

Senate Study Bill 3209 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

A BILL FOR

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

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DIVISION I

MISCELLANEOUS PROVISIONS

Section 1. Section 8.7, Code 2009, is amended to read as follows:

8.7 Reporting of gifts and bequests received.

All gifts and bequests received by a department or accepted by the governor on behalf of the state shall be reported to the Iowa ethics and campaign disclosure board and the general assembly's standing committees on government oversight committees. The ethics and campaign disclosure board shall, by January 31 of each year, submit to the fiscal services division of the legislative services agency a written report listing all gifts and bequests received during the previous calendar year with a value over one thousand dollars and the purpose for each such gift or bequest. The submission shall also include a listing of all gifts and bequests received by a department from a person if the cumulative value of all gifts and bequests received by the department from the person during the previous calendar year exceeds one thousand dollars, and the ethics and campaign disclosure board shall include, if available, the purpose for each such gift or bequest. However, the reports on gifts or bequests filed by the state board of regents pursuant to section 8.44 shall be deemed sufficient to comply with the requirements of this section.

Sec. 2. Section 8.9, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

b. The office of grants enterprise management shall submit by July 1 and January 1 of each year to the general assembly's standing committees on government oversight committees a written report summarizing departmental compliance with the requirements of this subsection.

Sec. 3. Section 9H.4, subsection 1, paragraph b, subparagraph (3), subparagraph division (a), subparagraph subdivision (i), Code Supplement 2009, is amended to read as follows:

1 (i) The corporation or limited liability company must not
2 hold the agricultural land other than as a lessee. The term
3 of the lease must be for not more than twelve years. The
4 corporation or limited liability company shall not renew a
5 lease. The corporation or limited liability company shall
6 not enter into a lease under this subparagraph subdivision,
7 if the corporation or limited liability company has ever
8 entered into another lease under this subparagraph (3), whether
9 or not the lease is in effect. However, this subparagraph
10 subdivision does not apply to a domestic corporation organized
11 under chapter 504, Code 1989, or current chapter 504.

12 Sec. 4. Section 12B.6, Code 2009, is amended to read as
13 follows:

14 **12B.6 Certain public funds of political subdivisions.**

15 All funds received, expended, or held by an association of
16 elected county officers before, on, or after June 16, 2005, to
17 implement a state-authorized program, are subject to audit by
18 the auditor of state at the request of the general assembly's
19 standing committees on government oversight ~~committees~~ or the
20 legislative council. All such funds received or held on and
21 after July 1, 2005, shall be deposited in a fund in the office
22 of the treasurer of state.

23 Sec. 5. Section 15G.111, subsection 2, paragraph c, Code
24 Supplement 2009, is amended to read as follows:

25 *c.* Of the moneys accruing to the fund pursuant to subsection
26 1, paragraph "c", the department, with the approval of the
27 board, may allocate an amount necessary to fund administrative
28 and operations costs. An allocation pursuant to this
29 ~~section~~ paragraph may be made in addition to any allocations
30 made pursuant to subsection 4, paragraph "a".

31 Sec. 6. Section 15G.112, subsection 1, paragraph h, Code
32 Supplement 2009, is amended to read as follows:

33 *h.* If a business that is approved to receive financial
34 assistance experiences a layoff within this state or closes
35 any of its facilities within this state, the board has the

1 discretion to reduce or eliminate some or all of the amount
2 of financial assistance to be received. If a business has
3 received financial assistance under this ~~part~~ section and
4 experiences a layoff within this state or closes any of its
5 facilities within this state, the business may be subject
6 to repayment of all or a portion of the incentives that the
7 business has received.

8 Sec. 7. Section 15G.115, subsection 3, paragraph b, Code
9 Supplement 2009, is amended to read as follows:

10 *b.* Consider the recommendation of the due diligence
11 committee, ~~and~~ the agricultural products advisory council, and
12 the technology commercialization committee on each application
13 for financial assistance, as described in subsection 2, and
14 take final action on each application.

15 Sec. 8. Section 73.1, unnumbered paragraph 1, Code 2009, is
16 amended to read as follows:

17 Every commission, board, committee, officer, or other
18 governing body of the state, or of any county, township, school
19 district or city, and every person acting as contracting or
20 purchasing agent for any such commission, board, committee,
21 officer, or other governing body shall use only those products
22 and provisions grown and coal produced within the state of
23 Iowa, when they are found in marketable quantities in the
24 state and are of a quality reasonably suited to the purpose
25 intended, and can be secured without additional cost over
26 foreign products or products of other states. This section
27 shall apply to horticultural products grown in this state even
28 if the products are not in the stage of processing that the
29 agency usually purchases the product. However, this section
30 does not apply to a school district purchasing food while the
31 school district is participating in the federal school lunch or
32 breakfast program.

33 Sec. 9. Section 85A.11, subsection 2, Code 2009, is amended
34 to read as follows:

35 2. The specimens for the tests required herein must be taken

1 by a licensed practicing physician or osteopathic physician,
2 and immediately delivered to the ~~university~~ state hygienic
3 laboratory of the Iowa department of public health at Iowa
4 City, and each such specimen shall be in a container upon
5 which is plainly printed the name and address of the subject,
6 the date when the specimen was taken, the name and address of
7 the subject's employer and a certificate by the physician or
8 osteopathic physician that the physician took the specimen
9 from the named subject on the date stated over the physician's
10 signature and address.

11 Sec. 10. Section 99G.7, subsection 1, paragraph g, Code
12 2009, is amended to read as follows:

13 g. Report semiannually to the ~~legislative~~ general
14 assembly's standing committees on government oversight
15 ~~committees~~ regarding the operations of the authority.

16 Sec. 11. Section 99G.21, subsection 3, Code 2009, is amended
17 to read as follows:

18 3. Notwithstanding any other provision of law, any purchase
19 of real property and any borrowing of more than one million
20 dollars by the authority shall require written notice from
21 the authority to the ~~legislative~~ general assembly's standing
22 committees on government oversight ~~committees~~ and the prior
23 approval of the executive council.

24 Sec. 12. Section 99G.40, subsection 4, Code 2009, is amended
25 to read as follows:

26 4. For informational purposes only, the chief executive
27 officer shall submit to the department of management by October
28 1 of each year a proposed operating budget for the authority
29 for the succeeding fiscal year. This budget proposal shall
30 also be accompanied by an estimate of the net proceeds to
31 be deposited into the general fund during the succeeding
32 fiscal year. This budget shall be on forms prescribed by the
33 department of management. A copy of the information required
34 to be submitted to the department of management pursuant to
35 this subsection shall be submitted to the ~~legislative~~ general

1 assembly's standing committees on government oversight
2 ~~committees~~ and the legislative services agency by October 1 of
3 each year.

4 Sec. 13. Section 124.212B, subsection 9, Code Supplement
5 2009, is amended to read as follows:

6 9. The office ~~and the board~~ shall report to the board on
7 an annual basis, beginning January 1, 2010, regarding the
8 repository, including the effectiveness of the repository in
9 discovering unlawful sales of pseudoephedrine products.

10 Sec. 14. Section 135.43, subsection 7, paragraph b, Code
11 Supplement 2009, is amended to read as follows:

12 b. A person in possession or control of medical,
13 investigative, assessment, or other information pertaining to a
14 child death and child abuse review shall allow the inspection
15 and reproduction of the information by the office of the state
16 medical examiner upon the request of the office, to be used
17 only in the administration and for the duties of the Iowa
18 child death review team. Except as provided for a report on
19 a child fatality by an ad hoc child fatality review committee
20 under subsection 4, information and records produced under this
21 section which are confidential under section 22.7 and chapter
22 235A, and information or records received from the confidential
23 records, remain confidential under this section. A person does
24 not incur legal liability by reason of releasing information to
25 the department or the office of the state medical examiner as
26 required under and in compliance with this section.

27 Sec. 15. Section 135.150, subsection 2, Code Supplement
28 2009, is amended to read as follows:

29 2. The department shall report semiannually to the
30 legislative general assembly's standing committees on
31 government oversight ~~committees~~ regarding the operation of the
32 gambling treatment program. The report shall include but is
33 not limited to information on the moneys expended and grants
34 awarded for operation of the gambling treatment program.

35 Sec. 16. Section 135C.41, subsection 2, Code Supplement

1 2009, is amended to read as follows:

2 2. Notify the director that the facility desires to contest
3 the citation and, ~~in the case of citations for Class I, Class~~
4 ~~II, or Class III violations,~~ request an informal conference
5 with a representative of the department.

6 Sec. 17. Section 135C.43, subsection 1, Code Supplement
7 2009, is amended to read as follows:

8 1. A facility which desires to further contest an affirmed
9 or modified citation for a Class I, Class II, or Class III
10 violation, may do so in the manner provided by chapter 17A
11 for contested cases. Notice of intent to formally contest a
12 citation shall be given the department in writing within five
13 days after the informal conference or after receipt of the
14 written explanation of the representative delegated to hold the
15 informal conference, whichever is applicable, in the case of an
16 affirmed or modified citation ~~for a Class I, Class II, or Class~~
17 ~~III violation.~~ A facility which has exhausted all adequate
18 administrative remedies and is aggrieved by the final action of
19 the department may petition for judicial review in the manner
20 provided by chapter 17A.

21 Sec. 18. Section 147.14, subsection 1, paragraphs 1 and o,
22 Code Supplement 2009, are amended to read as follows:

23 1. For the board of physician assistants, five members
24 licensed to practice as physician assistants, at least two of
25 whom practice in counties with a population of less than fifty
26 thousand, one member licensed to practice medicine and surgery
27 who supervises a physician assistant, one member licensed to
28 practice osteopathic medicine and surgery who supervises a
29 physician assistant, and two members who are not licensed to
30 practice either medicine and surgery or osteopathic medicine
31 and surgery or licensed as a physician assistant and who shall
32 represent the general public. At least one of the physician or
33 osteopathic physician members shall be in practice in a county
34 with a population of less than fifty thousand.

35 o. For respiratory care, one licensed physician with

1 training in respiratory care, three respiratory care
2 practitioners who have practiced respiratory care for a minimum
3 of six years immediately preceding their appointment to the
4 board and who are recommended by the society for respiratory
5 care, and one member not licensed to practice medicine,
6 osteopathic medicine, or respiratory care who shall represent
7 the general public.

8 Sec. 19. Section 148.3, subsection 1, paragraph a,
9 unnumbered paragraph 1, Code Supplement 2009, is amended to
10 read as follows:

11 A diploma issued by a medical college or college of
12 osteopathic medicine and surgery approved by the board, or
13 other evidence of equivalent medical education approved by
14 the board. The board may accept, in lieu of a diploma from
15 a medical college or college of osteopathic medicine and
16 surgery approved by the board, all of the following:

17 Sec. 20. Section 153.34, subsection 16, Code Supplement
18 2009, is amended to read as follows:

19 16. ~~The~~ For a dental hygienist, the practice of dentistry by
20 a the dental hygienist; shall also be grounds for discipline
21 ~~of the dental hygienist,~~ and for a dentist, the permitting
22 ~~of such~~ the practice of dentistry by a dental hygienist by
23 the dentist under whose supervision the dental hygienist is
24 operating ~~shall be grounds for disciplining of the dentist.~~

25 Sec. 21. Section 163.30, subsection 5, Code Supplement
26 2009, is amended to read as follows:

27 5. ~~a.~~ All swine moved shall be accompanied by a certificate
28 of veterinary inspection issued by the state of origin and
29 prepared and signed by a veterinarian. The certificate shall
30 show the point of origin, the point of destination, individual
31 identification, immunization status, and, when required,
32 any movement permit number assigned to the shipment by the
33 department. All such movement of swine shall be completed
34 within seventy-two hours unless an extension of time for
35 movement is granted by the department.

1 ~~b. a.~~ However, the requirements of paragraph "a" do not
2 apply as follows:

3 ~~Swine which are~~ swine may be moved intrastate directly to
4 an approved state, federal, or auction market, ~~there~~ without
5 identification or certification, if the swine are to
6 be identified and certificated, ~~are excepted from the~~
7 ~~identification and certification requirements~~ at the auction
8 market.

9 ~~e. b.~~ Registered swine for exhibition or breeding purposes
10 which can be individually identified by an ear notch or tattoo
11 or other method approved by the department are excepted from
12 the ~~additional~~ identification requirement.

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

22 Sec. 22. Section 173.1, subsection 5, Code 2009, is amended
23 to read as follows:

24 5. A secretary to be ~~elected~~ appointed by the board who
25 shall serve as a nonvoting member.

26 Sec. 23. Section 175.8, subsection 4, Code Supplement 2009,
27 is amended to read as follows:

28 4. The authority's executive director, appointed
29 pursuant to section 175.7, shall report semiannually to
30 the legislative general assembly's standing committees
31 on government oversight committees regarding the operations of
32 the authority.

33 Sec. 24. Section 176A.10, subsection 2, Code Supplement
34 2009, is amended to read as follows:

35 2. An extension council of an extension district may choose

1 to be subject to the levy and revenue limits specified in
2 subparagraphs (2) of subsection 1, paragraphs "a" through
3 "d", and subsection 1, paragraph "e", for the purpose of the
4 annual levy for the fiscal year commencing July 1, 1991, which
5 levy is payable in the fiscal year beginning July 1, 1992.
6 Before an extension district may be subject to the levy and
7 revenue limits specified in subparagraphs (2) of subsection
8 1, paragraphs "a" through "d", and subsection 1, paragraph
9 "e", for fiscal years beginning on or after July 1, 1992,
10 which levy is payable in fiscal years beginning on or after
11 July 1, 1993, the question of whether the district shall be
12 subject to the levy and revenue limits as specified in such
13 ~~subsections~~ paragraphs must be submitted to the registered
14 voters of the district. The question shall be submitted at the
15 time of a state general election. If the question is approved
16 by a majority of those voting on the question the levy and
17 revenue limits specified in subparagraphs (2) of subsection
18 1, paragraphs "a" through "d", and subsection 1, paragraph
19 "e", shall thereafter apply to the extension district. The
20 question need only be approved at one state general election.
21 If a majority of those voting on the question vote against the
22 question, the district may continue to submit the question at
23 subsequent state general elections until approved.

24 Sec. 25. Section 203.19, subsection 2, Code Supplement
25 2009, is amended to read as follows:

26 2. ~~a.~~ If a cooperative agreement is in effect under this
27 section, the indemnification requirements of this chapter may
28 be satisfied by filing with the department evidence of a bond
29 or an irrevocable letter of credit on file with a state or of
30 participation in an indemnity fund in a state with which Iowa
31 has a cooperative agreement as provided for by this section.

32 ~~b.~~ ~~(1)~~ 3. a. Indemnification proceeds shall be copayable
33 to the state of Iowa for the benefit of sellers of grain under
34 this chapter.

