213 20 American ~~National Standards Institute, Inc~~ national standards
213 21 institute, inc.
213 22 Sec. 250. Section 321.40, subsection 7, Code 2009, is
213 23 amended to read as follows:
213 24 7. The county treasurer shall refuse to renew the
213 25 registration of a vehicle registered to an applicant if the
213 26 county treasurer knows that the applicant has one or more
213 27 uncontested, delinquent parking tickets issued pursuant to
213 28 section 321.236, subsection 1, paragraph ~~"a"~~ "b", subparagraph
213 29 (1), owing to the county, or owing to a city with which the
213 30 county has an agreement authorized under section 331.553.
213 31 However, a county treasurer may renew the registration if the
213 32 treasurer determines that an error was made by the county or
213 33 city in identifying the vehicle involved in the parking
213 34 violation or if the citation has been dismissed as against the
213 35 owner of the vehicle pursuant to section 321.484. This
214 1 subsection does not apply to the transfer of a registration or
214 2 the issuance of a new registration. Notwithstanding section
214 3 28E.10, a county treasurer may utilize the department's
214 4 vehicle registration and titling system to facilitate the
214 5 purposes of this ~~paragraph~~ subsection.
214 6 Sec. 251. Section 321.105A, subsection 2, paragraph c,
214 7 subparagraph (25), Code 2009, is amended to read as follows:
214 8 (25) Vehicles subject to registration under this chapter
214 9 with a gross vehicle weight rating of less than sixteen
214 10 thousand pounds, excluding motorcycles and motorized bicycles,
214 11 when purchased for lease and titled by the lessor licensed
214 12 pursuant to chapter 321F and actually leased for a period of
214 13 twelve months or more if the lease of the vehicle is subject
214 14 to the fee for new registration under subsection 3.
214 15 (a) A lessor may maintain the exemption under this
214 16 subparagraph (25) for a qualifying lease that terminates at
214 17 the conclusion or prior to the contracted expiration date if
214 18 the lessor does not use the vehicle for any purpose other than
214 19 for lease.
214 20 (b) Once the vehicle is used by the lessor for a purpose
214 21 other than for lease, the exemption under this subparagraph
214 22 (25) no longer applies and, unless there is another exemption
214 23 from the fee for new registration, the fee for new
214 24 registration is due on the fair market value of the vehicle
214 25 determined at the time the lessor uses the vehicle for a
214 26 purpose other than for lease, payable to the department.
214 27 (c) If the lessor holds the vehicle exclusively for sale,
214 28 the fee for new registration is due and payable on the
214 29 purchase price of the vehicle at the time of purchase pursuant
214 30 to this subsection.
214 31 Sec. 252. Section 321.236, subsections 1, 12, and 13, Code
214 32 2009, are amended to read as follows:
214 33 1. Regulating the standing or parking of vehicles.
214 34 a. Parking meter, snow route, and overtime parking
214 35 violations which are denied shall be charged and proceed
215 1 before a court the same as other traffic violations. Filing
215 2 fees and court costs shall be assessed as provided in section
215 3 602.8106, subsection 1 and section 805.6, subsection 1,
215 4 paragraph "a" for parking violation cases.
215 5 b. Parking violations which are admitted:
215 6 ~~a.~~ (1) May be charged and collected upon a simple notice
215 7 of a fine payable to the city clerk, if authorized by
215 8 ordinance. The fine for each violation charged under a simple
215 9 notice of a fine shall be established by ordinance. The fine
215 10 may be increased by five dollars if the parking violation is
215 11 not paid within thirty days of the date upon which the
215 12 violation occurred, if authorized by ordinance. Violations of
215 13 section 321L.4, subsection 2, may be charged and collected
215 14 upon a simple notice of a one hundred dollar fine payable to
215 15 the city clerk, if authorized by ordinance. No costs or other

