

House Study Bill 694 - Introduced

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

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and
2 providing effective dates and for retroactive applicability.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

MISCELLANEOUS PROVISIONS

Section 1. Section 9A.102, subsection 2, Code Supplement 2009, is amended to read as follows:

2. "*Athlete agent*" means an individual who enters into an agency contract with a student athlete or, directly or indirectly, recruits or solicits a student athlete to enter into an agency contract. "*Athlete agent*" includes an individual who represents to the public that the individual is an athlete agent. "*Athlete agent*" does not include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization. "*Athlete agent*" does not include an individual licensed to practice as an attorney in this state when the individual is acting as a representative for a student athlete, unless the attorney also represents the student athlete in negotiations for an ~~agent~~ agency contract.

Sec. 2. Section 9H.1, subsection 18, paragraph b, Code 2009, is amended to read as follows:

b. Corporations which qualify under ~~Title 26, section 26 U.S.C. § 501(c)(3) of the United States Code.~~

Sec. 3. Section 10B.1, subsection 9, paragraph b, Code 2009, is amended to read as follows:

b. A corporation which qualifies under ~~Title 26, section 26 U.S.C. § 501, of the United States Code.~~

Sec. 4. Section 12B.10B, subsection 1, Code 2009, is amended to read as follows:

1. Political subdivisions shall approve written investment policies which incorporate the guidelines specified in ~~section sections 12B.10, sections 12B.10A through, this section, and section 12B.10C,~~ and any other provisions deemed necessary to adequately safeguard invested public funds.

Sec. 5. Section 20.4, subsection 2, Code Supplement 2009, is amended to read as follows:

2. Representatives of a public employer, including the

1 administrative officer, director or chief executive officer
2 of a public employer or major division thereof as well as
3 the officer's or director's deputy, first assistant, and
4 any supervisory employees. "Supervisory employee" means any
5 individual having authority in the interest of the public
6 employer to hire, transfer, suspend, ~~layoff~~ lay off, recall,
7 promote, discharge, assign, reward or discipline other public
8 employees, or the responsibility to direct them, or to adjust
9 their grievances, or effectively to recommend such action, if,
10 in connection with the foregoing, exercise of such authority
11 is not of a merely routine or clerical nature, but requires
12 the use of independent judgment. All school superintendents,
13 assistant superintendents, principals and assistant principals
14 shall be deemed to be supervisory employees.

15 Sec. 6. Section 28E.17, subsection 1, Code 2009, is amended
16 to read as follows:

17 1. It is the public policy of this state to encourage the
18 establishment or acquisition of urban mass transit systems and
19 the equipment, maintenance, and operation thereof by public
20 agencies in cooperation with, and with the assistance of the
21 urban mass transportation administration of the United States
22 department of transportation, pursuant to the provisions of
23 the Urban Mass Transportation Act of 1964, as amended, Title
24 ~~49, sections 1601~~ 49 U.S.C. § 5301 et seq., ~~United States~~
25 ~~Code~~, which requires unification or official coordination of
26 local mass transportation services on an area-wide basis as a
27 condition of such assistance.

28 Sec. 7. Section 43.31, Code Supplement 2009, is amended to
29 read as follows:

30 **43.31 Form of official ballot — implementation by rule.**

31 The state commissioner shall adopt rules in accordance
32 with chapter 17A to implement sections 43.27 through 43.30,
33 section 43.36, sections 49.30 through 49.33, sections 49.36
34 through 49.41, section 49.57, and any other provision of the
35 law prescribing the form of the official ballot.

1 Sec. 8. Section 53.40, subsection 3, Code Supplement 2009,
2 is amended to read as follows:

3 3. If the affidavit on the affidavit envelope shows that
4 the affiant is not a qualified voter on the day of the election
5 at which the ballot is offered for voting, the envelope shall
6 not be opened, but the envelope and ballot contained in the
7 envelope shall be preserved and returned by the precinct
8 election officials to the commissioner, who shall preserve them
9 for the period of time and under the conditions provided for in
10 sections 50.12 ~~through~~, 50.13, 50.15, and ~~section~~ 50.19.

11 Sec. 9. Section 53.41, subsection 3, Code 2009, is amended
12 to read as follows:

13 3. Not more than one ballot shall be transmitted by the
14 commissioner to any voter for a particular election unless
15 after the ballot has been mailed the voter reports a change
16 in the address to which the ballot should be sent. A ballot
17 shall be mailed using a serial number that indicates that this
18 is a replacement sent to an updated address. The original
19 ballot shall be counted only if the replacement ballot does
20 not arrive. If the commissioner receives more than one
21 absent voter's ballot, provided for by this division, from or
22 purporting to be from any one voter for a particular election,
23 all of the ballots so received from or purporting to be from
24 such voter are void, and the commissioner shall not deliver any
25 of the ballots to the precinct election officials, but shall
26 retain them in the commissioner's office, and preserve them for
27 the period and under the conditions provided for in sections
28 50.12 ~~through~~, 50.13, 50.15, and ~~section~~ 50.19.

29 Sec. 10. Section 76.2, subsection 1, paragraph a, Code
30 Supplement 2009, is amended to read as follows:

31 a. The governing authority of ~~these political subdivisions~~ a
32 political subdivision specified in section 76.1, subsection
33 1, before issuing bonds shall, by resolution, provide for the
34 assessment of an annual levy upon all the taxable property in
35 the political subdivision sufficient to pay the interest and

1 principal of the bonds within a period named not exceeding
2 the applicable period of time specified in section 76.1. A
3 certified copy of this resolution shall be filed with the
4 county auditor or the auditors of the counties in which the
5 political subdivision is located; and the filing shall make
6 it a duty of the auditors to enter annually this levy for
7 collection from the taxable property within the boundaries
8 of the political subdivision until funds are realized to pay
9 the bonds in full. The levy shall continue to be made against
10 property that is severed from the political subdivision after
11 the filing of the resolution until funds are realized to pay
12 the bonds in full.

13 Sec. 11. Section 92.9, subsection 4, Code 2009, is amended
14 to read as follows:

15 4. The apprentice is registered by the ~~bureau~~ office of
16 apprenticeship ~~and training~~ of the United States department of
17 labor as employed in accordance with the standards established
18 by that department.

19 Sec. 12. Section 92.18, Code 2009, is amended to read as
20 follows:

21 **92.18 Migratory labor — defined.**

22 As used in this chapter, the term "*migratory labor*"
23 shall include any person who customarily and repeatedly
24 travels from state to state for the purpose of obtaining
25 ~~seasonable~~ seasonal employment.

26 Sec. 13. Section 96.9, subsection 4, paragraph a, Code
27 Supplement 2009, is amended to read as follows:

28 a. (1) Money credited to the account of this state in
29 the unemployment trust fund by the secretary of the treasury
30 of the United States pursuant to ~~section~~ § 903 of the Social
31 Security Act may not be requisitioned from this state's account
32 or used except for the payment of benefits and for the payment
33 of expenses incurred for the administration of this chapter.
34 Such money may be requisitioned pursuant to subsection 3 of
35 this section for the payment of benefits. Such money may also

1 be requisitioned and used for the payment of expenses incurred
2 for the administration of this chapter but only pursuant to
3 a specific appropriation by the legislature and only if the
4 expenses are incurred and the money is requisitioned after the
5 enactment of an appropriation law which ~~(1) specifies:~~

6 (a) Specifies the purposes for which such money is
7 appropriated and the amounts appropriated therefor, ~~(2) limits;~~

8 (b) Limits the period within which such money may be
9 obligated to a period ending not more than two years after the
10 date of the enactment of the appropriation law; ~~(3) limits~~

11 (c) Limits the amount which may be obligated during a
12 twelve-month period beginning on July 1 and ending on the next
13 June 30 to an amount which does not exceed the amount by which
14 the aggregate of the amounts transferred to the account of
15 this state pursuant to ~~section~~ § 903 of the Social Security
16 Act exceeds the aggregate of the amounts used by this state
17 pursuant to this chapter and charged against the amounts
18 transferred to the account of this state during the same
19 twelve-month period.

20 (2) For purposes of this subsection, amounts used by
21 this state for administration shall be chargeable against
22 transferred amounts at the exact time the obligation is entered
23 into. The use of money appropriated under this subsection
24 shall be accounted for in accordance with standards established
25 by the United States secretary of labor.

26 Sec. 14. Section 96.20, subsection 2, Code Supplement 2009,
27 is amended to read as follows:

28 2. a. The department may enter into arrangements with the
29 appropriate agencies of other states, or a contiguous country
30 with which the United States has an agreement with respect to
31 unemployment compensation or of the federal government ~~(a)~~
32 whereby:

33 (1) Whereby wages or services, upon the basis of which
34 an individual may become entitled to benefits under the
35 unemployment compensation law of another state or of the

1 federal government, shall be deemed to be wages for employment
2 by employers for the purposes of section 96.3 and section 96.4,
3 subsection 5; provided such other state agency or agency of the
4 federal government has agreed to reimburse the fund for such
5 portion of benefits paid under this chapter upon the basis of
6 such wages or services as the department finds will be fair and
7 reasonable as to all affected interests, and ~~(b) whereby~~
8 (2) Whereby the department will reimburse other state
9 or federal agencies charged with the administration of
10 unemployment compensation laws with such reasonable portion of
11 benefits, paid under the law of any such other states or of the
12 federal government upon the basis of employment or wages for
13 employment by employers, as the department finds will be fair
14 and reasonable as to all affected interests.

15 b. Reimbursements so payable shall be deemed to be benefits
16 for the purposes of section 96.3, subsection 5, paragraph "a",
17 and section 96.9, but no reimbursement so payable shall be
18 charged against any employer's account for the purposes of
19 section 96.7, unless wages so transferred are sufficient to
20 establish a valid claim in Iowa, and that such charges shall
21 not exceed the amount that would have been charged on the
22 basis of a valid claim. The department is hereby authorized
23 to make to other state or federal agencies and receive from
24 such other state or federal agencies, reimbursements from
25 or to the fund, in accordance with arrangements pursuant
26 to this section. The department shall participate in any
27 arrangements for the payment of compensation on the basis of
28 combining an individual's wages and employment covered under
29 this Act with the individual's wages and employment covered
30 under the unemployment compensation laws of other states
31 which are approved by the United States secretary of labor in
32 consultation with the state unemployment compensation agencies
33 as reasonably calculated to assure the prompt and full payment
34 of compensation in such situations and which include provisions
35 for: ~~Applying~~ applying the base period of a single state law

1 to a claim involving the combining of an individual's wages
2 and employment covered under two or more state unemployment
3 compensation laws, and avoiding the duplication use of wages
4 and employment by reason of such combining.

5 Sec. 15. Section 97B.1A, subsection 20, paragraph d, Code
6 Supplement 2009, is amended to read as follows:

7 *d.* Temporary or seasonal interruptions in service for
8 employees of a school corporation or educational institution
9 when the temporary suspension of service does not terminate the
10 period of employment of the employee and the employee returns
11 to service at a school corporation or educational institution
12 upon the end of the temporary or seasonal interruption.

13 However,

14 ~~However,~~ effective July 1, 2004, "service" does not mean
15 service for which an employee receives remuneration from an
16 employer for temporary employment during any quarter in which
17 the employee is on an otherwise unpaid leave of absence that
18 is not authorized under the federal Family and Medical Leave
19 Act of 1993 or other similar leave. Remuneration paid by the
20 employer for the temporary employment shall not be treated by
21 the system as covered wages.

22 Sec. 16. Section 97B.42, Code 2009, is amended to read as
23 follows:

24 **97B.42 Mandatory membership — membership in other systems.**

25 1. Each employee whose employment commences after July 4,
26 1953, or who has not qualified for credit for prior service
27 rendered prior to July 4, 1953, or any publicly elected
28 official of the state or any of its political subdivisions
29 shall become a member upon the first day in which such
30 employee is employed. The employee shall continue to be an
31 active member so long as the employee continues in covered
32 employment. The employee shall cease to be an active member
33 if the employee joins another retirement system in the state
34 which is maintained in whole or in part by public contributions
35 or payments and receives retirement credit for service in that

1 other system for the same position previously covered under
2 this chapter. If an employee joins another publicly maintained
3 retirement system and ceases to be an active member under
4 this chapter, the employee may elect to leave the employee's
5 accumulated contributions in the retirement fund or receive
6 a refund of the employee's accumulated contributions in
7 the manner provided for members who are terminating covered
8 employment pursuant to section 97B.53. However, if an employee
9 joins another publicly maintained retirement system and leaves
10 the employee's accumulated contributions in the retirement
11 fund, the employee shall not be eligible to receive retirement
12 benefits until the employee has a bona fide retirement from
13 employment with a covered employer as provided in section
14 97B.52A, or until the employee would otherwise be eligible to
15 receive benefits upon attaining the age of seventy years as
16 provided in section 97B.46.

17 2. Employment shall not be covered under this chapter until
18 the employment is covered under the federal Social Security Act
19 and any agreements which are required pursuant to chapter 97C
20 are effective.

21 3. Nothing in this chapter shall be deemed to exclude from
22 coverage, under the provisions of this chapter, any public
23 employee who was not on or as of July 4, 1953, a member of
24 another retirement system supported by public funds. All
25 such employees and their employers shall be required to make
26 contributions as specified as to other public employees and
27 employers. Nothing in this chapter shall be deemed to prohibit
28 the reestablishment of a retirement system supported by public
29 funds which had been in operation prior to July 4, 1953, and
30 was subsequently liquidated.

31 4. Persons who are members of any other retirement system
32 in the state which is maintained in whole or in part by
33 public contributions other than persons who are covered under
34 the provisions of chapter 97, Code 1950, as amended by the
35 Fifty-fourth General Assembly on the date of the repeal of

1 said chapter, under the provisions of sections 97.50 through
2 97.53 shall not become members under this chapter while still
3 actively participating in that other retirement system unless
4 the persons do not receive retirement credit for service in
5 that other system for the position to be covered under this
6 chapter.

7 5. Nothing herein contained shall be construed to permit
8 any employer to make any public contributions or payments on
9 behalf of an employee in the same position for the same period
10 of time to both the Iowa public employees' retirement system
11 and any other retirement system in the state which is supported
12 in whole or in part by public contributions or payments.

13 6. Notwithstanding any other provision of this section, a
14 person newly entering employment with a community college on
15 or after July 1, 1990, may elect coverage under an eligible
16 alternative retirement benefits system described in section
17 260C.14, subsection 17, paragraph "a", subparagraph (1), in
18 lieu of coverage under the Iowa public employees' retirement
19 system, but only if the person is already a member of the
20 alternative retirement benefits system. An election to
21 participate in an eligible alternative retirement benefits
22 system as described in section 260C.14, subsection 17, is
23 irrevocable as to the person's employment with that community
24 college and any other community college in this state.

25 7. Notwithstanding any other provision of this section,
26 commencing July 1, 1994, a member who is employed by a
27 community college may elect coverage under an eligible
28 alternative retirement benefits system as provided in section
29 260C.14, subsection 17, in lieu of continuing or commencing
30 contributions to the Iowa public employees' retirement system.
31 However, the employer's annual contribution in dollars to the
32 eligible alternative retirement benefits system shall not
33 exceed the annual contribution in dollars which the employer
34 would contribute if the employee had elected to remain an
35 active member under this chapter, as set forth in section

1 97B.11. A member employed by a community college who elects
2 coverage under an eligible alternative retirement benefits
3 system may withdraw the member's accumulated contributions
4 effective when coverage under the eligible alternative
5 retirement benefits system commences. A member who is employed
6 by a community college prior to July 1, 1994, must file an
7 election for coverage under the eligible alternative retirement
8 benefits system described in section 260C.14, subsection 17,
9 paragraph "a", subparagraph (1), with the system and the
10 employing community college within eighteen months of the first
11 day on which coverage commences under the community college's
12 eligible alternative retirement benefits system described in
13 section 260C.14, subsection 17, paragraph "a", subparagraph
14 (1), or the employee shall remain a member under this chapter
15 and shall not be eligible to elect to participate in that
16 community college's eligible alternative retirement benefits
17 system described in section 260C.14, subsection 17, paragraph
18 "a", subparagraph (1) at a later date. Employees of a community
19 college hired on or after July 1, 1994, must file an election
20 for coverage under an eligible alternative retirement benefits
21 system with the system and the employing community college
22 within sixty days of commencing employment, or the employee
23 shall remain a member under this chapter and shall not be
24 eligible to elect to participate in an eligible alternative
25 retirement benefits system of the community college at a later
26 date. The system shall cooperate with the boards of directors
27 of the community colleges to facilitate the implementation of
28 this provision.

29 ~~Notwithstanding any other provision of this section, a~~
30 ~~person newly entering employment with a community college on~~
31 ~~or after July 1, 1990, may elect coverage under an eligible~~
32 ~~alternative retirement benefits system, as defined in section~~
33 ~~260C.14, subsection 17, paragraph "a", in lieu of coverage~~
34 ~~under the Iowa public employees' retirement system, but only if~~
35 ~~the person is already a member of the alternative retirement~~

1 ~~benefits system. An election to participate in an eligible~~
2 ~~alternative retirement benefits system as described in section~~
3 ~~260C.14, subsection 17, is irrevocable as to the person's~~
4 ~~employment with that community college and any other community~~
5 ~~college in this state.~~

6 8. Except as otherwise provided in this section, an employer
7 shall not sponsor and a member shall not participate in another
8 retirement system in this state supported in whole or in part
9 by public contributions or payments where such retirement
10 system is in lieu of the retirement system established by
11 this chapter. However, in addition to the retirement system
12 established by this chapter, an employer may sponsor and a
13 member may participate in a supplemental defined contribution
14 plan qualified under Internal Revenue Code section § 401(a),
15 a tax-deferred annuity qualified under Internal Revenue
16 Code section § 403(b), or an eligible deferred compensation
17 plan qualified under Internal Revenue Code section § 457,
18 regardless of whether contributions to such supplemental
19 plans are characterized as employer contributions or employee
20 contributions, and subject to the applicable limits set forth
21 in the Internal Revenue Code for such plans. A defined benefit
22 plan that supplements the retirement system established by this
23 chapter shall not be offered by public employers covered under
24 this chapter.

25 Sec. 17. Section 100B.13, subsection 2, Code 2009, is
26 amended to read as follows:

27 2. Revenue for the volunteer fire fighter preparedness fund
28 shall include, but is not limited to, the following:

29 a. Moneys credited to the fund pursuant to section
30 ~~422.12F~~ 422.12L.

31 ~~b. Moneys credited to the fund pursuant to section 422.12G.~~

32 ~~c.~~ b. Moneys in the form of a devise, gift, bequest,
33 donation, or federal or other grant intended to be used for the
34 purposes of the fund.

35 Sec. 18. Section 100D.1, subsections 4 and 5, Code

1 Supplement 2009, are amended to read as follows:

2 4. "*Fire extinguishing system contractor*" means a
3 person or persons who are engaging in or representing
4 ~~oneself~~ themselves to the public as engaging in the activity or
5 business of layout, installation, repair, service, alteration,
6 addition, testing, maintenance, or maintenance inspection of
7 automatic fire extinguishing systems in this state, as defined
8 in section 100C.1, and who is certified pursuant to chapter
9 100C.

10 5. "*Fire protection system*" means a sprinkler system,
11 standpipe system, hose system, special hazard system, dry
12 ~~systems~~ system, foam ~~systems~~ system, or any water-based fire
13 protection system, either manual or automatically activated,
14 used for fire protection purposes that is composed of an
15 integrated system of underground and overhead piping connected
16 to a water source. For licensing purposes only "*fire protection*
17 *system*" does not include the water service piping to a structure
18 or building from a city water main.

19 Sec. 19. Section 103.1, subsection 1, Code Supplement 2009,
20 is amended to read as follows:

21 1. "*Apprentice electrician*" means any person who, as
22 such person's principal occupation, is engaged in learning
23 and assisting in the installation, alteration, and repair
24 of electrical wiring, apparatus, and equipment as an
25 employee of a person licensed under this chapter, and who is
26 licensed by the board and is progressing toward completion
27 of an apprenticeship training program registered by the
28 ~~bureau~~ office of apprenticeship and ~~training~~ of the United
29 States department of labor. For purposes of this chapter,
30 persons who are not engaged in the installation, alteration, or
31 repair of electrical wiring, apparatus, and equipment, either
32 inside or outside buildings, shall not be considered apprentice
33 electricians.

34 Sec. 20. Section 103.12, subsection 1, Code 2009, is amended
35 to read as follows:

1 1. An applicant for a class A journeyman electrician license
2 shall have successfully completed an apprenticeship training
3 program registered by the ~~bureau~~ office of apprenticeship ~~and~~
4 ~~training~~ of the United States department of labor in accordance
5 with the standards established by that department or shall have
6 received training or experience for a period of time and under
7 conditions as established by the board by rule.

8 Sec. 21. Section 103.15, subsection 1, Code Supplement
9 2009, is amended to read as follows:

10 1. A person shall be licensed by the board and pay a
11 licensing fee to work as an apprentice electrician while
12 participating in an apprenticeship training program registered
13 by the ~~bureau~~ office of apprenticeship ~~and training~~ of the
14 United States department of labor in accordance with the
15 standards established by that department. An apprenticeship
16 shall be limited to six years from the date of licensure,
17 unless extended by the board upon a finding that a hardship
18 existed which prevented completion of the apprenticeship
19 program. Such licensure shall entitle the licensee to act as
20 an apprentice to an electrical contractor, a class A master
21 electrician, a class B master electrician, a class A journeyman
22 electrician, or a class B journeyman electrician as provided in
23 subsection 3.

24 Sec. 22. Section 103.15, subsection 2, paragraph a, Code
25 Supplement 2009, is amended to read as follows:

26 a. A person shall be licensed as an unclassified person by
27 the board to perform electrical work if the work is performed
28 under the personal supervision of a person actually licensed to
29 perform such work and the licensed and unclassified persons are
30 employed by the same employer. A person shall not be employed
31 continuously for more than one hundred days as an unclassified
32 person without having obtained a current license from the
33 board. For the purposes of determining whether a person has
34 been "*employed continuously*" for more than one hundred days
35 under this subsection, employment shall include any days not

1 worked due to illness, holidays, weekend days, and other
2 absences that do not constitute separation from or termination
3 of employment. Any period of employment as a nonlicensed
4 unclassified person shall not be credited to any applicable
5 experiential requirement of an apprenticeship training
6 program registered by the ~~bureau~~ office of apprenticeship and
7 ~~training~~ of the United States department of labor.

8 Sec. 23. Section 124.212A, subsection 1, paragraph a, Code
9 Supplement 2009, is amended to read as follows:

10 a. Provide for the sale of a pseudoephedrine product
11 ~~in~~ from a locked cabinet or behind the sales counter where the
12 public is unable to reach the product and where the public is
13 not permitted.

14 Sec. 24. Section 126.12, subsection 3, paragraph b, Code
15 2009, is amended to read as follows:

16 b. A drug which is licensed under the federal Public Health
17 Service Act of July 1, 1944, 42 U.S.C. § 201 et seq. or under
18 the Animal ~~Virus, Serum, Toxin, Antitoxin~~ Virus-Serum-Toxin Act
19 of March 4, 1913, 21 U.S.C. § 151 et seq.

20 Sec. 25. Section 126.23A, subsection 1, paragraph b,
21 subparagraph (1), Code Supplement 2009, is amended to read as
22 follows:

23 (1) Provide for the sale of a pseudoephedrine product
24 ~~in~~ from a locked cabinet or behind a sales counter where the
25 public is unable to reach the product and where the public is
26 not permitted.

27 Sec. 26. Section 135.107, subsection 3, paragraph b,
28 subparagraph (2), subparagraph division (h), Code Supplement
29 2009, is amended to read as follows:

30 (h) Upon availability of state funds,
31 ~~determine~~ determination of eligibility criteria and
32 qualifications for participating communities and applicants not
33 located in federally designated shortage areas.

34 Sec. 27. Section 135A.4, subsection 1, Code Supplement
35 2009, is amended to read as follows:

1 1. A governmental public health advisory council is
2 established to advise the department and make policy
3 recommendations to the director of the department concerning
4 administration, implementation, and coordination of this
5 chapter and to make recommendations to the department regarding
6 the governmental public health system. The council shall meet
7 at ~~a minimum of~~ least quarterly. The council shall consist
8 of no fewer than fifteen members and no ~~greater~~ more than
9 twenty-three members. The members shall be appointed
10 by the director. The director may solicit and consider
11 recommendations from professional organizations, associations,
12 and academic institutions in making appointments to the
13 council.

14 Sec. 28. Section 135A.5, subsection 1, Code Supplement
15 2009, is amended to read as follows:

16 1. A governmental public health evaluation committee
17 is established to develop, implement, and evaluate the
18 governmental public health system and voluntary accreditation
19 program. The committee shall meet at least quarterly. The
20 committee shall consist of no fewer than eleven members and
21 no ~~greater~~ more than thirteen members. The members shall be
22 appointed by the director of the department. The director
23 may solicit and consider recommendations from professional
24 organizations, associations, and academic institutions in
25 making appointments to the committee.

26 Sec. 29. Section 135A.9, subsection 1, Code Supplement
27 2009, is amended to read as follows:

28 1. Incorporation of the Iowa public health standards
29 recommended to the department pursuant to section
30 ~~135A.5~~ 135A.4, subsection 6.

31 Sec. 30. Section 142A.3, subsection 4, paragraph a, Code
32 Supplement 2009, is amended to read as follows:

33 a. Four members of the general assembly, with not more
34 than one member from each chamber being from the same
35 political party. The majority leader of the senate and

1 the minority leader of the senate shall each appoint one
2 of the senate members. The majority leader of the house
3 of representatives and the minority leader of the house of
4 representatives shall each appoint one of the house members.

5 Sec. 31. Section 155.12, Code 2009, is amended to read as
6 follows:

7 **155.12 Conflict with federal law — effect.**

8 If any provision of this chapter is in conflict with the
9 requirements of section 1908 of the United States Social
10 Security Act (~~42 United States Code, section 1396g~~) codified at
11 42 U.S.C. § 1396g, relative to a state program for licensing of
12 administrators of nursing homes, and except for such conflict
13 the state would be entitled to receive contributions from the
14 United States for payment of assistance under the program
15 established pursuant to ~~Title Tit.~~ XIX of the United States
16 Social Security Act (~~42 United States Code, sections, codified~~
17 at 42 U.S.C. § 1396 - 1396g, inclusive), such provision of this
18 chapter so in conflict with said statute of the United States
19 shall be considered as suspended and of no effect until sixty
20 days after the convening of the next regular session of the
21 general assembly after such conflict is discovered.