35 ~~(2)~~ b. Indemnification proceeds required by this chapter

1 may be made copayable to any state with whom this state has
2 entered into contracts or agreements as authorized by this
3 section, for the benefit of sellers of grain in that state.

4 Sec. 26. Section 216.6A, subsection 3, unnumbered paragraph
5 1, Code Supplement 2009, is amended to read as follows:

6 It shall be an affirmative defense ~~for~~ to a claim arising
7 under this section if any of the following applies:

8 Sec. 27. Section 216C.11, subsection 2, Code Supplement
9 2009, is amended to read as follows:

10 2. A person with a disability, a person assisting a person
11 with a disability by controlling a service dog or an assistive
12 animal, or a person training a service dog or an assistive
13 animal has the right to be accompanied by a service dog or an
14 assistive animal, under control, in any of the places listed
15 in sections 216C.3 and 216C.4 without being required to make
16 additional payment for the service dog or assistive animal.
17 A landlord shall waive lease restrictions on the keeping of
18 animals for the service dog or assistive animal of a person
19 with a disability. The person is liable for damage done to any
20 premises or facility by a service dog or assistive animal.

21 Sec. 28. Section 235B.1, subsection 4, paragraph b,
22 subparagraph (1), Code Supplement 2009, is amended to read as
23 follows:

24 (1) The advisory council shall consist of
25 ~~twelve~~ fourteen members. Six members shall be appointed by and
26 serve at the pleasure of the governor. Four of the members
27 appointed shall be appointed on the basis of knowledge and
28 skill related to expertise in the area of dependent adult
29 abuse including professionals practicing in the disciplines of
30 medicine, public health, mental health, long-term care, social
31 work, law, and law enforcement. Two of the members appointed
32 shall be members of the general public with an interest in
33 the area of dependent adult abuse and two of the members
34 appointed shall be members of the Iowa caregivers association.
35 In addition, the membership of the council shall include the

1 director or the director's designee of the department of human
2 services, the department on aging, the Iowa department of
3 public health, and the department of inspections and appeals.

4 Sec. 29. Section 256B.9, subsection 1, paragraphs b, c, and
5 d, Code 2009, are amended to read as follows:

6 b. Children requiring special education who require special
7 adaptations while assigned to a regular classroom for basic
8 instructional purposes and pupils with disabilities placed in a
9 special education class who receive part of their instruction
10 in regular classrooms are assigned a weighting of one and
11 eight-tenths ~~for the school year commencing July 1, 1975.~~ This

12 ~~Effective July 1, 1991,~~ this paragraph also applies to
13 children requiring special education who require specially
14 designed instruction while assigned to a regular classroom for
15 basic instructional purposes.

16 c. Children requiring special education who require
17 full-time, self-contained special education placement with
18 little integration into a regular classroom are assigned a
19 weighting of two and two-tenths ~~for the school year commencing~~
20 ~~July 1, 1975.~~ This

21 ~~Effective July 1, 1991,~~ this paragraph also applies to
22 children requiring special education who require substantial
23 modifications, adaptations, or special education accommodations
24 in order to benefit from instruction in an integrated
25 classroom.

26 d. Children requiring special education who have severe
27 disabilities or who have multiple disabilities are assigned
28 a weighting of four and four-tenths ~~for the school year~~
29 ~~commencing July 1, 1975.~~ This

30 ~~Effective July 1, 1991,~~ this paragraph also applies to
31 children requiring special education who have severe and
32 profound disabilities.

33 Sec. 30. Section 256D.3, subsection 3, Code Supplement
34 2009, is amended to read as follows:

35 3. Beginning January 15, 2006, the department shall submit

1 an annual report to the chairpersons and ranking members of
2 the senate and house education committees that includes the
3 statewide average school district class size in basic skills
4 instruction in kindergarten through grade three, by grade
5 level and by district size, and describes school district
6 progress toward achieving early intervention block grant
7 program goals and the ways in which school districts are
8 using moneys received pursuant to this chapter and expended
9 as provided in section ~~256D.2~~ 256D.2A. The report shall
10 include district-by-district information showing the allocation
11 received for early intervention block grant program purposes,
12 the total number of students enrolled in grade four in each
13 district, and the number of students in each district who are
14 not proficient in reading in grade four for the most recent
15 reporting period, as well as for each reporting period starting
16 with the school year beginning July 1, 2001.

17 Sec. 31. Section 256F.2, Code 2009, is amended by adding the
18 following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless
20 the context otherwise requires:

21 Sec. 32. Section 256G.4, subsection 3, paragraph a,
22 subparagraph (2), unnumbered paragraph 1, Code Supplement 2009,
23 is amended to read as follows:

24 Ten members, as follows, who shall be jointly recommended
25 for membership by the president and the director, and shall be
26 jointly approved by the state board of regents and the state
27 board of education, shall serve three-year staggered terms, and
28 shall be eligible to serve for two consecutive three-year terms
29 on the council in addition to any partial, initial term:

30 Sec. 33. Section 257.6, subsection 1, paragraph a,
31 subparagraph (5), Code Supplement 2009, is amended to read as
32 follows:

33 (5) Resident pupils receiving competent private instruction
34 from a licensed practitioner provided through a public
35 school district pursuant to chapter 299A shall be counted as

1 three-tenths of one pupil. Revenues received by a school
2 district attributed to a school district's weighted enrollment
3 pursuant to this ~~paragraph~~ subparagraph shall be expended for
4 the purpose for which the weighting was assigned under this
5 ~~paragraph~~ subparagraph. If the school district determines that
6 the expenditures associated with providing competent private
7 instruction pursuant to chapter 299A are in excess of the
8 revenue attributed to the school district's weighted enrollment
9 for such instruction in accordance with this subparagraph,
10 the school district may submit a request to the school budget
11 review committee for modified allowable growth in accordance
12 with section 257.31, subsection 5, paragraph "n". A home school
13 assistance program shall not provide moneys received pursuant
14 to this subparagraph, nor resources paid for with moneys
15 received pursuant to this subparagraph, to parents or students
16 utilizing the program.

17 Sec. 34. Section 260C.44, Code 2009, is amended to read as
18 follows:

19 **260C.44 Apprenticeship programs.**

20 1. Each community college is authorized to establish or
21 contract for the establishment of apprenticeship programs
22 for apprenticeable occupations. Any apprenticeship program
23 established under this section shall comply with requirements
24 established by the United States department of labor,
25 bureau of apprenticeship and training. Participation in an
26 apprenticeship program or apprenticeship agreement by an
27 apprenticeship sponsor shall be on a voluntary basis.

28 2. For purposes of this section, 7:

29 a. "Apprentice" means a person who is at least sixteen
30 years of age, except where a higher minimum age is required by
31 law, who is employed in an apprenticeable occupation, and is
32 registered with the United States department of labor, office
33 of apprenticeship.

34 b. "Apprenticeable occupation" means an occupation approved
35 for apprenticeship by the United States department of labor,

1 office of apprenticeship and training.

2 c. ~~"apprenticeship~~ "Apprenticeship program" means a
3 plan, registered with the United States ~~bureau~~ office of
4 apprenticeship ~~and training~~ which contains the terms and
5 conditions for the qualification, recruitment, selection,
6 employment, and training of apprentices, including the
7 requirement for a written apprenticeship agreement.

8 d. ~~For purposes of this section, "apprenticeship~~
9 "Apprenticeship sponsor" means a person operating an
10 apprenticeship program or in whose name an apprenticeship
11 program is being operated, registered, or approved.

12 ~~For purposes of this section, "apprenticeable~~
13 occupation" means ~~an occupation approved for apprenticeship by~~
14 ~~the United States department of labor, bureau of apprenticeship~~
15 ~~and training.~~

16 ~~For purposes of this section, "apprentice" means a person who~~
17 ~~is at least sixteen years of age, except where a higher minimum~~
18 ~~age is required by law, who is employed in an apprenticeable~~
19 ~~occupation, and is registered with the United States department~~
20 ~~of labor, bureau of apprenticeship and training.~~

21 Sec. 35. Section 260C.47, subsection 1, unnumbered
22 paragraph 1, Code 2009, is amended to read as follows:

23 The state board of education shall establish an
24 accreditation process for community college programs by July
25 1, 1997. The process shall be jointly developed and agreed
26 upon by the department of education and the community colleges.
27 The state accreditation process shall be integrated with
28 the accreditation process of the north central association
29 of colleges and schools, including the evaluation cycle,
30 the self-study process, and the criteria for evaluation,
31 which shall incorporate the standards for community colleges
32 developed under section 260C.48; and shall identify and make
33 provision for the needs of the state that are not met by the
34 association's accreditation process. For the academic year
35 commencing July 1, 1998, and in succeeding school years, the

1 department of education shall use a two-component process for
2 the continued accreditation of community college programs.
3 ~~Beginning July 1, 2006, the state accreditation process~~
4 ~~shall incorporate the standards developed pursuant to section~~
5 ~~260C.48, subsection 4.~~

6 Sec. 36. Section 272C.4, unnumbered paragraph 2, Code
7 Supplement 2009, is amended by striking the unnumbered
8 paragraph.

9 Sec. 37. NEW SECTION. **272C.11 Insurers of professional and**
10 **occupational licensees — reports.**

11 Insurance carriers which insure professional and
12 occupational licensees for acts or omissions that constitute
13 negligence, careless acts, or omissions in the practice
14 of a profession or occupation shall file reports with the
15 appropriate licensing board. The reports shall include
16 information pertaining to any lawsuit filed against a licensee
17 which may affect the licensee as defined by rule, involving an
18 insured of the insurer.

19 Sec. 38. Section 282.18, subsection 2, paragraph b, Code
20 Supplement 2009, is amended to read as follows:

21 *b.* The board of the receiving district shall enroll the
22 pupil in a school in the receiving district for the following
23 school year unless the receiving district ~~does not have~~ has
24 insufficient classroom space for the pupil. The board of
25 directors of a receiving district may adopt a policy granting
26 the superintendent of the school district authority to approve
27 open enrollment applications. If the request is granted,
28 the board shall transmit a copy of the form to the parent or
29 guardian and the school district of residence within five days
30 after board action, but not later than June 1 of the preceding
31 school year. The parent or guardian may withdraw the request
32 at any time prior to the start of the school year. A denial of
33 a request by the board of a receiving district is not subject
34 to appeal.

35 Sec. 39. Section 282.18, subsection 13, Code Supplement

1 2009, is amended to read as follows:

2 13. If a request under this section is for transfer to a
3 laboratory school, as described in chapter 265, the student,
4 who is the subject of the request, shall not be included in
5 the basic enrollment of the student's district of residence,
6 and the laboratory school shall report the enrollment of the
7 student directly to the department of education, unless the
8 number of students from the district attending the laboratory
9 school during the current school year, as a result of open
10 enrollment under this section, exceeds the number of students
11 enrolled in the laboratory school from that district during
12 the 1989-1990 school year. If the number of students enrolled
13 in the laboratory school from a district during the current
14 year exceeds the number of students enrolled from that
15 district during the 1989-1990 school year, those students who
16 represent the difference between the current and the 1988-1989
17 school year enrollment figures shall be included in the basic
18 enrollment of the students' districts of residence and the
19 districts shall retain any moneys received as a result of the
20 inclusion of the student in the district enrollment. The total
21 number of students enrolled at a laboratory school during a
22 school year shall not exceed six hundred seventy students. The
23 regents institution operating the laboratory school and the
24 board of directors of the school district in the community
25 in which the regents institution is located shall develop
26 a student transfer policy designed to protect and promote
27 the quality and integrity of the teacher education program
28 at the laboratory school, the viability of the education
29 program of the local school district in which the regents
30 institution is located, and to indicate the order in which and
31 reasons why requests to transfer to a laboratory school shall
32 be considered. A laboratory school may deny a request for
33 transfer under the policy. A denial of a request to transfer
34 under this ~~paragraph~~ subsection is not subject to appeal under
35 section 290.1.

1 Sec. 40. Section 301.28, subsection 1, Code Supplement
2 2009, is amended to read as follows:

3 1. A school district director, officer, or teacher shall
4 not act as agent for school textbooks or school supplies,
5 including sports apparel or equipment, in any transaction
6 with a director, officer, or other staff member of the school
7 district during such term of office or employment.

8 Sec. 41. Section 321.115A, subsection 1, Code Supplement
9 2009, is amended to read as follows:

10 1. A motor vehicle may be registered as a replica vehicle
11 or street rod ~~upon payment of~~. The annual registration fee
12 is the fee provided for in section 321.109, 321.113, 321.122,
13 or 321.124. The owner of a vehicle registered under this
14 section may display registration plates from or representing
15 the model year of the motor vehicle or the model year of the
16 motor vehicle the registered vehicle is designed to resemble,
17 furnished by the person and approved by the department, in
18 lieu of the current and valid Iowa registration plates issued
19 for the vehicle, provided that the current and valid Iowa
20 registration plates and the registration card issued for the
21 vehicle are simultaneously carried within the vehicle and
22 are available for inspection to any peace officer upon the
23 officer's request.

24 Sec. 42. NEW SECTION. **321.179 Motorcycle rider education**
25 **fund.**

26 The motorcycle rider education fund is established in
27 the office of the treasurer of state. The moneys credited
28 to the fund are appropriated to the state department of
29 transportation to be used to establish new motorcycle rider
30 education courses and reimburse sponsors of motorcycle rider
31 education courses for the costs of providing motorcycle rider
32 education courses approved and established by the department.
33 The department shall adopt rules under chapter 17A providing
34 for the distribution of moneys to sponsors of motorcycle
35 rider education courses based upon the cost of providing the

1 education courses.

2 Sec. 43. Section 321.180B, subsections 5, 6, and 7, Code
3 Supplement 2009, are amended to read as follows:

4 5. *Class M license education requirements.* A person under
5 the age of eighteen applying for an intermediate or full
6 driver's license valid for the operation of a motorcycle shall
7 be required to successfully complete a motorcycle education
8 course either approved and established by the department of
9 transportation or from a private or commercial driver education
10 school licensed by the department of transportation before the
11 class M license will be issued. A public school district shall
12 charge a student a fee which shall not exceed the actual cost
13 of instruction minus moneys received by the school district
14 under ~~subsection 6~~ section 321.179.

15 ~~6. *Motorcycle rider education fund.* The motorcycle rider~~
16 ~~education fund is established in the office of the treasurer of~~
17 ~~state. The moneys credited to the fund are appropriated to the~~
18 ~~state department of transportation to be used to establish new~~
19 ~~motorcycle rider education courses and reimburse sponsors of~~
20 ~~motorcycle rider education courses for the costs of providing~~
21 ~~motorcycle rider education courses approved and established by~~
22 ~~the department. The department shall adopt rules under chapter~~
23 ~~17A providing for the distribution of moneys to sponsors of~~
24 ~~motorcycle rider education courses based upon the cost of~~
25 ~~providing the education courses.~~

26 ~~7.~~ 6. *Rules.* The department may adopt rules pursuant to
27 chapter 17A to administer this section.