215 16 charges shall be assessed. All fines collected by a city
215 17 pursuant to this paragraph shall be retained by the city and
215 18 all fines collected by a county pursuant to this paragraph
215 19 shall be retained by the county, except as provided by an
215 20 agreement between a city and a county treasurer for the
215 21 collection of fines pursuant to section 331.553, subsection 8.
215 22 ~~b.~~ (2) Notwithstanding any such ordinance, may be
215 23 prosecuted under the provisions of sections 805.7 to 805.13 or
215 24 as any other traffic violation.
215 25 c. (1) If the local authority regulating the standing or
215 26 parking of vehicles under this subsection is located in a
215 27 county where the renewal of registration of a vehicle shall be
215 28 refused for unpaid restitution under section 321.40, the
215 29 simple notice of fine under paragraph ~~"a"~~ "b" shall contain
215 30 the following statement:
215 31 "FAILURE TO PAY RESTITUTION OWED BY YOU CAN BE GROUNDS FOR
215 32 REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."
215 33 (2) This paragraph "c" does not invalidate forms for
215 34 notice of parking violations in existence prior to July 1,
215 35 1980. Existing forms may be used until supplies are
216 1 exhausted.
216 2 d. (1) If the local authority regulating the standing or
216 3 parking of vehicles under this subsection is a county or is a
216 4 city which has an agreement with a county treasurer by which
216 5 the renewal of registration of a vehicle shall be refused for
216 6 uncontested and unpaid parking fines under section 321.40, the
216 7 simple notice of a fine under paragraph ~~"a"~~ "b" shall contain
216 8 the following statement:
216 9 "FAILURE TO PAY PARKING FINES OWED BY YOU CAN BE GROUNDS
216 10 FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."
216 11 (2) This paragraph "d" does not invalidate forms for
216 12 notice of parking violations in existence prior to July 1,
216 13 2007. Existing forms may be used until supplies are
216 14 exhausted.
216 15 e. Cities that enter into chapter 28E agreements for the
216 16 collection of delinquent parking fines in conjunction with
216 17 renewal of motor vehicle registrations pursuant to section
216 18 321.40 shall be responsible for computer programming costs
216 19 incurred by the department to accommodate the collection and
216 20 dissemination of delinquent parking ticket information to
216 21 county treasurers, with each such city paying a per capita
216 22 share of the costs as provided in this paragraph. The
216 23 department's programming costs shall be paid by the first city
216 24 to enter into such an agreement. Thereafter, cities that
216 25 enter into such agreements on or before June 30, 2010, shall
216 26 pay a pro rata share of the department's programming costs on
216 27 or before September 30, 2010, to the city which first paid the
216 28 costs, based on the respective populations of each city as of
216 29 the last decennial census.
216 30 12. Designating highways or portions of highways as snow
216 31 routes.
216 32 a. When conditions of snow or ice exist on the traffic
216 33 surface of a designated snow route, it is unlawful for the
216 34 driver of a vehicle to impede or block traffic if the driving
216 35 wheels of the vehicle are not equipped with snow tires, tire
217 1 chains, or a nonslip differential.
217 2 b. A person charged with impeding or blocking traffic for
217 3 lack of snow tires, chains, or nonslip differential shall have
217 4 the charge dismissed upon a showing to the court that the
217 5 person's motor vehicle was equipped with snow tires, chains,
217 6 or a nonslip differential.
217 7 13. Establishing a rural residence district.
217 8 a. The board of supervisors of a county with respect to
217 9 highways under its jurisdiction may establish, by ordinance or
217 10 resolution, rural residence districts and may, by ordinance or
217 11 resolution, regulate the speed and parking of vehicles within
217 12 the rural residence district consistent with sections 321.239,
217 13 321.285, and 321.293.
217 14 b. Before establishing a rural residence district, the
217 15 board of supervisors shall hold a public hearing on the
217 16 proposal, notice of which shall be published in a newspaper
217 17 having a general circulation in the area where the proposed
217 18 district is located at least twenty days before the date of
217 19 hearing. The notice shall state the time and place of the
217 20 hearing, the proposed location of the district, and other data
217 21 considered pertinent by the board of supervisors.
217 22 Sec. 253. Section 423.4, subsection 6, paragraph a, Code
217 23 2009, is amended to read as follows:
217 24 a. (1) The owner of a collaborative educational facility
217 25 in this state may make application to the department for the
217 26 refund of the sales or use tax upon the sales price of all

217 27 sales of goods, wares, or merchandise, or from services
217 28 furnished to a contractor, used in the fulfillment of a
217 29 written construction contract with the owner of the
217 30 collaborative educational facility for the original
217 31 construction, or additions or modifications to, a building or
217 32 structure to be used as part of the collaborative educational
217 33 facility.
217 34 (2) To receive the refund under this subsection, a
217 35 collaborative educational facility must meet all of the
218 1 following criteria:
218 2 ~~(1)~~ (a) The contract for construction of the building or
218 3 structure is entered into on or after April 1, 2003.
218 4 ~~(2)~~ (b) The building or structure is located within the
218 5 corporate limits of a city in the state with a population in
218 6 excess of one hundred ninety=five thousand residents.
218 7 ~~(3)~~ (c) The sole purpose of the building or structure is
218 8 to provide facilities for a collaborative of public and
218 9 private educational institutions that provide education to
218 10 students.
218 11 ~~(4)~~ (d) The owner of the building or structure is a
218 12 nonprofit corporation governed by chapter 504 or former
218 13 chapter 504A which is exempt from federal income tax pursuant
218 14 to section 501(a) of the Internal Revenue Code.
218 15 (3) References to "building" or "structure" in
218 16 ~~subparagraphs (1)~~ subparagraph (2), subparagraph divisions (a)
218 17 through ~~(4)~~ (d) include any additions or modifications to the
218 18 building or structure.
218 19 Sec. 254. Section 425A.4, subsection 4, Code 2009, is
218 20 amended to read as follows:
218 21 4. The assessor shall retain a permanent file of current
218 22 family farm credit claims filed in the assessor's office.
218 23 5. The county recorder shall give notice to the assessor
218 24 of each transfer of title filed in the recorder's office. The
218 25 notice shall describe the tract of agricultural land
218 26 transferred, the name of the person transferring the title to
218 27 the tract, and the name of the person to whom title to the
218 28 tract has been transferred.
218 29 Sec. 255. Section 427B.2, subsection 3, Code 2009, is
218 30 amended to read as follows:
218 31 3. The board of supervisors of a county which has not
218 32 appointed a zoning commission may provide for a partial
218 33 exemption from property taxation of the actual value added to
218 34 industrial real estate as provided under section 427B.1 in an
218 35 area where the partial exemption could not otherwise be
219 1 granted under this chapter where the actual value added is to
219 2 industrial real estate existing on July 1, 1979.
219 3 4. To grant an exemption under the provisions of this
219 4 section, the county board of supervisors shall comply with all
219 5 of the requirements imposed by this chapter upon the city
219 6 council of a city.
219 7 Sec. 256. Section 445.36A, subsection 2, Code 2009, is
219 8 amended to read as follows:
219 9 2. Partial payment of taxes which are delinquent may be
219 10 made to the county treasurer. For the installment being paid,
219 11 payment shall first be applied to any interest, fees, and
219 12 costs accrued and the remainder applied to the taxes due. A
219 13 partial payment must equal or exceed the amount of interest,
219 14 fees, and costs of the installment being paid. A partial
219 15 payment made under this subsection shall be apportioned in
219 16 accordance with section 445.57. If the payment does not
219 17 include the whole of any installment of the delinquent tax,
219 18 the unpaid tax shall continue to accrue interest pursuant to
219 19 section 445.39. Partial payment shall not be permitted in
219 20 lieu of redemption if the property has been sold for taxes
219 21 under chapter 446 and under any circumstances shall not
219 22 constitute an extension of the time period for a sale under
219 23 chapter 446.
219 24 3. Current year taxes may be paid at any time regardless
219 25 of any outstanding prior year delinquent tax.
219 26 4. This section does not apply to the payment of
219 27 manufactured or mobile home taxes, special assessments, or
219 28 rates or charges.
219 29 Sec. 257. Section 450.68, Code 2009, is amended to read as
219 30 follows:
219 31 450.68 INFORMATION CONFIDENTIAL.
219 32 1. a. Any and all information acquired by the department
219 33 of revenue under and by virtue of the means and methods
219 34 provided for by sections 450.66 and 450.67 shall be deemed and
219 35 held as confidential and shall not be disclosed by the
220 1 department except so far as the same may be necessary for the
220 2 enforcement and collection of the inheritance tax provided for