22 Sec. 32. Section 158.16, Code Supplement 2009, is amended
23 to read as follows:

24 **158.16 Penalty.**

25 A person convicted of violating any of the provisions of this
26 chapter shall be fined an amount not to exceed one thousand
27 dollars.

28 Sec. 33. Section 159.1, unnumbered paragraph 1, Code 2009,
29 is amended to read as follows:

30 For the purposes of subtitles 1 through 3 of this title,
31 excluding chapters 161A ~~through~~ and 161C, unless otherwise
32 provided:

33 Sec. 34. Section 159.1, subsection 5, Code 2009, is amended
34 to read as follows:

35 5. "Person" includes an individual, a corporation, company,

1 firm, society, or association; and the act, omission, or
2 conduct of any officer, agent, or other person acting in a
3 representative capacity shall be imputed to the organization
4 or person represented, and the person acting in such capacity
5 shall also be liable for violation of subtitles 1 through 3 of
6 this title, excluding chapters 161A ~~through~~ and 161C.

7 Sec. 35. Section 159.5, subsection 11, Code Supplement
8 2009, is amended to read as follows:

9 11. Establish, publish, and enforce rules not inconsistent
10 with law for the enforcement of the provisions of subtitles
11 1 through 3 of this title, excluding chapters 161A
12 ~~through~~ and 161C, and for the enforcement of the various laws,
13 the administration and supervision of which are imposed upon
14 the department.

15 Sec. 36. Section 159A.4, subsection 2, paragraph a,
16 unnumbered paragraph 1, Code Supplement 2009, is amended to
17 read as follows:

18 The following ~~department~~ agency representatives:

19 Sec. 37. Section 166D.2, subsection 31, Code 2009, is
20 amended to read as follows:

21 31. "*Licensed pseudorabies vaccine*" means a pseudorabies
22 virus vaccine produced under license from the United States
23 secretary of agriculture under the federal ~~Virus, Serum and~~
24 ~~Toxin~~ Virus-Serum-Toxin Act of March 4, 1913, 21 U.S.C. § 151
25 et seq.

26 Sec. 38. Section 172A.5, Code 2009, is amended to read as
27 follows:

28 **172A.5 Bonded packers registration.**

29 A dealer or broker who has a bond required by the United
30 States department of agriculture under the Packers and
31 Stockyards Act of 1921 as amended, ~~Title VII, sections 181~~
32 ~~through 231, United States Code~~ 7 U.S.C. § 181 - 231, shall be
33 exempt from the provisions of this chapter upon registration
34 with the secretary. Registration shall be effective upon
35 filing with the secretary a certified copy of the bond filed

1 with the United States department of agriculture, and shall
2 continue in effect until that bond is terminated.

3 Sec. 39. Section 172D.3, subsection 2, paragraph a, Code
4 2009, is amended to read as follows:

5 a. Exclusion for federally mandated requirements. This
6 section shall apply to the department's rules except for rules
7 required for delegation of the national pollutant discharge
8 elimination system permit program pursuant to the federal
9 Water Pollution Control Act, ~~Title 33, United States Code,~~ 33
10 U.S.C. ch. 126 26, as amended, and 40 C.F.R. pt. 124.

11 Sec. 40. Section 196.9, Code 2009, is amended to read as
12 follows:

13 **196.9 Eggs unfit for human food.**

14 Eggs determined to be unfit for human food under ~~title 21,~~
15 ~~section 21 U.S.C. § 1034 of the United States Code~~ as amended
16 to July 1, 1985, shall not be bought or sold or offered for
17 purchase or sale by any person unless the eggs are denatured so
18 that they cannot be used for human food.

19 Sec. 41. Section 215.17, Code 2009, is amended to read as
20 follows:

21 **215.17 Test weights to be used.**

22 1. A person engaged in scale repair work for hire shall
23 use only test weights sealed by the department in determining
24 the effectiveness of repair work and the test weights shall be
25 sealed as to their accuracy once each year. However, a person
26 shall not claim to be an official scale inspector and shall
27 not use the test weights except to determine the accuracy of
28 scale repair work done by the person and the person shall not
29 be entitled to a fee for their use. A fee shall be charged
30 and collected at time of inspection for the inspection of such
31 weights as follows:

- 32 All weights up to and including 25
- 33 pounds..... \$ 1.10 each
- 34 Over twenty-five pounds capacity,
- 35 up to and including 50 pounds..... 2.25 each

1	Over 50 pounds capacity, up to and	
2	including 100 pounds.....	3.00 each
3	Over 100 pounds capacity, up to	
4	and including 500 pounds.....	4.50 each
5	Over 500 pounds capacity, up to	
6	and including 1,000 pounds.....	7.50 each
7	<u>2.</u> The fee for all tank calibrations shall be as follows:	
8	100 gallons up to and including	
9	300 gallons.....	\$ 4.50
10	301 gallons up to and including	
11	500 gallons.....	7.50
12	501 gallons up to and including	
13	1,000 gallons.....	11.25
14	1,001 gallons up to and including	
15	2,000 gallons.....	15.00
16	2,001 gallons up to and including	
17	3,000 gallons.....	18.00
18	3,001 gallons up to and including	
19	4,000 gallons.....	21.00
20	4,001 gallons up to and including	
21	5,000 gallons.....	24.00
22	5,001 gallons up to and including	
23	6,000 gallons.....	27.00
24	6,001 gallons up to and including	
25	7,000 gallons.....	30.00
26	7,001 gallons and up.....	37.50

27 3. Calibration shall not be required of a tank which is not
28 used for the purpose of measuring, or which is equipped with
29 a meter, and vehicle tanks loaded from meters and carrying a
30 printed ticket showing gallonage shall not be required to be
31 calibrated.

32 Sec. 42. Section 256A.4, subsection 1, Code 2009, is amended
33 to read as follows:

34 1. a. The board of directors of each school district may
35 develop and offer a family support program which provides

1 outreach and incentives for the voluntary participation of
2 expectant parents and parents of children in the period of
3 life from birth through age five, who reside within district
4 boundaries, in educational family support experiences designed
5 to assist parents in learning about the physical, mental, and
6 emotional development of their children. A board may contract
7 with another school district or public or private nonprofit
8 agency for provision of the approved program or program site.

9 b. A family support program shall meet multicultural gender
10 fair guidelines. The program shall encourage parents to be
11 aware of practices that may affect equitable development of
12 children. The program shall include parents in the planning,
13 implementation, and evaluation of the program. A program
14 shall be designed to meet the needs of the residents of the
15 participating district and may use unique approaches to provide
16 for those needs. The goals of a family support program shall
17 include, but are not limited to, the following:

18 ~~a.~~ (1) Family involvement as a key component of school
19 improvement with an emphasis on communication and active family
20 participation in family support programming.

21 ~~b.~~ (2) Family participation in the planning and
22 decision-making process for the program and encouragement of
23 long-term parental involvement in their children's education.

24 ~~c.~~ (3) Meeting the educational and developmental needs of
25 expectant parents and parents of young children.

26 ~~d.~~ (4) Developmentally appropriate activities for children
27 that include those skills necessary for adaptation to both the
28 home and school environments.

29 Sec. 43. Section 257.9, subsection 8, Code Supplement 2009,
30 is amended to read as follows:

31 8. *Early intervention supplement state cost per pupil.* For
32 the budget year beginning July 1, 2009, for the early
33 intervention supplement state cost per pupil, the department of
34 management shall add together the early intervention allocation
35 made to each district for the fiscal year beginning July

1 1, 2008, pursuant to section 256D.4, Code 2009, and divide
2 that sum by the statewide total budget enrollment for the
3 fiscal year beginning July 1, 2009. The early intervention
4 supplement state cost per pupil for the budget year beginning
5 July 1, 2010, and succeeding budget years, shall be the
6 amount calculated by the department of management under this
7 subsection for the base year plus an allowable growth amount
8 that is equal to the early intervention supplement categorical
9 state percent of growth, pursuant to section 257.8, subsection
10 2, for the budget year, multiplied by the amount calculated by
11 the department of management under this subsection for the base
12 year.

13 Sec. 44. Section 257.10, subsection 11, paragraph a, Code
14 Supplement 2009, is amended to read as follows:

15 a. For the budget year beginning July 1, 2009, the
16 department of management shall divide the early intervention
17 allocation made to each district for the fiscal year beginning
18 July 1, 2008, pursuant to section 256D.4, Code 2009, by the
19 district's budget enrollment in the fiscal year beginning July
20 1, 2009, to determine the early intervention supplement cost
21 per pupil. For the budget year beginning July 1, 2010, and
22 succeeding budget years, the early intervention supplement
23 district cost per pupil for each school district for a budget
24 year is the early intervention supplement district cost per
25 pupil for the base year plus the early development supplement
26 state allowable growth amount for the budget year.

27 Sec. 45. Section 257.15, subsection 1, paragraph a, Code
28 2009, is amended to read as follows:

29 a. For the budget year beginning July 1, 1991, the
30 department of management shall calculate for each district the
31 difference between the sum of the revenues generated by the
32 foundation property tax and the additional property tax in the
33 district calculated under this chapter and the revenues that
34 would have been generated by the foundation property tax and
35 the additional property tax in that district for that budget

1 year calculated under chapter 442, Code 1989, if chapter 442,
2 Code 1989, were in effect, except that the revenues that
3 would have been generated by the additional property tax levy
4 under chapter 442, Code 1989, shall not include revenues
5 generated for the school improvement program. However in
6 making the calculation of the difference in revenues under
7 this subsection, the department shall not include the revenues
8 generated under section 257.37 and under chapter 442, Code
9 1989, for funding media and educational services through the
10 area education agencies. If the property tax revenues for a
11 district calculated under this chapter exceed the property tax
12 revenues for that district calculated under chapter 442, Code
13 1989, the department of management shall reduce the revenues
14 raised by the additional property tax levy in that district
15 under this chapter by that difference and the department of
16 education shall pay property tax adjustment aid to the district
17 equal to that difference from moneys appropriated for property
18 tax adjustment aid.

19 Sec. 46. Section 262A.2, subsection 5, Code Supplement
20 2009, is amended to read as follows:

21 5. "*Institutional income*" shall mean income received by an
22 institution from sources other than ~~(a) student~~ the following:

23 a. Student fees and charges, ~~(b) rates.~~

24 b. Rates, fees, rentals or charges imposed and collected
25 under the provisions of ~~(1)~~ sections 262.35 through 262.42,
26 ~~(2)~~ sections 262.44 through 262.53, and ~~(3)~~ sections 262.55
27 through 262.66, ~~(c) state.~~

28 c. State appropriations, ~~and (d) "hospital."~~

29 d. "Hospital income", as that term is defined in ~~subsection~~
30 ~~4 of~~ section 263A.1.

31 Sec. 47. Section 279.14, subsection 2, Code 2009, is amended
32 to read as follows:

33 2. The determination of standards of performance expected
34 of school district personnel shall be reserved as an exclusive
35 management right of the school board and shall not be subject

1 to mandatory negotiations under chapter 20. Notwithstanding
2 chapter 20, objections to the procedures, use, or content of
3 an evaluation in a teacher termination proceeding brought
4 before the school board in a hearing held in accordance with
5 section 279.16 or 279.27 shall not be subject to the grievance
6 procedures negotiated in accordance with chapter 20. A school
7 district shall not be obligated to process any evaluation
8 grievance after service of a notice and recommendation to
9 terminate an individual's continuing teaching contract in
10 accordance with this chapter 279.

11 Sec. 48. Section 282.1, subsection 1, Code Supplement 2009,
12 is amended to read as follows:

13 1. Persons between five and twenty-one years of age are of
14 school age. Nonresident children shall be charged the maximum
15 tuition rate as determined in section 282.24, subsection
16 1, with the exception that those residing temporarily in
17 a school corporation may attend school in the corporation
18 upon terms prescribed by the board, ~~and boards.~~ A school
19 district discontinuing grades under section 282.7, subsection 1
20 or subsections 1 and 3, shall be charged tuition as provided in
21 section 282.24, subsection 2 1.

22 Sec. 49. Section 298.18, subsection 1, paragraph d, Code
23 Supplement 2009, is amended to read as follows:

24 *d.* The amount estimated and certified to apply on principal
25 and interest for any one year may exceed two dollars and
26 seventy cents per thousand dollars of assessed value by the
27 amount approved by the voters of the school corporation,
28 but not exceeding four dollars and five cents per thousand
29 dollars of the assessed value of the taxable property within
30 any school corporation, provided that the registered voters
31 of such school corporation have first approved such increased
32 amount at an election held on a date specified in section 39.2,
33 subsection 4, paragraph "c".

34 Sec. 50. Section 299.1, unnumbered paragraph 2, Code 2009,
35 is amended to read as follows:

1 The board of directors of a public school district or the
2 governing body of an accredited nonpublic school may, by
3 resolution, require attendance for the entire time when the
4 schools are in session in any school year and adopt a policy
5 or rules relating to the reasons considered to be valid or
6 acceptable excuses for absence from school.

7 Sec. 51. Section 306C.20, Code 2009, is amended to read as
8 follows:

9 **306C.20 Bonus funds agreements.**

10 The department shall enter into agreements with the duly
11 constituted federal authorities in order to secure for the
12 state all bonus federal funds allotted and appropriations to
13 the state and to avoid loss or reduction, under ~~Title 23,~~
14 ~~section 131, of the United States Code~~ 23 U.S.C. § 131, of
15 federal aid funds apportioned or to be apportioned to the
16 state under ~~Title 23, section 104 of the United States Code~~ 23
17 U.S.C. § 104. The department may accept funds from whatever
18 source, including any allotment of funds by the United States,
19 or any of its departments or agencies, appropriated to carry
20 out the purposes of ~~Title 23, section 131 of the United States~~
21 ~~Code~~ 23 U.S.C. § 131. The department shall take such steps as
22 may be necessary to obtain from the United States or any of its
23 departments or agencies, funds allotted and appropriated for
24 the purpose of paying the federal share of just compensation
25 to be paid to advertising device owners and owners of the
26 real property under the terms of this chapter and ~~Title 23,~~
27 ~~section 131, paragraph "g" of the United States Code~~ 23 U.S.C.
28 § 131(g). All moneys received pursuant to the provisions of
29 this chapter shall be deposited in the "highway beautification
30 fund".

31 Sec. 52. Section 321.166, subsection 4, Code Supplement
32 2009, is amended to read as follows:

33 4. The registration plate number, except on motorized
34 ~~bicyele~~ bicycles, ~~motereyele~~ motorcycles, motorcycle
35 ~~trailer~~ trailers, and trailers with an empty weight of two

1 thousand pounds or less shall be of sufficient size to be
2 readable from a distance of one hundred feet during daylight.

3 Sec. 53. Section 331.321, subsection 1, paragraph a, Code
4 Supplement 2009, is amended to read as follows:

5 a. A veterans memorial commission in accordance with
6 sections 37.9 ~~to~~, 37.10, and 37.15, when a proposition to
7 erect a memorial building or monument has been approved by the
8 voters.

9 Sec. 54. Section 331.508, subsection 10, Code 2009, is
10 amended to read as follows:

11 10. Real estate transfer book, index book, and plat
12 book as provided in sections 558.60 ~~to~~, 558.63, and 558.65
13 through 558.67.

14 Sec. 55. Section 420.220, Code 2009, is amended to read as
15 follows:

16 **420.220 City tax sale after public bidder sale.**

17 1. Property located in a city acting under special charter
18 which collects its own taxes, shall not, after sale of such
19 property to the county for taxes, be offered or sold at any
20 sale for taxes or special assessments collectible by any such
21 city except in the following events:

22 ~~1-~~ a. In the event of redemption from sale to the county
23 or transfer by the county of the certificate of purchase then
24 sale may be made by the city as freely as if this section
25 and sections 420.220 to 420.221 through 420.229 had never
26 become law.

27 ~~2-~~ b. In the event that any special assessment or
28 installment thereof levied by any such city, prior to April 22,
29 1941, shall be or become delinquent, then the property against
30 which the same was levied may be sold therefor only at the
31 first regular tax sale of such city occurring within such a
32 period of time after delinquency that sale for such assessment
33 or installment might lawfully be made at such first regular tax
34 sale.

35 ~~3-~~ c. In the event of sale or conveyance of the property

1 by the county after issuance of tax deed to it then sale may
2 be made for general city taxes levied after such sale or
3 conveyance by the county.

4 ~~4.~~ d. In the event of levy of any special assessment
5 against the property after purchase thereof at tax sale by the
6 county, then sale may be made for any such special assessment
7 or installment thereof, then delinquent.

8 2. The county auditor shall, promptly after the purchase
9 of any real estate by the county at tax sale, certify to the
10 city treasurer of any such city, a statement showing the tracts
11 or parcels so purchased and the dates of purchase thereof
12 respectively. In the event either of redemption from any
13 such sale or transfer of the certificate of purchase, the
14 county auditor shall promptly certify to the city treasurer
15 a statement showing such redemption or transfer. The city
16 treasurer shall make appropriate entries in the treasurer's tax
17 books of the facts so certified by the county auditor as well
18 as of the matters certified by such treasurer to said auditor
19 under the provisions of section 420.222.

20 Sec. 56. Section 422.34, subsection 1, Code 2009, is amended
21 to read as follows:

22 1. All state, national, private, ~~co-operative~~ cooperative,
23 and savings banks, credit unions, title insurance and trust
24 companies, savings and loan associations, production credit
25 associations, insurance companies or insurance associations,
26 reciprocal or inter-insurance exchanges, and fraternal
27 beneficiary associations.

28 Sec. 57. Section 424.16, subsection 2, Code Supplement
29 2009, is amended to read as follows:

30 2. A notice authorized or required under this section may
31 be given by mailing the notice to the person for whom it is
32 intended, addressed to that person at the address given in the
33 last return filed by the person pursuant to this chapter, or if
34 no return has been filed, then to any address obtainable. The
35 mailing of the notice is presumptive evidence of the receipt

1 of the notice by the person to whom addressed. Any period
2 of time which is determined according to this chapter by the
3 giving of notice commences to run from the date of mailing of
4 the notice. Neither mailed notice ~~or~~ nor notice by publication
5 is required for the initial determination and imposition of the
6 charge. The board shall undertake to provide reasonable notice
7 of the environmental protection charge and procedures, as in
8 the board's sole discretion it deems appropriate, provided that
9 the actual charge and procedures are published in the Iowa
10 administrative bulletin prior to the effective date of the
11 charge.

12 Sec. 58. Section 433.7, Code Supplement 2009, is amended to
13 read as follows:

14 **433.7 Hearing.**

15 At the time of determination of value ~~of~~ by the director of
16 revenue, any company interested shall have the right to appear,
17 by its officers or agents, before the director of revenue and
18 be heard on the question of the valuation of its property for
19 taxation.

20 Sec. 59. Section 455B.131, subsection 13, paragraph b, Code
21 2009, is amended to read as follows:

22 *b.* Qualifies as a small business concern by the United
23 States department of commerce pursuant to 15 U.S.C. § ~~632~~ 631,
24 et seq.

25 Sec. 60. Section 455B.602, subsection 8, paragraph a, Code
26 2009, is amended to read as follows:

27 *a.* "*Responsible person*" means a person who is legally
28 liable for the contamination or who is legally responsible
29 for abating contamination under any applicable law, including
30 ~~chapters 455B and~~ this chapter, chapter 455E, and the common
31 law. This may include a person causing, allowing, or otherwise
32 participating in the activities or events which cause the
33 contamination, persons who have failed to conduct their
34 activities so as to prevent the release of contaminants into
35 groundwater, persons who are obligated to abate a condition, or

1 persons responsible for or a successor to such persons.

2 Sec. 61. Section 455G.3, subsection 3, paragraph b, Code
3 2009, is amended to read as follows:

4 b. To establish a loan guarantee account, as provided by and
5 to the extent permitted by section 455G.10, Code 1999.

6 Sec. 62. Section 455G.21, subsection 3, Code 2009, is
7 amended to read as follows:

8 3. Moneys in the fund shall not be used for purposes of
9 bonding or providing security for bonding under this chapter
10 455G.

11 Sec. 63. Section 466B.3, subsection 4, paragraphs e and k,
12 Code Supplement 2009, are amended to read as follows:

13 e. The ~~director~~ administrator of the homeland security
14 and emergency management division of the department of public
15 defense or the ~~director's~~ administrator's designee.

16 k. The executive director of the Iowa finance authority or
17 the executive director's designee.

18 Sec. 64. Section 483A.24, subsection 2, paragraph f, Code
19 2009, is amended to read as follows:

20 f. (1) A deer hunting license or wild turkey hunting
21 license issued pursuant to this subsection shall be attested by
22 the signature of the person to whom the license is issued and
23 shall contain a statement in substantially the following form:

24 By signing this license I certify that I qualify as an owner
25 or tenant under Iowa Code section 483A.24.

26 (2) A person who makes a false attestation ~~as described~~
27 ~~in~~ under this paragraph "f" is guilty of a simple misdemeanor.
28 In addition, the person's hunting license shall be revoked and
29 the person shall not be issued a hunting license for a period
30 of one year.

31 Sec. 65. Section 483A.24, subsection 14, Code 2009, is
32 amended to read as follows:

33 14. Upon payment of the fee of five dollars for a lifetime
34 fishing license or lifetime hunting and fishing combined
35 license, the department shall issue a lifetime fishing license

1 or lifetime hunting and fishing combined license to a resident
2 of Iowa who has served in the armed forces of the United
3 States on active federal service and who was disabled or was a
4 prisoner of war during that veteran's military service. The
5 department shall prepare an application to be used by a person
6 requesting a lifetime fishing license or lifetime hunting and
7 fishing combined license under this subsection. The department
8 of veterans affairs shall assist the department in verifying
9 the status or claims of applicants under this subsection. As
10 used in this subsection, "*disabled*" means entitled to a service
11 connected rating under the ~~United States Code, Title 38, 38~~
12 U.S.C. ch. 11.

13 Sec. 66. Section 489.1013, subsection 3, paragraph c, Code
14 2009, is amended to read as follows:

15 c. A statement that the domestication was approved as
16 required by this chapter.

17 Sec. 67. Section 491.36, Code 2009, is amended to read as
18 follows:

19 **491.36 Foreign-trade zone corporation.**

20 A corporation may be organized under the laws of this state
21 for the purpose of establishing, operating, and maintaining
22 a foreign-trade zone as defined in 19 ~~United States Code,~~
23 ~~§ 81(a)~~ U.S.C. § 81a. A corporation organized for the
24 purposes set forth in this section has all powers necessary
25 or convenient for applying for a grant of authority to
26 establish, operate, and maintain a foreign-trade zone under the
27 provisions of 19 ~~United States Code § 81(a)~~ U.S.C. § 81a, et
28 seq., and rules promulgated thereunder, and for establishing,
29 operating, and maintaining a foreign-trade zone pursuant to
30 that grant of authority.

31 Sec. 68. Section 518.14, subsection 4, paragraph g, Code
32 Supplement 2009, is amended to read as follows:

33 g. *Home office real estate.* With the prior approval of
34 the commissioner, funds may be invested in a home office real
35 estate for the association or a subsidiary, at the direction of

1 the board of directors. The association or subsidiary shall
2 obtain the approval of the commissioner prior to the sale or
3 disposition of home office real estate owned by the association
4 or subsidiary. Effective as to home office real estate
5 acquired on or after July 1, 2009, an association shall not
6 invest more than twenty percent of its total admitted assets in
7 such real estate. With the prior approval of the commissioner,
8 an association may exceed the real estate investment limitation
9 to effectuate a merger with, or the acquisition of, another
10 association.

11 Sec. 69. Section 518A.12, subsection 4, paragraph g, Code
12 Supplement 2009, is amended to read as follows:

13 *g. Home office real estate.* With the prior approval of
14 the commissioner, funds may be invested in a home office real
15 estate for the association or a subsidiary, at the direction of
16 the board of directors. The association or subsidiary shall
17 obtain the approval of the commissioner prior to the sale or
18 disposition of home office real estate owned by the association
19 or subsidiary. Effective as to home office real estate
20 acquired on or after July 1, 2009, an association shall not
21 invest more than twenty percent of its total admitted assets in
22 such real estate. With the prior approval of the commissioner,
23 an association may exceed the real estate investment limitation
24 to effectuate a merger with, or the acquisition of, another
25 association.

26 Sec. 70. Section 533A.8, subsection 5, unnumbered paragraph
27 1, Code Supplement 2009, is amended to read as follows:

28 If the debt management program is based on a model which
29 requires the licensee or any licensee to receive money or
30 evidences thereof from the debtor to distribute to the debtor's
31 creditors, the licensee who receives the money or evidences
32 thereof from the debtor for distribution to the debtor's
33 creditors shall do all of the following:

34 Sec. 71. Section 537.5105, subsection 2, unnumbered
35 paragraph 1, Code 2009, is amended to read as follows:

1 In addition to the provisions of section 642.21, the
2 maximum part of the aggregate disposable earnings of an
3 individual for any workweek which is subjected to garnishment
4 to enforce payment of a judgment arising from a consumer credit
5 transaction may not exceed the lesser of twenty-five percent
6 of the individual's disposable earnings for that week, or
7 the amount by which the individual's disposable earnings for
8 that week exceed forty times the federal minimum hourly wage
9 prescribed by the Fair Labor Standards Act of 1938, ~~United~~
10 ~~States Code, title 29, section 206, subsection "a," paragraph~~
11 ~~(1)~~ 29 U.S.C. 206(a)(1), in effect at the time the earnings are
12 payable.

13 Sec. 72. Section 543C.2, subsection 9, Code 2009, is amended
14 to read as follows:

15 9. If the subdivided land sought to be filed comes
16 within the purview of the ~~interstate land sales full~~
17 ~~disclosure~~ federal Interstate Land Sales Full Disclosure Act
18 ~~(Title 15, United States Code section, codified at 15 U.S.C.~~
19 ~~§ 1701 et seq.)~~ seq., the subdivider must furnish a copy of the
20 accepted report filed with the department of housing and urban
21 development. If the subdivision comes under the regulation of
22 the real estate laws of the state where the land is located
23 and that state requires a state offering statement or public
24 report, the subdivider must also include a copy of said state
25 report.