28 Sec. 44. Section 321.247, Code 2009, is amended to read as
29 follows:

30 **321.247 Golf cart operation on city streets.**

31 1. a. Incorporated areas may, upon approval of their
32 governing body, allow the operation of golf carts on city
33 streets by persons possessing a valid driver's license.
34 However, a golf cart shall not be operated upon a city street
35 which is a primary road extension through the city but shall

1 be allowed to cross a city street which is a primary road
2 extension through the city.

3 b. The golf carts shall be equipped with a slow moving
4 vehicle sign and a bicycle safety flag and operate on the
5 streets only from sunrise to sunset.

6 c. Golf carts operated on city streets shall be equipped
7 with adequate brakes and shall meet any other safety
8 requirements imposed by the governing body.

9 2. Golf carts are not subject to the registration provisions
10 of this chapter.

11 3. A person ~~convicted of a violation of this section is~~
12 ~~guilty of~~ who violates subsection 1 commits a simple
13 misdemeanor punishable as a scheduled violation under section
14 805.8A, subsection 3, paragraph "f".

15 Sec. 45. Section 321.295, Code 2009, is amended to read as
16 follows:

17 **321.295 Limitation on bridge or elevated structures.**

18 1. ~~No~~ A person shall not drive a vehicle on any public
19 bridge or elevated structure at a speed which is greater than
20 the maximum speed permitted under this chapter on the street
21 or highway at a point where said street or highway joins said
22 bridge or elevated structure, ~~provided that.~~ However, if the
23 maximum speed permitted on said street or highway differs from
24 the maximum speed on any other street or highway joining said
25 bridge or elevated structure, then the lowest of ~~said~~ those
26 maximum speeds shall be the maximum speed limit on said bridge
27 or elevated structure, ~~subject to the following:~~

28 ~~The~~ unless the department, upon request from any local
29 authority ~~shall,~~ or upon its own initiative ~~may, conduct,~~
30 has conducted an investigation of ~~any~~ the bridge or other
31 elevated structure constituting a part of a the highway, and
32 ~~if it shall thereupon find~~ has found that ~~such~~ the structure
33 cannot with safety to itself withstand vehicles traveling at
34 the speed otherwise permissible under this chapter, Under
35 those circumstances, the department shall determine and declare

1 the maximum speed of vehicles which ~~such~~ the structure can
2 withstand, and shall cause or permit suitable signs stating
3 such maximum speed to be erected and maintained at a distance
4 of two hundred feet before each end of such structure.

5 2. ~~No~~ A person shall not drive a vehicle over any bridge
6 or other elevated structure constituting a part of a highway
7 at a speed which is greater than the maximum speed which can
8 be maintained with safety to such bridge or structure, when
9 ~~such~~ the structure is signposted as provided in this section.

10 3. Upon the trial of any person charged with driving
11 a vehicle at a speed which is greater than the maximum
12 speed which can be maintained with safety to such bridge or
13 structure, proof of such determination of the maximum speed
14 by said department and the existence of said signs shall
15 constitute conclusive evidence of the maximum speed which can
16 be maintained with safety to such bridge or structure.

17 Sec. 46. Section 321.385A, Code 2009, is amended to read as
18 follows:

19 **321.385A Citation for unlighted headlamp or rear lamp.**

20 1. a. A citation issued for failure to have headlamps
21 as required under section 321.385 shall first provide for a
22 seventy-two hour period within which the person charged with
23 the violation shall replace or repair the headlamp. ~~If the~~
24 ~~person complies with the directive to replace or repair the~~
25 ~~headlamp within the allotted time period, the citation shall be~~
26 ~~expunged. If the person fails to comply within the allotted~~
27 ~~time period, the citation shall be processed in the same manner~~
28 ~~as other citations. A citation issued under this section shall~~
29 ~~include a written notice of replacement or repair which shall~~
30 ~~indicate the date of replacement or repair and the manner in~~
31 ~~which the replacement or repair occurred and which shall be~~
32 ~~returned to the issuing authority within the seventy-two hour~~
33 ~~time period.~~

34 b. A citation issued for failure to have rear lamps as
35 required under section 321.387 or a rear registration plate

1 light as required under section 321.388 shall first provide for
2 a seventy-two hour period within which the person charged with
3 the violation shall replace or repair the lamps or light. ~~If~~
4 ~~the person complies with the directive to replace or repair the~~
5 ~~lamps or light within the allotted time period, the citation~~
6 ~~shall be expunged. If the person fails to comply within the~~
7 ~~allotted time period, the citation shall be processed in the~~
8 ~~same manner as other citations.~~

9 2. If the person complies with the directive to replace or
10 repair the headlamp, rear lamps, or rear registration plate
11 light within the allotted time period, the citation shall be
12 expunged. If the person fails to comply within the allotted
13 time period, the citation shall be processed in the same manner
14 as other citations.

15 3. A citation issued under this section shall include a
16 written notice of replacement or repair which shall indicate
17 the date of replacement or repair and the manner in which the
18 replacement or repair occurred and which shall be returned to
19 the issuing authority within the seventy-two hour time period.

20 Sec. 47. Section 321.449, subsections 1 and 4, Code
21 Supplement 2009, are amended to read as follows:

22 1. a. A person shall not operate a commercial vehicle on
23 the highways of this state except in compliance with rules
24 adopted by the department under chapter 17A. The rules shall
25 be consistent with the federal motor carrier safety regulations
26 promulgated under United States Code, Tit. 49, and found in 49
27 C.F.R. pts. 385, 390 - 399 and adopted under chapter 17A.

28 b. The department shall also adopt rules concerning hours of
29 service for drivers of vehicles operated for hire and designed
30 to transport seven or more persons, including the driver. The
31 rules shall not apply to vehicles offered to the public for
32 hire that are used principally in intracity operation and that
33 are regulated by local authorities pursuant to section 321.236.

34 4. a. Notwithstanding other provisions of this section,
35 rules adopted under this section for drivers of commercial

1 vehicles shall not apply to a driver of a commercial vehicle
2 who is engaged exclusively in intrastate commerce, when the
3 commercial vehicle's gross vehicle weight rating is twenty-six
4 thousand pounds or less, unless the vehicle is used to
5 transport hazardous materials requiring a placard or if the
6 vehicle is designed to transport more than fifteen passengers,
7 including the driver. For the purpose of complying with the
8 hours of service recordkeeping requirements under 49 C.F.R.
9 § 395.1(e)(1)(v)(A - D), a driver's report of daily beginning
10 and ending on-duty time submitted to the motor carrier at the
11 end of each workweek shall be considered acceptable motor
12 carrier time records.

13 b. In addition, rules adopted under this section shall not
14 apply to a driver operating intrastate for a farm operation
15 as defined in section 352.2, or for an agricultural interest
16 when the commercial vehicle is operated between the farm as
17 defined in section 352.2 and another farm, between the farm
18 and a market for farm products, or between the farm and an
19 agribusiness location.

20 c. A driver or a driver-salesperson for a private carrier,
21 who is not for hire and who is engaged exclusively in
22 intrastate commerce, may drive twelve hours, be on duty sixteen
23 hours in a twenty-four-hour period, and be on duty seventy
24 hours in seven consecutive days or eighty hours in eight
25 consecutive days. A "driver-salesperson" means as defined in 49
26 C.F.R. § 395.2, as adopted by the department by rule.

27 d. For-hire drivers who are engaged exclusively in
28 intrastate commerce and who operate trucks and truck
29 tractors exclusively for the movement of construction
30 materials and equipment to and from construction projects
31 may also drive twelve hours, be on duty sixteen hours in a
32 twenty-four-hour period, and be on duty seventy hours in seven
33 consecutive days or eighty hours in eight consecutive days. A
34 ~~"driver-salesperson" means as defined in 49 C.F.R. § 395.2, as~~
35 ~~adopted by the department by rule.~~

1 Sec. 48. Section 321I.22, subsection 9, Code Supplement
2 2009, is amended to read as follows:

3 9. The commission may adopt rules consistent with this
4 chapter establishing minimum requirements for dealers. In
5 adopting such rules, the ~~department~~ commission shall consider
6 the need to protect persons, property, and the environment
7 and to promote uniformity of practices relating to the sale
8 and use of all-terrain vehicles. The commission may also
9 adopt rules providing for the suspension or revocation of a
10 dealer's special registration certificate issued pursuant to
11 this section.

12 Sec. 49. Section 404A.4, subsection 2, Code Supplement
13 2009, is amended to read as follows:

14 2. After verifying the eligibility for the tax credit,
15 the state historic preservation office shall issue a historic
16 preservation and cultural and entertainment district tax credit
17 certificate to be attached to the person's tax return. The tax
18 credit certificate shall contain the taxpayer's name, address,
19 tax identification number, the date of project completion, the
20 amount of credit, other information required by the department
21 of revenue, and a place for the name and tax identification
22 number of a transferee and the amount of the tax credit being
23 transferred. Of the amount of tax credits that may be approved
24 in a fiscal year pursuant to subsection 4, paragraph "a":

25 a. For the fiscal year beginning July 1, 2009, the
26 ~~department~~ office shall reserve not more than twenty million
27 dollars worth of tax credits for a taxable year beginning on or
28 after January 1, 2009, and not more than thirty million dollars
29 worth of tax credits for a taxable year beginning on or after
30 January 1, 2010.

31 b. For the fiscal year beginning July 1, 2010, the
32 ~~department~~ office shall reserve not more than twenty million
33 dollars worth of tax credits for a taxable year beginning on or
34 after January 1, 2010, and not more than thirty million dollars
35 worth of tax credits for a taxable year beginning on or after

1 January 1, 2011.

2 c. For the fiscal year beginning July 1, 2011, the
3 ~~department~~ office shall reserve not more than twenty million
4 dollars worth of tax credits for a taxable year beginning on or
5 after January 1, 2011, and not more than thirty million dollars
6 worth of tax credits for a taxable year beginning on or after
7 January 1, 2012.

8 Sec. 50. Section 404A.4, subsection 4, paragraph b,
9 subparagraph (4), Code Supplement 2009, is amended to read as
10 follows:

11 (4) Twenty percent of the dollar amount of the tax credits
12 shall be allocated for projects that involve the creation
13 of more than five hundred new permanent jobs. A taxpayer
14 receiving a tax credit certificate for a project under this
15 allocation shall provide information documenting the creation
16 of the jobs to the ~~department~~ state historic preservation
17 office and to the department of economic development. The
18 jobs shall be created within two years of the date a tax
19 credit certificate is issued. The department of economic
20 development shall verify the creation of the jobs. The amount
21 of any tax credits received is subject to recapture by the
22 department of revenue if the jobs are not created within two
23 years. The ~~department~~ state historic preservation office and
24 the department of economic development may adopt rules for the
25 implementation of this subparagraph. The rules shall provide
26 for a method or form that allows a city or county to track the
27 number of jobs created in the construction industry by the
28 project.

29 Sec. 51. Section 428.29, Code Supplement 2009, is amended
30 to read as follows:

31 **428.29 Assessment and certification.**

32 The director of revenue shall on or before October 31
33 each year proceed to determine, upon the basis of the data
34 required in ~~such~~ the report under section 428.28 and any other
35 information the director may obtain, the actual value of all

1 property, subject to the director's jurisdiction, of said
2 individual, partnership, corporation, or association, and shall
3 make assessments upon the taxable value of the property, as
4 provided by section 441.21. The director of revenue shall, on
5 or before October 31, certify to the county auditor of every
6 county in the state the valuations fixed for assessment upon
7 all such property in each and every taxing district in each
8 county by the department of revenue. This valuation shall then
9 be spread upon the books in the same manner as other valuations
10 fixed by the department of revenue upon property assessed under
11 the department's jurisdiction.

12 Sec. 52. Section 435.2, subsection 3, Code Supplement 2009,
13 is amended to read as follows:

14 3. ~~If a modular home is placed in a manufactured home~~
15 ~~community or mobile home park, the home is subject to the~~
16 ~~annual tax as required by section 435.22. For the purposes of~~
17 this chapter, a modular home shall not be construed to be a
18 mobile home or manufactured home. If a modular home is placed
19 inside or outside a manufactured home community or a mobile
20 home park, the home shall be considered real property and is
21 to be assessed and taxed as real estate. ~~This subsection does~~
22 ~~not apply to manufactured home communities or mobile home parks~~
23 ~~in existence on or before January 1, 1998. If However, if a~~
24 modular home is placed in a manufactured home community or
25 mobile home park which was in existence on or before January
26 1, 1998, that modular home shall be subject to property tax
27 pursuant to section 435.22. This subsection shall not prohibit
28 the location of a modular home within a manufactured home
29 community or mobile home park.

30 Sec. 53. Section 437A.22, subsection 2, paragraph c, Code
31 Supplement 2009, is amended to read as follows:

32 c. The recorder shall endorse on each notice of lien the
33 day, hour, and minute when filed for recording and the document
34 reference number, shall preserve such notice, and shall
35 promptly record the lien in the manner provided for recording

1 real estate mortgages. The lien is effective from the time of
2 the indexing of the lien.

3 Sec. 54. Section 455B.103, subsection 4, unnumbered
4 paragraph 1, Code Supplement 2009, is amended to read as
5 follows:

6 Conduct investigations of complaints received directly
7 or referred by the commission created in section 455A.6 or
8 other investigations deemed necessary. While conducting an
9 investigation, the director may enter at any reasonable time
10 in and upon any private or public property to investigate any
11 actual or possible violation of this chapter, chapter 459,
12 chapter 459A, chapter 459B, or the rules or standards adopted
13 under this chapter, chapter 459, chapter 459A, or chapter 459B.
14 However, the owner or person in charge shall be notified.

15 Sec. 55. Section 455B.191, subsection 3, paragraph a,
16 subparagraphs (2) and (3), Code Supplement 2009, are amended
17 to read as follows:

18 (2) Introduces into a sewer system or into a publicly owned
19 treatment works any pollutant or hazardous substance which
20 the person knew or reasonably should have known could cause
21 personal injury or property damage ~~or, other than in compliance~~
22 ~~with all applicable federal and state requirements or permits.~~

23 (3) Causes a treatment works to violate any water quality
24 standard, effluent standard, pretreatment standard or
25 condition of a permit issued to the treatment works pursuant to
26 section 455B.183, unless the person is in compliance with all
27 applicable federal and state requirements or permits.