220 3 by the laws of this state; provided, however, that the
220 4 director of revenue may authorize the examination of the
220 5 information by other state officers, or, if a reciprocal
220 6 arrangement exists, by tax officers of another state or of the
220 7 federal government.
220 8 b. Federal tax returns, copies of returns, return
220 9 information as defined in section 6103(b) of the Internal
220 10 Revenue Code, and state inheritance tax returns, which are
220 11 required to be filed with the department for the enforcement
220 12 of the inheritance tax laws of this state, shall be deemed and
220 13 held as confidential by the department. However, such returns
220 14 or return information, may be disclosed by the director to
220 15 officers or employees of other state agencies, subject to the
220 16 same confidentiality restrictions imposed on the officers and
220 17 employees of the department.
220 18 2. It shall be unlawful for any present or former officer
220 19 or employee of the state to disclose, except as provided by
220 20 law, any return, return information or any other information
220 21 deemed and held confidential under the provisions of this
220 22 section. Any person violating the provisions of this section
220 23 shall be guilty of a serious misdemeanor.
220 24 Sec. 258. Section 554.2504, Code 2009, is amended to read
220 25 as follows:
220 26 554.2504 SHIPMENT BY SELLER.
220 27 Where the seller is required or authorized to send the
220 28 goods to the buyer and the contract does not require the
220 29 seller to deliver them at a particular destination, then
220 30 unless otherwise agreed the seller must:
220 31 ~~a.~~ 1. ~~put~~ Put the goods in the possession of such a
220 32 carrier and make such a contract for their transportation as
220 33 may be reasonable having regard to the nature of the goods and
220 34 other circumstances of the case; and
220 35 ~~b.~~ 2. ~~obtain~~ Obtain and promptly deliver or tender in due
221 1 form any document necessary to enable the buyer to obtain
221 2 possession of the goods or otherwise required by the agreement
221 3 or by usage of trade; and
221 4 ~~c.~~ 3. ~~promptly~~ Promptly notify the buyer of the shipment.
221 5 Failure to notify the buyer under ~~paragraph "c"~~ this
221 6 subsection or to make a proper contract under ~~paragraph "a"~~
221 7 subsection 1 is a ground for rejection only if material delay
221 8 or loss ensues.
221 9 Sec. 259. Section 554.2615, Code 2009, is amended to read
221 10 as follows:
221 11 554.2615 EXCUSE BY FAILURE OF PRESUPPOSED CONDITIONS.
221 12 Except so far as a seller may have assumed a greater
221 13 obligation and subject to section 554.2614 on substituted
221 14 performance:
221 15 ~~a.~~ 1. Delay in delivery or nondelivery in whole or in
221 16 part by a seller who complies with ~~paragraphs "b"~~ subsections
221 17 2 and ~~"c"~~ 3, is not a breach of the seller's duty under a
221 18 contract for sale if performance as agreed has been made
221 19 impracticable by the occurrence of a contingency the
221 20 nonoccurrence of which was a basic assumption on which the
221 21 contract was made or by compliance in good faith with any
221 22 applicable foreign or domestic governmental regulation or
221 23 order whether or not it later proves to be invalid.
221 24 ~~b.~~ 2. Where the causes mentioned in ~~paragraph "a"~~
221 25 subsection 1 affect only a part of the seller's capacity to
221 26 perform, the seller must allocate production and deliveries
221 27 among the seller's customers but may at the seller's option
221 28 include regular customers not then under contract as well as
221 29 the seller's own requirements for further manufacture. The
221 30 seller may so allocate in any manner which is fair and
221 31 reasonable.
221 32 ~~c.~~ 3. The seller must notify the buyer seasonably that
221 33 there will be delay or nondelivery and, when allocation is
221 34 required under ~~paragraph "b"~~ subsection 2, of the estimated
221 35 quota thus made available for the buyer.
222 1 Sec. 260. Section 716.6, Code 2009, is amended to read as
222 2 follows:
222 3 716.6 CRIMINAL MISCHIEF IN THE FOURTH AND FIFTH DEGREES.
222 4 1. Criminal mischief is criminal mischief in the fourth
222 5 degree if the cost of replacing, repairing, or restoring the
222 6 property so damaged, defaced, altered, or destroyed exceeds
222 7 two hundred dollars, but does not exceed five hundred dollars.
222 8 Criminal mischief in the fourth degree is a serious
222 9 misdemeanor.
222 10 2. All criminal mischief which is not criminal mischief in
222 11 the first degree, second degree, third degree, or fourth
222 12 degree is criminal mischief in the fifth degree. Criminal
222 13 mischief in the fifth degree is a simple misdemeanor.