26 Sec. 73. Section 554.2310, subsection 3, Code Supplement
27 2009, is amended to read as follows:

28 3. if delivery is authorized and made by way of documents
29 of title otherwise than by subsection 2 then payment is due
30 regardless of where the goods are to be received (i) at the
31 time and place at which the buyer is to receive delivery of the
32 tangible documents or (ii) at the time the buyer is to receive
33 delivery of the electronic documents and at the seller's place
34 of business or if none, the seller's residence; and

35 Sec. 74. Section 554.12403, subsection 2, Code 2009, is

1 amended to read as follows:

2 2. a. ~~(i)~~ If the sender and receiving bank are members of
3 a funds-transfer system that nets obligations multilaterally
4 among participants, the receiving bank receives final
5 settlement when settlement is complete in accordance with the
6 rules of the system.

7 b. ~~(ii)~~ The obligation of the sender to pay the amount of
8 a payment order transmitted through the funds-transfer system
9 may be satisfied, to the extent permitted by the rules of
10 the system, by setting off and applying against the sender's
11 obligation the right of the sender to receive payment from
12 the receiving bank of the amount of any other payment order
13 transmitted to the sender by the receiving bank through the
14 funds-transfer system.

15 c. ~~(iii)~~ The aggregate balance of obligations owed by each
16 sender to each receiving bank in the funds-transfer system
17 may be satisfied, to the extent permitted by the rules of the
18 system, by setting off and applying against that balance the
19 aggregate balance of obligations owed to the sender by other
20 members of the system. The aggregate balance is determined
21 after the right of setoff stated in ~~clause (ii) of this~~
22 ~~subsection~~ paragraph "b" has been exercised.

23 Sec. 75. Section 554B.2, Code 2009, is amended to read as
24 follows:

25 **554B.2 Security interest.**

26 A security interest in rolling stock of a transmitting
27 utility may be perfected either as provided in the Uniform
28 Commercial Code, chapter 554, or as provided in the ~~Interstate~~
29 ~~Commerce~~ ICC Termination Act of 1995, 49 U.S.C., ~~section 20~~
30 ~~"e."~~ § 701, 11301.

31 Sec. 76. Section 602.8106, subsection 1, paragraph d, Code
32 Supplement 2009, is amended to read as follows:

33 d. ~~The For~~ court costs in scheduled violation cases where a
34 court appearance is required, sixty dollars.

35 Sec. 77. Section 626D.3, subsection 2, Code 2009, is amended

1 to read as follows:

2 2. The person filing the tribal judgment shall make and file
3 with the clerk of court an affidavit setting forth the name and
4 last known address of the party seeking enforcement and the
5 responding party. Upon the filing of the tribal judgment and
6 accompanying affidavit, the enforcing party shall serve upon
7 the responding party a notice of filing of the tribal judgment
8 together with a copy of the tribal judgment in accordance with
9 Iowa rule of civil procedure 1.442 ~~of the Iowa rules of civil~~
10 ~~procedure.~~ The enforcing party shall file proof of service or
11 mailing with the clerk of court. The notice of filing shall
12 include the name and address of the enforcing party and the
13 enforcing party's attorney, if any, and shall include the text
14 contained in sections 626D.4 and 626D.5.

15 Sec. 78. Section 633.517, subsection 1, Code 2009, is
16 amended to read as follows:

17 1. A written finding of presumed death, made by the
18 secretary of defense, or other officer or employee of the
19 United States authorized to make such finding, pursuant to
20 the federal Missing Persons Act ~~{56, 56 Stat. 143, 1092, and~~
21 ~~P.L. 408, Ch. 371, 2d Session 78th Congress; 50 U.S.C. App.~~
22 ~~Supp. 1001-17}~~ codified at 10 U.S.C. 1501, et seq., as now or
23 hereafter amended, or a duly certified copy of such a finding,
24 shall be received in any court, office, or other place in this
25 state, as evidence of the death of the person therein found
26 to be dead, and of the date, circumstances, and place of the
27 disappearance.

28 Sec. 79. Section 636.45, Code Supplement 2009, is amended
29 to read as follows:

30 **636.45 Federally insured loans.**

31 1. Insurance companies, ~~building savings~~ and loan
32 associations, trustees, guardians, executors, administrators,
33 and other fiduciaries, the state and its political
34 subdivisions, and institutions and agencies thereof, and all
35 other persons, associations, and corporations ~~(1) may:~~

1 a. May make such loans and advances of credit and purchases
2 of obligations representing loans and advances of credit as
3 are eligible for insurance pursuant to Tit. I, ~~section~~ § 2, of
4 the National Housing Act ~~[12 (1934), codified at 12 U.S.C. ch.~~
5 ~~13] 13~~, and may obtain such insurance, ~~(2) may~~;

6 b. May make such loans, secured by real property or
7 leasehold, as the federal housing administrator insures
8 or makes a commitment to insure pursuant to Tit. II of
9 the National Housing Act (1934), and may obtain such
10 insurance, ~~and (3) may~~;

11 c. May make real property loans which are guaranteed or
12 insured by the secretary of the United States department of
13 veterans affairs under the provisions of ~~Tit. 38, sections 1801~~
14 ~~through 1824, inclusive, United States Code~~ 38 U.S.C. § 3701
15 et seq.

16 2. It shall be lawful for insurance companies, building
17 and loan associations, trustees, guardians, executors,
18 administrators, and other fiduciaries, the state and its
19 political subdivisions, and institutions and agencies thereof,
20 and all other persons, associations, and corporations, subject
21 to the laws of this state, to originate real estate loans which
22 are guaranteed or insured by the secretary of the United States
23 department of veterans affairs under the provisions of ~~Tit. 38,~~
24 ~~sections 1801 through 1824, inclusive, United States Code~~ 38
25 U.S.C. § 3701 et seq., and originate loans secured by real
26 property or leasehold, as the federal housing administrator
27 insures or makes a commitment to insure pursuant to Tit. II of
28 the National Housing Act (1934), and may obtain such insurance
29 and may invest their funds, and the moneys in their custody or
30 possession, eligible for investment, in bonds and notes secured
31 by mortgage or trust deed insured by the federal housing
32 administrator, and in the debentures issued by the federal
33 housing administrator pursuant to Tit. II of the National
34 Housing Act (1934), and in securities issued by national
35 mortgage associations or similar credit institutions now or

1 hereafter organized under Tit. III of the National Housing
2 Act (1934), and in real estate loans which are guaranteed or
3 insured by the secretary of the United States department of
4 veterans affairs under the provisions of ~~Tit. 38, sections 1801~~
5 ~~through 1824, inclusive, United States Code~~ 38 U.S.C. § 3701
6 et seq.

7 Sec. 80. Section 669.22, Code 2009, is amended to read as
8 follows:

9 **669.22 Actions in federal court.**

10 The state shall defend any employee, and shall indemnify and
11 hold harmless an employee of the state in any action commenced
12 in federal court under ~~section 1983, Title 42, United States~~
13 ~~Code,~~ 42 U.S.C. § 1983 against the employee for acts of the
14 employee while acting in the scope of employment. The duty to
15 indemnify and hold harmless shall not apply and the state shall
16 be entitled to restitution from an employee if the employee
17 fails to cooperate in the investigation or defense of the claim
18 or demand, or if, in an action commenced by the state against
19 the employee, it is determined that the conduct of the employee
20 upon which the claim or demand was based constituted a willful
21 and wanton act or omission or malfeasance in office.

22 Sec. 81. Section 670.8, unnumbered paragraph 2, Code 2009,
23 is amended to read as follows:

24 The duties to defend and to save harmless and indemnify shall
25 apply whether or not the municipality is a party to the action
26 and shall include but not be limited to cases arising under
27 ~~title 42 United States Code section~~ 42 U.S.C. § 1983.

28 Sec. 82. Section 714B.10, subsection 2, Code 2009, is
29 amended to read as follows:

30 2. Advertising in connection with the sale or purchase of
31 books, recordings, videocassettes, periodicals, and similar
32 goods through a membership group or club which is regulated
33 by the federal trade commission pursuant to ~~Code of Federal~~
34 ~~Regulations, Title 16, part 4525.1~~ 16 C.F.R. pt. 425.1,
35 concerning use of negative option plans by sellers in commerce.

1 Sec. 83. Section 723.4, subsection 6, paragraph b,
2 unnumbered paragraph 1, Code 2009, is amended to read as
3 follows:

4 As used in this ~~section~~ subsection:

5 Sec. 84. 2009 Iowa Acts, chapter 9, section 6, subsection 1,
6 is amended by striking the subsection.

7 Sec. 85. 2009 Iowa Acts, chapter 100, section 35, is amended
8 to read as follows:

9 SEC. 35. EFFECTIVE AND APPLICABILITY DATES. This division
10 of this Act, being deemed of immediate importance, takes effect
11 upon enactment and applies to disaster recovery housing project
12 costs incurred on or after the effective date of this division
13 of this Act and before July 1, 2010.

14 Sec. 86. 2009 Iowa Acts, chapter 175, section 25, is amended
15 to read as follows:

16 SEC. 25. EFFECTIVE DATE. The section of this Act amending
17 section 455B.172, subsection ~~±~~ 11, paragraph "a", as enacted
18 by 2008 Iowa Acts, chapter 1033, section 1, takes effect July
19 1, 2010.

20 Sec. 87. 2009 Iowa Acts, chapter 179, section 30, is amended
21 to read as follows:

22 SEC. 30. Section 12.90C, subsection 2, paragraph a, if
23 enacted by 2009 Iowa Acts, Senate File 477, is amended to read
24 as follows:

25 ~~3-~~ a. The net proceeds of bonds issued pursuant to section
26 12.90A other than bonds issued for the purpose of refunding
27 such bonds and investment earnings on the net proceeds.

28 Sec. 88. 2009 Iowa Acts, chapter 179, sections 201 and 202,
29 are amended to read as follows:

30 SEC. 201. IMPLEMENTATION. Section 25B.7 does not apply
31 to the property tax exemption enacted in this division of
32 this Act.

33 SEC. 202. APPLICABILITY DATE PROVISION. The sections of
34 this division of this Act providing sales and use tax refunds
35 apply to sales and use tax paid on or after July 1, 2009.

1 Sec. 89. REPEAL. 2009 Iowa Acts, chapter 133, sections 228
2 and 247, are repealed.

3 Sec. 90. REPEAL. 2009 Iowa Acts, chapter 170, section 3,
4 is repealed.

5 DIVISION II

6 VOLUME III RENUMBERING

7 Sec. 91. Section 260C.14, subsections 10 and 17, Code
8 Supplement 2009, are amended to read as follows:

9 10. Make necessary rules to provide for the policing,
10 control, and regulation of traffic and parking of vehicles and
11 bicycles on the property of the community college.

12 a. The rules may provide for the use of institutional roads,
13 driveways, and grounds; registration of vehicles and bicycles;
14 the designation of parking areas; the erection and maintenance
15 of signs designating prohibitions or restrictions; the
16 installation and maintenance of parking control devices except
17 parking meters; and assessment, enforcement, and collection of
18 reasonable penalties for the violation of the rules.

19 b. Rules made under this subsection may be enforced under
20 procedures adopted by the board of directors. Penalties may
21 be imposed upon students, faculty, and staff for violation
22 of the rules, including, but not limited to, a reasonable
23 monetary penalty which may be deducted from student deposits
24 and faculty or staff salaries or other funds in possession of
25 the community college or added to student tuition bills. The
26 rules made under this subsection may also be enforced by the
27 impoundment of vehicles and bicycles parked in violation of
28 the rules, and a reasonable fee may be charged for the cost of
29 impoundment and storage prior to the release of the vehicle or
30 bicycle to the owner. Each community college shall establish
31 procedures for the determination of controversies in connection
32 with the imposition of penalties. The procedures shall require
33 giving notice of the violation and the penalty prescribed and
34 providing the opportunity for an administrative hearing.

35 17. a. Provide for eligible alternative retirement benefits

1 systems which shall be limited to the following:

2 ~~a-~~ (1) An alternative retirement benefits system which is
3 issued by or through a nonprofit corporation issuing retirement
4 annuities exclusively to educational institutions and their
5 employees for persons newly employed after July 1, 1990, and
6 for persons employed by the community college who are members
7 of the Iowa public employees' retirement system on July 1,
8 1994, and who elect coverage under that system pursuant to
9 section 97B.42, in lieu of coverage under the Iowa public
10 employees' retirement system.

11 ~~b-~~ (2) An alternative retirement benefits system which
12 is issued by or through an insurance company authorized to
13 issue annuity contracts in this state, for persons newly
14 employed on or after July 1, 1997, who are already members
15 of the alternative retirement benefits system and who elect
16 coverage under that system pursuant to section 97B.42, in lieu
17 of coverage under the Iowa public employees' retirement system.

18 ~~c-~~ (3) An alternative retirement benefits system offered
19 through the community college, at the discretion of the
20 board of directors of the community college, pursuant to
21 this ~~lettered paragraph~~ subparagraph which is issued by or
22 through an insurance company authorized to issue annuity
23 contracts in this state, for persons newly employed by that
24 community college on or after July 1, 1998, who are not
25 members of the alternative retirement benefits system and
26 who elect coverage under that system pursuant to section
27 97B.42, in lieu of coverage under the Iowa public employees'
28 retirement system. The board of directors of a community
29 college may limit the number of providers of alternative
30 retirement benefits systems offered pursuant to this ~~lettered~~
31 ~~paragraph~~ subparagraph to no more than six. The selection by
32 the board of directors of a community college of a provider
33 of an alternative retirement benefits system pursuant to
34 this ~~lettered paragraph~~ subparagraph shall not constitute an
35 endorsement of that provider by the community college.

1 b. However, the employer's annual contribution in dollars
2 under an eligible alternative retirement benefits system
3 described in this subsection shall not exceed the annual
4 contribution in dollars which the employer would contribute if
5 the employee had elected to remain an active member pursuant
6 to the Iowa public employees' retirement system, as set forth
7 in section 97B.11.

8 c. For purposes of this subsection, "*alternative retirement*
9 *benefits system*" means an employer-sponsored primary pension
10 plan requiring mandatory employer contributions that meets
11 the requirements of section 401(a), 403(a), or 403(b) of the
12 Internal Revenue Code.

13 Sec. 92. Section 261.1, Code 2009, is amended to read as
14 follows:

15 **261.1 Commission created.**

16 1. There is hereby created a commission to be known as the
17 "*College Student Aid Commission*" of the state of Iowa.

18 2. Membership of the commission shall be as follows:

19 ~~1.~~ a. A member of the state board of regents to be named
20 by the board, or the executive director of the board if
21 so appointed by the board, who shall serve for a four-year
22 term or until the expiration of the member's term of office.
23 Such member shall convene the organizational meeting of the
24 commission.

25 ~~2.~~ b. The director of the department of education or the
26 director's designee.

27 ~~3.~~ ~~a.~~ c. (1) Two members of the senate, one to be
28 appointed by the president of the senate and one to be
29 appointed by the minority leader of the senate, to serve as ex
30 officio, nonvoting members.

31 ~~b.~~ (2) Two members of the house of representatives, one
32 to be appointed by the speaker of the house of representatives
33 and one to be appointed by the minority leader of the house of
34 representatives, to serve as ex officio, nonvoting members.

35 ~~c.~~ (3) The members of the senate and house of

1 representatives shall serve at the pleasure of the appointing
2 legislator for a term beginning upon the convening of the
3 general assembly and expiring upon the convening of the
4 following general assembly, or when the appointee's successor
5 is appointed, whichever occurs later.

6 ~~4.~~ d. Eight additional members to be appointed by the
7 governor. One of the members shall be selected to represent
8 private colleges and universities located in the state of
9 Iowa. When appointing this member, the governor shall give
10 careful consideration to any person or persons nominated or
11 recommended by any organization or association of some or all
12 private colleges and universities located in the state of Iowa.
13 One of the members shall be selected to represent community
14 colleges located in the state of Iowa. When appointing this
15 member, the governor shall give careful consideration to any
16 person or persons nominated or recommended by any organization
17 or association of Iowa community colleges. One member shall
18 be enrolled as a student at a board of regents institution,
19 community college, or accredited private institution. One
20 member shall be a representative of a lending institution
21 located in this state. One member shall be an individual
22 who is repaying or has repaid a student loan guaranteed by
23 the commission. The other three members, none of whom shall
24 be official board members or trustees of an institution of
25 higher learning or of an association of institutions of higher
26 learning, shall be selected to represent the general public.

27 3. The members of the commission appointed by the governor
28 shall serve for a term of four years.

29 4. a. Vacancies on the commission shall be filled for the
30 unexpired term of such vacancies in the same manner as the
31 original appointment.

32 b. A vacancy shall exist on the commission when a
33 legislative member of the commission ceases to be a member of
34 the general assembly or when a student member ceases to be
35 enrolled as a student. Such vacancy shall be filled within

1 thirty days.

2 Sec. 93. Section 261.48, Code 2009, is amended to read as
3 follows:

4 **261.48 Minority teacher loan payments.**

5 1. An individual is eligible for reimbursement payments
6 under the guaranteed loan payment program if the individual
7 meets all of the following conditions:

8 ~~1.~~ a. Is a teacher employed on a full-time basis under
9 sections 279.13 through 279.19 in a school district in this
10 state, is a teacher in an approved nonpublic school in this
11 state, or is a licensed teacher at the Iowa braille and sight
12 saving school or the Iowa school for the deaf.

13 ~~2.~~ b. Is a member of a minority.

14 ~~3.~~ c. Has never defaulted on a loan guaranteed by the
15 commission.

16 ~~4.~~ d. Has an outstanding debt with an eligible lender
17 under the Iowa guaranteed student loan program or the Iowa
18 supplemental loans for students program, has parents with an
19 outstanding debt with an eligible lender under the Iowa PLUS
20 loan program, or has an outstanding debt under the Stafford
21 loan program, the supplemental loans for students program, or
22 the PLUS loan program.

23 ~~5.~~ e. Graduated from college after January 1, 1989.

24 2. The maximum annual reimbursement payment to an eligible
25 teacher under this section for loan repayments made during a
26 school year is one thousand dollars or the remainder of the
27 teacher's loan, whichever is less. Total payments under this
28 section for an eligible teacher are limited to a six-year
29 period and shall not exceed six thousand dollars. If a teacher
30 fails to complete a year of employment on a full-time basis
31 as provided in subsection 1, paragraph "a", the teacher shall
32 not be reimbursed for loan payments made during that school
33 year. If the number of eligible applicants exceeds the funding
34 available, the commission may accept applicants based on
35 academic scholarship.

1 3. The commission may sign contracts with eligible students
2 at or after the time of loan origination to assure loan
3 repayment.

4 Sec. 94. Section 261.121, subsection 2, unnumbered
5 paragraph 2, Code 2009, is amended to read as follows:

6 3. The notice shall include all of the following:

7 Sec. 95. Section 272C.6, subsections 3, 4, and 6, Code 2009,
8 are amended to read as follows:

9 3. a. The presiding officer of a hearing panel may issue
10 subpoenas pursuant to rules of the board on behalf of the board
11 or on behalf of the licensee. A licensee may have subpoenas
12 issued on the licensee's behalf.

13 (1) A subpoena issued under the authority of a licensing
14 board may compel the attendance of witnesses and the production
15 of professional records, books, papers, correspondence and
16 other records, whether or not privileged or confidential under
17 law, which are deemed necessary as evidence in connection with
18 a disciplinary proceeding.

19 (2) Nothing in this subsection shall be deemed to enable
20 a licensing board to compel an attorney of the licensee, or
21 stenographer or confidential clerk of the attorney, to disclose
22 any information when privileged against disclosure by section
23 622.10.

24 (3) In the event of a refusal to obey a subpoena, the
25 licensing board may petition the district court for its
26 enforcement. Upon proper showing, the district court shall
27 order the person to obey the subpoena, and if the person fails
28 to obey the order of the court the person may be found guilty of
29 contempt of court.

30 b. The presiding officer of a hearing panel may also
31 administer oaths and affirmations, take or order that
32 depositions be taken, and pursuant to rules of the board, grant
33 immunity to a witness from disciplinary proceedings initiated
34 either by the board or by other state agencies which might
35 otherwise result from the testimony to be given by the witness

1 to the panel.

2 4. a. In order to assure a free flow of information for
3 accomplishing the purposes of this section, and notwithstanding
4 section 622.10, all complaint files, investigation files,
5 other investigation reports, and other investigative
6 information in the possession of a licensing board or peer
7 review committee acting under the authority of a licensing
8 board or its employees or agents which relates to licensee
9 discipline are privileged and confidential, and are not subject
10 to discovery, subpoena, or other means of legal compulsion
11 for their release to a person other than the licensee and
12 the boards, their employees and agents involved in licensee
13 discipline, and are not admissible in evidence in a judicial or
14 administrative proceeding other than the proceeding involving
15 licensee discipline. However, investigative information
16 in the possession of a licensing board or its employees or
17 agents which relates to licensee discipline may be disclosed
18 to appropriate licensing authorities within this state,
19 the appropriate licensing authority in another state, the
20 coordinated licensure information system provided for in
21 the nurse licensure compact contained in section 152E.1 or
22 the advanced practice registered nurse compact contained in
23 section 152E.3, the District of Columbia, or a territory or
24 country in which the licensee is licensed or has applied for a
25 license. If the investigative information in the possession
26 of a licensing board or its employees or agents indicates a
27 crime has been committed, the information shall be reported
28 to the proper law enforcement agency. However, a final
29 written decision and finding of fact of a licensing board in a
30 disciplinary proceeding, including a decision referred to in
31 section 272C.3, subsection 4, is a public record.

32 b. Pursuant to the provisions of section 17A.19, subsection
33 6, a licensing board upon an appeal by the licensee of the
34 decision by the licensing board, shall transmit the entire
35 record of the contested case to the reviewing court.

1 c. Notwithstanding the provisions of section 17A.19,
2 subsection 6, if a waiver of privilege has been involuntary
3 and evidence has been received at a disciplinary hearing, the
4 court shall order withheld the identity of the individual whose
5 privilege was waived.

6 6. a. A board created pursuant to chapter 147, 154A, 155,
7 169, 542, 542B, 543B, 543D, 544A, or 544B may charge a fee not
8 to exceed seventy-five dollars for conducting a disciplinary
9 hearing pursuant to this chapter which results in disciplinary
10 action taken against the licensee by the board, and in addition
11 to the fee, may recover from a licensee the costs for the
12 following procedures and associated personnel:

13 ~~a.~~ (1) Transcript.

14 ~~b.~~ (2) Witness fees and expenses.

15 ~~c.~~ (3) Depositions.

16 ~~d.~~ (4) Medical examination fees incurred relating to a
17 person licensed under chapter 147, 154A, 155, or 169.

18 b. The department of agriculture and land stewardship,
19 the department of commerce, and the Iowa department of public
20 health shall each adopt rules pursuant to chapter 17A which
21 provide for the allocation of fees and costs collected pursuant
22 to this section to the board under its jurisdiction collecting
23 the fees and costs. The fees and costs shall be considered
24 repayment receipts as defined in section 8.2.

25 Sec. 96. Section 273.9, subsection 4, Code 2009, is amended
26 to read as follows:

27 4. The costs of media services provided through the area
28 education agency shall not be funded until the program plans
29 submitted by the administrators of each area education agency
30 as required by section 273.4 are modified as necessary and
31 approved by the director of the department of education
32 according to the criteria of section 273.6.

33 5. The state board of education shall adopt rules under
34 chapter 17A relating to the approval of program plans under
35 this section.

1 Sec. 97. Section 273.22, subsection 2, Code 2009, is amended
2 to read as follows:

3 2. a. The collective bargaining agreement of the area
4 education agency with the largest basic enrollment, as
5 defined in section 257.6, for the year prior to the year the
6 reorganization is effective, shall serve as the base agreement
7 in the new area education agency and the employees of the other
8 area education agencies involved in the formation of the new
9 area education agency shall automatically be accreted to the
10 bargaining unit of that collective bargaining agreement for
11 purposes of negotiating the contracts for the following years
12 without further action by the public employment relations
13 board. If only one collective bargaining agreement is in
14 effect among the area education agencies that are party to
15 the reorganization, that agreement shall serve as the base
16 agreement, and the employees of the other agencies involved
17 in the formation of the new area education agency shall
18 automatically be accreted to the bargaining unit of that
19 collective bargaining agreement for purposes of negotiating the
20 contracts for the following years without further action by the
21 public employment relations board.

22 b. The board of the newly formed area education agency,
23 using the base agreement as its existing contract, shall
24 bargain with the combined employees of the affected agencies
25 for the school year that begins on the effective date of the
26 reorganization. The bargaining shall be completed by the
27 dates specified in section 20.17 prior to the school year
28 in which the reorganization becomes effective or within one
29 hundred eighty days after the organization of the new board,
30 whichever is later. If a bargaining agreement was already
31 concluded by the board and employees of the affected agency
32 with the contract serving as the base agreement for the school
33 year beginning with the effective date of the reorganization,
34 that agreement shall be void. However, if the base agreement
35 contains multiyear provisions affecting school years subsequent

1 to the effective year of the reorganization, the base agreement
2 shall remain in effect as specified in the agreement.

3 c. The provisions of the base agreement shall apply to the
4 offering of new contracts or continuation, modification, or
5 termination of existing contracts as provided in subsection 1.

6 Sec. 98. Section 275.33, subsection 2, Code 2009, is amended
7 to read as follows:

8 2. a. The collective bargaining agreement of the district
9 with the largest basic enrollment for the year prior to
10 the reorganization, as defined in section 257.6, in the new
11 district shall serve as the base agreement and the employees
12 of the other districts involved in the formation of the new
13 district shall automatically be accreted to the bargaining
14 unit of that collective bargaining agreement for purposes of
15 negotiating the contracts for the following years without
16 further action by the public employment relations board. If
17 only one collective bargaining agreement is in effect among
18 the districts which are party to the reorganization, then that
19 agreement shall serve as the base agreement, and the employees
20 of the other districts involved in the formation of the new
21 district shall automatically be accreted to the bargaining
22 unit of that collective bargaining agreement for purposes of
23 negotiating the contracts for the following years without
24 further action by the public employment relations board.