28 Sec. 56. Section 455B.474, unnumbered paragraph 2, Code
29 Supplement 2009, is amended by striking the unnumbered
30 paragraph.

31 Sec. 57. NEW SECTION. **455B.474A Rules consistent with**
32 **federal regulations.**

33 The rules adopted by the commission under section
34 455B.474 shall be consistent with and shall not exceed the
35 requirements of federal regulations relating to the regulation

1 of underground storage tanks except as provided in section
2 455B.474, subsection 1, paragraph "f", and subsection 3,
3 paragraph "d". It is the intent of the general assembly that
4 state rules adopted pursuant to section 455B.474, subsection 1,
5 paragraph "f", and subsection 3, paragraph "d", be consistent
6 with and not more restrictive than federal regulations adopted
7 by the United States environmental protection agency when those
8 rules are adopted.

9 Sec. 58. Section 459B.102, subsection 12, Code Supplement
10 2009, is amended to read as follows:

11 12. *"Dry bedded confinement feeding operation structure"*
12 means a dry bedded manure confinement feeding operation
13 building or a dry bedded manure storage structure.

14 Sec. 59. Section 459B.103, subsections 3 and 5, Code
15 Supplement 2009, are amended to read as follows:

16 3. a. For purposes of determining whether two or more
17 dry bedded confinement feeding operations are under common
18 ownership, a person must hold an interest in each of the dry
19 bedded confinement feeding operations as any of the following:

20 (1) A sole proprietor.

21 (2) A joint tenant or tenant in common.

22 (3) A holder of a majority equity interest in a business
23 association as defined in section 202B.102, including but not
24 limited to as a shareholder, partner, member, or beneficiary.

25 b. An interest in the dry bedded confinement feeding
26 operation under paragraph "a", subparagraph ~~(1)~~ (2) or
27 ~~(2)~~ (3) which is held directly or indirectly by the person's
28 spouse or dependent child shall be attributed to the person.

29 5. In calculating the animal unit capacity of a dry bedded
30 confinement feeding operation, the animal unit capacity
31 shall include the animal unit capacity of all dry bedded
32 manure confinement feeding operation buildings that are used to
33 house animals in the dry bedded confinement feeding operation.

34 Sec. 60. Section 459B.308, Code Supplement 2009, is amended
35 to read as follows:

1 **459B.308 Manure management plan for a dry bedded confinement**
2 **feeding operation.**

3 For purposes of a manure management plan for a dry bedded
4 confinement feeding operation, if the application of dry bedded
5 manure is on land other than land owned or rented for crop
6 production by the owner of the dry bedded confinement feeding
7 operation, the plan shall include a copy of each written
8 agreement executed by the owner of the dry bedded confinement
9 feeding operation and the landowner or the person renting the
10 land for crop production where the dry bedded manure may be
11 applied.

12 Sec. 61. Section 508E.12, subsection 2, paragraph a,
13 subparagraphs (1) and (2), Code 2009, are amended to read as
14 follows:

15 (1) Unencumbered assets, including an interest in the life
16 insurance policy being financed only to the extent of its net
17 cash surrender value, provided by a person described in section
18 508E.2, subsection 15, paragraph "d", subparagraph (5).

19 (2) Fully recourse liability incurred by the insured or a
20 person described in section 508E.2, subsection 15, paragraph
21 "d", subparagraph (5).

22 Sec. 62. Section 805.6, Code Supplement 2009, is amended to
23 read as follows:

24 **805.6 Uniform citation and complaint.**

25 1. a. ~~(1)~~ The commissioner of public safety, the director
26 of transportation, and the director of the department of
27 natural resources, acting jointly, shall adopt a uniform,
28 combined citation and complaint which shall be used for
29 charging all traffic violations in Iowa under state law or
30 local regulation or ordinance, and which shall be used for
31 charging all other violations which are designated by sections
32 805.8A, 805.8B, and 805.8C to be scheduled violations. ~~The~~
33 ~~filing fees and court costs in cases of parking meter and~~
34 ~~overtime parking violations which are denied are as stated in~~
35 ~~section 602.8106, subsection 1. The court costs in scheduled~~

1 ~~violation cases where a court appearance is not required are~~
2 ~~as stated in section 602.8106, subsection 1. The court costs~~
3 ~~in scheduled violation cases where a court appearance is~~
4 ~~required are as stated in section 602.8106, subsection 1. This~~
5 subsection does not prevent the charging of any of those
6 violations by information, by private complaint filed under
7 chapter 804, or by a simple notice of fine where permitted by
8 section 321.236, subsection 1.

9 b. In addition to those violations which are required
10 by paragraph "a" to be charged upon a uniform citation and
11 complaint, a violation of chapter 321 which is punishable as a
12 simple, serious, or aggravated misdemeanor may be charged upon
13 a uniform citation and complaint, whether or not the alleged
14 offender is arrested by the officer making the charge.

15 2. Each uniform citation and complaint shall be serially
16 numbered and shall be in quintuplicate, and the officer
17 shall deliver the original and a copy to the court where the
18 defendant is to appear, two copies to the defendant, and a copy
19 to the law enforcement agency of the officer. Notwithstanding
20 other contrary requirements of this section, a uniform citation
21 and complaint may be originated from a computerized device.
22 The officer issuing the citation through a computerized device
23 shall electronically sign and date the citation or complaint
24 and shall obtain electronically the signature of the person
25 cited as provided in section 805.3 and shall give two copies
26 of the citation to the person cited and shall provide a record
27 of the citation to the court where the person cited is to
28 appear and to the law enforcement agency of the officer by
29 an electronic process which accurately reproduces or forms
30 a durable medium for accurately and legibly reproducing an
31 unaltered image or copy of the citation. If the uniform
32 citation and complaint is created electronically, the issuing
33 agency shall cause the uniform citation and complaint to be
34 transmitted to the court, and the officer shall deliver a
35 document to the defendant which contains a section for the

1 defendant and a section which may be sent to the court. The
2 court shall forward an abstract of the uniform citation and
3 complaint in accordance with section 321.491 when applicable.

4 ~~(2)~~ 3. a. The uniform citation and complaint shall contain
5 spaces for the parties' names; the address of the alleged
6 offender; the registration number of the offender's vehicle;
7 the information required by section 805.2, a warning which
8 states, "I hereby swear and affirm that the information
9 provided by me on this citation is true under penalty of
10 providing false ~~information~~ information; and a statement
11 that providing false information is a violation of section
12 719.3; a list of the scheduled fines prescribed by sections
13 805.8A, 805.8B, and 805.8C, either separately or by group, and
14 a statement of the court costs payable in scheduled violation
15 cases, whether or not a court appearance is required or is
16 demanded; a brief explanation of sections 805.9 and 805.10;
17 and a space where the defendant may sign an admission of the
18 violation when permitted by section 805.9; and the uniform
19 citation and complaint shall require that the defendant appear
20 before a court at a specified time and place. The uniform
21 citation and complaint also may contain a space for the
22 imprint of a credit card, and may contain any other information
23 which the commissioner of public safety, the director of
24 transportation, and the director of the department of natural
25 resources may determine.

26 ~~(3) Notwithstanding other contrary requirements of this~~
27 ~~section, a uniform citation and complaint may be originated~~
28 ~~from a computerized device. The officer issuing the citation~~
29 ~~through a computerized device shall electronically sign and~~
30 ~~date the citation or complaint and shall obtain electronically~~
31 ~~the signature of the person cited as provided in section~~
32 ~~805.3 and shall give two copies of the citation to the person~~
33 ~~cited and shall provide a record of the citation to the court~~
34 ~~where the person cited is to appear and to the law enforcement~~
35 ~~agency of the officer by an electronic process which accurately~~

1 ~~reproduces or forms a durable medium for accurately and legibly~~
2 ~~reproducing an unaltered image or copy of the citation.~~

3 *b.* The uniform citation and complaint shall also contain the
4 following:

5 (1) A promise to appear as provided in section 805.3.

6 (2) The following statement:

7 I hereby give my unsecured appearance bond in the amount
8 of dollars and enter my written appearance.
9 I agree that if I fail to appear in person or by counsel to
10 defend against the offense charged in this citation the court
11 is authorized to enter a conviction and render judgment against
12 me for the amount of my appearance bond in satisfaction of the
13 penalty plus court costs.

14 (3) A space immediately below the items in subparagraphs
15 (1) and (2) for the signature of the person being charged which
16 shall serve for each of the items in subparagraphs (1) and (2).

17 (4) A place for citing a person in violation of section
18 453A.2, subsection 2.

19 *c.* The uniform citation and complaint shall contain a place
20 for the verification of the officer issuing the complaint.
21 The complaint may be verified before the chief officer of the
22 law enforcement agency, or the chief officer's designee. The
23 chief officer of each law enforcement agency of the state may
24 designate specific individuals to administer oaths and certify
25 verifications.

26 ~~*e.*~~ 4. Unless the officer issuing the citation arrests the
27 alleged offender, or permits admission or requires submission
28 of bail as provided in section 805.9, subsection 3, the officer
29 shall enter in the blank contained in the statement required by
30 subsection 3, paragraph "b", one of the following amounts and
31 shall require the person to sign the written appearance:

32 (1) *a.* If the offense is one to which an assessment of
33 a minimum fine is applicable and the entry is otherwise not
34 prohibited by this section, an amount equal to one and one-half
35 times the minimum fine plus court costs.

1 ~~(2)~~ b. If the offense is one to which a scheduled fine
2 is applicable, an amount equal to one and one-half times the
3 scheduled fine plus court costs.

4 ~~(3)~~ c. If the violation is for any offense for which a
5 court appearance is mandatory, and an assessment of a minimum
6 fine is not applicable, the amount of one hundred dollars plus
7 court costs.

8 ~~d.~~ 5. The written appearance defined in subsection
9 3, paragraph "b", shall not be used for any offense other than a
10 simple misdemeanor.

11 ~~2.~~ ~~In addition to those violations which are required~~
12 ~~by subsection 1 to be charged upon a uniform citation and~~
13 ~~complaint, a violation of chapter 321 which is punishable as a~~
14 ~~simple, serious, or aggravated misdemeanor may be charged upon~~
15 ~~a uniform citation and complaint, whether or not the alleged~~
16 ~~offender is arrested by the officer making the charge.~~

17 ~~3.~~ ~~The uniform citation and complaint shall contain a place~~
18 ~~for citing a person in violation of section 453A.2, subsection~~
19 ~~2.~~

20 6. The filing fees and court costs in cases of parking
21 meter and overtime parking violations which are denied are as
22 stated in section 602.8106, subsection 1. The court costs
23 in scheduled violation cases where a court appearance is not
24 required are as stated in section 602.8106, subsection 1.
25 The court costs in scheduled violation cases where a court
26 appearance is required are as stated in section 602.8106,
27 subsection 1.

28 ~~4.~~ 7. Supplies of the uniform citation and complaint
29 for municipal corporations and county agencies shall be paid
30 for out of the budget of the municipal corporation or county
31 receiving the fine resulting from use of the citation and
32 complaint. Supplies of the uniform citation and complaint form
33 used by other agencies shall be paid for out of the budget of
34 the agency concerned and not out of the budget of the judicial
35 branch.

1 ~~5. The uniform citation and complaint shall contain a place~~
2 ~~for the verification of the officer issuing the complaint.~~
3 ~~The complaint may be verified before the chief officer of the~~
4 ~~law enforcement agency, or the chief officer's designee. The~~
5 ~~chief officer of each law enforcement agency of the state may~~
6 ~~designate specific individuals to administer oaths and certify~~
7 ~~verifications.~~

8 ~~6.~~ 8. The commissioner of public safety and the director
9 of the department of natural resources, acting jointly, shall
10 design and publish a compendium of scheduled violations and
11 scheduled fines, containing other information which they deem
12 appropriate, and shall distribute copies to all courts and law
13 enforcement officers and agencies of the state upon request.
14 The cost of the publication shall be paid out of the budget
15 of the department of public safety and out of the budget of
16 the department of natural resources, each budget being liable
17 for half of those costs. Copies shall be made available to
18 individuals upon request, and a charge may be collected which
19 does not exceed the cost of printing.

20 ~~7. Supplies of uniform citation and complaint forms~~
21 ~~existing or on order on July 1, 1995, may be used until~~
22 ~~exhausted.~~

23 Sec. 63. Section 808B.10, subsection 1, unnumbered
24 paragraph 1, Code Supplement 2009, is amended to read as
25 follows:

26 Except for emergency situations pursuant to section 808B.12,
27 a person shall not install or use a pen register or a trap
28 and trace device without first obtaining a search warrant or
29 court order pursuant to either section 808B.11 or 808B.12.

30 However, a pen register or a trap and trace device may be used
31 or installed without court order if any of the following apply:

32 Sec. 64. Section 811.9, Code Supplement 2009, is amended to
33 read as follows:

34 **811.9 Forfeiture of appearance bond.**

35 Sections 811.6 through 811.8 shall not apply in a case where

1 a simple misdemeanor is charged upon a uniform citation and
2 complaint and where the defendant has submitted an unsecured
3 appearance bond or has submitted bail in the form of cash,
4 check, credit card as provided in section 805.14, or guaranteed
5 arrest bond certificate as defined in section 321.1. When a
6 defendant fails to appear as required in such cases, the court,
7 or the clerk of the district court, shall enter a judgment of
8 forfeiture of the bond or bail. The judgment shall be final
9 upon entry and shall not be set aside unless a the conviction
10 is for a scheduled violation under chapter 321 that was set
11 aside under the procedures established in section 321.200A.

12 Sec. 65. 2009 Iowa Acts, chapter 133, is amended by adding
13 the following new section:

14 SEC. 1000. Section 231.32, subsection 1, Code 2009, is
15 amended to read as follows:

16 1. The commission shall designate thirteen area agencies
17 on aging, the same of which existed on July 1, 1985. The
18 commission shall continue the designation until an area agency
19 on aging's designation is removed for cause as determined
20 by the commission or until the agency voluntarily withdraws
21 as an area agency on aging. In that event, the commission
22 shall proceed in accordance with subsections 2, and 3, and
23 4. Designated area agencies on aging shall comply with the
24 requirements of the federal Act.

25 Sec. 66. REPEAL. Section 294A.22, Code Supplement 2009, is
26 repealed.

27 DIVISION II

28 VOLUME III RENUMBERING

29 Sec. 67. Section 256.36, Code 2009, is amended to read as
30 follows:

31 **256.36 Math and science grant program.**

32 1. a. The department shall establish a math and science
33 education grant program to provide for the allocation of grant
34 moneys to public school corporations and to contract for the
35 development of statewide program models and recommendations in

1 keeping with the goals stated in this section.