Sec. 261. Section 805.8A, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars, except if the local authority has established the fine by ordinance pursuant to section 321.236, subsection 1. The scheduled fine for a parking violation pursuant to section 321.236 increases by five dollars, as authorized by ordinance pursuant to section 321.236, subsection 1, if the parking violation is not paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance bond required under section 805.6, the scheduled fine shall be five dollars, or if the amount of the fine is greater than five dollars, the unsecured appearance bond shall be the amount of the fine established by the local authority pursuant to section 321.236, subsection 1. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint as permitted by section 321.236, subsection 1, paragraph ~~"a"~~ "b", subparagraph (1), are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 321.362 or 461A.38, the scheduled fine is ten dollars.

Sec. 262. Section 907.3A, subsection 1, Code 2009, is amended to read as follows:

1. Notwithstanding section 907.3 but subject to any conditions of the waiver order, the trial court shall, upon a plea of guilty or a verdict of guilty, defer sentence of a youthful offender over whom the juvenile court has waived jurisdiction pursuant to section 232.45, subsection 7, and place the juvenile on youthful offender status. The court shall transfer supervision of the youthful offender to the juvenile court for disposition in accordance with section 232.52. The court shall require supervision of the youthful offender in accordance with section 232.54, subsection ~~8~~ 1, paragraph "h", or subsection 2 of this section. Notwithstanding section 901.2, a presentence investigation shall not be ordered by the court subsequent to an entry of a plea of guilty or verdict of guilty or prior to deferral of sentence of a youthful offender under this section.

Sec. 263. CODE EDITOR DIRECTIVES.

1. The Code editor is directed to renumber sections 554.2308, 554.2310, 554.2317, 554.2324, 554.2515, 554.2601, 554.2610, 554.2613, 554.2722, 554.4407, and 554.4503, Code 2009, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts as necessary.

2. The Code editor is directed to number or renumber to eliminate unnumbered paragraphs in sections 85B.5, 123.107, 124.203, 126.15, 135B.11, 137F.7, 138.12, 147A.8, 152B.3, 154A.12, 160.5, 172A.11, 174.12, 182.15, 183A.5, 184.4, 189.9, 189A.3, 190.3, 199.7, 215A.6, 218.95, 222.43, 225C.37, 226.7, 229.25, 231.14, 236.3, 241.2, 252H.2, 280.9, 358.20, and 441.19, Code 2009, and correct internal references in the Code and in any enacted Iowa Acts as necessary.

3. The Code editor is directed to number or renumber to eliminate unnumbered paragraphs within the following subunits in sections 85.38, subsection 2; 123.30, subsection 3; 123.53, subsection 2; 125.13, subsection 1; 125.80, subsection 1; 126.18, subsection 2; 135C.19, subsection 2; 135C.23, subsection 2; 135C.30, subsection 4; 139A.8, subsection 4; 142A.4, subsection 9; 148C.4, subsection 2; 153.33, subsection 1; 164.30, subsection 2; 166D.9, subsection 3; 175.36, subsection 1; 200.3, subsection 13; 200.8, subsection 1; 200.10, subsection 2; 200A.6, subsection 2; 203.19, subsection 2; 203C.12A, subsection 9; 206.19, subsection 5; 206.31, subsection 2; 207.12, subsection 1; 207.13, subsection 1; 214A.2, subsection 2; 216.17, subsection 1; 222.73, subsection 2; 226.1, subsection 2; 228.2, subsection 2; 228.5, subsection 2; 228.7, subsection 2; 229.2, subsection 1; 231C.17, subsection 4; 232.8, subsection 3; 232.21, subsection 2; 232.45, subsections 7, 11, and 14; 232.98, subsection 1; 232.102, subsection 1; 232.147, subsection 6; 234.1, subsection 2; 235A.1, subsection 1; 236.2, subsection 2; 237.20, subsections 1 and 4; 239B.2, subsection 3; 252.16, subsection 4; 252E.5, subsection 6; 252F.3, subsection 3; 252G.4, subsection 1; 256.44, subsection 1, paragraph "b"; 260C.22, subsections 3 and 4; 261A.7, subsection 4; 272C.3, subsection 4; 273.10, subsections 3 and 6; 275.25, subsections 1 and 2; and 424.3, subsection 1; Code 2009, and correct internal references in the Code and in any enacted Iowa Acts