25 b. The board of the newly formed district, using the base
26 agreement as its existing contract, shall bargain with the
27 combined employees of the existing districts for the school
28 year beginning with the effective date of the reorganization.
29 The bargaining shall be completed by the dates specified
30 in section 20.17 prior to the school year in which the
31 reorganization becomes effective or within one hundred eighty
32 days after the organization of the new board, whichever is
33 later. If a bargaining agreement was already concluded by the
34 board and employees of the existing district with the contract
35 serving as the base agreement for the school year beginning

1 with the effective date of the reorganization, that agreement
2 shall be void. However, if the base agreement contains
3 multiyear provisions affecting school years subsequent to the
4 effective date of the reorganization, the base agreement shall
5 remain in effect as specified in the agreement.

6 c. The provisions of the base agreement shall apply to the
7 offering of new contracts, or continuation, modification, or
8 termination of existing contracts as provided in subsection 1
9 ~~of this section.~~

10 Sec. 99. Section 277.28, Code 2009, is amended to read as
11 follows:

12 **277.28 Oath required.**

13 1. Each director elected at a regular district or director
14 district election shall qualify by taking the oath of office
15 on or before the time set for the organization meeting of the
16 board and the election and qualification entered of record by
17 the secretary. The oath may be administered by any qualified
18 member of the board or the secretary of the board and may be
19 taken in substantially the following form:

20 ~~"Do~~ Do you solemnly swear that you will support the
21 Constitution of the United States and the Constitution of the
22 State of Iowa and that you will faithfully and impartially to
23 the best of your ability discharge the duties of the office
24 of (naming the office)
25 in (naming the district) as now or
26 hereafter required by ~~law?"~~ law?

27 2. If the oath of office is taken elsewhere than in the
28 presence of the board in session it may be administered by
29 any officer listed in sections 63A.1 and 63A.2 and shall be
30 subscribed to by the person taking it in substantially the
31 following form:

32 ~~"I~~ I,, do solemnly swear that I
33 will support the Constitution of the United States and the
34 Constitution of the State of Iowa and that I will faithfully
35 and impartially to the best of my ability discharge the duties

1 of the office of (naming the office)
2 in (naming the district) as now or
3 hereafter required by ~~law.~~ law.

4 3. Such oath shall be properly verified by the administering
5 officer and filed with the secretary of the board.

6 Sec. 100. Section 279.40, Code 2009, is amended to read as
7 follows:

8 **279.40 Sick leave.**

9 1. a. Public school employees are granted leave of absence
10 for medically related disability with full pay in the following
11 minimum amounts:

- 12 ~~1.~~ (1) The first year of employment 10 days.
- 13 ~~2.~~ (2) The second year of employment 11 days.
- 14 ~~3.~~ (3) The third year of employment 12 days.
- 15 ~~4.~~ (4) The fourth year of employment 13 days.
- 16 ~~5.~~ (5) The fifth year of employment 14 days.
- 17 ~~6.~~ (6) The sixth and subsequent years
18 of employment 15 days.

19 b. The above amounts shall apply only to consecutive years
20 of employment in the same school district and unused portions
21 shall be cumulative to at least a total of ninety days. The
22 school board shall, in each instance, require such reasonable
23 evidence as it may desire confirming the necessity for such
24 leave of absence.

25 2. Nothing in this section shall be construed as limiting
26 the right of a school board to grant more time than the days
27 herein specified.

28 3. Cumulation of sick leave under this section shall not be
29 affected or terminated due to the organization or dissolution
30 of a community school district or districts which include all
31 or the portion of the district which employed the particular
32 public school employee for the school year previous to the
33 organization or dissolution, if the employee is employed by one
34 of the community school districts for the first school year
35 following its organization or dissolution.

1 4. Any amounts due an employee under this section shall be
2 reduced by benefits payable under sections 85.33 and 85.34,
3 subsection 1.

4 Sec. 101. Section 279.51, subsection 1, unnumbered
5 paragraphs 1 and 2, Code 2009, are amended to read as follows:

6 There is appropriated from the general fund of the state
7 to the department of education for the fiscal year beginning
8 July 1, 2007, and each succeeding fiscal year, the sum of
9 twelve million six hundred six thousand one hundred ninety-six
10 dollars. The moneys shall be allocated as follows:

11 ~~The moneys shall be allocated as follows:~~

12 Sec. 102. Section 280.21A, subsection 1, Code 2009, is
13 amended to read as follows:

14 1. a. A school employee who, in the course of employment,
15 suffers a personal injury causing temporary total disability,
16 or a permanent partial or total disability, resulting from an
17 episode of violence toward that employee, for which workers'
18 compensation under chapter 85 is payable, shall be entitled
19 to receive workers' compensation, which the district shall
20 supplement in order for the employee to receive full salary and
21 benefits for the shortest of the following periods:

22 ~~a.~~ (1) One year from the date of the disability.

23 ~~b.~~ (2) The period during which the employee is disabled and
24 incapable of employment.

25 b. During the period described in paragraph "a" or "~~b~~",
26 subparagraph (1) or (2), the school employee shall not be
27 required to use accumulated sick leave or vacation.

28 Sec. 103. Section 284.14, subsection 5, Code 2009, is
29 amended to read as follows:

30 5. *Iowa excellence fund.*

31 a. An Iowa excellence fund is created within the office of
32 the treasurer of state, to be administered by the commission.
33 Notwithstanding section 8.33, moneys in the fund that remain
34 unencumbered or unobligated at the close of the fiscal year
35 shall not revert but shall remain in the fund.

1 b. The commission may provide grants from this fund,
2 according to criteria developed by the commission, for
3 implementation of the pay-for-performance program.

4 Sec. 104. Section 298.4, Code 2009, is amended to read as
5 follows:

6 **298.4 District management levy.**

7 1. The board of directors of a school district may certify
8 for levy by April 15 of a school year, a tax on all taxable
9 property in the school district for a district management levy.
10 The revenue from the tax levied in this section shall be placed
11 in the district management levy fund of the school district.
12 The district management levy shall be expended only for the
13 following purposes:

14 ~~1.~~ a. To pay the cost of unemployment benefits as provided
15 in section 96.31.

16 ~~2.~~ b. To pay the costs of liability insurance and the costs
17 of a judgment or settlement relating to liability together with
18 interest accruing on the judgment or settlement to the expected
19 date of payment.

20 ~~3.~~ c. To pay the costs of insurance agreements under
21 section 296.7.

22 ~~4.~~ d. To pay the costs of a judgment under section 298.16.

23 ~~5.~~ e. To pay the cost of early retirement benefits to
24 employees under section 279.46.

25 2. Unencumbered funds collected from the levies authorized
26 in sections 96.31, 279.46, and 296.7 prior to July 1, 1991, may
27 be expended for the purposes listed in subsections 1, ~~3,~~ and
28 5 paragraphs "a", "c", and "e".

29 Sec. 105. Section 303.1A, Code 2009, is amended to read as
30 follows:

31 **303.1A Director's duties.**

32 1. The duties of the director shall include, but are not
33 limited to, the following:

34 ~~1.~~ a. Adopt rules that are necessary for the effective
35 administration of the department.

- 1 ~~2.~~ b. Direct and administer the programs and services of
2 the department.
- 3 ~~3.~~ c. Prepare the departmental budget request by September
4 ~~first~~ 1 of each year on the forms furnished, and including the
5 information required by the department of management.
- 6 ~~4.~~ d. Accept, receive, and administer grants or other funds
7 or gifts from public or private agencies including the federal
8 government for the various divisions and the department.
- 9 ~~5.~~ e. Appoint and approve the technical, professional,
10 secretarial, and clerical staff necessary to accomplish the
11 purposes of the department subject to chapter 8A, subchapter
12 IV.
- 13 ~~6.~~ f. Administer the Iowa cultural trust as provided in
14 chapter 303A and do all of the following:
- 15 ~~a.~~ (1) Develop and adopt by rule criteria for the issuance
16 of trust fund credits by measuring the efforts of qualified
17 organizations, as defined in section 303A.3, to increase their
18 endowment or other resources for the promotion of the arts,
19 history, or the sciences and humanities in Iowa. If the
20 director determines that the organizations have increased the
21 amount of their endowment and other resources, the director
22 shall certify the amount of increase in the form of trust
23 fund credits to the treasurer, who shall deposit in the Iowa
24 cultural trust fund, from moneys received for purposes of the
25 trust fund as provided in section 303A.4, subsection 2, an
26 amount equal to the trust fund credits. If the amount of the
27 trust fund credits issued by the director exceeds the amount of
28 moneys available to be deposited in the trust fund as provided
29 in section 303A.4, subsection 2, the outstanding trust fund
30 credits shall not expire but shall be available to draw down
31 additional moneys which become available to be deposited in the
32 trust fund as provided in section 303A.4, subsection 2.
- 33 ~~b.~~ (2) Develop and implement, in accordance with chapter
34 303A, a grant application process for grants issued to
35 qualified organizations as defined in section 303A.3.

1 ~~e.~~ (3) Develop and adopt by rule criteria for the
2 approval of Iowa cultural trust grants. The criteria shall
3 include, but shall not be limited to, the future stability and
4 sustainability of a qualified organization.

5 ~~d.~~ (4) Compile, in consultation with the Iowa arts
6 council and the state historical society of Iowa, a list of
7 grant applications recommended for funding in accordance
8 with the amount available for distribution as provided in
9 section 303A.6, subsection 3. The list of recommended grant
10 applications shall be submitted to the Iowa cultural trust
11 board of trustees for approval.

12 ~~e.~~ (5) Monitor the allocation and use of grant moneys by
13 qualified organizations to determine whether moneys are used
14 in accordance with the provisions of this ~~subsection~~ paragraph
15 "f" and chapter 303A. The director shall annually submit the
16 director's findings and recommendations in a report to the Iowa
17 cultural trust board of trustees prior to final board action in
18 approving grants for the next succeeding fiscal year.

19 2. The director may appoint a member of the staff to be
20 acting director who shall have the powers delegated by the
21 director in the director's absence. The director may delegate
22 the powers and duties of that office to the administrators.

23 Sec. 106. Section 307.12, Code 2009, is amended to read as
24 follows:

25 **307.12 Duties of the director.**

26 1. The director shall:

27 ~~1.~~ a. Manage the internal operations of the department and
28 establish guidelines and procedures to promote the orderly and
29 efficient administration of the department.

30 ~~2.~~ b. Employ personnel as necessary to carry out the duties
31 and responsibilities of the department, consistent with chapter
32 8A, subchapter IV.

33 ~~3.~~ c. Assist the commission in developing state
34 transportation policy and a state transportation plan.

35 ~~4.~~ d. Establish temporary advisory boards of a size the

- 1 director deems appropriate to advise the department.
- 2 ~~5.~~ e. Prepare a budget for the department and prepare
3 reports required by law.
- 4 ~~6.~~ f. Present the department's proposed budget to the
5 commission prior to December 31 of each year.
- 6 ~~7.~~ g. Appoint the deputy director of transportation and the
7 administrators of the department.
- 8 ~~8.~~ h. Review and submit legislative proposals necessary to
9 maintain current state transportation laws.
- 10 ~~9.~~ i. Enter into reciprocal agreements relating to motor
11 vehicle inspections with authorized officials of any other
12 state, subject to approval by the commission. The director may
13 exempt or impose requirements upon nonresident motor vehicles
14 consistent with those imposed upon vehicles of Iowa residents
15 operated in other states.
- 16 ~~10.~~ j. Adopt rules in accordance with chapter 17A as
17 the director deems necessary for the administration of the
18 department and the exercise of the director's and department's
19 powers and duties.
- 20 ~~11.~~ k. Reorganize the administration of the department as
21 needed to increase administrative efficiency.
- 22 ~~12.~~ l. Provide for the receipt or disbursement of federal
23 funds allocated to the state and its political subdivisions for
24 transportation purposes.
- 25 ~~13.~~ m. Include in the department's annual budget all
26 estimated federal funds to be received or allocated to the
27 department.
- 28 ~~14.~~ n. Adopt, after consultation with the department of
29 natural resources and the department of public safety, rules
30 relating to enforcement of the rules regarding transportation
31 of hazardous wastes adopted by the department of natural
32 resources. The department and the division of state patrol of
33 the department of public safety shall carry out the enforcement
34 of the rules.
- 35 ~~15.~~ o. Prepare and submit a report to the general assembly

1 on or before January 15 of each fiscal year describing the
2 prior fiscal year's highway construction program, actual
3 expenditures of the program, and contractual obligations of the
4 program.

5 ~~16.~~ p. Administer chapter 327J.

6 2. If in the interest of the state, the director may allow
7 a subsistence expense to an employee under the supervision of
8 the department's administrator for highways for continuous
9 stay in one location while on duty away from established
10 headquarters and place of domicile for a period not to exceed
11 forty-five days; and allow automobile expenses in accordance
12 with section 8A.363, for moving an employee and the employee's
13 family from place of present domicile to new domicile, and
14 actual transportation expense for moving of household goods.
15 The household goods for which transportation expense is allowed
16 shall not include pets or animals.

17 Sec. 107. Section 314.1, subsection 3, Code 2009, is amended
18 to read as follows:

19 3. a. In the award of contracts for the construction,
20 reconstruction, improvement, or repair or maintenance of a
21 highway, bridge, or culvert, the agency having charge of
22 awarding such contracts shall give due consideration not
23 only to the prices bid but also to the mechanical or other
24 equipment and the financial responsibility and experience in
25 the performance of like or similar contracts. The agency may
26 reject any or all bids. The agency may readvertise and relet
27 the project without conducting an additional public hearing
28 if no substantial changes are made to the project's plans or
29 specifications. The agency may let by private contract or
30 build by day labor, at a cost not in excess of the lowest bid
31 received.

32 b. Upon the completion of any contract or project on
33 either the farm-to-market or secondary road system, the county
34 engineer shall file with the county auditor a statement showing
35 the total cost thereof with certificate that the work has been

1 done in accordance with the plans and specifications. Upon
2 completion of a contract or project on the municipal street
3 system, the city public works department or city engineer shall
4 file with the city clerk a statement showing the total cost of
5 the contract or project with a certificate that the work has
6 been done in accordance with the plans and specifications. All
7 contracts shall be in writing and shall be secured by a bond
8 for the faithful performance thereof as provided by law.

9 Sec. 108. Section 314.22, subsection 3, paragraph b,
10 unnumbered paragraph 2, Code 2009, is amended to read as
11 follows:

12 c. Members of the committee shall serve without
13 compensation, but may be reimbursed for allowable expenses from
14 the living roadway trust fund created under section 314.21. No
15 more than a simple majority of the members of the committee
16 shall be of the same gender as provided in section 69.16A.
17 The director of the department shall appoint the chair of the
18 committee and shall establish a minimum schedule of meetings
19 for the committee.

20 Sec. 109. Section 317.1A, Code 2009, is amended to read as
21 follows:

22 **317.1A Noxious weeds.**

23 1. The following weeds are hereby declared to be noxious and
24 shall be divided into two classes, ~~namely~~ as follows:

25 ~~±~~ a. Primary noxious weeds, which shall include ~~quack~~:

26 (1) Quack grass (Agropyron repens) ~~perennial~~.

27 (2) Perennial sow thistle (Sonchus arvensis) ~~τ~~.

28 (3) Canada thistle (Cirsium arvense) ~~bull~~.

29 (4) Bull thistle (Cirsium lanceolatum) ~~τ~~.

30 (5) European morning glory or field bindweed (Convolvulus
31 arvensis) ~~horse~~.

32 (6) Horse nettle (Solanum carolinense) ~~leafy~~.

33 (7) Leafy spurge (Euphorbia esula) ~~perennial~~.

34 (8) Perennial pepper-grass (Lepidium draba) ~~τ~~.

35 (9) Russian knapweed (Centaurea repens) ~~buckthorn~~.

1 (10) Buckthorn (Rhamnus, not to include Rhamnus frangula),
2 ~~and all.~~

3 (11) All other species of thistles belonging in the genera
4 of Cirsium and Carduus.

5 2. b. Secondary noxious weeds, which shall include
6 butterprint:

7 (1) Butterprint (Abutilon theophrasti) annual, ~~cocklebur.~~

8 (2) Cocklebur (Xanthium commune) annual, ~~wild.~~

9 (3) Wild mustard (Brassica arvensis) annual, ~~wild.~~

10 (4) Wild carrot (Daucus carota) biennial, ~~buckhorn.~~

11 (5) Buckhorn (Plantago lanceolata) perennial, ~~sheep.~~

12 (6) Sheep sorrel (Rumex acetosella) perennial, ~~sour.~~

13 (7) Sour dock (Rumex crispus) perennial, ~~smooth.~~

14 (8) Smooth dock (Rumex altissimus) perennial, ~~poison.~~

15 (9) Poison hemlock (Conium maculatum), ~~multiflora.~~

16 (10) Multiflora rose (Rosa multiflora), ~~wild.~~

17 (11) Wild sunflower (wild strain of Helianthus annus L.)
18 annual, ~~puncture.~~

19 (12) Puncture vine (Tribulus terrestris) annual, ~~teasel.~~

20 (13) Teasel (Dipsacus) biennial, ~~and shattercane.~~

21 (14) Shattercane (Sorghum bicolor) annual.

22 2. a. The multiflora rose (Rosa multiflora) shall not be
23 considered a secondary noxious weed when cultivated for or used
24 as understock for cultivated roses or as ornamental shrubs in
25 gardens, or in any county whose board of supervisors has by
26 resolution declared it not to be a noxious weed.

27 b. Shattercane (Sorghum bicolor) shall not be considered a
28 secondary noxious weed when cultivated or in any county whose
29 board of supervisors has by resolution declared it not to be a
30 noxious weed.

31 Sec. 110. Section 317.6, Code 2009, is amended to read as
32 follows:

33 **317.6 Entering land to destroy weeds — notice.**

34 1. If there is a substantial failure by the owner or person
35 in possession or control of any land to comply with any order

1 of destruction pursuant to the provisions of this chapter, the
2 county weed commissioner, including the weed commissioner's
3 deputies, or employees acting under the weed commissioner's
4 direction may enter upon any land within the commissioner's
5 county for the purpose of destroying noxious weeds.

6 2. The entry may be made without the consent of the
7 landowner or person in possession or control of the land.
8 However, the actual work of destruction shall not be commenced
9 until five days after the landowner and the person in
10 possession or control of the land have been notified.

11 3. The notice shall state the facts relating to failure of
12 compliance with the county program of weed destruction order
13 or orders made by the board of supervisors. The notice shall
14 be delivered by personal service on the owner and persons in
15 possession and control of the land. The personal service may
16 be served by the weed commissioner or any person designated in
17 writing by the weed commissioner. However, in lieu of personal
18 service, the weed commissioner may provide that the notice be
19 delivered by certified mail. A copy of the notice shall be
20 filed in the office of the county auditor. The last known
21 address of the owner or person in possession or control of the
22 land may be ascertained, if necessary, from the last tax list
23 in the county treasurer's office. Where any person owning
24 land within the county has filed a written instrument in the
25 office of the county auditor designating the name and address
26 of its agent, the notice may be delivered to that agent. In
27 computing time for notice, it shall be from the date of service
28 as evidenced on the return of service. If delivery is made by
29 certified mail, it shall be from the date of mailing.

30 Sec. 111. Section 317.14, Code 2009, is amended to read as
31 follows:

32 **317.14 Notice of program.**

33 1. Notice of any order made pursuant to section 317.13 shall
34 be given by one publication in the official newspapers of the
35 county and shall be directed to all property owners.

1 ~~Said~~ The notice shall state:

2 ~~1.~~ a. The time for destruction.

3 ~~2.~~ b. The manner of destruction, if other than cutting
4 above the surface of the ground.

5 ~~3.~~ c. That, unless ~~said~~ the order is complied with, the
6 weed commissioner shall cause ~~said~~ the weeds to be destroyed
7 and the cost ~~thereof~~ of destroying the weeds will be taxed
8 against the real estate on which the noxious weeds are
9 destroyed.

10 Sec. 112. Section 321.1, subsection 20A, Code Supplement
11 2009, is amended to read as follows:

12 20A. "*Driver's license*" means any license or permit
13 issued to a person to operate a motor vehicle on the highways
14 of this state, including but not limited to a temporary
15 restricted or temporary license and an instruction, chauffeur's
16 instruction, commercial driver's instruction, or temporary
17 permit. For purposes of license suspension, revocation, bar,
18 disqualification, cancellation, or denial under this chapter
19 and chapters 321A, 321C, and 321J, "driver's license" includes
20 any privilege to operate a motor vehicle.

21 ~~For purposes of license suspension, revocation, bar,~~
22 ~~disqualification, cancellation, or denial under this~~
23 ~~chapter and chapters 321A, 321C, and 321J, "driver's~~
24 ~~license" includes any privilege to operate a motor vehicle.~~

25 Sec. 113. Section 321.190, subsection 1, paragraph d, Code
26 2009, is amended to read as follows:

27 d. The fee for a nonoperator's identification card shall
28 be five dollars and the card shall be valid for a period
29 of five years from the date of issuance. A nonoperator's
30 identification card shall be issued without expiration
31 to anyone age seventy or over. If an applicant for a
32 nonoperator's identification card is a foreign national
33 who is temporarily present in this state, the nonoperator's
34 identification card shall be issued only for the length of time
35 the foreign national is authorized to be present as determined

1 by the department, not to exceed two years. An issuance fee
2 shall not be charged for a person whose driver's license or
3 driving privilege has been suspended under section 321.210,
4 subsection 1, paragraph ~~"e"~~ (a), subparagraph (3).

5 e. The nonoperator's identification card fees shall be
6 transmitted by the department to the treasurer of state who
7 shall credit the fees to the road use tax fund.

8 Sec. 114. Section 321.210, subsection 1, Code 2009, is
9 amended to read as follows:

10 1. a. The department is authorized to establish rules
11 providing for the suspension of the license of an operator upon
12 thirty days' notice and without preliminary hearing upon a
13 showing by its records or other sufficient evidence that the
14 licensee:

15 ~~a.~~ (1) Is an habitually reckless or negligent driver of a
16 motor vehicle.

17 ~~b.~~ (2) Is an habitual violator of the traffic laws.

18 ~~c.~~ (3) Is physically or mentally incapable of safely
19 operating a motor vehicle.

20 ~~d.~~ (4) Has permitted an unlawful or fraudulent use of the
21 license.

22 ~~e.~~ (5) Has committed an offense or acted in a manner in
23 another state or foreign jurisdiction which in this state would
24 be grounds for suspension or revocation.

25 ~~f.~~ (6) Has committed a serious violation of the motor
26 vehicle laws of this state.

27 ~~g.~~ (7) Is subject to a license suspension under section
28 321.513.

29 b. Prior to a suspension taking effect under paragraph
30 ~~"a"~~, ~~"b"~~, ~~"c"~~, ~~"d"~~, ~~"e"~~, or ~~"f"~~ subparagraphs (1), (2), (3),
31 (4), (5), or (6), the licensee shall have received thirty
32 days' advance notice of the effective date of the suspension.
33 Notwithstanding the terms of the Iowa administrative procedure
34 Act, chapter 17A, the filing of a petition for judicial
35 review shall, except for suspensions under paragraph ~~"e"~~ "a",

1 subparagraph (3), operate to stay the suspension pending the
2 determination by the district court.

3 Sec. 115. Section 321.212, subsection 1, paragraph a, Code
4 2009, is amended to read as follows:

5 a. (1) Except as provided in section 321.210A or 321.513
6 the department shall not suspend a license for a period of
7 more than one year, except that a license suspended because of
8 incompetency to drive a motor vehicle shall be suspended until
9 the department receives satisfactory evidence that the former
10 holder is competent to operate a motor vehicle and a refusal
11 to reinstate constitutes a denial of license within section
12 321.215; upon revoking a license the department shall not grant
13 an application for a new license until the expiration of one
14 year after the revocation, unless another period is specified
15 by law.

16 (2) A suspension under section 321.210, subsection 1,
17 paragraph ~~"d"~~ "a", subparagraph (4), for a violation of section
18 321.216B shall not exceed six months. As soon as practicable
19 after the period of suspension has expired, but not later than
20 six months after the date of expiration, the department shall
21 expunge information regarding the suspension from the person's
22 driving record.

23 Sec. 116. Section 321.299, Code 2009, is amended to read as
24 follows:

25 **321.299 Overtaking a vehicle.**

26 The following rules shall govern the overtaking and passing
27 of vehicles proceeding in the same direction, subject to those
28 limitations, exceptions, and special rules hereinafter stated:

29 1. The driver of a vehicle overtaking another vehicle
30 proceeding in the same direction shall pass to the left
31 ~~thereof~~ of the other vehicle at a safe distance and shall not
32 again drive to the right side of the roadway until safely clear
33 of the overtaken vehicle.

34 2. Except when overtaking and passing on the right is
35 permitted, the driver of an overtaken vehicle shall give way

1 to the right in favor of the overtaking vehicle and shall not
2 increase the speed of the overtaken vehicle until completely
3 passed by the overtaking vehicle.

4 Sec. 117. Section 321.366, Code 2009, is amended to read as
5 follows:

6 **321.366 Acts prohibited on fully controlled-access**
7 **facilities.**

8 1. It is unlawful for a person, except a person
9 operating highway maintenance equipment or an authorized
10 emergency vehicle, to do any of the following on a fully
11 controlled-access facility:

12 ~~1.~~ a. Drive a vehicle over, upon, or across a curb, central
13 dividing section, or other separation or dividing line.

14 ~~2.~~ b. Make a left turn or a semicircular or U-turn at a
15 maintenance cross-over where an official sign prohibits the
16 turn.

17 ~~3.~~ c. Drive a vehicle except in the proper lane provided
18 for that purpose and in the proper direction and to the right
19 of the central dividing curb, separation, section, or line.

20 ~~4.~~ d. Drive a vehicle into the facility from a local
21 service road.

22 ~~5.~~ e. Stop, park, or leave standing a vehicle, whether
23 attended or unattended, upon the paved portion.

24 ~~6.~~ f. Stop, park, or leave standing a vehicle, whether
25 attended or unattended, upon the shoulders, or the right-of-way
26 except at designated rest areas or in case of an emergency or
27 other dire necessity.

28 2. For the purpose of this section, fully controlled-access
29 facility is a highway which gives preference to through traffic
30 by providing access connections at interchanges with selected
31 public roads only and by prohibiting crossings at grade or
32 direct access at driveway connections.