2 (1) A public school corporation desiring to receive grant
3 moneys under the program may submit plans and a proposed budget
4 to the department for approval. The department shall review
5 each plan and its proposed budget and award grants, which may
6 be matching funds grants, for approved plans by July 1 of the
7 calendar year in which the approved plans were submitted.
8 Provision of matching funds from institutional private sources
9 shall be considered by the department in reviewing plans and
10 proposed budgets and awarding grant moneys.

11 (2) However, for the first school year for which program
12 funds are appropriated, a board of directors of a public school
13 corporation may submit a proposed plan and budget not later
14 than January 1 of that school year and the department shall
15 notify public school corporations by February 15 of that same
16 school year that their plans have been approved or disapproved
17 by the department.

18 b. In addition to awarding grants, and if the activity
19 does not violate federal matching funds requirements for an
20 Iowa math and science grant program, the department may expend
21 funds to contract with a public or private nonprofit education
22 organization, association, or laboratory for the development
23 of models or recommendations with statewide applications to
24 further the goals of this section.

25 2. The department shall make recommendations for, and the
26 state board shall adopt, rules relating to program goals and
27 program administration.

28 a. The goals of the math and science education program may
29 include, but are not limited to, the following:

30 (1) The development of a model multidisciplinary science
31 curricula that will serve as the framework for the development
32 of individual teaching modules; ~~the~~.

33 (2) The design and implementation of a statewide model for
34 staff development in science and math education; ~~the~~.

35 (3) The development of specific recommendations and

1 rationale for changes in school standards that will facilitate
2 improvements in math and science education and provide outcomes
3 that serve as a standard of successful learning~~†~~.

4 (4) The provision of a sequence of competencies and
5 instructional strategies for inclusion in teacher preparation
6 programs for those entering math and science programs in Iowa
7 teacher preparation institutions~~†~~.

8 (5) The development and implementation of a new statewide
9 assessment program that is consistent with the materials and
10 approaches envisioned~~†~~; and the.

11 (6) The development and implementation strategies for
12 recruitment and retention of females and minorities in math and
13 science education.

14 b. Program administration rules shall include but are not
15 limited to development of standard formats and procedures for
16 the submission and assessment of grant applications.

17 3. The board of educational examiners may develop
18 recommendations for specific changes in the licensing
19 requirements for math and science teachers.

20 ~~Program administration rules shall include, but are not~~
21 ~~limited to, development of standard formats and procedures for~~
22 ~~the submission and assessment of grant applications.~~

23 ~~3.~~ 4. There is established in the state treasury a math
24 and science education account that is under the control
25 of and administered by the department of education. The
26 department may accept gifts, grants, bequests, and other
27 private contributions, as well as state or federal funds,
28 and shall deposit the moneys in the account to be used for
29 distribution as grant award moneys under the math and science
30 education program. Moneys in the account are appropriated and
31 may be used for the purposes of this section. The department
32 shall not commingle federal, state, and private funds within
33 the account. Not more than six percent of any state funds
34 appropriated for the program may be used for administrative
35 purposes. State funds appropriated and any interest earned on

1 the state funds but not expended for the first two years of
2 the program shall not revert to the general fund under section
3 8.33, but shall remain available for expenditure until June
4 30 of the third year of the program. In subsequent years,
5 state funds and any interest earned on the state funds which
6 are appropriated, but not expended by June 30 of the school
7 year shall revert to the general fund as provided under section
8 8.33. Receipt of funds during the first year of the program
9 shall not affect eligibility to receive funds during any
10 subsequent years.

11 Sec. 68. Section 256.81, subsection 1, Code 2009, is amended
12 to read as follows:

13 1. The public broadcasting division of the department of
14 education is created. The chief administrative officer of the
15 division is the administrator who shall be appointed by and
16 serve at the pleasure of the Iowa public broadcasting board.
17 The board shall set the division administrator's salary within
18 the applicable salary range established by the general assembly
19 unless otherwise provided by law. Educational programming
20 shall be the highest priority of the division. The division
21 shall be governed by the national principles of editorial
22 integrity developed by the editorial integrity project. The
23 director of the department of education and the state board of
24 education are not liable for the activities of the division of
25 public broadcasting.

26 Sec. 69. Section 256.82, subsections 2 and 3, Code 2009, are
27 amended to read as follows:

28 2. a. Board members shall serve a three-year term
29 commencing on July 1 of the year of appointment. A vacancy
30 shall be filled in the same manner as the original appointment
31 for the remainder of the term.

32 b. Membership on the board does not constitute holding a
33 public office and members shall not be required to take and
34 file oaths of office before serving. A member shall not be
35 disqualified from holding any public office or employment by

1 reason of appointment to the board nor shall a member forfeit
2 an office or employment by reason of appointment to the board.

3 3. a. The board shall appoint an advisory committee on
4 journalistic and editorial integrity which has no more than a
5 simple majority of members of the same gender. ~~The division~~
6 ~~shall be governed by the national principles of editorial~~
7 ~~integrity developed by the editorial integrity project.~~

8 b. Duties of the advisory committee, and of additional
9 advisory committees the board may from time to time appoint,
10 shall be specified in rules of internal management adopted by
11 the board.

12 c. Members of advisory committees shall receive actual
13 expenses incurred in performing their official duties.

14 Sec. 70. Section 256A.3, subsections 5 and 6, Code 2009, are
15 amended to read as follows:

16 5. Subject to the availability of funds appropriated
17 or otherwise available for the purpose of providing child
18 development services, award grants for programs that provide
19 new or additional child development services to at-risk
20 children.

21 a. In awarding program grants to an agency or individual,
22 the council shall consider the following:

23 ~~a.~~ (1) The quality of the staff and staff background in
24 child development services.

25 ~~b.~~ (2) The degree to which the program is or will be
26 integrated with existing community resources and has the
27 support of the local community.

28 ~~c.~~ (3) The ability of the program to provide for child care
29 in addition to child development services for families needing
30 full-day child care.

31 ~~d.~~ (4) A staff-to-children ratio within the guidelines
32 established under subsection 2, but not less than one staff
33 member per eight children.

34 ~~e.~~ (5) The degree to which the program involves and works
35 with the parents, and includes home visits, instruction for

1 parents on parenting skills, on enhancement of skills in
2 providing for their children's learning and development, and
3 the physical, mental, and emotional development of children,
4 and experiential education.

5 ~~f.~~ (6) The manner in which health, medical, dental, and
6 nutrition services are incorporated into the program.

7 ~~g.~~ (7) The degree to which the program
8 complements existing programs and services for at-risk
9 ~~three-year-~~ three-year-old and four-year-old children available
10 in the area, including other child care services, services
11 provided through the school district, and services available
12 through area education agencies.

13 ~~h.~~ (8) The degree to which the program can be monitored and
14 evaluated to determine its ability to meet its goals.

15 ~~i.~~ (9) The provision of transportation or other auxiliary
16 services that may be necessary for families to participate in
17 the program.

18 ~~j.~~ (10) The provision of staff training and development,
19 and staff compensation sufficient to assure continuity.

20 b. Program grants funded under this subsection may integrate
21 children not meeting at-risk criteria into the program and
22 shall establish a fee for participation in the program in the
23 manner provided in section 279.49, but grant funds shall not be
24 used to pay the costs for those children.

25 6. Encourage the submission of grant requests from all
26 potential providers of child development services and shall
27 be flexible in evaluating grants, recognizing that different
28 types of programs may be suitable for different locations in
29 the state.

30 a. ~~However, requests~~ Requests for grants must contain a
31 procedure for evaluating the effectiveness of the program and
32 accounting procedures for monitoring the expenditure of grant
33 moneys.

34 b. The council shall seek to use performance-based measures
35 to evaluate programs. Not more than five percent of any state

1 funds appropriated for child development purposes may be used
2 for administration and evaluation.

3 Sec. 71. Section 257.44, Code 2009, is amended to read as
4 follows:

5 **257.44 Gifted and talented children defined.**

6 1. "*Gifted and talented children*" are those children who
7 are identified as possessing outstanding abilities and who are
8 capable of high performance. Gifted and talented children are
9 children who require appropriate instruction and educational
10 services commensurate with their abilities and needs beyond
11 those provided by the regular school program.

12 2. Gifted and talented children include those children with
13 demonstrated achievement or potential ability, or both, in any
14 of the following areas or in combination:

- 15 ~~1.~~ a. General intellectual ability.
- 16 ~~2.~~ b. Creative thinking.
- 17 ~~3.~~ c. Leadership ability.
- 18 ~~4.~~ d. Visual and performing arts ability.
- 19 ~~5.~~ e. Specific ability aptitude.

20 Sec. 72. Section 263A.13, Code 2009, is amended to read as
21 follows:

22 **263A.13 Hospital reports to general assembly.**

23 1. The university of Iowa hospitals and clinics shall
24 compile and transmit to the general assembly the following
25 information by December 15 of each fiscal year:

- 26 ~~1.~~ a. Revenue from all income sources, by source, including
27 but not limited to state appropriations, other state funds,
28 tuition income, patient charges, payments from political
29 subdivisions, interest income, and gifts, and grants from
30 public and private sources.
- 31 ~~2.~~ b. Expenditures by program and revenue source.
- 32 ~~3.~~ c. Net revenue over spending from hospital operations,
33 including the method used to calculate the results.

34 2. The legislative services agency shall develop
35 forms for collecting the information required in this

1 ~~subparagraph~~ section.

2 Sec. 73. Section 272C.8, Code 2009, is amended to read as
3 follows:

4 **272C.8 Immunities.**

5 1. a. A person shall not be civilly liable as a result of
6 the person's acts, omissions, or decisions in good faith as
7 a member of a licensing board or as an employee or agent in
8 connection with the person's duties.

9 ~~2.~~ b. A person shall not be civilly liable as a result of
10 filing a report or complaint with a licensing board or peer
11 review committee, or for the disclosure to a licensing board or
12 its agents or employees, whether or not pursuant to a subpoena
13 of records, documents, testimony, or other forms of information
14 which constitute privileged matter concerning a recipient
15 of health care services or some other person, in connection
16 with proceedings of a peer review committee, or in connection
17 with duties of a health care board. However, such immunity
18 from civil liability shall not apply if such act is done with
19 malice.

20 ~~3.~~ c. A person shall not be dismissed from employment,
21 and shall not be discriminated against by an employer because
22 the person filed a complaint with a licensing board or peer
23 review committee, or because the person participated as a
24 member, agent, or employee of a licensing board or peer review
25 committee, or presented testimony or other evidence to a
26 licensing board or peer review committee.

27 2. Any employer who violates the terms of this section
28 shall be liable to any person aggrieved for actual and punitive
29 damages plus reasonable attorney fees.

30 Sec. 74. Section 275.1, Code 2009, is amended to read as
31 follows:

32 **275.1 ~~Declaration~~ Definitions — declaration of policy —**
33 **surveys — ~~definitions~~.**

34 1. As used in this chapter, unless the context otherwise
35 requires:

1 a. "Eligible elector" means eligible elector as defined in
2 section 39.3, subsection 6.

3 b. "Initial board" means the board of a newly reorganized
4 district that is selected pursuant to section 275.25 or 275.41
5 and functions until the organizational meeting following the
6 third regular school election held after the effective date of
7 the reorganization.

8 c. "Marginally adjacent district" or "marginally adjacent
9 territory" means a district or territory which is separated from
10 a second district or territory by property which is part of a
11 third school district which completely surrounds one of the two
12 districts.

13 d. "Joint districts" means districts that lie in two or more
14 adjacent area education agencies.

15 e. "Registered voter" means registered voter as defined in
16 section 39.3, subsection 11.

17 f. "Regular board" means the board of a reorganized district
18 that begins to function at the organizational meeting following
19 the third regular school election held after the effective date
20 of the school reorganization, and is comprised of members who
21 were elected to the current terms or were appointed to replace
22 members who were elected.

23 g. "School districts affected" means the school districts
24 named in the reorganization petition whether a school district
25 is affected in whole or in part.

26 2. It is the policy of the state to encourage economical
27 and efficient school districts which will ensure an equal
28 educational opportunity to all children of the state. All
29 areas of the state shall be in school districts maintaining
30 kindergarten and twelve grades. If a school district ceases
31 to maintain kindergarten and twelve grades except as otherwise
32 provided in section 28E.9, 256.13, 280.15, 282.7, subsection 1
33 or subsections 1 and 3, or section 282.8, it shall reorganize
34 within six months or the state board shall attach the school
35 district not maintaining kindergarten and twelve grades to one

1 or more adjacent districts. Voluntary reorganizations under
2 this chapter shall be commenced only if the affected school
3 districts are contiguous or marginally adjacent to one another.
4 A reorganized district shall meet the requirements of section
5 275.3.

6 3. If a district is attached, division of assets and
7 liabilities shall be made as provided in sections 275.29
8 to 275.31. The area education agency boards shall develop
9 detailed studies and surveys of the school districts within
10 the area education agency and all adjacent territory for the
11 purpose of providing for reorganization of school districts in
12 order to effect more economical operation and the attainment
13 of higher standards of education in the schools. The plans
14 shall be revised periodically to reflect reorganizations which
15 may have taken place in the area education agency and adjacent
16 territory.

17 ~~As used in this chapter unless the context otherwise~~
18 ~~requires:~~

19 ~~1. "Eligible elector" means eligible elector as defined in~~
20 ~~section 39.3, subsection 6.~~

21 ~~2. "Initial board" means the board of a newly reorganized~~
22 ~~district that is selected pursuant to section 275.25 or~~
23 ~~275.41 and functions until the organizational meeting following~~
24 ~~the third regular school election held after the effective date~~
25 ~~of the reorganization.~~

26 ~~3. "Marginally adjacent district" or "marginally adjacent~~
27 ~~territory" means a district or territory which is separated from~~
28 ~~a second district or territory by property which is part of a~~
29 ~~third school district which completely surrounds one of the two~~
30 ~~districts.~~

31 ~~4. "Registered voter" means registered voter as defined in~~
32 ~~section 39.3, subsection 11.~~

33 ~~5. "Regular board" means the board of a reorganized district~~
34 ~~that begins to function at the organizational meeting following~~
35 ~~the third regular school election held after the effective date~~

1 ~~of the school reorganization, and is comprised of members who~~
2 ~~were elected to the current terms or were appointed to replace~~
3 ~~members who were elected.~~

4 6. ~~"School districts affected" means the school districts~~
5 ~~named in the reorganization petition whether a school district~~
6 ~~is affected in whole or in part.~~

7 Sec. 75. Section 275.8, Code 2009, is amended to read as
8 follows:

9 **275.8 Cooperation of department of education — planning**
10 **joint districts.**

11 1. For purposes of this chapter the planning of joint
12 districts is defined to include all of the following acts:

13 a. Preparation of a written joint plan in which contiguous
14 territory in two or more area education agencies is considered
15 as a part of a potential school district in the area education
16 agency on behalf of which such plan is filed with the
17 department of education by the area education agency board.