224 25 as necessary.
224 26 4. The Code editor is directed to strike the words
224 27 "subparagraph subdivision" or "subparagraph subdivisions" and
224 28 insert the words "subparagraph division" or "subparagraph
224 29 divisions", as appropriate, in sections 7K.1, 8.41, 12C.16,
224 30 15A.9, 15E.208, 15E.209, 15G.203, 16.100, 34A.7A, 96.19,
224 31 97B.1A, 97B.8B, 97B.80C, 100B.31, 124.401, 135.11, 142C.3,
224 32 154C.3, 216.8A, 232.22, 235B.3, 235E.2, 249H.7, 257.31,
224 33 260C.18C, 321.105A, 331.441, 422.5, 427.1, 455B.474, 455E.11,
224 34 455F.8A, 455G.1, 455J.7, 457B.1, 490.1110, 501.412, 502A.4,
224 35 505A.1, 518.14, 518A.12, 523A.901, 523H.6, 602.8107, and
225 1 692B.2, Code 2009.
225 2 DIVISION III
225 3 EFFECTIVE DATES
225 4 Sec. 264. EFFECTIVE DATES == APPLICABILITY.
225 5 1. The section of this Act, amending 2008 Iowa Acts,
225 6 chapter 1088, section 44, being deemed of immediate
225 7 importance, takes effect upon enactment and applies
225 8 retroactively to July 1, 2008.
225 9 2. The section of this Act, adding a new section to 2008
225 10 Iowa Acts, chapter 1088, being deemed of immediate importance,
225 11 takes effect upon enactment and applies retroactively to July
225 12 1, 2008.
225 13 3. The section of this Act, amending 2008 Iowa Acts,
225 14 chapter 1181, section 5, being deemed of immediate importance,
225 15 takes effect upon enactment and applies retroactively to July
225 16 1, 2008.
225 17 4. The section of this Act, amending section 261E.12,
225 18 subsection 1, paragraph "d", as enacted by 2008 Iowa Acts,
225 19 chapter 1181, section 63, being deemed of immediate
225 20 importance, takes effect upon enactment and applies
225 21 retroactively to July 1, 2008.
225 22 5. The section of this Act, amending 2008 Iowa Acts,
225 23 chapter 1187, section 9, being deemed of immediate importance,
225 24 takes effect upon enactment and applies retroactively to July
225 25 1, 2008.
225 26 6. The section of this Act, adding a new section to 2008
225 27 Iowa Acts, chapter 1191, takes effect August 1, 2009.
225 28 EXPLANATION
225 29 This bill makes Code changes and corrections that are
225 30 considered to be nonsubstantive and noncontroversial, in
225 31 addition to style changes. Changes made include updating or
225 32 correcting names of and references to public and private
225 33 entities and funds, correcting internal Code and subject
225 34 matter references, updating internal Code references to
225 35 reflect new changes to Code section hierarchical levels,
226 1 renumbering and reorganizing various provisions to eliminate
226 2 unnumbered paragraphs and facilitate citation, and making
226 3 various grammatical corrections. The Code sections in which
226 4 the technical, grammatical, and other nonsubstantive changes
226 5 are made include all of the following:
226 6 DIVISION I. Code section 1.1: Adds the word "Iowa" to a
226 7 reference to the Iowa Constitution to facilitate hypertext
226 8 linkage from this Code section to that document.
226 9 Code section 2.32A: Corrects the terminology used to refer
226 10 to the legislative leader responsible for making legislative
226 11 appointments.
226 12 Code section 7C.13: Corrects the use of the official name
226 13 of the office of auditor of state in language relating to
226 14 audits of student loan bond issuers.
226 15 Code section 7E.5: Standardizes references to the
226 16 divisions within the department of human rights in accordance
226 17 with department preferences.
226 18 Code section 8.6: Standardizes the style within the Code
226 19 section governing the department of management director's
226 20 duties.
226 21 Code sections 8.11(2)(b), 15.102(7)(b)(3), 15.247(8)(b)(2),
226 22 260C.29(6), 261.102(5), and 314.14(1)(c)(1): Changes
226 23 terminology used to refer to Americans of African descent to
226 24 the standard term used elsewhere in the Code.
226 25 Code section 9D.3: Makes a grammatical change in language
226 26 relating to the filing of professional liability insurance by
226 27 travel agencies and agents.
226 28 Code section 9G.7: Updates language used to describe the
226 29 duty of the land office, within the office of the secretary of
226 30 state, to correct clerical errors in certain land records.
226 31 Code sections 9H.4, 459.312, 508.36, 508C.8, and 515.35:
226 32 Changes internal references from "subparagraph subdivision" to
226 33 "subparagraph division" and from "subparagraph subdivision
226 34 part" to "subparagraph subdivision" to reflect the change in
226 35 terminology used to refer to the two Code section units that

are below the subparagraph level.

Code section 12A.7: Matches the style of two provisions to the style used in other language describing the permissible contents of authorizing documents for state=issued bonds.

Code sections 15.316 and 15.317: Changes the word "program" to "part" in Code section 15.316 to reflect the "purposes" language of Code section 15.317, and adds into Code section 15.317 the name of the community economic betterment program which is established in that Code section.

Code section 15.339: Adds the official name to the entrepreneurial ventures assistance program's enabling language.

Code section 15E.63: Reorganizes and adds paragraph designations to a portion of the Iowa capital investment board's enabling language.

Code section 15G.201A: Changes the word "division" to "subchapter" to correctly refer to the Code chapter subunit that contains this Code section.

Code section 15G.205(3): Corrects a clerical error in language relating to use of funds for renewable fuel infrastructure programs.

Code section 16.5: Changes the style of language describing the Iowa finance authority's rulemaking authority regarding competitive bidding.

Code section 16.100A: Restructures the usage in language describing the terms and holders of the positions of chairperson and vice chairperson of the council on homelessness.

Code section 23A.2(10): Eliminates redundant language in an internal reference to Code section 331.461, subsections 1 and 2.

Code section 29A.33: Corrects the punctuation between two complete and independent clauses by changing the comma to a semicolon.

Code section 29B.17: Updates the structure of language pertaining to the jurisdiction of general courts=martial.

Code section 48A.27: Updates language used to describe a registered voter's indication for the election commission to change political party designation or nonparty political organization affiliation on the voter's registration.