33 3. Violations of this section are punishable as a scheduled
34 violation under section 805.8A, subsection 6, paragraph "d".

35 Sec. 118. Section 321.383, subsection 3, Code 2009, is

1 amended to read as follows:

2 3. Garbage collection vehicles, when operated on the
3 streets or highways of this state at speeds of thirty-five
4 miles per hour or less, may display a reflective device
5 that complies with the standards of the American society of
6 agricultural engineers. At speeds in excess of thirty-five
7 miles per hour the device shall not be visible.

8 4. Any person who violates any provision of this section
9 shall be fined as provided in section 805.8A, subsection 3,
10 paragraph "d".

11 Sec. 119. Section 321.409, Code 2009, is amended to read as
12 follows:

13 **321.409 Mandatory lighting equipment.**

14 1. Except as hereinafter provided, the headlamps or the
15 auxiliary driving lamp or the auxiliary passing lamp or
16 combination thereof on motor vehicles other than motorcycles
17 or motorized bicycles shall be so arranged that the driver
18 may select at will between distributions of light projected
19 to different elevations and the lamps may, in addition, be so
20 arranged that selection can be made automatically, subject to
21 the following limitations:

22 ~~1-~~ a. There shall be an uppermost distribution of light, or
23 composite beam, so aimed and of sufficient intensity to reveal
24 persons and vehicles at a distance of at least three hundred
25 fifty feet ahead for all conditions.

26 ~~2-~~ b. There shall be a lowermost distribution of light, or
27 composite beam so aimed and of sufficient intensity to reveal
28 persons and vehicles at a distance of at least one hundred
29 feet ahead. On a straight level road under any condition of
30 loading none of the high-intensity portion of the beam shall be
31 directed to strike the eyes of an approaching driver.

32 ~~3-~~ 2. Every new motor vehicle, other than a motorcycle
33 or motorized bicycle which has multiple-beam road-lighting
34 equipment shall be equipped with a beam indicator, which shall
35 be lighted whenever the uppermost distribution of light from

1 the headlamps is in use, and shall not otherwise be lighted.
2 The indicator shall be so designed and located that when
3 lighted it will be readily visible without glare to the driver
4 of the vehicle.

5 Sec. 120. Section 321.474, Code 2009, is amended to read as
6 follows:

7 **321.474 Department may restrict.**

8 1. The department shall have authority, as granted to
9 local authorities, to determine by resolution and to impose
10 restrictions as to the weight of vehicles, except implements of
11 husbandry as defined in section 321.1, implements of husbandry
12 loaded on hauling units for transporting the implements to
13 locations for repair, and fire apparatus and road maintenance
14 equipment owned by, under lease to, or used in the performance
15 of a contract with a state or local authority, operated upon
16 any highway under the jurisdiction of the department for a
17 definite period of time not to exceed twelve months. The
18 restrictions shall be effective when signs giving notice of the
19 restrictions and the expiration date of the restrictions are
20 erected upon the affected highway or portion of highway.

21 2. Upon a finding that a bridge or culvert does not
22 meet established standards set forth by state and federal
23 authorities, the department may impose, by resolution,
24 restrictions for an indefinite period of time on the weight of
25 vehicles operated upon bridges or culverts located on highways
26 under its jurisdiction. The restrictions shall be effective
27 when signs giving notice of the restrictions are erected. The
28 restrictions shall not apply to implements of husbandry loaded
29 on hauling units for transporting the implements to locations
30 for purposes of repair or to fire apparatus or road maintenance
31 equipment owned by, under lease to, or used in the performance
32 of a contract with a state or local authority.

33 3. For the purposes of restrictions imposed under
34 this section, a triple axle is any group of three or more
35 consecutive axles where the centers of any consecutive axles

1 are more than forty inches apart and where the centers of
2 the extreme axles are more than eighty-four inches apart but
3 not more than one hundred sixty-eight inches apart. Where
4 triple axle restrictions are imposed, the signs erected by the
5 department shall give notice of the restrictions.

6 4. Any person who violates a restriction imposed by
7 resolution pursuant to this section, upon conviction or a plea
8 of guilty, is subject to a fine determined by dividing the
9 difference between the actual weight of the vehicle and the
10 maximum weight allowed by the restriction by one hundred and
11 multiplying the quotient by two dollars.

12 5. The department may issue special permits, during periods
13 the restrictions are in effect, to permit limited operation
14 of vehicles upon specified routes with loads in excess of any
15 restrictions imposed under this section, but not in excess of
16 load restrictions imposed by this chapter. The department
17 shall issue a special permit for not to exceed eight weeks upon
18 a showing of agricultural hardship. The department shall issue
19 special permits to trucks moving farm produce, which decays
20 or loses its value if not speedily put to its intended use,
21 to market upon a showing to the department that there is a
22 requirement for trucking the produce, or to trucks moving any
23 farm feeds or fuel necessary for home heating purposes. The
24 operator of a vehicle which is the subject of a permit issued
25 under this ~~paragraph~~ subsection shall carry the permit while
26 operating the vehicle and shall show the permit to any peace
27 officer upon request.

28 Sec. 121. Section 321.491, Code 2009, is amended to read as
29 follows:

30 **321.491 Convictions and recommendations for suspension to be**
31 **reported.**

32 1. Every district judge, district associate judge, and
33 judicial magistrate shall keep a full record of every case in
34 which a person is charged with any violation of this chapter
35 or of any other law regulating the operation of vehicles on

1 highways.

2 2. a. Within ten days after the conviction or forfeiture
3 of bail of a person upon a charge of violating any provision of
4 this chapter or other law regulating the operation of vehicles
5 on highways every magistrate of the court or clerk of the
6 district court of record in which the conviction occurred or
7 bail was forfeited shall prepare and immediately forward to the
8 department an abstract of the record of the case. The abstract
9 of the record of the case must be certified by the person
10 preparing it to be true and correct.

11 b. A certified abstract of the record of the case prepared
12 for the department shall only be available to the public
13 from the department. A noncertified record of conviction
14 or forfeiture of bail shall be available to the public from
15 the judicial branch. The clerk of the district court shall
16 collect a fee of fifty cents for each noncertified copy of
17 any record of conviction or forfeiture of bail furnished to
18 any requester except the department or other local, state, or
19 federal government entity. Moneys collected under this section
20 shall be transferred to the department as a repayment receipt,
21 as defined in section 8.2, to enhance the efficiency of the
22 department to process records and information between the
23 department and the Iowa court information system.

24 c. Notwithstanding any other provision in this section
25 or chapter 22, the judicial branch shall be the provider of
26 public electronic access to the clerk's records of convictions
27 and forfeitures of bail through the Iowa court information
28 system and shall, if all such records are provided monthly to a
29 vendor, collect a fee from such vendor for the period beginning
30 on July 1, 1997, and ending on June 30, 1999, which is the
31 greater of three thousand dollars per month or the actual
32 direct cost of providing the records. On and after July 1,
33 1999, if all such records are provided monthly to a vendor,
34 the judicial branch shall collect a fee from such vendor which
35 is the greater of ten thousand dollars per month or the actual

1 direct cost of providing the records.

2 3. The abstract must be made upon a form furnished by the
3 department or by copying a uniform citation and complaint or
4 by using an electronic process which accurately reproduces or
5 forms a durable medium for accurately and legibly reproducing
6 an unaltered image or reproduction of the citation, and
7 must include the name and address of the party charged, the
8 registration number of the vehicle involved, the nature of
9 the offense, the date of hearing, the plea, the judgment, or
10 whether the bail was forfeited, the amount of the fine or
11 forfeiture, and any court recommendation, if any, that the
12 person's driver's license be suspended. The department shall
13 consider and act upon the recommendation.

14 4. Every clerk of a court of record shall also forward a
15 like report to the department upon the conviction of any person
16 of manslaughter or other felony in the commission of which a
17 vehicle was used.

18 5. The failure, refusal, or neglect of an officer to
19 comply with the requirements of this section shall constitute
20 misconduct in office and shall be ~~ground~~ grounds for removal
21 from office.

22 6. All abstracts received by the department under this
23 section shall be open to public inspection during reasonable
24 business hours.

25 Sec. 122. Section 321E.11, Code 2009, is amended to read as
26 follows:

27 **321E.11 Daylight movement only — exceptions — holidays.**

28 1. Movements by permit in accordance with this chapter
29 shall be permitted only during the hours from thirty minutes
30 prior to sunrise to thirty minutes following sunset unless the
31 issuing authority determines that the movement can be better
32 accomplished at another period of time because of traffic
33 volume conditions or the vehicle subject to the permit has an
34 overall length not to exceed one hundred feet, an overall width
35 not to exceed eleven feet, and an overall height not to exceed

1 fourteen feet, four inches, and the permit requires the vehicle
2 to operate only on those highways designated by the department.
3 Additional safety lighting and escorts may be required for
4 movement at night.

5 2. Except as provided in section 321.457, no movement by
6 permit shall be permitted on holidays, after twelve o'clock
7 noon on days preceding holidays and holiday weekends, or
8 special events when abnormally high traffic volumes can be
9 expected. Such restrictions shall not be applicable to urban
10 transit systems as defined in section 321.19, subsection 2.

11 3. For the purposes of this chapter, ~~holidays~~ "holidays"
12 shall include Memorial Day, Independence Day, and Labor Day.

13 Sec. 123. Section 327G.81, Code 2009, is amended to read as
14 follows:

15 **327G.81 Maintenance of improvements along rights-of-way.**

16 1. A person, including a state agency or political
17 subdivision of the state, who acquires a railroad right-of-way
18 after July 1, 1979, for a purpose other than farming has all of
19 the following responsibilities concerning that right-of-way:

20 ~~1.~~ a. Construction, maintenance, and repair of the fence
21 on each side of the property, however, this requirement may be
22 waived by a written agreement with the adjoining landowner.

23 ~~2.~~ b. Private crossings as provided for in section 327G.11.

24 ~~3.~~ c. Drainage as delineated in chapter 468, subchapter V.

25 ~~4.~~ d. Overhead, underground, or multiple crossings in
26 accord with section 327G.12.

27 ~~5.~~ e. Weed control in accord with chapter 317.

28 2. This section does not absolve the property owners of
29 other duties and responsibilities that they may be assigned as
30 property owners by law. Subsection 1, paragraph "a", does not
31 apply to rights-of-way located on land within the corporate
32 limits of a city except where the acquired right-of-way is
33 contiguous to land assessed as agricultural land.

34 Sec. 124. Section 328.41, Code 2009, is amended to read as
35 follows:

1 **328.41 Operating recklessly or while intoxicated.**

2 It shall be unlawful for any person to operate an aircraft
3 in the air space above this state or on the ground or water
4 within this state, while under the influence of intoxicating
5 liquor, narcotics, or other habit-forming drug, or to operate
6 an aircraft in the air space above this state or on the ground
7 or water within this state in a careless or reckless manner so
8 as to endanger the life or property of another.

9 1. Any person who operates an aircraft in a careless or
10 reckless manner in violation of the provisions of this section
11 shall be guilty of a simple misdemeanor.

12 2. Any person who operates any aircraft, while in an
13 intoxicated condition or under the influence of narcotic drugs
14 in violation of this section, shall, upon conviction or a plea
15 of guilty, be guilty of: a

16 a. A serious misdemeanor for the first offense, ~~be guilty~~
17 ~~of an.~~

18 b. An aggravated misdemeanor for the second offense, ~~and be~~
19 ~~guilty of a.~~

20 c. A class "D" felony for a third offense.

21 Sec. 125. Section 330A.9, subsection 4, paragraph e,
22 unnumbered paragraph 2, Code 2009, is amended to read as
23 follows:

24 5. Any of the bonds issued pursuant to this chapter are, and
25 are hereby declared to be, negotiable instruments, and shall
26 have all the qualities and incidents of negotiable instruments.

27 Sec. 126. Section 331.206, subsection 2, Code 2009, is
28 amended to read as follows:

29 2. a. The plan used under subsection 1 shall be selected
30 by the board or by a special election as provided in section
31 331.207. A plan selected by the board shall remain in effect
32 for at least six years unless it is changed by a special
33 election as provided in section 331.207.

34 b. A plan selected by the board shall become effective
35 on the first day in January which is not a Sunday or holiday

1 following the next general election, at which time the terms of
2 the members expire and the terms of the members elected under
3 the requirements of the new supervisor representation plan at
4 the general election as specified in section 331.208, 331.209,
5 or 331.210 shall commence.

6 Sec. 127. Section 331.236, Code 2009, is amended to read as
7 follows:

8 **331.236 Ballot requirements.**

9 1. Unless otherwise provided, the question of adopting the
10 proposed alternative form of government shall be submitted to
11 the electors in substantially the following form:

12 Should the (charter or amendment) described below be adopted
13 for (insert name of local government)?

14 2. The ballot must contain a brief description and summary
15 of the proposed charter or amendment.

16 Sec. 128. Section 331.247, subsection 7, paragraph c, Code
17 2009, is amended to read as follows:

18 c. (1) If an election is held, the governing body shall
19 submit the question of amending the charter to the electors in
20 substantially the following form:

21 Should the amendment described below be adopted for the
22 city-county consolidated charter of (insert name of county and
23 of each consolidated city)?

24 (2) The ballot must contain a brief description and summary
25 of the proposed amendment.

26 Sec. 129. Section 331.252, Code 2009, is amended to read as
27 follows:

28 **331.252 Form of ballot — city-county consolidation.**

29 1. The question of city-county consolidation shall be
30 submitted to the electors in substantially the following form:

31 Should the charter described below be adopted for (insert
32 name of county and each city proposing to consolidate)?

33 2. The ballot must contain a brief description and summary
34 of the proposed charter.

35 Sec. 130. Section 331.255, Code 2009, is amended to read as

1 follows:

2 **331.255 Form of ballot — multicounty consolidation.**

3 1. The question of multicounty consolidation shall be
4 submitted to the electors in substantially the following form:
5 Should the consolidation charter described below be adopted
6 for (name of applicable county)?

7 2. The ballot must contain a brief description and summary
8 of the proposed charter.

9 Sec. 131. Section 331.262, subsections 1 and 9, Code 2009,
10 are amended to read as follows:

11 1. a. As a political subdivision of the state, the
12 community commonwealth unit of local government shall have the
13 statutory and constitutional status of a county and of a city
14 to the extent the community commonwealth governing body assumes
15 the powers and duties of cities as those powers and duties
16 relate to the delivery of services. For each service provided
17 by the community commonwealth, the community commonwealth shall
18 assume the same statutory rights, powers, and duties relating
19 to the provision of the service as if the member city were
20 itself providing the service to its citizens.

21 b. On its effective date, the community commonwealth
22 charter operates to replace the existing county government
23 structure. The governments of participating cities shall
24 remain in existence to render those services not transferred to
25 the community commonwealth government.

26 9. a. A city or county wishing to terminate its membership
27 in the community commonwealth government must do so pursuant to
28 the existing charter procedure under this chapter or chapter
29 372, whichever is applicable.

30 b. A city or county may join an existing community
31 commonwealth government by resolution of the board or council,
32 whichever is applicable, or upon petition of eligible electors
33 of the city or county, whichever is applicable, equal in number
34 to at least twenty-five percent of the persons who voted at the
35 last general election for the office of governor or president

1 of the United States, whichever is fewer. Within fifteen days
2 after receiving a valid petition, the applicable governing
3 body shall adopt a resolution in favor of participation and
4 shall immediately forward the resolution to the governing
5 body of the community commonwealth. If a majority of the
6 community commonwealth governing body approves the resolution,
7 the question of joining the community commonwealth shall be
8 submitted to the electorate of the petitioning city or county
9 within sixty days after approval of the resolution.

10 Sec. 132. Section 331.301, subsection 10, paragraph e,
11 subparagraph (1), Code Supplement 2009, is amended to read as
12 follows:

13 (1) (a) The board must follow substantially the
14 authorization procedures of section 331.443 to authorize
15 a lease or lease-purchase contract for personal property
16 which is payable from the general fund. The board must
17 follow substantially the authorization procedures of section
18 331.443 to authorize a lease or lease-purchase contract for
19 real property which is payable from the general fund if the
20 principal amount of the lease-purchase contract does not exceed
21 the following limits:

22 ~~(a)~~ (i) Four hundred thousand dollars in a county having a
23 population of twenty-five thousand or less.

24 ~~(b)~~ (ii) Five hundred thousand dollars in a county having a
25 population of more than twenty-five thousand but not more than
26 fifty thousand.

27 ~~(c)~~ (iii) Six hundred thousand dollars in a county having
28 a population of more than fifty thousand but not more than one
29 hundred thousand.

30 ~~(d)~~ (iv) Eight hundred thousand dollars in a county having
31 a population of more than one hundred thousand but not more
32 than two hundred thousand.

33 ~~(e)~~ (v) One million dollars in a county having a population
34 of more than two hundred thousand.

35 (b) However, if the principal amount of a lease or

1 lease-purchase contract pursuant to this subparagraph (1) is
2 less than twenty-five thousand dollars, the board may authorize
3 the lease or lease-purchase contract without following the
4 authorization procedures of section 331.443.

5 Sec. 133. Section 331.301, subsection 10, paragraph e,
6 subparagraph (2), subparagraph division (b), Code Supplement
7 2009, is amended to read as follows:

8 (b) (i) If at any time before the end of the thirty-day
9 period after which a meeting may be held to take action to
10 enter into the lease or lease-purchase contract, a petition
11 is filed with the auditor in the manner provided by section
12 331.306, asking that the question of entering into the lease or
13 lease-purchase contract be submitted to the registered voters
14 of the county, the board shall either by resolution declare the
15 proposal to enter into the lease or lease-purchase contract to
16 have been abandoned or shall direct the county commissioner
17 of elections to call a special election upon the question of
18 entering into the lease or lease-purchase contract. However,
19 for purposes of this subparagraph (2), the petition shall not
20 require signatures in excess of one thousand persons.

21 (ii) The question to be placed on the ballot shall be stated
22 affirmatively in substantially the following manner:

23 Shall the county of enter into a lease or
24 lease-purchase contract in an amount of \$ for
25 the purpose of?

26 (iii) Notice of the election and its conduct shall be in the
27 manner provided in section 331.442, subsections 2 through 4.

28 Sec. 134. Section 331.307, subsections 9 through 12, Code
29 2009, are amended to read as follows:

30 9. a. When judgment has been entered against a defendant,
31 the court may do any of the following:

32 ~~a.~~ (1) Impose a civil penalty by entry of a personal
33 judgment against the defendant.

34 ~~b.~~ (2) Direct that payment of the civil penalty be
35 suspended or deferred under conditions imposed by the court.

1 ~~e.~~ (3) Grant appropriate alternative relief ordering the
2 defendant to abate or cease the violation.

3 ~~d.~~ (4) Authorize the county to abate or correct the
4 violation.

5 ~~e.~~ (5) Order that the county's costs for abatement or
6 correction of the violation be entered as a personal judgment
7 against the defendant or assessed against the property where
8 the violation occurred, or both.

9 b. If a defendant willfully violates the terms of an order
10 imposed by the court, the failure is contempt.

11 10. The magistrate or district associate judge shall have
12 jurisdiction to assess or enter judgment for costs of abatement
13 or correction in an amount not to exceed the jurisdictional
14 amount for a money judgment in a civil action pursuant to
15 section 631.1, subsection 1, for magistrates and section
16 602.6306, subsection 2, for district associate judges. If the
17 county seeks abatement or correction costs in excess of those
18 amounts, the case shall be referred to the district court for
19 hearing and entry of an appropriate order. The procedure for
20 hearing in the district court shall be the same procedure as
21 that for a small claims appeal pursuant to section 631.13.

22 ~~10.~~ 11. A defendant or the county may file a motion for
23 a new trial or may appeal the decision of the magistrate or
24 district associate judge to the district court. The procedure
25 on appeal shall be the same as for a small claim pursuant to
26 section 631.13. A factual determination made by the trial
27 court, supported by substantial evidence as shown in the
28 record, is binding for purposes of appeal relating to the
29 violation at issue, but shall not be admissible or binding
30 as to any future violation for the same or similar ordinance
31 provision by the same defendant.

32 ~~11.~~ 12. This section does not preclude a peace officer
33 of a county from issuing a criminal citation for a violation
34 of a county code or regulation if criminal penalties are also
35 provided for the violation. Each day that a violation occurs

1 or is permitted by the defendant to exist, constitutes a
2 separate offense.

3 ~~12.~~ 13. The issuance of a civil citation for a county
4 infraction or the ensuing court proceedings do not provide
5 an action for false arrest, false imprisonment, or malicious
6 prosecution.

7 Sec. 135. Section 331.342, Code 2009, is amended to read as
8 follows:

9 **331.342 Conflicts of interest in public contracts.**

10 1. As used in this section, "contract" means a claim,
11 account, or demand against or agreement with a county, express
12 or implied, other than a contract to serve as an officer or
13 employee of the county. However, contracts subject to section
14 314.2 are not subject to this section.

15 2. An officer or employee of a county shall not have an
16 interest, direct or indirect, in a contract with that county.
17 A contract entered into in violation of this section is void.
18 The provisions of this section do not apply to:

19 ~~1.~~ a. The designation of a bank or trust company as a
20 depository, paying agent, or for investment of funds.

21 ~~2.~~ b. An employee of a bank or trust company, who serves as
22 treasurer of a county.

23 ~~3.~~ c. Contracts made by a county upon competitive bid in
24 writing, publicly invited and opened.

25 ~~4.~~ d. Contracts in which a county officer or employee
26 has an interest solely by reason of employment, or a stock
27 interest of the kind described in ~~subsection 8~~ paragraph "h", or
28 both, if the contracts are made by competitive bid, publicly
29 invited and opened, or if the remuneration of employment will
30 not be directly affected as a result of the contract and the
31 duties of employment do not directly involve the procurement or
32 preparation of any part of the contract. The competitive bid
33 qualification of this ~~subsection~~ paragraph does not apply to
34 a contract for professional services not customarily awarded
35 by competitive bid.

- 1 5. e. The designation of official newspapers.
- 2 6. f. A contract in which a county officer or employee
3 has an interest if the contract was made before the time the
4 officer or employee was elected or appointed, but the contract
5 shall not be renewed.
- 6 7. g. A contract with volunteer fire fighters or civil
7 defense volunteers.
- 8 8. h. A contract with a corporation in which a county
9 officer or employee has an interest by reason of stockholdings
10 when less than five percent of the outstanding stock of the
11 corporation is owned or controlled directly or indirectly by
12 the officer or employee or the spouse or immediate family of
13 the officer or employee.
- 14 9. i. A contract made by competitive bid, publicly
15 invited and opened, in which a member of a county board,
16 commission, or administrative agency has an interest, if
17 the member is not authorized by law to participate in the
18 awarding of the contract. The competitive bid qualification
19 of this ~~subsection~~ paragraph does not apply to a contract for
20 professional services not customarily awarded by competitive
21 bid.
- 22 10. j. Contracts not otherwise permitted by this section,
23 for the purchase of goods or services by a county, which
24 benefit a county officer or employee, if the purchases
25 benefiting that officer or employee do not exceed a cumulative
26 total purchase price of one thousand five hundred dollars in
27 a fiscal year.
- 28 11. k. A contract that is a bond, note, or other obligation
29 of the county and the contract is not acquired directly
30 from the county, but is acquired in a transaction with a
31 third party, who may or may not be the original underwriter,
32 purchaser, or obligee of the contract.
- 33 Sec. 136. Section 331.402, subsection 3, paragraph d,
34 subparagraph (2), subparagraph division (b), Code Supplement
35 2009, is amended to read as follows:

1 (b) (i) If at any time before the end of the thirty-day
2 period after which a meeting may be held to take action to
3 enter into the loan agreement, a petition is filed with the
4 auditor in the manner provided by section 331.306 asking that
5 the question of entering into the loan agreement be submitted
6 to the registered voters of the county, the board shall either
7 by resolution declare the proposal to enter into the loan
8 agreement to have been abandoned or shall direct the county
9 commissioner of elections to call a special election upon the
10 question of entering into the loan agreement. However, for
11 purposes of this subparagraph (2), the petition shall not
12 require signatures in excess of one thousand persons.

13 (ii) The question to be placed on the ballot shall be stated
14 affirmatively in substantially the following manner:

15 Shall the county of enter into a
16 loan agreement in amount of \$ for the purpose of
17?

18 (iii) Notice of the election and its conduct shall be in the
19 manner provided in section 331.442, subsections 2 through 4.

20 Sec. 137. Section 331.424, subsection 1, Code 2009, is
21 amended to read as follows:

22 1. a. For general county services, an amount sufficient to
23 pay the charges for the following:

24 a. (1) To the extent that the county is obligated by
25 statute to pay the charges for:

26 (1) (a) The costs of inpatient or outpatient substance
27 abuse admission, commitment, transportation, care, and
28 treatment at any of the following:

29 (a) (i) The alcoholic treatment center at Oakdale.
30 However, the county may require that an admission to the center
31 shall be reported to the board by the center within five
32 days as a condition of the payment of county funds for that
33 admission.

34 (b) (ii) A state mental health institute, or a
35 community-based public or private facility or service.

1 ~~(2)~~ (b) Care of children admitted or committed to the Iowa
2 juvenile home at Toledo.

3 ~~(3)~~ (c) Clothing, transportation, medical, or other
4 services provided persons attending the Iowa braille and sight
5 saving school, the Iowa school for the deaf, or the university
6 of Iowa hospitals and clinics' center for disabilities and
7 development for children with severe disabilities at Iowa City,
8 for which the county becomes obligated to pay pursuant to
9 sections 263.12, 269.2, and 270.4 through 270.7.

10 ~~b.~~ (2) Foster care and related services provided under
11 court order to a child who is under the jurisdiction of the
12 juvenile court, including court-ordered costs for a guardian
13 ad litem under section 232.71C.

14 ~~e.~~ (3) Elections, and voter registration pursuant to
15 chapter 48A.

16 ~~d.~~ (4) Employee benefits under chapters 96, 97B, and 97C,
17 which are associated with salaries for general county services.

18 ~~e.~~ (5) Joint county and city building authorities
19 established under section 346.27, as provided in subsection 22
20 of that section.