18 b. Adoption of the written joint plan at a joint session
19 of the several area education agency boards in whose areas
20 the territory is situated. A quorum of each of the boards is
21 necessary to transact business. Votes shall be taken in the
22 manner prescribed in section 275.16.

23 c. Filing said plan with the department of education.

24 2. For purposes of subsection 1, paragraph "a", joint
25 planning shall be evidenced by filing the following items with
26 the department of education:

27 a. A plat of the entire area of such potential district.

28 b. A statement of the number of pupils residing within the
29 area of said potential district enrolled in public schools in
30 the preceding school year.

31 c. A statement of the assessed valuation of taxable property
32 located within such potential district.

33 d. An affidavit signed on behalf of each of said boards of
34 directors of area education agencies by a member of such board
35 stating the boundaries as shown on such plat have been agreed

1 upon by the respective boards as a part of the overall plan of
2 school district reorganization of each such school.

3 3. Planning of joint districts shall be conducted in
4 the same manner as planning for single districts, except as
5 provided in this section. Studies and surveys relating to
6 the planning of joint districts shall be filed with the area
7 education agency in which one of the districts is located
8 which has the greatest taxable property base. In the case
9 of controversy over the planning of joint districts, the
10 matter shall be submitted to the director of the department of
11 education. Judicial review of the director's decision may be
12 sought in accordance with the terms of the Iowa administrative
13 procedure Act, chapter 17A. Notwithstanding the terms of
14 that Act, petitions for judicial review must be filed within
15 thirty days after the decision of the director. *“Joint*
16 *districts”* means ~~districts that lie in two or more adjacent area~~
17 ~~education agencies.~~

18 ~~For purposes of this chapter the planning of joint districts~~
19 ~~is defined to include all of the following acts:~~

20 ~~1. Preparation of a written joint plan in which contiguous~~
21 ~~territory in two or more area education agencies is considered~~
22 ~~as a part of a potential school district in the area education~~
23 ~~agency on behalf of which such plan is filed with the~~
24 ~~department of education by the area education agency board.~~

25 ~~2. Adoption of the written joint plan at a joint session~~
26 ~~of the several area education agency boards in whose areas~~
27 ~~the territory is situated. A quorum of each of the boards is~~
28 ~~necessary to transact business. Votes shall be taken in the~~
29 ~~manner prescribed in section 275.16.~~

30 ~~3. Filing said plan with the department of education.~~

31 ~~For purposes of subsection 1 hereof, joint planning shall be~~
32 ~~evidenced by filing the following items with the department of~~
33 ~~education:~~

34 ~~a. A plat of the entire area of such potential district.~~

35 ~~b. A statement of the number of pupils residing within the~~

1 ~~area of said potential district enrolled in public schools in~~
2 ~~the preceding school year.~~

3 ~~c. A statement of the assessed valuation of taxable property~~
4 ~~located within such potential district.~~

5 ~~d. An affidavit signed on behalf of each of said boards of~~
6 ~~directors of area education agencies by a member of such board~~
7 ~~stating the boundaries as shown on such plat have been agreed~~
8 ~~upon by the respective boards as a part of the overall plan of~~
9 ~~school district reorganization of each such school.~~

10 Sec. 76. Section 276.3, subsection 3, Code 2009, is amended
11 to read as follows:

12 3. "*Community education*" means a ~~life-long~~ lifelong
13 education process concerning itself with every facet that
14 affects the well-being of all citizens within a given
15 community. ~~It extends and serves all of the following~~
16 purposes:

17 a. To extend the role of the school from one of teaching
18 children through an elementary and secondary program to one
19 of providing for citizen participation in identifying the
20 wants, needs, and concerns of the neighborhood community and
21 coordinating all educational, recreational, and cultural
22 opportunities within the community with community education
23 being the catalyst for providing for citizen participation in
24 the development and implementation of programs toward the goal
25 of improving the entire community.

26 ~~b. Community education energizes~~ To energize people
27 to strive for the achievement of determined goals and
28 ~~stimulates~~ stimulate capable persons to assume leadership
29 responsibilities. ~~It welcomes~~

30 c. To welcome and ~~works~~ work with all groups, ~~it draws~~
31 ~~no~~ without drawing any lines. ~~It is~~

32 d. To serve as the one institution in the entire community
33 that has the opportunity to reach all people and groups and to
34 gain their cooperation.

35 Sec. 77. Section 279.19A, subsections 2, 5, and 8, Code

1 2009, are amended to read as follows:

2 2. a. An extracurricular contract shall be continued
3 automatically in force and effect for equivalent periods,
4 except as modified or terminated by mutual agreement of
5 the board of directors and the employee, or terminated in
6 accordance with this section. An extracurricular contract
7 shall initially be offered by the employing board to an
8 individual on the same date that contracts are offered to
9 teachers under section 279.13. An extracurricular contract
10 may be terminated at the end of a school year pursuant to
11 sections 279.15 through 279.19. If the school district offers
12 an extracurricular contract for a sport for the subsequent
13 school year to an employee who is currently performing
14 under an extracurricular contract for that sport, and the
15 employee does not wish to accept the extracurricular contract
16 for the subsequent year, the employee may resign from the
17 extracurricular contract within twenty-one days after it has
18 been received.

19 b. Section 279.13, subsection 3, applies to this section.

20 5. a. Within seven days following June 1 of that year,
21 the board shall notify the employee in writing if the board
22 intends to require the employee to accept an extracurricular
23 contract for the subsequent school year under subsection 3 or
24 4. If the employee believes that the board did not make a
25 good faith effort to fill the position the employee may appeal
26 the decision by notifying the board in writing within ten days
27 after receiving the notification.

28 b. The appeal shall state why the employee believes that the
29 board did not make a good faith effort to fill the position.
30 If the parties are unable to informally resolve the dispute,
31 the parties shall attempt to agree upon an alternative means of
32 resolving the dispute.

33 c. If the dispute is not resolved by mutual agreement,
34 either party may appeal to the district court.

35 8. a. A termination proceeding of an extracurricular

1 contract either by the board pursuant to subsection 2 or
2 pursuant to section 279.27 does not affect a contract issued
3 pursuant to section 279.13.

4 b. A termination of a contract entered into pursuant to
5 section 279.13, or a resignation from that contract by the
6 teacher, constitutes an automatic termination or resignation of
7 the extracurricular contract in effect between the same teacher
8 and the employing school board.

9 Sec. 78. Section 280.20, Code 2009, is amended to read as
10 follows:

11 **280.20 Vocational agriculture education.**

12 1. It is the intent of the general assembly to encourage
13 the public secondary schools to develop comprehensive programs
14 for vocational education in agriculture technology to meet the
15 diverse needs of Iowa's students and to ensure an adequate
16 supply of trained and skilled individuals in all phases of the
17 agriculture industry. The board of directors of each public
18 school district may develop, as part of the curriculum in
19 grades nine through twelve, programs for vocational education
20 in agriculture technology.

21 2. a. It is also the intent of the general assembly
22 to encourage the development of programs for vocational
23 education in agriculture technology which are structured on a
24 twelve-month basis and which include the following:

25 ~~1-~~ (1) Provision for twelve-month extended contracts to
26 permit entrepreneurial agricultural experience, summer program
27 planning, and recordkeeping.

28 ~~Supervision and accountability of vocational agriculture~~
29 ~~teachers employed for extended contracts are the responsibility~~
30 ~~of the local school board.~~

31 ~~2-~~ (2) Submission of an annual summer program by each
32 vocational agriculture instructor, employed on an extended
33 contract basis.

34 ~~3-~~ (3) The following reports shall be made available to the
35 council for agricultural education upon request:

1 ~~a.~~ (a) A summary of summer activities completed for each
2 vocational agriculture instructor employed on an extended
3 contract.

4 ~~b.~~ (b) A summary of supervised agricultural experience
5 programs conducted during the year in vocational agriculture.

6 ~~4.~~ (4) Provision for instructional supervision for
7 agricultural occupational experience programs.

8 b. Supervision and accountability of vocational agriculture
9 teachers employed for extended contracts are the responsibility
10 of the local school board.

11 Sec. 79. Section 282.6, Code 2009, is amended to read as
12 follows:

13 **282.6 Tuition.**

14 1. For purposes of this section, "resident" means a person
15 who is physically present in a district, whose residence has
16 not been established in another district by operation of law,
17 and who meets any of the following conditions:

18 a. Is in the district for the purpose of making a home and
19 not solely for school purposes.

20 b. Meets the definitional requirements of the term "homeless
21 individual" under 42 U.S.C. § 11302(a) and (c).

22 c. Lives in a residential correctional facility in the
23 district.

24 2. Every school shall be free of tuition to all actual
25 residents between the ages of five and twenty-one years and to
26 resident veterans as defined in section 35.1, as many months
27 after becoming twenty-one years of age as they have spent
28 in the armed forces of the United States before they became
29 twenty-one, provided, however, fees may be charged covering
30 instructional costs for a summer school or drivers education
31 program. The board of education may, in a hardship case,
32 exempt a student from payment of the above fees. Every person,
33 however, who shall attend any school after graduation from a
34 four-year course in an approved high school or its equivalent
35 shall be charged a sufficient tuition fee to cover the cost of

1 the instruction received by the person.

2 3. This section shall not apply to tuition authorized by
3 chapter 260C.

4 ~~For purposes of this section, "resident" means a person who~~
5 ~~is physically present in a district, whose residence has not~~
6 ~~been established in another district by operation of law, and~~
7 ~~who meets any of the following conditions:~~

8 ~~1. Is in the district for the purpose of making a home and~~
9 ~~not solely for school purposes.~~

10 ~~2. Meets the definitional requirements of the term "homeless~~
11 ~~individual" under 42 U.S.C. § 11302(a) and (c).~~

12 ~~3. Lives in a residential correctional facility in the~~
13 ~~district.~~

14 Sec. 80. Section 282.11, Code 2009, is amended to read as
15 follows:

16 **282.11 Procedure.**

17 1. For the purposes of this section, "affected pupils" are
18 those who under the whole grade sharing agreement are attending
19 or scheduled to attend the school district specified in the
20 agreement, other than the district of residence, during the
21 term of the agreement.

22 2. Not less than ninety days prior to signing a whole grade
23 sharing agreement whereby all or a substantial portion of the
24 pupils in a grade in the district will attend school in another
25 district, the board of directors of each school district that
26 is negotiating, extending, or renewing a sharing agreement,
27 shall publicly announce its intent to negotiate a sharing
28 agreement under section 21.4, subsection 1. Within thirty days
29 of the board's public notice, a petition may be filed with the
30 department of education requesting that a feasibility study be
31 completed. The petition shall be signed by twenty percent of
32 the eligible electors in the district. The director of the
33 department of education may determine that a feasibility study
34 conducted by the board satisfies the request, provided that the
35 study conforms with the criteria contained in section 256.9.

1 3. Not less than thirty days prior to signing a whole grade
2 sharing agreement whereby all or a substantial portion of the
3 pupils in a grade in the district will attend school in another
4 district, the board of directors of each school district
5 that is a party to a proposed sharing agreement shall hold a
6 public hearing at which the proposed agreement is described,
7 and at which the parent or guardian of an affected pupil and
8 certificated employees of the school district shall have an
9 opportunity to comment on the proposed agreement.

10 4. a. Within the thirty-day period prior to the signing
11 of the agreement, the parent or guardian of an affected pupil
12 may request the board of directors to send the pupil to another
13 contiguous school district. ~~For the purposes of this section,~~
14 ~~"affected pupils" are those who under the whole grade sharing~~
15 ~~agreement are attending or scheduled to attend the school~~
16 ~~district specified in the agreement, other than the district of~~
17 ~~residence, during the term of the agreement.~~ The request shall
18 be based upon one of the following:

19 ~~1.~~ (1) That the agreement will not meet the educational
20 program needs of the pupil.

21 ~~2.~~ (2) That adequate consideration was not given to
22 geographical factors.

23 b. The board shall allow or disallow the request prior to
24 the signing of the agreement, or the request shall be deemed
25 granted. If the board disallows the request, the board shall
26 indicate the reasons why the request is disallowed and shall
27 notify the parent or guardian that the decision of the board
28 may be appealed as provided in this section.

29 c. If the board disallows the request of a parent or
30 guardian of an affected pupil, the parent or guardian, not
31 later than March 1, may appeal the sending of that pupil to the
32 school district specified in the agreement, to the state board
33 of education. The basis for the appeal shall be the same as the
34 basis for the request to the board. An appeal shall specify
35 a contiguous school district to which the parent or guardian

1 wishes to send the affected pupil.

2 d. If the parent or guardian appeals, the standard of review
3 of the appeal is a preponderance of evidence that the parent's
4 or guardian's hardship outweighs the benefits and integrity
5 of the sharing agreement. The state board may require the
6 district of residence to pay tuition to the contiguous school
7 district specified by the parent or guardian, or may deny
8 the appeal by the parent or guardian. If the state board
9 requires the district of residence to pay tuition to the
10 contiguous school district specified by the parent or guardian,
11 the tuition shall be equal to the tuition established in the
12 sharing agreement. The decision of the state board is binding
13 on the boards of directors of the school districts affected,
14 except that the decision of the state board may be appealed by
15 either party to the district court.

16 Sec. 81. Section 282.24, subsection 1, Code Supplement
17 2009, is amended to read as follows:

18 1. a. The maximum tuition fee that may be charged for
19 elementary and high school students residing within another
20 school district or corporation except students attending school
21 in another district under section 282.7, subsection 1, or
22 subsections 1 and 3, is the district cost per pupil of the
23 receiving district as computed in section 257.10.

24 b. A school corporation which owns facilities used as
25 attendance centers for students shall maintain an itemized
26 statement of the appraised value of all buildings owned by the
27 school corporation. The appraisal shall be updated at least
28 once every five years.

29 c. This subsection does not prevent the corporation or
30 district in which the student resides from paying a tuition in
31 excess of the maximum computed tuition rates, if the actual per
32 pupil cost of the preceding year so warrants, but the receiving
33 district or corporation shall not demand more than the maximum
34 rate.

35 Sec. 82. Section 303.1, Code 2009, is amended to read as

1 follows:

2 **303.1 Department of cultural affairs.**

3 1. The department of cultural affairs is created. The
4 department ~~is under the control of a director who shall be~~
5 ~~appointed by the governor, subject to confirmation by the~~
6 ~~senate, and shall serve at the pleasure of the governor. The~~
7 ~~salary of the director shall be set by the governor within a~~
8 ~~range set by the general assembly.~~

9 2. ~~The department~~ has primary responsibility for
10 development of the state's interest in the areas of the arts,
11 history, and other cultural matters. In fulfilling this
12 responsibility, the department will be advised and assisted by
13 the state historical society and its board of trustees, and the
14 Iowa arts council.