Code section 49.13: Corrects the use of a preposition in language describing when certain high school students with disabilities may participate as a member of a precinct election board.

Code section 50.29: Updates language on a form for a certificate of election.

Code section 68A.405: Corrects an internal reference to a subsection that designates the exception to an attribution statement requirement on certain published materials.

Code section 68A.503: Restructures language prohibiting the use of moneys received from insurance companies, various financial institutions, and corporations for campaign purposes or express advocacy to simplify the initial clauses and the end clause purposes.

Code section 84A.1A: Restructures and adds paragraph designations in language describing the workforce development board.

Code sections 96.9, 175.28, 175.29, and 455B.171: Updates the citation style used in each of these Code sections to refer to federal Acts.

Code section 100C.1: Rewrites a reflexive expression in the definition of the term "alarm system contractor".

Code section 103A.1: Changes the word "chapter" to "division" in language referring to the portion of the Code chapter establishing the state building code.

Code section 103A.8A: Changes a definite article to an indefinite article in language describing when certain energy conservation requirements adopted by the state building code commissioner apply.

Code sections 124.203, 124.205, 124.207, 124.209, and 124.211: Updates language and renumbers provisions describing the criteria for schedules I through V of the controlled substance Code chapter.

Code section 135.17: Replaces the word "person" with the word "student" in language relating to dental screening of children enrolled in public or nonpublic schools.

Code section 135.62: Updates, renumbers to eliminate unnumbered paragraphs, and adds subsection headnotes within this provision establishing the state health facilities council.

Code section 135.107: Moves language and renumbers to

229 12 restructure and eliminate unnumbered paragraphs within the
229 13 language establishing the center for rural health and primary
229 14 care and the advisory committee to the center.
229 15 Code section 135.141: Moves an unnumbered paragraph
229 16 relating to rulemaking to become a part of a lettered
229 17 paragraph relating to the same rulemaking procedure, to
229 18 eliminate the unnumbered paragraph.
229 19 Code section 135.157: Changes the word "chapter" to
229 20 "division" in this definitions section for the division of
229 21 Code chapter 135 establishing the medical home approach to
229 22 health care delivery.
229 23 Code section 135.159: Correct a reference by name to the
229 24 healthy opportunities for parents to experience success
229 25 (HOPES)=healthy families Iowa (HFI) program.
229 26 Code section 135B.7: Numbers and separates paragraph
229 27 elements in language relating to the establishment and
229 28 enforcement of standards for hospitals.
229 29 Code section 135B.28: Numbers and strikes the word "said"
229 30 to update this provision describing the proper contents of a
229 31 hospital bill.
229 32 Code section 135C.16: Moves a modifying clause to improve
229 33 the readability of language describing the period of time
229 34 during which certain department=approved facility construction
229 35 or alterations cannot be considered deficient or ineligible
230 1 for licensing.
230 2 Code section 136B.2: Reverses the order of and adds
230 3 paragraph designations to requirements for and prohibiting
230 4 disclosure of radon testing results.
230 5 Code sections 139A.21, 206.12, and 455E.11: Restructures
230 6 and renumbers provisions within Code section 206.12 relating
230 7 to ingredient statements for pesticides to eliminate
230 8 unnumbered paragraphs and corrects internal reference in Code
230 9 sections 139A.21 and 455E.11 to the restructured provisions.
230 10 Code section 147.8: Separates an enumeration of the types
230 11 of information that licensing boards must keep into a numbered
230 12 list.
230 13 Code section 147.11: Corrects the grammar of this
230 14 provision to refer to the reactivation of a license, instead
230 15 of a licensee.
230 16 Code sections 147.87 and 147.89: Replaces the word "its"
230 17 with appropriate modifying language relating to the authority
230 18 of health care practitioner boards.
230 19 Code section 148.3: Strikes the word "present" to correct
230 20 the grammar in language describing the forms of evidence of
230 21 medical education deemed acceptable to the board of medicine.
230 22 Code section 153.36: Rewrites an internal "through"
230 23 reference to eliminate references to Code sections which have
230 24 been repealed or reserved.
230 25 Code section 159.5(12) and (13): Renumbers and updates
230 26 language describing the elements of a swine tuberculosis
230 27 eradication program and corrects an internal reference.
230 28 Code section 159.20(2): Separates definitions of terms
230 29 into lettered paragraphs and makes a minor grammatical change
230 30 in a provision relating to sales of agricultural commodities.
230 31 Code section 161A.4: Restructures and renumbers language
230 32 establishing the soil conservation division and the state soil
230 33 conservation committee in the department of agriculture and
230 34 land stewardship.
230 35 Code sections 161A.7 and 161A.61: Restructures and
231 1 renumbers language defining the powers of soil and water
231 2 conservation districts. Internal references to Code section
231 3 161A.7 are also corrected in Code section 161A.61.
231 4 Code section 161C.4: Restructures and renumbers language
231 5 establishing the water protection fund within the soil
231 6 conservation division of the department of agriculture and
231 7 land stewardship.
231 8 Code section 169.8: Restructures and numbers language
231 9 relating to the qualifications needed for a person to be
231 10 licensed to practice veterinary medicine.
231 11 Code section 169.13: Restructures and renumbers language
231 12 establishing the disciplinary authority of the board of
231 13 veterinary medicine.
231 14 Code section 172A.4: Restructures, renumbers, and updates
231 15 the style of language establishing financial responsibility
231 16 requirements for licensed slaughterhouse brokers and dealers.
231 17 Code section 175.30: Restructures, by moving a set of
231 18 definitions and numbering, provisions establishing loans for
231 19 beginning or displaced farmers.
231 20 Code section 176A.3: Separates, alphabetizes, and numbers
231 21 definitions in a provision defining terms relating to county
231 22 agricultural extension.