21 ~~f.~~ (6) Tort liability insurance, property insurance, and
22 any other insurance that may be necessary in the operation of
23 the county, costs of a self-insurance program, costs of a local
24 government risk pool, and amounts payable under any insurance
25 agreements to provide or procure such insurance, self-insurance
26 program, or local government risk pool.

27 ~~g.~~ (7) The maintenance and operation of the courts,
28 including but not limited to the salary and expenses of the
29 clerk of the district court and other employees of the clerk's
30 office, and bailiffs, court costs if the prosecution fails or
31 if the costs cannot be collected from the person liable, costs
32 and expenses of prosecution under section 189A.17, salaries
33 and expenses of juvenile court officers under chapter 602,
34 court-ordered costs in domestic abuse cases under section
35 236.5, the county's expense for confinement of prisoners under

1 chapter 356A, temporary assistance to the county attorney,
2 county contributions to a retirement system for bailiffs,
3 reimbursement for judicial magistrates under section 602.6501,
4 claims filed under section 622.93, interpreters' fees under
5 section 622B.7, uniform citation and complaint supplies under
6 section 805.6, and costs of prosecution under section 815.13.

7 ~~h.~~ (8) Court-ordered costs of conciliation procedures under
8 section 598.16.

9 ~~i.~~ (9) Establishment and maintenance of a joint county
10 indigent defense fund pursuant to an agreement under section
11 28E.19.

12 ~~j.~~ (10) The maintenance and operation of a local emergency
13 management agency established pursuant to chapter 29C.

14 b. The board may require a public or private facility, as a
15 condition of receiving payment from county funds for services
16 it has provided, to furnish the board with a statement of the
17 income, assets, and legal residence including township and
18 county of each person who has received services from that
19 facility for which payment has been made from county funds
20 under paragraphs ~~"a"~~ and ~~"b"~~ paragraph "a", subparagraphs (1)
21 and (2). However, the facility shall not disclose to anyone
22 the name or street or route address of a person receiving
23 services for which commitment is not required, without first
24 obtaining that person's written permission.

25 c. Parents or other persons may voluntarily reimburse the
26 county or state for the reasonable cost of caring for a patient
27 or an inmate in a county or state facility.

28 Sec. 138. Section 331.605, Code 2009, is amended to read as
29 follows:

30 **331.605 Other fees.**

31 1. The recorder shall collect:

32 ~~±.~~ a. For the issuance of a registration or transfer for
33 a vessel or boat:

34 ~~a.~~ (1) A registration fee as provided in section 462A.5.

35 ~~b.~~ (2) A writing fee as provided in section 462A.53.

1 ~~e.~~ (3) A transfer and writing fee as provided in section
2 462A.44.

3 ~~2.~~ b. For issuance of hunting, fishing, and fur harvester
4 licenses:

5 ~~a.~~ (1) The fees specified in section 483A.1.

6 ~~b.~~ (2) The writing fee as provided in section 483A.12.

7 ~~3.~~ c. A state migratory game bird fee as provided in
8 section 483A.1.

9 ~~4.~~ d. For the issuance of snowmobile registrations and user
10 permits, the fees specified in sections 321G.4 and 321G.4A.

11 ~~5.~~ e. For the issuance of all-terrain vehicle registrations
12 and user permits, the fees specified in sections 321I.4 and
13 321I.5.

14 ~~6.~~ f. A county fee of four dollars for a certified copy of
15 a birth record, death record, or marriage certificate.

16 ~~7.~~ g. For filing an application for the license to marry,
17 thirty-five dollars, which includes payment for one certified
18 copy of the original certificate of marriage, to be issued
19 following filing of the original certificate of marriage, four
20 dollars of which shall be retained by the county pursuant to
21 ~~subsection 6~~ paragraph "f". For issuing an application for an
22 order of the district court authorizing the validation of a
23 license to marry before the expiration of three days from the
24 date of issuance of the license, five dollars. The district
25 court shall authorize the early validation of a marriage
26 license without the payment of any fees imposed in this
27 ~~subsection~~ paragraph upon showing that the applicant is unable
28 to pay the fees.

29 ~~8.~~ h. Other fees as provided by law.

30 2. However, the county shall not be required to pay the fees
31 required in this section.

32 Sec. 139. Section 331.651, Code 2009, is amended to read as
33 follows:

34 **331.651 Office of county sheriff.**

35 1. The office of sheriff is an elective office. However,

1 if a vacancy occurs in the office, the first deputy shall
2 assume the office after qualifying as provided in this
3 section. The first deputy shall hold the office until a
4 successor is appointed or elected to the unexpired term as
5 provided in chapter 69. If a sheriff is suspended from office,
6 the district court may appoint a sheriff until a temporary
7 appointment is made by the board as provided in section 66.19.

8 2. A person elected or appointed sheriff shall meet all the
9 following qualifications:

10 *a.* Have no felony convictions.

11 *b.* Be age twenty-one or over at the time of assuming the
12 office of sheriff.

13 *c.* Be a certified peace officer recognized by the Iowa law
14 enforcement academy council under chapter 80B or complete the
15 basic training course provided at the Iowa law enforcement
16 academy's central training facility or a location other than
17 the central training facility within one year of taking office.
18 A person shall be deemed to have completed the basic training
19 course if the person meets all course requirements except the
20 physical training requirements.

21 ~~2.~~ 3. A person elected or appointed to the office of
22 sheriff shall qualify by taking the oath of office as provided
23 in section 63.10 and give bond as provided in section 64.8.

24 ~~3.~~ 4. The term of office of the sheriff is four years.

25 Sec. 140. Section 336.2, Code 2009, is amended to read as
26 follows:

27 **336.2 Library districts formed.**

28 1. A library district may be established composed of one or
29 more counties, one or more cities, or any combination of cities
30 and counties.

31 2. *a.* Eligible electors residing within the proposed
32 district in a number not less than five percent of those voting
33 for president of the United States or governor, as the case
34 may be, within the district at the last general election may
35 petition the board of supervisors of the county, or the city

1 council, for the establishment of the library district. The
2 petition shall clearly designate the area to be included in the
3 district.

4 b. The board of supervisors of each county and the city
5 council of each city containing area within the proposed
6 district shall submit the question to the registered voters
7 within their respective counties and cities at the next general
8 election. The petition shall be filed not less than eighty-two
9 days before the election.

10 3. a. A library district shall be established if a majority
11 of the electors voting on the question and residing in the
12 proposed library district favor its establishment.

13 b. The result of the election within cities maintaining a
14 free public library shall be considered separately, and no city
15 shall be included within the library district unless a majority
16 of its electors voting on the question favor its inclusion. In
17 such cases the boundaries of an established district may vary
18 from those of the proposed district.

19 4. After the establishment of a library district other areas
20 may be included by mutual agreement of the board of trustees of
21 the library district and the governing body of the area sought
22 to be included.

23 Sec. 141. Section 336.16, Code 2009, is amended to read as
24 follows:

25 **336.16 Withdrawal from district — termination.**

26 1. a. (1) A city may withdraw from the library district
27 upon a majority vote in favor of withdrawal by the electorate
28 of the city in an election held on a motion by the city council.
29 The election shall be held simultaneously with a general or
30 city election. Notice of a favorable vote to withdraw shall
31 be sent by certified mail to the board of library trustees of
32 the library district and the county auditor or city clerk, as
33 appropriate, prior to January 10, and the withdrawal shall be
34 effective on July 1.

35 (2) A county may withdraw from the district after a majority

1 of the voters of the unincorporated area of the county voting
2 on the issue favor the withdrawal. The board of supervisors
3 shall call for the election which shall be held at the next
4 general election.

5 b. A city or county election shall not be called until a
6 hearing has been held on the proposal to submit a proposition
7 of withdrawal to an election. A hearing may be held only after
8 public notice published as provided in section 362.3 in the
9 case of a city or section 331.305 in the case of a county. A
10 copy of the notice submitted for publication shall be mailed to
11 the library on or before the date of publication. The proposal
12 presented at the hearing must include a plan for continuing
13 adequate library service with or without all participants and
14 the respective allocated costs and levels of service shall
15 be stated. At the hearing, any interested person shall be
16 given a reasonable time to be heard, either for or against the
17 withdrawal or the plan to accompany it.

18 2. A library district may be terminated if a majority of
19 the electors of the unincorporated area of the county and the
20 cities included in the library district voting on the issue
21 favor the termination. The election shall be held upon motion
22 of the board of supervisors and simultaneously with a general
23 or other county election. If the vote favors termination, the
24 termination shall be effective on the succeeding July 1.

25 3. An election for withdrawal from or termination of a
26 library district shall not be held more than once each four
27 years.

28 Sec. 142. Section 352.3, subsections 1 and 4, Code 2009, are
29 amended to read as follows:

30 1. a. In each county a county land preservation and use
31 commission is created composed of the following members:

32 ~~a.~~ (1) One member appointed by and from the county
33 agricultural extension council.

34 ~~b.~~ (2) Two members appointed by the district soil and water
35 conservation commissioners, one of whom must be a member of the

1 district soil and water conservation board of commissioners and
2 one must be a person who is not a commissioner, but is actively
3 operating a farm in the county.

4 ~~e~~ (3) One member appointed by the board of supervisors
5 from the residents of the county who may be a member of the
6 board.

7 ~~d~~ (4) One member appointed by and from a convention of the
8 mayors and councilpersons of the cities of the county. If a
9 participating city contains fifty percent or more of the total
10 population of the participating cities, that city may appoint
11 the member appointed under this paragraph.

12 b. However, if a city contains more than fifty percent of
13 the population of a county which has a population exceeding
14 fifty thousand persons, that city shall not participate
15 in the convention of mayors and councilpersons and the
16 members appointed under paragraph ~~d~~ a, subparagraph
17 (4), shall be one member appointed by and from the mayor and
18 councilpersons of that city and one member appointed by and
19 from the convention of mayors and councilpersons and the member
20 appointed under paragraph ~~e~~ (a), subparagraph (3), shall be
21 a resident of the county engaged in actual farming operations
22 appointed by the board of supervisors.

23 4. A vacancy in the county commission shall be filled
24 in the same manner as the appointment of the member whose
25 position is vacant. The term of a county commissioner is
26 four years. However, in the initial appointments to the
27 county commission, the members appointed under subsection 1,
28 ~~paragraphs~~ paragraph a, subparagraphs (1) and ~~b~~ (2) shall
29 be appointed to terms of two years. Members may be appointed
30 to succeed themselves.

31 Sec. 143. Section 352.6, Code 2009, is amended to read as
32 follows:

33 **352.6 Creation or expansion of agricultural areas.**

34 1. An owner of farmland may submit a proposal to the county
35 board for the creation or expansion of an agricultural area

1 within the county. An agricultural area, at its creation,
2 shall include at least three hundred acres of farmland;
3 however, a smaller area may be created if the farmland
4 is adjacent to farmland subject to an agricultural land
5 preservation ordinance pursuant to section 335.27 or adjacent
6 to land located within an existing agricultural area. The
7 proposal shall include a description of the proposed area to be
8 created or expanded, including its boundaries. The territory
9 shall be as compact and as nearly adjacent as feasible. Land
10 shall not be included in an agricultural area without the
11 consent of the owner. Agricultural areas shall not exist
12 within the corporate limits of a city. The county board may
13 consult with the department of natural resources when creating
14 or expanding an agricultural area contiguous to a location
15 which is under the direct supervision of the department,
16 including a state park, state preserve, state recreation area,
17 or sovereign lake. Agricultural areas may be created in a
18 county which has adopted zoning ordinances. Except as provided
19 in this section, the use of the land in agricultural areas is
20 limited to farm operations.

21 ~~1.~~ 2. The following shall be permitted in an agricultural
22 area:

23 *a.* Residences constructed for occupation by a person engaged
24 in farming or in a family farm operation. Nonconforming
25 preexisting residences may be continued in residential use.

26 *b.* Property of a telephone company, city utility as defined
27 in section 390.1, public utility as defined in section 476.1,
28 or pipeline company as defined in section 479.2.

29 ~~2.~~ 3. The county board of supervisors may permit any use
30 not listed in subsection ~~1~~ 2 in an agricultural area only if it
31 finds all of the following:

32 *a.* The use is not inconsistent with the purposes set forth
33 in section 352.1.

34 *b.* The use does not interfere seriously with farm operations
35 within the area.

1 *c.* The use does not materially alter the stability of the
2 overall land use pattern in the area.

3 Sec. 144. Section 354.11, Code 2009, is amended to read as
4 follows:

5 **354.11 Attachments to subdivision plats.**

6 1. A subdivision plat, other than an auditor's plat, that
7 is presented to the recorder for recording shall conform to
8 section 354.6 and shall not be accepted for recording unless
9 accompanied by the following documents:

10 ~~1.~~ a. A statement by the proprietors and their spouses, if
11 any, that the plat is prepared with their free consent and in
12 accordance with their desire, signed and acknowledged before an
13 officer authorized to take the acknowledgment of deeds. The
14 statement by the proprietors may also include a dedication to
15 the public of all lands within the plat that are designated for
16 streets, alleys, parks, open areas, school property, or other
17 public use, if the dedication is approved by the governing
18 body.

19 ~~2.~~ b. A statement from the mortgage holders or lienholders,
20 if any, that the plat is prepared with their free consent and
21 in accordance with their desire, signed and acknowledged before
22 an officer authorized to take the acknowledgment of deeds. An
23 affidavit and bond as provided for in section 354.12, may be
24 recorded in lieu of the consent of the mortgage or lienholder.
25 When a mortgage or lienholder consents to the subdivision, a
26 release of mortgage or lien shall be recorded for any areas
27 conveyed to the governing body or dedicated to the public.

28 ~~3.~~ c. An opinion by an attorney at law who has examined the
29 abstract of title of the land being platted. The opinion shall
30 state the names of the proprietors and holders of mortgages,
31 liens, or other encumbrances on the land being platted and
32 shall note the encumbrances, along with any bonds securing the
33 encumbrances. Utility easements shall not be construed to be
34 encumbrances for the purpose of this section.

35 ~~4.~~ d. A certified resolution by each governing body as

1 required by section 354.8 either approving the subdivision or
2 waiving the right to review.

3 ~~5.~~ e. A statement by the auditor approving the name or
4 title of the subdivision plat.

5 ~~6.~~ f. A certificate of the treasurer that the land is free
6 from certified taxes and certified special assessments or that
7 the land is free from certified taxes and that the certified
8 special assessments are secured by bond in compliance with
9 section 354.12.

10 2. A subdivision plat which includes no land set apart
11 for streets, alleys, parks, open areas, school property, or
12 public use other than utility easements, shall be accompanied
13 by the documents listed in ~~subsections~~ subsection 1, 2, 3,
14 4, paragraphs "a", "b", "c", "d", and 5 "e" and a certificate of
15 the treasurer that the land is free from certified taxes other
16 than certified special assessments.

17 Sec. 145. Section 357C.13, Code 2009, is amended to read as
18 follows:

19 **357C.13 Determination of fee.**

20 1. The owner of any property joining an established
21 benefited street lighting district shall pay to the board of
22 trustees of the district an initial fee to be computed as
23 follows:

24 ~~1.~~ a. The board of trustees shall first determine fair
25 market value of all property and improvements owned by the
26 benefited street lighting district, less any indebtedness.

27 ~~2.~~ b. The board shall then determine the assessed value of
28 all property in said district. This shall be divided into the
29 value determined in ~~subsection 1 of this section~~ paragraph "a".

30 ~~3.~~ c. The board shall determine the assessed value of the
31 property of each landowner joining the established district.

32 ~~4.~~ d. The result obtained in ~~subsection 2~~ paragraph
33 "b" shall be multiplied by the result obtained in ~~subsection~~
34 3 paragraph "c". The result shall be the initial fee to be
35 charged each landowner.

1 2. The initial fees paid to the district trustees shall be
2 used to help defray the cost and maintenance of the district's
3 street lighting service.

4 Sec. 146. Section 358.2, Code 2009, is amended to read as
5 follows:

6 **358.2 Petition — deposit.**

7 1. Any twenty-five or more eligible electors resident
8 within the limits of any proposed sanitary district may file
9 a petition in the office of the county auditor of the county
10 in which the proposed sanitary district, or the major portion
11 thereof, is located, requesting that there be submitted to
12 the registered voters of such proposed district the question
13 whether the territory within the boundaries of such proposed
14 district shall be organized as a sanitary district under this
15 chapter. Such petition shall be addressed to the board of
16 supervisors of the county wherein it is filed and shall set
17 forth:

18 ~~1.~~ a. An intelligible description of the boundaries of the
19 territory to be embraced in such district.

20 ~~2.~~ b. The name of such proposed sanitary district.

21 ~~3.~~ c. That the public health, comfort, convenience, or
22 welfare will be promoted by the establishment of such sanitary
23 district.

24 ~~4.~~ d. The signatures of the petitioners.

25 2. No territory shall be included within more than one
26 sanitary district organized under this chapter, and if any
27 proposed sanitary district shall fail to receive a majority of
28 votes cast at any election thereon as hereinafter provided, no
29 petition shall be filed for establishment of such a sanitary
30 district within one year from the date of such previous
31 election.

32 3. a. There shall be filed with the petition a bond with
33 sureties approved by the auditor, or a certified check, credit
34 union certified share draft or cash in an amount sufficient
35 for the payment of all costs and expenses incurred in the

1 proceedings if the district is not finally established.

2 b. No preliminary expense shall be incurred before the
3 establishment of the proposed sanitary district by the board in
4 excess of the amount of bond filed by the petitioners. In case
5 it is necessary to incur any expense in addition to the amount
6 of the bond, the board of supervisors shall require the filing
7 of an additional security until the additional bond is filed in
8 sufficient amount to cover the expense.

9 Sec. 147. Section 358.7, Code 2009, is amended to read as
10 follows:

11 **358.7 Election.**

12 1. Each registered voter resident within such proposed
13 sanitary district shall have the right to cast a ballot at such
14 election and no person shall vote in any precinct but that of
15 the person's residence. Ballots at such election shall be in
16 substantially the following form, to wit:

17 For Sanitary District

18 Against Sanitary District

19 2. The board of supervisors shall cause a statement of
20 the result of such election to be spread upon the records of
21 the county auditor. If a majority of the votes cast upon the
22 question of incorporation of the proposed sanitary district
23 shall be in favor of the proposed sanitary district, such
24 proposed sanitary district shall thenceforth be deemed an
25 organized sanitary district under this chapter and established
26 as conducive to the public health, comfort, convenience, and
27 welfare.

28 Sec. 148. Section 360.9, Code 2009, is amended to read as
29 follows:

30 **360.9 Reversion of real estate — payment.**

31 1. a. Any real estate, including improvements thereon,
32 situated wholly outside of a city, owned by a township and
33 heretofore used for township purposes and which is no longer
34 necessary for township purposes, shall revert to the present
35 owner of the tract from which the same was taken, provided that

1 said owner of the tract last aforesaid shall, within the time
2 hereinafter prescribed, pay the value thereof to the township
3 clerk. In the event the township trustees and said owner of
4 the tract from which such real property was taken do not agree
5 as to the value of such property and improvements thereon,
6 the township clerk shall, on written application of either
7 party, appoint three disinterested residents of the township to
8 appraise such property and improvements thereon.

9 b. The township clerk shall give notice to said trustees and
10 said owner of the time and place of making such appraisalment,
11 which notice shall be served in the same manner and for the
12 same time as for the commencement of action in the district
13 court. Such appraisers shall inspect the real estate and
14 improvements and, at the time and place designated in the
15 notice, appraise the same in writing, which appraisalment, after
16 being duly verified, shall be filed with the township clerk.

17 c. If the present owner of the tract from which said site
18 was taken fails to pay the amount of such appraisalment to
19 such township within twenty days after the filing of same
20 with the township clerk, the township trustees may sell said
21 site, including any improvements thereon, to any person at the
22 appraised value, or may sell the same at public auction for the
23 best bid.

24 2. Any real estate, including improvements thereon,
25 situated within a city, owned by a township and heretofore
26 used for township purposes and which is no longer necessary
27 for township purposes, may be sold by the township trustees at
28 public auction for the best bid.

29 3. The township trustees in the case of joint ownership,
30 in conjunction with any city authorities, shall not sell such
31 real estate including improvements thereon unless the city
32 authorities concur in such sale. The proceeds of such sale
33 of jointly owned real estate including improvements located
34 thereon shall be prorated between the township and the city on
35 the basis of their respective contribution to the acquisition

1 and maintenance of such property.

2 4. a. Sales at public auction contemplated herein shall be
3 made only after the township trustees advertise for bids for
4 such property. Such advertisement shall definitely describe
5 said property and be published by at least one insertion each
6 week for two consecutive weeks in some newspaper having general
7 circulation in the township.

8 b. The township trustee shall not, prior to two weeks after
9 the said second publication, nor later than six months after
10 said second publication, accept any bid. The township trustees
11 may accept only the best bid received prior to acceptance. The
12 township trustees may decline to sell if all the bids received
13 are deemed inadequate.

14 5. Subject to the right of reversion to the present
15 owner as above provided, the township trustees may sell,
16 lease, exchange, give, or grant and accept any interest
17 in real property to, with, or from any county, municipal
18 corporation, or school district if the real property is within
19 the jurisdiction of both the grantor and grantee and the
20 advertising and public auction requirements of this section
21 shall not apply to any such transaction between the aforesaid
22 local units of government.

23 Sec. 149. Section 362.5, Code 2009, is amended to read as
24 follows:

25 **362.5 Interest in public contract prohibited — exceptions.**

26 1. When used in this section, "contract" means any claim,
27 account, or demand against or agreement with a city, express
28 or implied.

29 2. A city officer or employee shall not have an interest,
30 direct or indirect, in any contract or job of work or material
31 or the profits thereof or services to be furnished or performed
32 for the officer's or employee's city. A contract entered into
33 in violation of this section is void.

34 3. The provisions of this section do not apply to:

35 a. The payment of lawful compensation of a city officer

1 or employee holding more than one city office or position, the
2 holding of which is not incompatible with another public office
3 or is not prohibited by law.

4 ~~2.~~ b. The designation of a bank or trust company as a
5 depository, paying agent, or for investment of funds.

6 ~~3.~~ c. An employee of a bank or trust company, who serves
7 as treasurer of a city.

8 ~~4.~~ d. Contracts made by a city, upon competitive bid in
9 writing, publicly invited and opened.

10 ~~5.~~ e. Contracts in which a city officer or employee has an
11 interest solely by reason of employment, or a stock interest of
12 the kind described in ~~subsection 9~~ paragraph "i", or both, if
13 the contracts are made by competitive bid in writing, publicly
14 invited and opened, or if the remuneration of employment will
15 not be directly affected as a result of the contract and the
16 duties of employment do not directly involve the procurement or
17 preparation of any part of the contract. The competitive bid
18 qualification of this ~~subsection~~ paragraph does not apply to
19 a contract for professional services not customarily awarded
20 by competitive bid.

21 ~~6.~~ f. The designation of an official newspaper.

22 ~~7.~~ g. A contract in which a city officer or employee has an
23 interest if the contract was made before the time the officer
24 or employee was elected or appointed, but the contract may not
25 be renewed.

26 ~~8.~~ h. Contracts with volunteer fire fighters or civil
27 defense volunteers.

28 ~~9.~~ i. A contract with a corporation in which a city
29 officer or employee has an interest by reason of stockholdings
30 when less than five percent of the outstanding stock of the
31 corporation is owned or controlled directly or indirectly by
32 the officer or employee or the spouse or immediate family of
33 such officer or employee.

34 ~~10.~~ j. Contracts not otherwise permitted by this section,
35 for the purchase of goods or services by a city having a

1 population of more than two thousand five hundred, which
2 benefit a city officer or employee, if the purchases benefiting
3 that officer or employee do not exceed a cumulative total
4 purchase price of one thousand five hundred dollars in a fiscal
5 year.

6 ~~11.~~ k. Contracts not otherwise permitted by this section
7 for the purchase of goods or services by a city having a
8 population of two thousand five hundred or less, which benefit
9 a city officer or employee, if the purchases benefiting that
10 officer or employee do not exceed a cumulative total purchase
11 price of two thousand five hundred dollars in a fiscal year.

12 ~~12.~~ l. Franchise agreements between a city and a utility
13 and contracts entered into by a city for the provision of
14 essential city utility services.

15 ~~13.~~ m. A contract that is a bond, note, or other obligation
16 of the city and the contract is not acquired directly from
17 the city, but is acquired in a transaction with a third party
18 who may or may not be the original underwriter, purchaser, or
19 obligee of the contract.

20 Sec. 150. Section 368.20, Code 2009, is amended to read as
21 follows:

22 **368.20 Procedure after approval.**

23 1. After the county commissioner of elections has certified
24 the results to the board, the board shall:

25 ~~1-~~ a. Serve and publish notice of the result as provided
26 in section 362.3.

27 ~~2-~~ b. File with the secretary of state and the clerk of
28 each city incorporated or involved in a boundary adjustment,
29 and record with the recorder of each county which contains
30 a portion of any city or territory involved, copies of the
31 proceedings including the original petition or plan and any
32 amendments, the order of the board approving the petition or
33 plan, proofs of service and publication of required notices,
34 certification of the election result, and any other material
35 deemed by the board to be of primary importance to the

1 proceedings.

2 2. Upon proper filing and expiration of time for appeal,
3 the incorporation, discontinuance, or boundary adjustment is
4 complete. However, if an appeal to any of the proceedings
5 is pending, completion does not occur until the appeal is
6 decided, unless a subsequent date is provided in the proposal.
7 The board shall also file with the state department of
8 transportation a copy of the map and legal land description of
9 each completed incorporation or corporate boundary adjustment
10 completed under sections 368.11 through 368.22 or approved
11 annexation within an urbanized area.

12 Sec. 151. Section 368.22, Code 2009, is amended to read as
13 follows:

14 **368.22 Appeal.**

15 1. a. A city, or a resident or property owner in the
16 territory or city involved may appeal a decision of the board
17 or a committee, or the legality of an election, to the district
18 court of a county which contains a portion of any city or
19 territory involved.

20 b. Appeal must be filed within thirty days of the filing
21 of a decision or the publication of notice of the result of an
22 election.

23 c. Appeal of an approval of a petition or plan does not stay
24 the election.