15 2. The department shall:

16 a. Develop a comprehensive, coordinated, and efficient
17 policy to preserve, research, interpret, and promote to the
18 public an awareness and understanding of local, state, and
19 regional history.

20 b. Stimulate and encourage throughout the state the study
21 and presentation of the performing and fine arts and public
22 interest and participation in them.

23 c. Implement tourism-related art and history projects as
24 directed by the general assembly.

25 d. Design a comprehensive, statewide, long-range plan with
26 the assistance of the Iowa arts council to develop the arts in
27 Iowa. The department is designated as the state agency for
28 carrying out the plan.

29 e. Encourage the use of volunteers throughout its divisions,
30 especially for purposes of restoring books and manuscripts.

31 3. The department may:

32 a. By rule, establish advisory groups necessary for the
33 receipt of federal funds or grants or the administration of any
34 of the department's programs.

35 b. Develop and implement fee-based educational programming

1 opportunities, including preschool programs, related to arts,
2 history, and other cultural matters for Iowans of all ages.

3 ~~3.~~ 4. The department shall consist of the following:

4 a. Historical division.

5 b. Arts division.

6 c. Other divisions created by rule.

7 d. Administrative section.

8 ~~4.~~ 5. The department is under the control of a director who
9 shall be appointed by the governor, subject to confirmation by
10 the senate, and shall serve at the pleasure of the governor.

11 The salary of the director shall be set by the governor within
12 a range set by the general assembly. The director may create,
13 combine, eliminate, alter, or reorganize the organization of
14 the department by rule.

15 ~~5. The department by rule may establish advisory groups~~
16 ~~necessary for the receipt of federal funds or grants or the~~
17 ~~administration of any of the department's programs.~~

18 6. The divisions shall be administered by administrators
19 who shall be appointed by the director and serve at the
20 director's pleasure. The administrators shall:

21 a. Organize the activities of the division.

22 b. Submit a biennial report to the governor on the
23 activities and an evaluation of the division and its programs
24 and policies.

25 c. Control all property of the division.

26 d. Perform other duties imposed by law.

27 ~~7. The department may develop and implement fee-based~~
28 ~~educational programming opportunities, including preschool~~
29 ~~programs, related to arts, history, and other cultural matters~~
30 ~~for Iowans of all ages.~~

31 Sec. 83. Section 313.28, Code 2009, is amended to read as
32 follows:

33 **313.28 Temporary primary road detours.**

34 1. When the department, for the purpose of establishing,
35 constructing, or maintaining any primary road, determines

1 that any secondary road or portion thereof is necessary for a
2 detour or haul road, the department, after consultation with
3 the county board of supervisors having jurisdiction of the
4 route, shall by order temporarily designate the secondary road
5 or portion thereof as a temporary primary road detour or as
6 a temporary primary road haul road, and the department shall
7 maintain the same as a primary road until it shall revoke the
8 temporary designation order. Prior to use of a secondary
9 road as a primary haul road or detour, the department shall
10 designate a representative to inspect the secondary road with
11 the county engineer to determine and note the condition of the
12 road.

13 2. Prior to revoking the designation, the department shall:

14 ~~1.~~ a. Restore the secondary road or portion thereof to
15 as good condition as it was prior to its designation as a
16 temporary primary road, or

17 ~~2.~~ b. Determine such amount as will adequately compensate
18 the county exercising exclusive or concurrent jurisdiction over
19 the secondary road or portion thereof for excessive traffic
20 upon the secondary road or portion thereof during the period of
21 its designation as a temporary primary road. The department
22 shall certify the amount determined to the director of the
23 department of administrative services. The director of the
24 department of administrative services shall credit the amount
25 to the county.

26 3. If on examination of the route, it is determined that
27 the road can be restored to its original condition only
28 by reconstruction, the department shall cause plans to be
29 drawn, award the necessary contracts for work and proceed to
30 reconstruct and make payments for in the same manner as is
31 prescribed for primary construction projects.

32 Sec. 84. Section 316.9, Code 2009, is amended to read as
33 follows:

34 **316.9 Rules.**

35 1. The department shall ~~make~~ adopt administrative rules

1 pursuant to chapter 17A as necessary to effect the provisions
2 of this chapter and to assure:

3 ~~1.~~ a. Compliance with the Uniform Relocation Assistance
4 and Real Property Acquisition Policies Act of 1970, Pub. L. No.
5 91-646, as amended by the Uniform Relocation Act Amendments of
6 1987, Title Tit. IV, Pub. L. No. 100-17.

7 ~~2.~~ b. The payments authorized by this chapter are fair and
8 reasonable and as uniform as practicable.

9 ~~3.~~ c. A displaced person who makes proper application for
10 a payment authorized by this chapter is paid promptly after a
11 move or, in hardship cases, is paid in advance.

12 ~~4.~~ 2. A person aggrieved by a determination as to
13 eligibility for assistance or a payment authorized by this
14 chapter, or the amount of a payment, upon application may have
15 the matter reviewed.

16 3. Rules governing reviews shall provide for a prompt
17 one-step uncomplicated fact-finding process. Such a review
18 is an appeal of an agency action as defined in section 17A.2,
19 subsection 2, and is not a contested case. The decision
20 rendered shall be the displacing agency's final agency action.

21 ~~All rules shall be subject to the provisions of chapter 17A.~~

22 Sec. 85. Section 317.1, Code 2009, is amended to read as
23 follows:

24 **317.1 Definitions.**

25 As used in this chapter, unless the context otherwise
26 requires, ~~"book"~~, "

27 a. "Book", "list", "record", or "schedule" kept by a county
28 auditor, assessor, treasurer, recorder, sheriff, or other
29 county officer means the county system as defined in section
30 445.1.

31 b. "Commissioner" means the county weed commissioner or the
32 commissioner's deputy within each county.

33 Sec. 86. Section 317.4, Code 2009, is amended to read as
34 follows:

35 **317.4 Direction and control.**

1 ~~As used in this chapter, "commissioner" means the county~~
2 ~~weed commissioner or the commissioner's deputy within each~~
3 ~~county.~~ Each commissioner, subject to direction and control by
4 the county board of supervisors, shall supervise the control
5 and destruction of all noxious weeds in the county, including
6 those growing within the limits of cities, within the confines
7 of abandoned cemeteries, and along streets and highways
8 unless otherwise provided. A commissioner shall notify the
9 department of public safety of the location of marijuana plants
10 found growing on public or private property. A commissioner
11 may enter upon any land in the county at any time for the
12 performance of the commissioner's duties, and shall hire the
13 labor and equipment necessary subject to the approval of the
14 board of supervisors.

15 Sec. 87. Section 321.1A, Code 2009, is amended to read as
16 follows:

17 **321.1A Presumption of residency.**

18 1. For purposes of this chapter there is a rebuttable
19 presumption that a natural person is a resident of this state
20 if any of the following elements exist:

21 ~~1-~~ a. The person has filed for a homestead tax exemption on
22 property in this state.

23 ~~2-~~ b. The person is a veteran who has filed for a military
24 tax exemption on property in this state.

25 ~~3-~~ c. The person is registered to vote in this state.

26 ~~4-~~ d. The person enrolls the person's child to be educated
27 in a public elementary or secondary school in this state.

28 ~~5-~~ e. The person is receiving public assistance from this
29 state.

30 ~~6-~~ f. The person resides or has continuously remained
31 in this state for a period exceeding thirty days except for
32 infrequent or brief absences.

33 ~~7-~~ g. The person has accepted employment or engages in any
34 trade, profession, or occupation within this state, except as
35 provided in section 321.55.

1 2. "*Resident*" does not include a either of the following:

2 a. A person who is attending a college or university in
3 this state, if the person has a domicile in another state and
4 has a valid driver's license issued by the state of domicile.

5 ~~"Resident" also does not include members~~

6 b. Members of the armed forces ~~that~~ who are stationed in
7 Iowa, ~~providing~~ provided that their vehicles are properly
8 registered in their state of residency.

9 3. A corporation, association, partnership, company, firm,
10 or other aggregation of individuals whose principal place of
11 business is located within this state is a resident of this
12 state.

13 Sec. 88. Section 321.32, Code 2009, is amended to read as
14 follows:

15 **321.32 Registration card carried and exhibited — exception.**

16 1. A vehicle's registration card shall at all times be
17 carried in the vehicle to which it refers and shall be shown to
18 any peace officer upon the officer's request.

19 2. This section shall not apply when the registration card
20 is being used for the purpose of making application for renewal
21 of registration or upon a transfer of registration for that
22 vehicle.

23 Sec. 89. Section 321.45, subsections 1 and 2, Code 2009, are
24 amended to read as follows:

25 1. a. No manufacturer, importer, dealer, or other person
26 shall sell or otherwise dispose of a new vehicle subject to
27 registration under the provisions of this chapter to a dealer
28 to be used by such dealer for purposes of display and lease or
29 resale without delivering to such dealer a manufacturer's or
30 importer's certificate duly executed and with such assignments
31 thereon as may be necessary to show title in the purchaser
32 thereof; nor shall such dealer purchase or acquire a new
33 vehicle that is subject to registration without obtaining
34 from the seller thereof such manufacturer's or importer's
35 certificate. In addition to the assignments stated herein,

1 such manufacturer's or importer's certificate shall contain
2 thereon the identification and description of the vehicle
3 delivered and the name and address of the dealer to whom said
4 vehicle was originally sold over the signature of an authorized
5 official of the manufacturer or importer who made the original
6 delivery.

7 b. For each new mobile home, manufactured home, travel
8 trailer, and camping trailer said manufacturer's or importer's
9 certificate shall also contain thereon the exterior length and
10 exterior width of said vehicle not including any area occupied
11 by any hitching device, and the manufacturer's shipping weight.

12 c. Completed motor vehicles, other than class "B" motor
13 homes, which are converted, modified, or altered shall retain
14 the identity and model year of the original manufacturer of the
15 vehicle. Motor homes and all other motor vehicles manufactured
16 from chassis or incomplete motor vehicles manufactured by
17 another may have the identity and model year assigned by the
18 final manufacturer.

19 2. a. ~~No~~ A person shall not acquire any right, title,
20 claim, or interest in or to any vehicle subject to registration
21 under this chapter from the owner thereof except by virtue of
22 a certificate of title issued or assigned to the person for
23 such vehicle or by virtue of a manufacturer's or importer's
24 certificate delivered to the person for such vehicle; ~~nor shall~~
25 any and waiver or estoppel shall not operate in favor of any
26 person claiming title to or interest in any vehicle against
27 a person having possession of the certificate of title or
28 manufacturer's or importer's certificate for such vehicle for a
29 valuable consideration except in ~~ease of~~ the following cases:

30 ~~a.~~ (1) The perfection of a lien or security interest as
31 provided in section 321.50 ~~or.~~

32 ~~b.~~ (2) The perfection of a security interest in new or
33 used vehicles held as inventory for sale as provided in uniform
34 commercial code, chapter 554, article 9 ~~or.~~

35 ~~c.~~ (3) A dispute between a buyer and the selling dealer who

1 has failed to deliver or procure the certificate of title as
2 promised, ~~or.~~

3 ~~d.~~ (4) Except for the purposes of section 321.493.

4 b. Except in the ~~above enumerated~~ cases enumerated in
5 paragraph "a", no court in any case at law or equity shall
6 recognize the right, title, claim, or interest of any person in
7 or to any vehicle subject to registration sold or disposed of,
8 or mortgaged or encumbered, unless evidenced by a certificate
9 of title or manufacturer's or importer's certificate duly
10 issued or assigned in accordance with the provisions of this
11 chapter.

12 Sec. 90. Section 321.126, Code 2009, is amended to read as
13 follows:

14 **321.126 Refunds of annual registration fees.**

15 1. Refunds of unexpired annual vehicle registration fees
16 shall be allowed in accordance with this section, except that
17 no refund shall be allowed and paid if the unused portion
18 of the fee is less than ten dollars. ~~Subsections 1 and~~
19 ~~2~~ Paragraphs "a" and "b" do not apply to vehicles registered by
20 the county treasurer. The refunds shall be made as follows:

21 ~~1.~~ a. If the vehicle is destroyed by fire or accident,
22 or junked and its identity as a vehicle entirely eliminated,
23 the owner in whose name the vehicle was registered at the time
24 of destruction or dismantling shall return the plates to the
25 department and within thirty days thereafter make a statement
26 of such destruction or dismantling and make claim for refund.
27 With reference to the destruction or dismantling of a vehicle,
28 no refund shall be allowed unless a junking certificate has
29 been issued, as provided in section 321.52.

30 ~~2.~~ b. If the vehicle is stolen, the owner shall give
31 notice of the theft to the department within five days. If the
32 vehicle is not recovered by the owner thirty days prior to the
33 end of the current registration year, the owner shall make a
34 statement of the theft and make claim for refund.

35 ~~3.~~ c. If the vehicle is placed in storage by the owner

1 upon the owner's entry into the military service of the
2 United States, the owner shall return the plates to the county
3 treasurer or the department and make a statement regarding
4 the storage and military service and make claim for refund.
5 Whenever the owner of a vehicle so placed in storage desires to
6 again register the vehicle, the county treasurer or department
7 shall compute and collect the fees for registration for the
8 registration year commencing in the month the vehicle is
9 removed from storage.

10 ~~4.~~ d. If the vehicle is registered by the county treasurer
11 during the current registration year and the owner or lessee
12 registers the vehicle for proportional registration under
13 chapter 326, the owner of the registered vehicle shall
14 surrender the registration plates to the county treasurer and
15 may file a claim for refund. In lieu of a refund, a credit
16 for the annual registration fees paid to the county treasurer
17 may be applied by the department to the owner or lessee's
18 proportional registration fees upon the surrender of the county
19 plates and registration.

20 ~~5.~~ e. A refund for trailers and semitrailers issued a
21 multiyear registration plate shall be paid by the department
22 upon application.

23 ~~6.~~ f. If a vehicle is sold or junked, the owner in whose
24 name the vehicle was registered may make claim to the county
25 treasurer or department for a refund of the sold or junked
26 vehicle's annual registration fee. Also if the owner of a
27 vehicle receives a vehicle registration fee credit under
28 section 321.46, subsection 3, and the credit allowed exceeds
29 the amount of the annual registration fee for the vehicle
30 acquired, the owner may claim a refund for the balance of the
31 credit. The refund is subject to the following limitations:

32 ~~a.~~ (1) If a vehicle registration fee credit has not been
33 received by the owner of the vehicle under section 321.46,
34 subsection 3, the refund shall be computed on the basis of
35 the number of unexpired months remaining in the registration

1 year at the time the vehicle was sold or junked. The refund
2 shall be rounded to the nearest whole dollar. Section 321.127,
3 subsection 1, does not apply.