Code section 176A.8: Letters paragraphs and conforms the style of a previously unnumbered paragraph to the style set by initial language of this Code section that establishes the powers and duties of county agricultural extension councils.

Code sections 177.2, 177.3, and 466B.3: Corrects references by name to the college of agriculture and life sciences at the Iowa state university college of agriculture.

Code section 177A.6: Renumbers to eliminate unnumbered paragraphs, changes the word "make" to "adopt" in language relating to rulemaking, and updates the style of language in a provision relating to rules of the state entomologist.

Code sections 186.1 and 186.5: Corrects references by name to the Iowa state horticulture society.

Code section 190A.3: Adds the full name of the farm=to=school program to language describing the purpose of the program.

Code section 190C.5: Moves language and renumbers language regarding the establishment and collection of fees for certification of producers and products under the state organic agricultural products program.

Code section 198.4: Numbers an unnumbered paragraph and changes a definite article to an indefinite article in language describing when persons must be licensed to manufacture or distribute commercial feed.

Code section 202B.201(1)(b): Moves definitions of the terms "finance" and "control" to the end of a subparagraph relating to financing of swine operations and renumbers to eliminate an unnumbered paragraph.

Code section 203.15(4)(c): Renumbers and moves a qualifying phrase in language describing the bonds that must be filed with the department of agriculture and land stewardship by grain dealers.

Code section 203D.1: Makes a minor grammatical change in a definition of "first point of sale" in provisions relating to title to grain.

Code section 203D.6(1): Restructures and renumbers language relating to claims for indemnification that are filed with the grain depositors and sellers indemnity fund.

Code section 206.5: Moves language and renumbers provisions to consolidate all of the rulemaking language and eliminate unnumbered paragraphs in requirements for certification of commercial pesticide applicators.

Code section 206.8: Renumbers to eliminate unnumbered paragraphs and moves exception language to the end of this provision establishing licensing fees for pesticide dealers.

Code section 216.8: Moves a definition of a term and renumbers this provision prohibiting unfair or discriminatory practices in housing.

Code section 216E.7: Updates a citation to the Code chapter providing for licensing of audiologists.

Code section 225C.19: Updates the style of this provision that describes when and for whom the emergency mental health crisis services system is available.

Code sections 225C.35, 225C.36, and 225C.51: Changes the word "division" to "subchapter" to avoid confusion between internal references to the Code chapter subunit and references to the division of mental health and disability services of the department of human services.

Code section 231.42: Renumbers and updates a reference by name to the long=term care resident's advocate, within the provision establishing the office and advocate's duties.

Code section 232.44(1): Restructures and letters paragraphs in this subsection and adds a clarifying reference in language relating to detention or shelter care hearings.

Code section 235B.5: Moves a definition of the term "sexual exploitation" from within a subparagraph and places the definition within a new subsection in this Code section to eliminate an unnumbered paragraph.

Code section 235E.4: Adds the word "when" to language describing when certain provisions in other Code chapters apply to Code chapter 235E.

Code section 237.18(8): Deletes redundant introductory language and capitalizes a verb to conform the style of language describing the state foster care review board's duties.

Code section 237A.5(2)(c): Moves an unnumbered paragraph relating to a preevaluation notice to within the immediately preceding lettered paragraph that describes the process leading up to an evaluation.

Code section 257.6: Substitutes the word "or" for a comma to correct the punctuation in language that is not a series.

Code sections 260C.11 and 273.8: Replaces the word "organization" with the word "organizational" in language describing the initial organizational meetings of merged area and area education agency boards.

Code section 261D.3: Adds the word "legislative" to language relating to legislative membership on the Midwestern higher education compact.

Code section 261E.7: Deletes the word "act" from a reference by name to the postsecondary enrollment options program.

Code section 261F.1: Changes the word "website" to the word "internet site" in language identifying the location where notice concerning services that are deemed by the attorney general to not constitute an improper gift under educational loan regulations.

Code section 272D.1: Adds the word "that" to language defining what constitutes a certificate of noncompliance issued by the child support recovery unit.

Code section 285.1: Adds the word "to" in language relating to provision of transportation services to nonpublic school children.

Code section 297.11: Updates language relating to impermissible uses of school property.

Code section 321.24: Substitutes the word "for" for the word "of" in language regarding issuance of certificates of title for certain vehicles.

Code section 321.52: Corrects grammatical and semantics issues and letters unnumbered paragraphs within a provision relating to junking of vehicles.

Code section 321.236: Updates style language relating to when local authorities have the power to enact certain traffic regulations and eliminates a punctuation problem by dividing a sentence in two.

Code sections 321.292 and 321.356: Deletes a redundant use of the word "foregoing" in specific references to other statutes.

Code section 321L.2: Redesignates paragraphs and corrects the reference by name to a persons with disabilities parking permit.

Code section 321L.5: Substitutes language for asterisks in the corresponding locations in a table relating to the required minimum number of persons with disabilities parking spaces.

Code section 331.382: Letters paragraphs and changes a string cite to a number of Code chapters to facilitate electronic hypertext linkage.

Code section 358.9: Numbers, letters, and moves a provision in language regarding selection of sanitary district trustees.

Code section 411.8(1)(b): Changes a reference from "normal rate of contribution" to "normal contribution rate", which is a defined term within this Code section.

Code section 421B.6: Renumbers an existing numbered list within a paragraph using established Code hierarchy.