25 2. The judicial review provisions of this section and
26 chapter 17A shall be the exclusive means by which a person or
27 party who is aggrieved or adversely affected by agency action
28 may seek judicial review of that agency action. The court's
29 review on appeal of a decision is limited to questions relating
30 to jurisdiction, regularity of proceedings, and whether the
31 decision appealed from is arbitrary, unreasonable, or without
32 substantial supporting evidence. The court may reverse and
33 remand a decision of the board or a committee, with appropriate
34 directions.

35 3. The following portions of section 17A.19 are not

1 applicable to this chapter:

2 ~~1.~~ a. The part of subsection 2 which relates to where
3 proceedings for judicial review shall be instituted.

4 ~~2.~~ b. Subsection 5.

5 ~~3.~~ c. Subsection 8.

6 ~~4.~~ d. Subsection 9.

7 ~~5.~~ e. Subsection 10.

8 ~~6.~~ f. Subsection 11.

9 Sec. 152. Section 372.5, Code 2009, is amended to read as
10 follows:

11 **372.5 Commission form.**

12 1. A city governed by the commission form has five
13 departments as follows:

14 ~~1.~~ a. Department of public affairs.

15 ~~2.~~ b. Department of accounts and finances.

16 ~~3.~~ c. Department of public safety.

17 ~~4.~~ d. Department of streets and public improvements.

18 ~~5.~~ e. Department of parks and public property.

19 2. a. A city governed by the commission form has a council
20 composed of a mayor and four council members elected at large,
21 unless the council representation plan is changed pursuant
22 to section 372.13, subsection 11. The mayor administers the
23 department of public affairs and each other council member is
24 elected to administer one of the other four departments.

25 b. However, a city governed, on July 1, 1975, by the
26 commission form and having a council composed of a mayor and
27 two council members elected at large may continue with a
28 council of three until the form of government is changed as
29 provided in section 372.2 or section 372.9 or without changing
30 the form, may submit to the voters the question of increasing
31 the council to five members assigned to the five departments as
32 set out in this section.

33 3. The mayor shall supervise the administration of all
34 departments and report to the council all matters requiring its
35 attention. The mayor is a member of the council and may vote on

1 all matters before the council.

2 4. The council member elected to administer the department
3 of accounts and finances is mayor pro tem.

4 5. The council may appoint a city treasurer or may, by
5 ordinance, provide for election of that officer.

6 Sec. 153. Section 373.7, Code 2009, is amended to read as
7 follows:

8 **373.7 Form of ballot.**

9 1. The question of metropolitan consolidation shall be
10 submitted to the electors in substantially the following form:

11 Should the cities of
12 and unite to form one joint
13 metropolitan corporation government?

14 2. The ballot must contain a brief description and summary
15 of the proposed charter or amendment.

16 Sec. 154. Section 376.8, subsection 2, Code 2009, is amended
17 to read as follows:

18 2. In a regular city election held for a city where the
19 council has chosen a runoff election in lieu of a primary,
20 candidates are elected as provided by subsection 1, except that
21 no candidate is elected who fails to receive a majority of the
22 votes cast for the office in question. In the case of at-large
23 elections to a multimember body, a majority is one vote more
24 than half the quotient found by dividing the total number of
25 votes cast for all candidates for that body by the number of
26 positions to be filled. In calculating the number of votes
27 necessary to constitute a majority, fractions shall be rounded
28 up to the next higher whole number.

29 ~~In calculating the number of votes necessary to constitute~~
30 ~~a majority, fractions shall be rounded up to the next higher~~
31 ~~whole number.~~

32 Sec. 155. Section 384.24A, subsection 4, paragraph b,
33 subparagraph (2), Code Supplement 2009, is amended to read as
34 follows:

35 (2) (a) If at any time before the end of the thirty-day

1 period after which a meeting may be held to take action to
2 enter into the loan agreement, a petition is filed with the
3 clerk of the city in the manner provided by section 362.4,
4 asking that the question of entering into the loan agreement be
5 submitted to the registered voters of the city, the governing
6 body shall either by resolution declare the proposal to
7 enter into the loan agreement to have been abandoned or shall
8 direct the county commissioner of elections to call a special
9 election upon the question of entering into the loan agreement.
10 However, for purposes of this paragraph, the petition shall not
11 require signatures in excess of one thousand persons.

12 (b) The question to be placed on the ballot shall be stated
13 affirmatively in substantially the following manner:

14 Shall the city of enter into a loan
15 agreement in amount of \$ for the purpose
16 of?

17 (c) Notice of the election and its conduct shall be in the
18 manner provided in section 384.26, subsections 2 through 4.

19 Sec. 156. Section 384.50, Code 2009, is amended to read as
20 follows:

21 **384.50 Notice of hearing.**

22 1. The clerk shall publish notice of the date, time, and
23 place of the hearing once each week for two consecutive weeks
24 in the manner provided by section 362.3, the first publication
25 of which shall be not less than ten days before the date of the
26 hearing.

27 2. The notice must be in substantially the following form:

28 NOTICE TO PROPERTY OWNERS

29 Notice is given that there is now on file for public
30 inspection in the office of the clerk of,
31 Iowa, a proposed resolution of necessity, an estimate of cost,
32 and a plat and schedule showing the amounts proposed to be
33 assessed against each lot and the valuation of each lot within
34 a district approved by the council of,
35 Iowa, for a improvement of the type(s) and

1 in the location(s) as follows:

2 The council will meet at o'clockm.,
3 on (date), at the,
4 at which time the owners of property subject to assessment for
5 the proposed improvement or any other person having an interest
6 in the matter may appear and be heard for or against the making
7 of the improvement, the boundaries of the district, the cost,
8 the assessment against any lot, or the final adoption of a
9 resolution of necessity. A property owner will be deemed to
10 have waived all objections unless at the time of hearing the
11 property owner has filed objections with the clerk.

12
13 Clerk

14 3. Not less than fifteen days before the hearing, the clerk
15 shall send a copy of the notice by mail to each property owner
16 whose property is subject to assessment for the improvement at
17 the address as shown by the records of the county auditor. If
18 a property is shown to be in the name of more than one owner
19 at the same mailing address, a single notice may be mailed
20 addressed to all owners at that address. Failure to receive a
21 mailed notice is not a defense to the special assessment.

22 Sec. 157. Section 389.2, Code 2009, is amended to read as
23 follows:

24 **389.2 Submission to voters.**

25 A joint water utility may be established by two or more
26 cities. A proposal to establish a joint water utility or to
27 join an existing joint water utility may be submitted to the
28 voters of a city by the city council upon its own motion, or
29 upon receipt of a valid petition pursuant to section 362.4.

30 1. If the proposal is to establish a joint water utility,
31 the proposal shall be submitted to the voters of each city
32 proposing to establish the joint water utility. If a majority
33 of the electorate in each of at least two cities approves the
34 proposal, the cities approving the proposal may establish a
35 joint water utility.

1 2. If the proposal is to join an existing joint water
2 utility, the proposal must first be submitted to the joint
3 water utility board for its approval. If the proposal is
4 approved by the board, the proposal shall be submitted to the
5 electorate of the city wishing to join. The proposal must
6 receive a majority affirmative vote for passage.

7 Sec. 158. Section 403.5, subsection 4, paragraph b, Code
8 2009, is amended to read as follows:

9 b. (1) The urban renewal plan conforms to the general plan
10 of the municipality as a whole; provided, that if the urban
11 renewal area consists of an area of open land to be acquired by
12 the municipality, such area shall not be so acquired except:

13 ~~(1)~~ (a) If it is to be developed for residential uses,
14 the local governing body shall determine that a shortage of
15 housing of sound standards and design with decency, safety, and
16 sanitation exists in the municipality; that the acquisition
17 of the area for residential uses is an integral part of and
18 essential to the program of the municipality; and that one or
19 more of the following conditions exist:

20 ~~(a)~~ (i) That the need for housing accommodations has been
21 or will be increased as a result of the clearance of slums in
22 other areas, including other portions of the urban renewal
23 area.

24 ~~(b)~~ (ii) That conditions of blight in the municipality and
25 the shortage of decent, safe, and sanitary housing cause or
26 contribute to an increase in and spread of disease and crime,
27 so as to constitute a menace to the public health, safety,
28 morals, or welfare.

29 ~~(c)~~ (iii) That the provision of public improvements related
30 to housing and residential development will encourage housing
31 and residential development which is necessary to encourage
32 the retention or relocation of industrial and commercial
33 enterprises in this state and its municipalities.

34 ~~(d)~~ (iv) The acquisition of the area is necessary to
35 provide for the construction of housing for low and moderate

1 income families.

2 ~~(2)~~ (b) If it is to be developed for nonresidential
3 uses, the local governing body shall determine that such
4 nonresidential uses are necessary and appropriate to facilitate
5 the proper growth and development of the community in
6 accordance with sound planning standards and local community
7 objectives.

8 (2) The acquisition of open land authorized in
9 ~~subparagraphs (1) and (2)~~ subparagraph (1), subparagraph
10 divisions (a) and (b) may require the exercise of governmental
11 action, as provided in this chapter, because of defective
12 or unusual conditions of title, diversity of ownership,
13 tax delinquency, improper subdivisions, outmoded street
14 patterns, deterioration of site, economic disuse, unsuitable
15 topography or faulty lot layouts, or because of the need for
16 the correlation of the area with other areas of a municipality
17 by streets and modern traffic requirements, or any combination
18 of such factors or other conditions which retard development of
19 the area. If such governmental action involves the exercise of
20 eminent domain authority, the municipality is subject to the
21 limitations of this chapter and chapters 6A and 6B.

22 Sec. 159. Section 403A.5, Code 2009, is amended to read as
23 follows:

24 **403A.5 Exercise of municipal housing powers — municipal**
25 **housing agency.**

26 1. Any municipality may create, in such municipality, a
27 public body corporate and politic to be known as the "Municipal
28 Housing Agency" of such municipality except that such agency
29 shall not transact any business or exercise its powers
30 hereunder until or unless the local governing body has elected
31 to exercise its municipal housing powers through such an agency
32 as prescribed in this section.

33 2. If the municipal housing agency is authorized to transact
34 business and exercise powers hereunder, the mayor, by and with
35 the advice and consent of the local governing body, shall

1 appoint a board of commissioners of the municipal housing
2 agency which board shall consist of five commissioners. The
3 term of office for three of the commissioners originally
4 appointed shall be two years and the term of office for two
5 of the commissioners originally appointed shall be one year.
6 Thereafter the term of office for each commissioner shall be
7 two years. In cities having a population of more than one
8 hundred thousand, the city council may establish, by ordinance,
9 the number of commissioners at not less than five.

10 3. A commissioner shall receive no compensation for
11 services, but shall be entitled to the necessary expenses,
12 including traveling expenses, incurred in the discharge of a
13 duty. Each commissioner shall hold office until a successor
14 has been appointed and has qualified. A certificate of the
15 appointment or reappointment of any commissioner shall be filed
16 with the clerk of the municipality, and the certificate shall
17 be conclusive evidence of the due and proper appointment of the
18 commissioner.

19 4. a. The powers of a municipal housing agency shall
20 be exercised by the commissioners. A majority of the
21 commissioners shall constitute a quorum for the purpose of
22 conducting business and exercising the powers of the agency,
23 and for all other purposes. Action may be taken by the agency
24 upon a vote of a majority of the commissioners present, unless
25 in any case the bylaws shall require a larger number. Any
26 persons may be appointed as commissioners if they reside within
27 the area of operation of the agency, which area shall be
28 conterminous with the area of operation of the municipality,
29 and if they are otherwise eligible for appointments under this
30 chapter.

31 b. The mayor shall designate a chairperson and vice
32 chairperson from among the commissioners. An agency may employ
33 an executive director, technical experts and such other agents
34 and employees, permanent and temporary, as it may require, and
35 the agency may determine their qualifications, duties, and

1 compensation. For such legal service as it may require, an
2 agency may employ or retain its own counsel and legal staff.
3 An agency authorized to transact business and exercise powers
4 under this chapter shall file, with the local governing
5 body, on or before September 30 of each year, a report of
6 its activities for the preceding fiscal year, which report
7 shall include a complete financial statement setting forth its
8 assets, liabilities, income, and operating expense as of the
9 end of such fiscal year. At the time of filing the report, the
10 agency shall publish in a newspaper of general circulation in
11 the community a notice to the effect that such report has been
12 filed with the municipality, and that the report is available
13 for inspection during business hours in the office of the city
14 clerk and in the office of the agency.

15 c. For inefficiency, or neglect of duty, or misconduct in
16 office, a commissioner may be removed by a majority vote of the
17 governing body of the municipality only after a hearing before
18 the body, and after the commissioner shall have been given a
19 copy of the charges at least ten days prior to such hearing,
20 and after the commissioner shall have had an opportunity to be
21 heard in person or by counsel.

22 5. A municipality may itself exercise the powers in
23 connection with municipal housing as defined in this chapter,
24 or may, if the local governing body by resolution determines
25 such action to be in the public interest, elect to have such
26 powers exercised by the municipal housing agency, if one
27 exists or is subsequently established in the community. In
28 the event the local governing body makes such determination,
29 the municipal housing agency shall be vested with all of the
30 municipal housing project powers in the same manner as though
31 all such powers were conferred on such agency instead of the
32 municipality. If the local governing body does not elect to
33 make such determination, the municipality in its discretion may
34 exercise its municipal housing project powers through a board
35 or commissioner, or through such officers of the municipality

1 as the local governing body may by resolution determine.

2 6. A municipality or a "Municipal Housing Agency" may not
3 proceed with a housing project until a study or a report and
4 recommendation on housing available within the community is
5 made public by the municipality or agency and is included in
6 its recommendations for a housing project. Recommendations
7 must receive majority approval from the local governing body
8 before proceeding on the housing project.

9 Sec. 160. Section 404.2, subsection 2, paragraph h, Code
10 2009, is amended to read as follows:

11 *h.* Any tax exemption schedule authorized in section 404.3,
12 subsection 5, that shall be used in lieu of the schedule set
13 out in section 404.3, subsection 1, 2, 3, or 4. In the case of
14 a county, the tax schedules used shall only be applicable to
15 property of the type for which the revitalization area is zoned
16 at the time the county designates the area a revitalization
17 area.

18 ~~In the case of a county, the tax schedules used shall only be~~
19 ~~applicable to property of the type for which the revitalization~~
20 ~~area is zoned at the time the county designates the area a~~
21 ~~revitalization area.~~

22 Sec. 161. Section 411.5, subsection 9, Code 2009, is amended
23 to read as follows:

24 *9. Duties of actuary.*

25 a. The actuary shall be the technical advisor of the system
26 on matters regarding the operation of the fire and police
27 retirement fund and shall perform such other duties as are
28 required in connection with the operation of the system.

29 b. The actuary shall make such investigation of anticipated
30 interest earnings and of the mortality, service, and
31 compensation experience of the members of the system as the
32 actuary recommends, and on the basis of the investigation the
33 system shall adopt such tables and such rates as are required
34 in subsection 11.

35 Sec. 162. Section 411.30, Code 2009, is amended to read as

1 follows:

2 **411.30 Transfer of membership.**

3 1. Upon the written approval of the applicable county
4 board of supervisors and city council, to the Iowa public
5 employees' retirement system, a vested member of the Iowa
6 public employees' retirement system on June 30, 1986, who meets
7 all of the following requirements shall become a member of a
8 retirement system under this chapter on July 1, 1986:

9 ~~1.~~ a. Was a vested member of the retirement system
10 established in this chapter on June 30, 1973.

11 ~~2.~~ b. Was an elected bailiff of a municipal court on June
12 30, 1973.

13 ~~3.~~ c. Became a deputy sheriff on July 1, 1973, and pursuant
14 to 1972 Iowa Acts, chapter 1124, section 43, continued coverage
15 under a retirement system under this chapter.

16 ~~4.~~ d. Upon election as a county sheriff, was transferred
17 from membership under this chapter to membership in a
18 retirement system established in chapter 97B.

19 2. The Iowa public employees' retirement system shall
20 transfer to the board of trustees of the applicable retirement
21 system under this chapter an amount equal to the total of the
22 accumulated contributions of the member as defined in section
23 97B.1A, subsection 2, together with the employer contribution
24 for that period of service plus the interest that accrued on
25 the contributions for that period equal to two percent plus
26 the interest dividend rate applicable for each year. The
27 board of trustees of the applicable retirement system under
28 this chapter shall credit the member whose contributions are
29 transferred under this section with membership service under
30 this chapter for the period for which the member was covered
31 under the Iowa public employees' retirement system. If the
32 amount of the accumulated contributions as defined in section
33 97B.1A, subsection 2, transferred is less than the amount that
34 would have been contributed under section 411.8, subsection
35 1, paragraph "f", at the rates in effect for the period for

1 which contributions were made plus the interest that would have
2 accrued on the amount, the member shall pay the difference
3 together with interest that would have accrued on the amount.

4 3. a. If the amount of the employer contributions
5 transferred is less than the amount that would have been
6 contributed by the employer under section 411.5, subsection
7 12, paragraph "b", plus the interest that would have accrued
8 on the contributions, the board of trustees of the applicable
9 retirement system under this chapter shall determine the
10 remaining contribution amount due. The board of trustees shall
11 notify the county board of supervisors of the county in which
12 the sheriff was elected of the remaining amount to be paid to
13 the retirement system under this chapter.

14 b. The county board of supervisors shall forthwith pay to
15 the board of trustees of the applicable retirement system the
16 remaining amount to be paid from moneys in the county general
17 fund.

18 4. From July 1, 1986, the county board of supervisors
19 of the county in which the sheriff was elected shall deduct
20 the contribution required of the member under section 411.8,
21 subsection 1, paragraph "f", from the member's earnable
22 compensation and the county shall pay from the county general
23 fund an amount equal to the normal rate of contribution
24 multiplied by the member's earnable compensation to the
25 applicable retirement system for the period in which the member
26 remains sheriff or deputy sheriff of that county.

27 DIVISION III

28 INTERNAL REFERENCE CHANGES

29 Sec. 163. Section 123.38, unnumbered paragraph 2, Code
30 2009, is amended to read as follows:

31 Any licensee or permittee, or the licensee's or permittee's
32 executor or administrator, or any person duly appointed by the
33 court to take charge of and administer the property or assets
34 of the licensee or permittee for the benefit of the licensee's
35 or permittee's creditors, may voluntarily surrender a license

1 or permit to the division. When a license or permit is
2 surrendered the division shall notify the local authority, and
3 the division or the local authority shall refund to the person
4 surrendering the license or permit, a proportionate amount of
5 the fee received by the division or the local authority for
6 the license or permit as follows: if a license or permit is
7 surrendered during the first three months of the period for
8 which it was issued, the refund shall be three-fourths of the
9 amount of the fee; if surrendered more than three months but
10 not more than six months after issuance, the refund shall be
11 one-half of the amount of the fee; if surrendered more than
12 six months but not more than nine months after issuance, the
13 refund shall be one-fourth of the amount of the fee. No refund
14 shall be made, however, for any special liquor permit, nor
15 for a liquor control license, wine permit, or beer permit
16 surrendered more than nine months after issuance. For purposes
17 of this paragraph, any portion of license or permit fees used
18 for the purposes authorized in section 331.424, subsection 1,
19 ~~paragraphs "a" and "b"~~ paragraph "a", subparagraphs (1) and (2),
20 and in section 331.424A, shall not be deemed received either
21 by the division or by a local authority. No refund shall be
22 made to any licensee or permittee, upon the surrender of the
23 license or permit, if there is at the time of surrender, a
24 complaint filed with the division or local authority, charging
25 the licensee or permittee with a violation of this chapter.
26 If upon a hearing on a complaint the license or permit is
27 not revoked or suspended, then the licensee or permittee is
28 eligible, upon surrender of the license or permit, to receive
29 a refund as provided in this section; but if the license or
30 permit is revoked or suspended upon hearing the licensee or
31 permittee is not eligible for the refund of any portion of the
32 license or permit fee.

33 Sec. 164. Section 144.36, subsection 4, Code 2009, is
34 amended to read as follows:

35 4. The county registrar shall record and forward to the

1 state registrar on or before the tenth day of each calendar
2 month the original certificates of marriages filed with the
3 county registrar during the preceding calendar month and the
4 fees collected by the county registrar on behalf of the state
5 for applications for a license to marry in accordance with
6 section 331.605, subsection 7 1, paragraph "g".

7 Sec. 165. Section 144.46, subsection 2, Code 2009, is
8 amended to read as follows:

9 2. Fees collected by the state registrar and by the county
10 registrar on behalf of the state under this section shall
11 be deposited in the general fund of the state and the vital
12 records fund established in section 144.46A in accordance with
13 an apportionment established by rule. Fees collected by the
14 county registrar pursuant to section 331.605, subsection 6 1,
15 paragraph "f", shall be deposited in the county general fund.

16 Sec. 166. Section 218.99, Code 2009, is amended to read as
17 follows:

18 **218.99 Counties to be notified of patients' personal**
19 **accounts.**

20 The administrator in control of a state institution shall
21 direct the business manager of each institution under the
22 administrator's jurisdiction which is mentioned in section
23 331.424, subsection 1, ~~paragraphs "a" and "b"~~ paragraph "a",
24 subparagraphs (1) and (2), and for which services are paid
25 under section 331.424A, to quarterly inform the county of legal
26 settlement's entity designated to perform the county's central
27 point of coordination process of any patient or resident who
28 has an amount in excess of two hundred dollars on account in
29 the patients' personal deposit fund and the amount on deposit.
30 The administrators shall direct the business manager to further
31 notify the entity designated to perform the county's central
32 point of coordination process at least fifteen days before the
33 release of funds in excess of two hundred dollars or upon the
34 death of the patient or resident. If the patient or resident
35 has no county of legal settlement, notice shall be made to the

1 director of human services and the administrator in control of
2 the institution involved.

3 Sec. 167. Section 303A.4, subsection 2, Code 2009, is
4 amended to read as follows:

5 2. An Iowa cultural trust fund is created in the office
6 of the treasurer of state for the purpose of receiving moneys
7 appropriated by the general assembly and any other moneys
8 available to the trust fund due to the issuance of trust
9 fund credits by the director as provided in section 303.1A,
10 subsection ~~6~~ 1, paragraph ~~"f"~~.

11 Sec. 168. Section 303A.6, subsection 2, Code 2009, is
12 amended to read as follows:

13 2. Approve or disapprove the grants recommended for
14 approval by the director, in consultation with the Iowa arts
15 council and the state historical society of Iowa, in accordance
16 with section 303.1A, subsection ~~6~~ 1, paragraph ~~"e"~~ ~~"f"~~,
17 subparagraph (3). The board may delete any recommendation, but
18 shall not add to or otherwise amend the list of recommended
19 grants.

20 Sec. 169. Section 307.10, subsection 15, Code 2009, is
21 amended to read as follows:

22 15. Approve all rules prior to their adoption by the
23 director pursuant to section 307.12, subsection ~~10~~ 1, paragraph
24 ~~"j"~~.

25 Sec. 170. Section 321.12, subsection 3, paragraph a, Code
26 2009, is amended to read as follows:

27 a. Records concerning suspensions authorized under section
28 321.210, subsection 1, paragraph ~~"g"~~ ~~"a"~~, subparagraph (7),
29 and section 321.210A may be destroyed six months after the
30 suspension is terminated and the requirements of section
31 321.191 have been satisfied.

32 Sec. 171. Section 321.180A, subsections 1 and 3, Code 2009,
33 are amended to read as follows:

34 1. Notwithstanding other provisions of this chapter, a
35 person with a physical disability, who is not suffering from

1 a convulsive disorder and who can provide a favorable medical
2 report, whose license renewal has been denied under section
3 321.177, subsection 6 or 7, or whose driver's license has
4 been suspended under section 321.210, subsection 1, paragraph
5 ~~"e"~~ "a", subparagraph (3), upon meeting the requirements of
6 section 321.186, other than a driving demonstration or the
7 person's limitations which caused the denial under section
8 321.177, subsection 6 or 7, or suspension under section
9 321.210, subsection 1, paragraph ~~"e"~~ "a", subparagraph (3),
10 and upon paying the fee required in section 321.191, shall be
11 issued a special instruction permit by the department. Upon
12 issuance of the permit the denial or suspension shall be stayed
13 and the stay shall remain in effect as long as the permit is
14 valid.

15 3. The permittee may apply for a driver's license if thirty
16 days have elapsed since issuance of the special instruction
17 permit. The department shall issue a driver's license if the
18 permittee is qualified, passes all required tests, including
19 a driving test, and pays the required fees. If the person
20 has not obtained a driver's license before expiration of the
21 person's special instruction permit, the person's former
22 denial or suspension under section 321.177, subsection 6
23 or 7, or section 321.210, subsection 1, paragraph ~~"e"~~ "a",
24 subparagraph (3), upon service of notice by the department,
25 shall be reinstated. A permit shall be reissued for one
26 additional six-month period if a permittee continues to meet
27 the qualifications of subsection 1 and has incurred no motor
28 vehicle violations.

29 Sec. 172. Section 321.191, subsection 8, Code 2009, is
30 amended to read as follows:

31 8. *Driver's license reinstatements.* The fee for
32 reinstatement of a driver's license shall be twenty dollars
33 for a license which is, after notice and opportunity for
34 hearing, canceled, suspended, revoked, or barred. However,
35 reinstatement of the privilege suspended under section 321.210,

1 subsection 1, paragraph ~~"e"~~ "a", subparagraph (3), shall be
2 without fee. The fee for reinstatement of the privilege
3 to operate a commercial motor vehicle after a period of
4 disqualification shall be twenty dollars.

5 Sec. 173. Section 321.210, subsection 2, paragraph c, Code
6 2009, is amended to read as follows:

7 c. Parking violations, meaning violation of a local
8 authority parking ordinance or violation of sections 321L.4,
9 321.366, subsection ~~6~~ 1, paragraph ~~"f"~~, and 321.354 through
10 321.361 except section 321.354, subsection 1.

11 Sec. 174. Section 321.210C, subsection 1, Code 2009, is
12 amended to read as follows:

13 1. A person whose driver's license or operating privileges
14 have been suspended, revoked, or barred under this chapter
15 for a conviction of a moving traffic violation, or suspended,
16 revoked, or barred under section 321.205 or section 321.210,
17 subsection 1, paragraph ~~"e"~~ "a", subparagraph (5), must
18 satisfactorily complete a twelve-month probation period
19 beginning immediately after the end of the period of
20 suspension, revocation, or bar. Upon a second conviction of a
21 moving traffic violation which occurred during the probation
22 period, the department may suspend the driver's license or
23 operating privileges for an additional period equal in duration
24 to the original period of suspension, revocation, or bar, or
25 for one year, whichever is the shorter period.