Code sections 422.11V, 422.33, 422.60, and 432.12L: Completes an incomplete internal reference to part 9 of subchapter II of Code chapter 15.

Code section 424.16: Strikes a colon, eliminates language used to indicate a series, and combines the language identifying the single criteria with the balance of the language establishing when the comprehensive petroleum underground storage tank board is required to notify persons who owe an environmental protection charge or who have filed an environmental protection charge return that an administrative change in the cost factor has become effective.

Code section 427B.20: Moves definitions to the forefront and renumbers the balance of the provisions to eliminate unnumbered paragraphs in requirements for local option remedial action property tax credit public hearings.

Code section 441.47: Renumbers an existing numbered list within a paragraph using established Code hierarchy in language relating to equalization of property tax assessment levels.

Code section 455B.151: Corrects a reference by name to the small business stationary source technical and environmental compliance assistance program.

Code section 455B.176: Updates punctuation used in this enumeration of reasons upon which a decision by the environmental protection commission to establish, modify, or repeal a water quality standard may be based.

Code section 455D.19: Moves a definition of the term

"regulated metal" from the current placement as an unnumbered paragraph within the definition of the term "intentional introduction" to a new lettered paragraph in appropriate alphabetical placement.

Code section 468.119: Renumbers to eliminate unnumbered paragraphs and updates an internal reference within language relating to annexation of land by a levee or drainage district.

Code section 469.6: Moves language relating to the compensation of legislative members of the Iowa power fund board to place the language with other language relating to compensation of board members.

Code section 483A.25: Changes a reference to the senate committee on natural resources, in language relating to reports submitted to the general assembly regarding the pheasant and quail restoration program, due to the change in the senate committee's name.

Code sections 489.302 and 489.401: Strikes the word "and" and adds a comma in language preceding lettered paragraphs to correct the relationship between the immediately preceding qualifying clause and the succeeding paragraphs containing additional conditions.

Code section 490.1112: Changes a reference from "organic" documents to "organizational" documents to correct an inadvertent clerical error in 2008 Iowa Acts, chapter 1162.

Code section 554.2709: Strikes a reference to the "the next" section and replaces it with a numeric citation to Code section 554.2710.

Code section 554.11101: Updates a citation to a 1974 Iowa Act to facilitate future electronic hypertext linkage.

Code section 554.11102: Redrafts a string citation to eliminate references to repealed provisions.

Code section 602.4201: Updates references to the rules of appellate procedure to reflect the new renumbering of those provisions.

Code section 714F.1: Strikes the word "proceeding" in references to foreclosure and tax sales to conform to standard usage and substitutes the word "foreclosed" for "affected" before the word "homeowner" so that the defined term is used to refer to the same person.

Code section 714F.4: Substitutes the words "electronic mail" for "electronically mailed" before the word "address" in language describing the types of addresses that may be provided and used by foreclosed homeowners to provide notice of cancellation.

Code section 714F.8: Adds the words "payment of" in a series to improve readability of the series.

Code section 716.5: Restructures and renumbers a provision establishing the crime of criminal mischief in the third degree.

2008 Iowa Acts, chapter 1088, section 44: Corrects a grammatical error in a series by replacing a comma with the word "or". This change is made effective upon enactment and retroactively applicable to July 1, 2008, in division III of this Act.

2008 Iowa Acts, chapter 1088: Adds a new section to this Act which amends Code section 152B.13, subsection 1, paragraph "a", to correct an internal reference to Code section 147.14, which was renumbered in section 13 of this same Act. This change is made effective upon enactment and retroactively applicable to July 1, 2008, in division III of this Act.

2008 Iowa Acts, chapter 1181, section 5: Corrects a reference to the 2008 Iowa Act which enacted the entrepreneurs with disabilities program pursuant to Code section 259.4. This change is made effective upon enactment and retroactively applicable to July 1, 2008, in division III of this Act.

2008 Iowa Acts, chapter 1181, section 63: Corrects a clerical error in two citations to a new Code section. This change is made effective upon enactment and retroactively applicable to July 1, 2008, in division III of this Act.

2008 Iowa Acts, chapter 1187, section 9: Corrects a Code section reference to a 2007 Iowa Act in an allocation of funds provision. This change is made effective upon enactment and retroactively applicable to July 1, 2008, in division III of this Act.

2008 Iowa Acts, chapter 1191: Adds a new effective date section to this 2008 Act so that the effective date of an amendment in this 2008 Act to Code section 100C.6 as enacted in 2008 Iowa Acts, House File 2646 (2008 Iowa Acts, chapter 1094) will match the effective date of the original enactment. This change is made effective August 1, 2009, in division III

of this Act.

DIVISION II. The Code sections in this division are amended by numbering and renumbering the provisions within volume II, one provision in volume I, and scattered provisions in volumes III through VI, and by changing textual references as necessary. In addition, in one of the Code editor directives, Code section hierarchical level references are changed to reflect necessary changes to existing established Code section hierarchy.

The purposes of the numbering and renumbering are to conform certain provisions to existing Code section hierarchy, to eliminate "unanchored" unnumbered paragraphs within the Code sections, to facilitate Code section readability, and to facilitate citation to those Code sections. The purpose of the changes to Code section hierarchical level references is that it was discovered, as a result of efforts to identify and eliminate unnumbered paragraphs, that the existing Code section hierarchy was inadequate to deal with even current levels of Code section hierarchy. The unnumbered paragraphs had masked the problem. The changes will allow the introduction of additional, lower levels within current Code sections, and accommodate new provisions that may require these additional levels.

LSB 2129HC 83

lh/rj/5