26 Sec. 175. Section 321.218, subsection 3, paragraph a, Code
27 Supplement 2009, is amended to read as follows:

28 a. The department, upon receiving the record of the
29 conviction of a person under this section upon a charge of
30 operating a motor vehicle while the license of the person is
31 suspended or revoked, shall, except for licenses suspended
32 under section 252J.8, 321.210, subsection 1, paragraph ~~"e"~~ "a",
33 subparagraph (3), or section 321.210A or 321.513, extend the
34 period of suspension or revocation for an additional like
35 period or for one year, whichever period is shorter, and the

1 department shall not issue a new driver's license to the person
2 during the extended period.

3 Sec. 176. Section 321.415, subsection 1, paragraphs a and b,
4 Code 2009, are amended to read as follows:

5 a. Whenever a driver of a vehicle approaches an oncoming
6 vehicle within one thousand feet, the driver shall use a
7 distribution of light, or composite beam, so aimed that the
8 glaring rays are not projected into the eyes of the oncoming
9 driver. The lowermost distribution of light, or composite
10 beam, specified in section 321.409, subsection 2 1, paragraph
11 "b", shall be deemed to avoid glare at all times, regardless of
12 road contour and loading.

13 b. Whenever the driver of a vehicle follows another vehicle
14 within four hundred feet to the rear, except when engaged in
15 the act of overtaking and passing, the driver shall use a
16 distribution of light permissible under this chapter other
17 than the uppermost distribution of light specified in section
18 321.409, subsection 1, paragraph "a".

19 Sec. 177. Section 321A.17, subsection 4, Code Supplement
20 2009, is amended to read as follows:

21 4. An individual applying for a driver's license following a
22 period of suspension or revocation pursuant to a dispositional
23 order issued under section 232.52, subsection 2, paragraph
24 "a", or under section 321.180B, section 321.210, subsection
25 1, paragraph ~~"d"~~ "a", subparagraph (4), or section 321.210A,
26 321.213A, 321.213B, 321.216B, or 321.513, following a period
27 of suspension under section 321.194, or following a period
28 of revocation pursuant to a court order issued under section
29 901.5, subsection 10, or under section 321J.2A, is not required
30 to maintain proof of financial responsibility under this
31 section.

32 Sec. 178. Section 331.301, subsection 12, Code Supplement
33 2009, is amended to read as follows:

34 12. The board of supervisors may credit funds to a reserve
35 for the purposes authorized by subsection 11 of this section;

1 section 331.424, subsection 1, paragraph ~~“f”~~ “a”, subparagraph
2 (6); and section 331.441, subsection 2, paragraph “b”. Moneys
3 credited to the reserve, and interest earned on such moneys,
4 shall remain in the reserve until expended for purposes
5 authorized by subsection 11 of this section; section 331.424,
6 subsection 1, paragraph ~~“f”~~ “a”, subparagraph (6); or section
7 331.441, subsection 2, paragraph “b”.

8 Sec. 179. Section 331.610, Code 2009, is amended to read as
9 follows:

10 **331.610 Abolition of office of recorder — identification of**
11 **office — place of filing.**

12 If the office of county recorder is abolished in a county,
13 the auditor of that county shall be referred to as the county
14 auditor and recorder. After abolition of the office of county
15 recorder, references in the Code requiring filing or recording
16 of documents with the county recorder shall be deemed to
17 require the filing in the office of the county auditor and
18 recorder, and all duties of the abolished office of recorder
19 shall be performed by the county auditor and recorder.

20 However, the board of supervisors may direct that any of
21 the duties of the abolished office of recorder prescribed
22 in section 331.602, subsection 9, 10, 11, or 16, or section
23 331.605, subsection 1, ~~2, 3, 4~~ paragraphs “a”, “b”, “c”, “d”,
24 or 5 “e”, shall be performed by other county officers or
25 employees as provided in section 331.323.

26 Sec. 180. Section 368.7, subsection 3, Code 2009, is amended
27 to read as follows:

28 3. An application for annexation of territory within an
29 urbanized area of a city other than the city to which the
30 annexation is directed must be approved both by resolution of
31 the council which receives the application and by the board.
32 The board shall not approve an application which creates an
33 island. Notice of the application shall be mailed by certified
34 mail, by the city to which the annexation is directed, at least
35 fourteen business days prior to any action by the city council

1 on the application to the council of each city whose boundary
2 adjoins the territory or is within two miles of the territory,
3 to the board of supervisors of each county which contains a
4 portion of the territory, each affected public utility, and
5 to the regional planning authority of the territory. Notice
6 of the application shall be published in an official county
7 newspaper in each county which contains a portion of the
8 territory at least ten business days prior to any action by the
9 city council on the application. The annexation is completed
10 when the board has filed and recorded copies of applicable
11 portions of the proceedings as required by section 368.20,
12 subsection 2 1, paragraph "b".

13 DIVISION IV

14 DIRECTIVES

15 Sec. 181. CODE EDITOR DIRECTIVES.

16 1. The Code editor is directed to number or renumber to
17 eliminate unnumbered paragraphs in sections 256.33, 256B.4,
18 256B.6, 260C.31, 260C.66, 260C.69, 261.83, 261A.15, 262.25,
19 262A.13, 275.16, 277.4, 285.2, 305B.11, 306.22, 307.22, 309.10,
20 311.7, 313.3, 313.5, 321.31, 321.68, 321.193, 321.211, 321.473,
21 321.475, 321.476, 321E.28, 321I.15, 321L.3, 322.9, 322A.15,
22 322C.12, 326.19A, 326.25, 327D.13, 327F.27, 327G.4, 327G.15,
23 327G.29, 327G.32, 331.254, 331.261, 354.10, 354.12, 354.22,
24 356.26, 357.1A, 357A.2, 357A.18, 357A.20, 357C.1A, 357C.5,
25 359.52, 362.3, 372.1, 376.6, 384.18, 389.3, 400.7, 403A.14, and
26 420.43, Code 2009, in accordance with established Code section
27 hierarchy and correct internal references in the Code and in
28 any enacted Iowa Acts as necessary.

29 2. The Code editor is directed to number, renumber,
30 designate, or redesignate to eliminate unnumbered paragraphs
31 within section subunits in sections 22.1, subsection 3;
32 256.11, subsection 5, paragraphs "g", "h", and "j"; 256.12,
33 subsection 2; 256.52, subsection 3; 257.3, subsection 1; 257.6,
34 subsections 3 and 5; 257.32, subsection 1; 257.37, subsection
35 5; 258.17, subsections 2 and 3; 260C.18B, subsection 1;

1 260C.72, subsection 1; 261.17, subsection 3; 261.38, subsection
2 5; 261.126, subsection 4; 266.39, subsections 3 and 4; 273.8,
3 subsection 8; 273.27, subsection 1; 279.10, subsection 3;
4 279.15, subsection 2; 280.15, subsection 2; 282.3, subsection
5 2; 282.4, subsection 2; 285.5, subsection 1; 296.7, subsections
6 1 and 4; 299A.4, subsection 7; 303.16, subsection 5; 303.16,
7 subsection 9, paragraph "a"; 306.4, subsection 4; 313.2A,
8 subsection 2; 316.2, subsection 3; 321.34, subsections 2, 8,
9 8A, 15, 16, 17, 18, 19, 20, 20A, and 20B; 321.48, subsection 1;
10 321.69, subsections 7 and 10; 321.109, subsection 2; 321.124,
11 subsection 3, paragraph "h"; 321.166, subsection 1; 321.180,
12 subsection 1, paragraphs "a" and "b"; 321.180B, subsections 1
13 and 2; 321.189, subsection 1; 321.201, subsection 1; 321.372,
14 subsections 1 and 3; 321.445, subsection 2; 321.471, subsection
15 1; 321A.2, subsection 1; 321A.5, subsection 3; 321G.13,
16 subsection 1; 321J.4B, subsection 5, paragraph "f"; 321J.20,
17 subsection 1, paragraph "c"; 321J.24, subsection 5; 322.3,
18 subsection 13; 322.19, subsection 1; 322G.4, subsections
19 1, 2, and 3; 322G.6, subsection 3; 324A.6, subsection 1;
20 331.238, subsection 2; 331.248, subsection 4; 331.249,
21 subsections 2 and 7; 331.260, subsection 2; 331.323, subsection
22 1; 331.426, subsection 2; 331.463, subsection 1; 331.659,
23 subsection 1; 331.904, subsection 1; 350.4, subsection 9;
24 352.5, subsection 3; 356.7, subsection 5; 357A.24, subsection
25 4; 359.49, subsection 8; 368.7, subsection 1, paragraph
26 "b", and subsection 4; 368.11, subsection 3, paragraph "m";
27 372.4, subsection 1; 373.2, subsection 2; 373.11, subsection
28 1; 384.38, subsection 3; 384.65, subsection 4; 384.82,
29 subsection 1; 384.103, subsection 2; 386.3, subsection 3;
30 403.5, subsection 2; 403.8, subsection 2; 403.9, subsection
31 3; 403.19, subsection 5, paragraph "a"; 403.22, subsection
32 1; 404.2, subsection 5; 411.6B, subsection 1, paragraph "b";
33 411.8, subsection 1, paragraph "g"; and 411.21, subsection 7,
34 Code 2009, and correct internal references in the Code and in
35 any enacted Iowa Acts as necessary.

1 3. The Code editor is directed to number or renumber
2 to eliminate unnumbered paragraphs within section subunits
3 in sections 10A.108, subsection 1; 321L.5, subsection 6;
4 and 411.36, subsection 1, Code Supplement 2009, and correct
5 internal references in the Code and in any enacted Iowa Acts
6 as necessary.

7 4. a. The Code editor is directed to strike the words
8 "title" or "Title" and insert "Tit." within federal Act
9 references in sections 13.31, subsections 1 and 6; 15E.192,
10 subsection 2; 15E.195, subsections 1 and 2; 30.1, subsection
11 3; 47.1, subsection 5; 96.11, subsection 10, paragraph "c";
12 97C.1; 97C.2, subsections 2, 5, and 7; 97C.3, unnumbered
13 paragraph 1, and subsections 1 and 2; 135C.9, subsection
14 1, paragraph "b"; 142A.8, subsection 2; 203C.1, subsection
15 26; 207.21, subsections 1, 4, and 5; 207.22, subsection 3,
16 paragraph "b"; 217.38; 228.1, subsection 7; 230.20, subsection
17 6; 232.1A; 234.6, subsection 1; 249.1, subsection 3; 249A.2,
18 subsections 1, 4, 6, 7, and 8; 249A.20A, subsection 5; 249A.24,
19 subsection 2, paragraph "b"; 249B.1, subsections 6 and 7;
20 249F.1, subsection 1; 249F.8; 249J.3, subsection 8; 249J.10,
21 subsection 3; 249J.22, subsection 3; 252B.6, subsection
22 3; 252B.9, subsection 2, paragraph "b", subparagraph (1),
23 subsection 3, paragraphs "c", "d", "e", subparagraph (1), and
24 "f"; 252B.14, subsection 5; 252D.20; 252E.15; 259.2, unnumbered
25 paragraph 2; 259.9; 260C.18A, subsection 2, paragraph "c";
26 306B.1, subsections 3 and 4; 307.10, subsection 13; 321.105,
27 subsection 5; 321.450, subsections 1 and 3; 403.6, subsection
28 7; 455B.133, subsection 3 and subsection 8, paragraph "a";
29 459A.102, subsection 19; 483A.4, subsection 1; 486A.101,
30 subsection 2, paragraph "a"; 488.102, subsection 3, paragraph
31 "a"; 490A.102, subsection 2; 514.7, subsections 2 through
32 4; 514B.1, subsection 5, paragraphs "b" through "d"; 514C.8,
33 subsection 1; 514F.4, subsection 2, paragraph "a"; 514I.9,
34 subsection 1; 523A.401, subsection 5, paragraph "a"; 523A.402,
35 subsection 5, paragraph "a"; 523A.602, subsection 3; 534.205,

1 subsection 1; 541A.1, subsection 8, paragraph "b", subparagraph
2 (2); and 541A.6, Code 2009.

3 b. The Code editor is directed to strike the word "title"
4 or "Title" and insert "Tit." within federal Act references in
5 section 35.1, subsection 2, paragraph "b", subparagraphs (1)
6 and (2), Code Supplement 2009.

7 c. The Code editor is directed to strike the word "Title"
8 and "Part" and insert "Tit." and "pt." within federal Act
9 references in sections 257.50 and 261.86, subsection 5, Code
10 2009.

11 d. The Code editor is directed to strike the words "Title",
12 "subtitle", "Part", and "Subpart" and insert "Tit.", "subtit.",
13 "pt.", and "subpt.", where applicable, within federal Act
14 references in sections 256.10A; 256F.3, subsection 1; and
15 476.42, subsection 1, unnumbered paragraph 2 and subsection 4,
16 unnumbered paragraph 2, Code 2009.

17 e. The Code editor is directed to strike the word "Title"
18 and "subchapter" and insert "Tit." and "subch." within a
19 federal Act reference in section 537.1302, Code 2009.

20 f. The Code editor is directed to strike the words
21 "subchapter" and "part" and insert "pt." within a Code of
22 federal regulations reference in section 162.20, subsection 5,
23 paragraph "c", Code 2009.

24 DIVISION V

25 EFFECTIVE DATES

26 Sec. 182. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
27 APPLICABILITY. The following provision or provisions of this
28 Act, being deemed of immediate importance, take effect upon
29 enactment and apply retroactively to July 1, 2009:

30 1. The section of this Act striking 2009 Iowa Acts, chapter
31 9, section 6, subsection 1.

32 2. The section of this Act repealing 2009 Iowa Acts, chapter
33 133, sections 228 and 247.

34 3. The section of this Act repealing 2009 Iowa Acts, chapter
35 170, section 3.

1 4. The section of this Act amending 2009 Iowa Acts, chapter
2 179, section 30.

3 5. The section of this Act amending 2009 Iowa Acts, chapter
4 179, sections 201 and 202.

5 Sec. 183. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
6 APPLICABILITY. The section of this Act amending 2009 Iowa
7 Acts, chapter 100, section 35, takes effect upon enactment and
8 applies retroactively to May 12, 2009.

9 EXPLANATION

10 This bill makes Code changes and corrections that are
11 considered to be nonsubstantive and noncontroversial, in
12 addition to style changes. Changes made include updating
13 or correcting names of and references to public and private
14 entities and funds, correcting internal Code and subject matter
15 references, renumbering and reorganizing various provisions
16 to eliminate unnumbered paragraphs and facilitate citation,
17 updating United States Code and Code of federal regulations
18 references, and making various grammatical corrections. The
19 Code sections in which the technical, grammatical, and other
20 nonsubstantive changes are made include all of the following:

21 DIVISION I. Code section 9A.102, subsection 2: Corrects a
22 reference to the term "agency contract" which is the defined
23 term used to describe contracts entered into between athletes
24 and athlete agents.

25 Code sections 9H.1, 10B.1, 28E.17, 155.12, 172A.5, 196.9,
26 306C.20, 455B.131, 483A.24, 491.36, 537.5105, 543C.2,
27 554B.2, 633.517, 636.45, 669.22, 670.8, and 714B.10: Updates
28 references to provisions within the United States Code and the
29 Code of federal regulations. In Code sections 9H.1, 10B.1,
30 28E.17, 96.9, 155.12, 172A.5, 196.9, 306C.20, 483A.24, 491.36,
31 537.5105, 543C.2, 554B.2, 633.517, 636.45, 669.22, 670.8,
32 and 714B.10 the references are converted to a standardized
33 format. In Code sections 28E.17, 554B.2, 633.517, and 636.45
34 the references are updated to reflect the current United States
35 Code reference and in Code sections 455B.131, 491.36, and

1 714B.10 the references are corrected to reflect the correct
2 United States Code or Code of federal regulations reference.

3 In Code section 636.45, the term "building and loan
4 associations" is updated to the current term "savings and loan
5 associations".

6 Code sections 12B.10B, 43.31, 53.40, 53.41, 159.1, 159.5,
7 279.14, 331.321, 331.508, 420.220, 455B.602, 455G.21,
8 and 626D.3: Updates internal references to eliminate
9 self-references to Code chapters in Code sections within those
10 Code chapters, self-references within Code sections, and
11 references to repealed Code sections in string and through
12 citations in current Code sections. The purpose of the
13 updates is to improve the hypertext and internal reference
14 identification process.

15 Code section 20.4: Corrects the grammar of a collective
16 bargaining provision by changing the noun "layoff" to the
17 verb "lay off" within the definition of the term "supervisory
18 employee".

19 Code section 76.2: Substitutes "a political subdivision"
20 for "these political subdivisions" to conform to the use of
21 the singular "political subdivision" elsewhere in the Code
22 section and adds a reference to the provision which specifies
23 what types of entities are referred to when the term "political
24 subdivision" is used.

25 Code sections 92.9, 103.1, 103.12, and 103.15: Updates
26 references to the name of the office within the United States
27 department of labor that is responsible for oversight of
28 apprenticeship programs.

29 Code sections 92.18: Replaces the word "seasonable" with
30 the word "seasonal" to correct the description of the purpose
31 for which certain laborers travel from state to state seeking
32 employment.

33 Code section 96.9: Renumbers to eliminate an unnumbered
34 paragraph and place numbered items into a list, as well
35 as replaces the word "section" with a section symbol in a

1 reference to the federal Social Security Act.

2 Code section 96.20: Renumbers to eliminate an unnumbered
3 paragraph and conform numbering within this provision to Code
4 section hierarchy and combines two sentence fragments into a
5 single sentence in this unemployment compensation provision.

6 Code section 97B.1A, subsection 20: Combines two unnumbered
7 paragraphs under lettered paragraph "d" to eliminate an
8 unanchored unnumbered paragraph.

9 Code section 97B.42: Numbers unnumbered paragraphs and
10 reverses the placement of two provisions to place them in
11 chronological order in this Code section relating to certain
12 persons who are members of the Iowa public employees'
13 retirement system. Internal references to Code section
14 260C.14, which is partially renumbered in Division II of this
15 bill to eliminate unanchored unnumbered paragraphs, are also
16 corrected.

17 Code section 100B.13: Replaces two references to repealed
18 provisions that formerly provided revenue for volunteer fire
19 fighter preparedness fund with a reference to the current
20 provision that provides those funds.

21 Code section 100D.1: Makes grammatical changes in language
22 defining the terms "fire extinguishing system contractor" and
23 "fire protection system".

24 Code sections 124.212A and 126.23A: Substitutes the word
25 "from" for the word "in" in these provisions relating to sales
26 of pseudoephedrine products.

27 Code sections 126.12 and 166D.1: Corrects and conforms two
28 references to the name of the federal Virus-Serum-Toxin Act.

29 Code section 135.107, subsection 3, paragraph b,
30 subparagraph (2), subparagraph division (h): Substitutes the
31 words "determination of" for the word "determine" to conform
32 the usage within this subparagraph division to other usage in
33 other provisions in this subparagraph.

34 Code sections 135A.4 and 135A.5: Conforms language in
35 Code section 135A.4 to similar language relating to quarterly

1 meetings of the respective public entities and changes the word
2 "greater" to "more" in language describing the maximum number
3 of members that may serve on those entities.

4 Code section 135A.9: Corrects the reference to the
5 Code section pursuant to which public health standards
6 are recommended by the governmental public health advisory
7 committee to the department of public health.

8 Code section 142A.3: Adds the words "of representative" to
9 a reference to the appointments made by the majority leader of
10 the house of representatives to the commission on tobacco use
11 prevention and control.

12 Code section 158.16: Adds the words "an amount" between
13 the words "fined" and "not to exceed one thousand dollars" in
14 language describing the penalty applicable for violations under
15 the Code chapter relating to the practice of barbering.

16 Code section 159A.4: Substitutes the word "agency" for
17 the word "department" in language preceding an enumeration of
18 agencies, including but not limited to departments, which have
19 representatives on the renewable fuels and coproducts advisory
20 committee.

21 Code section 215.17: Numbers provisions in this section
22 relating to test weights to set off the portions of the
23 provisions which constitute the statutory language from the
24 portions which set out tables containing fee amounts.

25 Code section 256A.4, subsection 1: Adds the words "family
26 support" in the very first paragraph of and renumbers to
27 eliminate unnumbered paragraphs in this subsection permitting
28 the establishment of family support programs.

29 Code sections 257.9, 257.10, and 455G.3: Adds references
30 to the years in which certain repealed but still referenced
31 provisions last appeared in the Code to permit readers of the
32 Code to locate the text of these former Code sections.

33 Code section 257.15: Adds the words "Code 1989" after
34 each instance of the citation to former Code chapter 442 to
35 facilitate hypertext linkage programming and conform to other

1 instances of that citation within this Code section.

2 Code section 262A.2: Updates the listing of items within
3 this definition of "institutional income" to eliminate
4 hierarchical numbering that does not conform to existing Code
5 hierarchy.

6 Code section 282.1: Splits a run-on sentence into two
7 sentences, substitutes the words "school district" for "boards"
8 in the second sentence, and corrects an incorrect subsection
9 reference to the provision that relates to the charging of
10 tuition to sending school districts for students from grades
11 discontinued by the sending district.

12 Code section 298.18, subsection 1, paragraph "d": Adds
13 the word "dollars" after the words "cents per thousand" to
14 conform with other similar instances of language describing the
15 property taxes imposed under this Code section.

16 Code section 299.1: Adds the words "school district" in a
17 reference to the governing bodies of public school districts
18 which set attendance policies for the districts.

19 Code section 321.166: Corrects the grammar in this
20 provision describing the size of the registration plate numbers
21 on certain conveyances by substituting the plural form of
22 several nouns for the singular form of those same nouns.

23 Code section 422.34: Updates the spelling of the word
24 "cooperative" to match other uses within the chapter as well as
25 the spelling of the defined term within the federal Internal
26 Revenue Code.

27 Code section 424.16: Corrects the grammar in this provision
28 by substituting the word "nor" for the word "or" in the phrase
29 "Neither mailed notice or notice by publication".

30 Code section 433.7: Substitutes the word "by" for the
31 word "of" in the phrase "of the director" that appears in the
32 sentence beginning "At the time of determination of value of
33 the director..."

34 Code section 466B.3: Corrects references to the executive
35 heads of the homeland security and emergency management

1 division of the department of public defense and of the Iowa
2 finance authority.

3 Code section 483A.24, subsection 2, paragraph "f": Numbers
4 certain paragraphs, within this lettered paragraph relating
5 to attestations in deer and wild turkey hunting license
6 applications, to anchor those paragraphs.

7 Code section 489.1013: Adds the word "that" in language
8 relating to the contents of a statement that relates to
9 domestication of a limited liability company in a foreign
10 jurisdiction.

11 Code sections 518.14 and 518A.12: Strikes an extraneous
12 "a" before references to "home office real estate" in language
13 relating to permitted investments in home office real estate by
14 state and county mutual insurance associations.

15 Code section 533A.8: Adds the word "the" between the words
16 "do all of" and the word "following" in language expressing
17 requirements imposed on debt management program licensees.

18 Code sections 554.2310 and 554.12403: Redesignates
19 subsections within these two provisions to conform to current
20 established Code section hierarchy. In Code section 554.2310,
21 the nonconforming numerals are stricken. In Code section
22 554.12403, the subsection components are given paragraph
23 lettering.

24 Code section 602.8106, subsection 1, paragraph "d": Strikes
25 the word "The" and substitutes the word "For" to conform the
26 style of this provision relating to collection by the clerk
27 of costs in scheduled violation cases to the style of other
28 paragraphs in this subsection.

29 Code section 723.4, subsection 6, paragraph "b": Changes
30 the word "section" to "subsection" to correctly refer to the
31 scope of the definitions contained within this subsection
32 paragraph. The defined terms are used only in that subsection.

33 2009 Iowa Acts, chapter 9, section 6: Strikes a directive
34 to create a new division within Code chapter 68B that was not
35 needed for the codification of the changes made by the Act.

1 2009 Iowa Acts, chapter 100, section 35: Corrects this
2 effective date provision to refer to the division of the Act to
3 which it applies.

4 2009 Iowa Acts, chapter 133, sections 228 and 247: Strikes
5 extraneous provisions that changed internal references,
6 because the renumbering upon which the reference changes were
7 originally based were not made.

8 2009 Iowa Acts, chapter 170, section 3: Repeals, effective
9 July 1, 2009, pursuant to Division V of this bill, the addition
10 of a new subsection 9A to Code section 15G.111, which was
11 limited in effect from July 1, 2008, to June 30, 2009. Code
12 section 15G.111 was entirely rewritten effective July 1, 2009,
13 in 2009 Iowa Acts, chapter 123.

14 2009 Iowa Acts, chapter 175, section 25: Corrects an
15 incorrect subsection reference to amendments made by this same
16 Act to Code section 455B.172.

17 2009 Iowa Acts, chapter 179, section 30: Corrects an
18 incorrect paragraph designation in the text of an amendment to
19 subsection 2, paragraph "a", of Code section 12.90C.

20 2009 Iowa Acts, chapter 179, sections 201 and 202: Corrects
21 these implementation and applicability provisions to refer to
22 the division of the Act to which they apply.

23 DIVISION II. The Code sections in this division are amended
24 by numbering and renumbering the provisions within volume III
25 of the Code, and by changing textual references as necessary.
26 The purposes of the numbering and renumbering are to conform
27 certain provisions to existing Code section hierarchy, to
28 eliminate "unanchored" unnumbered paragraphs within the Code
29 sections, to facilitate Code section readability, and to
30 facilitate citation to those Code sections.

31 DIVISION III. This division contain corrections to internal
32 references to Code sections which are numbered or renumbered in
33 division II of this bill.

34 DIVISION IV. This division contains Code editor directives
35 to do the following:

1 1. Number and renumber provisions to eliminate "unanchored"
2 unnumbered paragraphs in provisions that do not require any
3 additional textual reference corrections.

4 2. Change federal references to a standardized format to
5 facilitate hypertext linkage of Code title, subtitle, chapter,
6 subchapter, and part references and to facilitate future
7 identification of those federal references for future hypertext
8 linkage.

9 DIVISION V. This division contains the effective dates
10 applicable to various provisions in division I of this bill.