4 ~~b.~~ (2) The refund shall only be allowed if the owner makes
5 claim for the refund within six months after the date of the
6 vehicle's sale, trade, or junking.

7 ~~c.~~ (3) This ~~subsection~~ paragraph "f" does not apply to
8 vehicles registered under chapter 326.

9 ~~7.~~ g. If the vehicle was leased and an affidavit was filed
10 by the lessor or the lessee as provided in section 321.46,
11 the lessor or the lessee, as applicable, may make a claim for
12 a refund with the county treasurer of the county where the
13 vehicle was registered within six months of the vehicle's
14 surrender to the lessor. The refund shall be paid to either
15 the lessor or the lessee, as specified on the application for
16 title and registration pursuant to section 321.20.

17 ~~8.~~ h. If the owner of the vehicle moves out of state,
18 the owner may make a claim for a refund by returning the Iowa
19 registration plates, along with evidence of the vehicle's
20 registration in another jurisdiction, to the county treasurer
21 of the county in which the vehicle was registered within
22 six months of the out-of-state registration. For purposes
23 of section 321.127, the unexpired months remaining in the
24 registration year shall be calculated on the basis of the
25 effective date of the out-of-state registration. However, for
26 the purpose of timely issuance of the refund, the claim for
27 a refund under this ~~subsection~~ paragraph is considered to be
28 filed on the date the registration documents are received by
29 the county treasurer.

30 ~~9.~~ 2. Notwithstanding any provision of this section
31 to the contrary, there shall be no refund of proportional
32 registration fees unless the state which issued the base plate
33 for the vehicle allows such refund. If an owner subject to
34 proportional registration leases the vehicle for which the
35 refund is sought, the claim shall be filed in the names of

1 both the lessee and the lessor and the refund payment made
2 payable to both the lessor and the lessee. The term "owner"
3 for purposes of this section shall include a person in whom
4 is vested right of possession or control of a vehicle which
5 is subject to a lease, contract, or other legal arrangement
6 vesting right of possession or control in addition to the term
7 as defined in section 321.1, subsection 49.

8 Sec. 91. Section 321.198, Code 2009, is amended to read as
9 follows:

10 **321.198 Military service exception.**

11 1. a. The effective date of a valid driver's license issued
12 under the laws of this state, held by any person at the time of
13 entering the military service of the United States or of the
14 state of Iowa, notwithstanding the expiration of the license
15 according to its terms, is hereby extended without fee until
16 six months following the initial separation from active duty
17 of the person from the military service, provided the person
18 is not suffering from physical disabilities which impair the
19 person's competency as an operator and provided further that
20 the licensee shall furnish, upon demand of any peace officer,
21 satisfactory evidence of the person's military service.

22 However, a person entitled to the benefits of this section
23 who is charged with operating a motor vehicle without a valid
24 driver's license shall not be convicted if the person produces
25 in court, within a reasonable time, a valid driver's license
26 previously issued to that person along with evidence of the
27 person's military service as provided in this paragraph.

28 b. The department is authorized to renew any driver's
29 license falling within the provisions and limitations of the
30 ~~preceding~~ paragraph "a", without examination, upon application
31 and payment of fee made within six months following separation
32 from the military service.

33 2. The provisions of this section shall also apply to
34 the spouse and children, or ward of such military personnel
35 when such spouse, children, or ward are living with the above

1 described military personnel outside of the state of Iowa and
2 provided that such extension of license does not exceed five
3 years.

4 3. A person whose period of validity of the person's
5 driver's license is extended under this section may file an
6 application in accordance with rules adopted by the department
7 to have the person's record of issuance of a driver's license
8 retained in the department's record system during the period
9 for which the driver's license remains valid. If a person has
10 had the record of issuance of the person's driver's license
11 removed from the department's records, the person shall have
12 the person's record of driver's license issuance reentered
13 by the department upon request if the request is accompanied
14 by a letter from the applicable person's commanding officer
15 verifying the military service.

16 Sec. 92. Section 321.252, Code 2009, is amended to read as
17 follows:

18 **321.252 Department to adopt sign manual.**

19 1. a. The department shall adopt a manual and
20 specifications for a uniform system of traffic-control
21 devices consistent with the provisions of this chapter for use
22 upon highways within this state. Such uniform system shall
23 correlate with and so far as possible conform to the system
24 then current as approved by the American association of state
25 highway and transportation officials.

26 b. The department shall include in its manual of
27 traffic-control devices, specifications for a uniform system of
28 highway signs for the purpose of guiding traffic to organized
29 off-highway permanent camps, and camp areas, operated by
30 recognized and established civic, religious, and nonprofit
31 charitable organizations and to for-profit campgrounds and ski
32 areas. The department shall purchase, install, and maintain
33 the signs upon the prepayment of the costs by the organization
34 or owner.

35 2. The department shall also establish criteria for guiding

1 traffic on all fully controlled-access, divided, multilaned
2 highways including interstate highways to each tourist
3 attraction which is located within thirty miles of the highway
4 and receives fifteen thousand or more visitors annually.
5 Nothing in this ~~unnumbered paragraph~~ subsection shall be
6 construed to prohibit the department from erecting signs to
7 guide traffic on these highways to tourist attractions which
8 are located more than thirty miles from the highway or which
9 receive fewer than fifteen thousand visitors annually.

10 3. a. The department shall establish, by rule, in
11 cooperation with a tourist signing committee, the standards for
12 tourist-oriented directional signs and shall annually review
13 the list of attractions for which signing is in place. The
14 rules shall conform to national standards for tourist-oriented
15 directional signs adopted under 23 U.S.C. § 131(q) and to the
16 manual of uniform traffic-control devices.

17 (1) The tourist signing committee shall be made up of
18 the directors or their designees of the departments of
19 economic development, agriculture and land stewardship,
20 natural resources, cultural affairs, and transportation, the
21 chairperson or the chairperson's designee of the Iowa travel
22 council, and a member of the outdoor advertising association
23 of Iowa. The director or the director's designee of the
24 department of economic development shall be the chairperson of
25 the committee.

26 (2) The department of transportation shall be responsible
27 for calling and setting the date of the meetings of the
28 committee which meetings shall be based upon the amount of
29 activity relating to signs. However, the committee shall meet
30 at least once a month.

31 b. ~~However, a~~ A tourist attraction is not subject
32 to a minimum number of visitors annually to qualify for
33 tourist-oriented directional signing.

34 4. The rules shall not be applicable to directional signs
35 relating to historic sites on land owned or managed by state

1 agencies, as provided in section 321.253A. The rules shall
2 include but are not limited to the following:

3 ~~1.~~ a. Criteria for eligibility for signing.

4 ~~2.~~ b. Criteria for limiting or excluding businesses,
5 activities, services, and sites that maintain signs that do
6 not conform to the requirements of chapter 306B, chapter
7 306C, division II, or other statutes or administrative rules
8 regulating outdoor advertising.

9 ~~3.~~ c. Provisions for a fee schedule to cover the direct and
10 indirect costs of sign manufacture, erection, and maintenance,
11 and related administrative costs.

12 ~~4.~~ d. Provisions specifying maximum distances to eligible
13 businesses, activities, services, and sites. Tourist-oriented
14 directional signs may be placed on highways within the
15 maximum travel distance that have the greatest traffic count
16 per day, if sufficient space is available. If an adjacent
17 landowner complains to the department about the placement of a
18 tourist-oriented directional sign, the department shall attempt
19 to reach an agreement with the landowner for relocating the
20 sign. If possible, the sign shall be relocated from the place
21 of objection. If the sign must be located on an objectionable
22 place, it shall be located on the least objectionable place
23 possible.

24 ~~5.~~ e. Provisions for trailblazing to facilities that
25 are not on the crossroad. Appropriate trailblazing shall be
26 installed over the most desirable routes on lesser traveled
27 primary highways, secondary roads, and city streets leading to
28 the tourist attraction.

29 ~~6.~~ f. Criteria for determining when to permit advance
30 signing.

31 ~~7.~~ g. Provisions specifying conditions under which the
32 time of operation of a business, activity, service, or site is
33 shown.

34 ~~8.~~ h. Provisions for masking or removing signs during
35 off seasons for businesses, activities, services, and sites

1 operated on a seasonal basis. Faded signs shall be replaced
2 and the commercial vendor charged for the cost of replacement
3 based upon the fee schedule adopted.

4 ~~9.~~ i. Provisions specifying the maximum number of signs
5 permitted per intersection.

6 ~~10.~~ j. Provisions for determining what businesses,
7 activities, services, or sites are signed when there are more
8 applicants than the maximum number of signs permitted.

9 ~~11.~~ k. Provisions for removing signs when businesses,
10 activities, services, or sites cease to meet minimum
11 requirements for participation and related costs.

12 5. Local authorities shall adhere to the specifications
13 for ~~such~~ signs as established by the department, and shall
14 purchase, install, and maintain ~~such~~ signs in their respective
15 jurisdictions upon prepayment by the organization of the
16 cost of such purchase, installation, and maintenance. The
17 department shall include in its manual of traffic-control
18 devices specifications for a uniform system of traffic-control
19 devices in legally established school zones.

20 Sec. 93. Section 321.306, Code 2009, is amended to read as
21 follows:

22 **321.306 Roadways laned for traffic.**

23 Whenever any roadway has been divided into three or more
24 clearly marked lanes for traffic the following rules in
25 addition to all others consistent herewith shall apply:

26 1. A vehicle shall be driven as nearly as practical entirely
27 within a single lane and shall not be moved from such lane
28 until the driver has first ascertained that such movement can
29 be made with safety.

30 2. ~~Upon~~ If a roadway ~~which~~ is divided into three lanes, a
31 vehicle shall not be driven in the center lane except ~~when~~ as
32 follows:

33 a. When overtaking and passing another vehicle where the
34 roadway is clearly visible and such center lane is clear of
35 traffic within a safe distance, ~~or in.~~

1 b. In preparation for a left turn or where such center lane
2 is at the time allocated exclusively to traffic moving in the
3 direction the vehicle is proceeding and is signposted to give
4 notice of such allocation.

5 3. Official signs may be erected directing slow-moving
6 traffic to use a designated lane or allocating specified lanes
7 to traffic moving in the same direction and drivers of vehicles
8 shall obey the directions of every such sign.

9 4. Vehicles moving in a lane designated for slow-moving
10 traffic shall yield the right-of-way to vehicles moving in the
11 same direction in a lane not so designated when such lanes
12 merge to form a single lane.

13 5. A portion of a highway provided with a lane for
14 slow-moving vehicles does not become a roadway marked for three
15 lanes of traffic.

16 Sec. 94. Section 321.324, Code 2009, is amended to read as
17 follows:

18 **321.324 Operation on approach of emergency vehicles.**

19 1. For the purposes of this section, "red light" or "blue
20 light" means a light or lighting device that, when illuminated,
21 will exhibit a solid flashing or strobing red or blue light.

22 2. Upon the immediate approach of an authorized emergency
23 vehicle with any lamp or device displaying a red light or
24 red and blue lights, or an authorized emergency vehicle of a
25 fire department displaying a blue light, or when the driver is
26 giving audible signal by siren, exhaust whistle, or bell, the
27 driver of every other vehicle shall yield the right-of-way and
28 shall immediately drive to a position parallel to, and as close
29 as possible to, the right-hand edge or curb of the highway
30 clear of any intersection and shall stop and remain in such
31 position until the authorized emergency vehicle has passed,
32 except when otherwise directed by a police officer. ~~For the~~
33 ~~purposes of this section, "red light" or "blue light" means a~~
34 ~~light or lighting device that, when illuminated, will exhibit a~~
35 ~~solid flashing or strobing red or blue light.~~

1 3. Upon the approach of an authorized emergency vehicle,
2 as ~~above stated~~ described in subsection 2, the driver of
3 every streetcar shall immediately stop such car clear of any
4 intersection and keep it in such position until the authorized
5 emergency vehicle has passed, except when otherwise directed by
6 a police officer.

7 4. This section shall not operate to relieve the driver of
8 an authorized emergency vehicle from the duty to drive with due
9 regard for the safety of all persons using the highway.

10 Sec. 95. Section 321.383, subsection 3, Code 2009, is
11 amended to read as follows:

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

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

21 Sec. 96. Section 321.417, Code 2009, is amended to read as
22 follows:

23 **321.417 Single-beam road-lighting equipment.**

24 Headlamps arranged to provide a single distribution of
25 light not supplemented by auxiliary driving lamps shall
26 be permitted on motor vehicles manufactured and sold prior
27 to July 1, 1938, in lieu of multiple-beam road-lighting
28 equipment ~~herein~~ specified in section 321.409 if the single
29 distribution of light complies with the following requirements
30 and limitations:

31 1. The headlamps shall be so aimed that when the vehicle
32 is not loaded none of the high-intensity portion of the light
33 shall at a distance of twenty-five feet ahead project higher
34 than a level of five inches below the level of the center
35 of the lamp from which it comes, and in no case higher than

1 forty-two inches above the level on which the vehicle stands at
2 a distance of seventy-five feet ahead.

3 2. The intensity of the light shall be sufficient to reveal
4 persons and vehicles at a distance of at least two hundred
5 feet.

6 Sec. 97. Section 321.422, Code 2009, is amended to read as
7 follows:

8 **321.422 Red light in front.**

9 1. No person shall drive or move any vehicle or equipment
10 upon any highway with any lamp or device thereon displaying or
11 reflecting a red light visible from directly in front thereof.
12 ~~This section shall not apply to authorized emergency vehicles,~~
13 ~~or school buses and vehicles as provided in section 321.423,~~
14 ~~subsection 6.~~ No person shall display any color of light other
15 than red on the rear of any vehicle, except that stop lights
16 and directional signals may be red, yellow, or amber.

17 2. This section shall not apply to authorized emergency
18 vehicles, or school buses and vehicles as provided in section
19 321.423, subsection 6.

20 Sec. 98. Section 321.423, subsections 3, 4, and 7, Code
21 2009, are amended to read as follows:

22 **3. Blue light.**

23 a. A blue light shall not be used on any vehicle except for
24 the following:

25 ~~a.~~ (1) A vehicle owned or exclusively operated by a fire
26 department.

27 ~~b.~~ (2) A vehicle authorized by the chief of the fire
28 department if the vehicle is owned by a member of the fire
29 department, the request for authorization is made by the
30 member on forms provided by the department, and necessity for
31 authorization is demonstrated in the request.

32 ~~c.~~ (3) An authorized emergency vehicle, other than a
33 vehicle described in paragraph "a", subparagraph (1) or "b" (2),
34 if the blue light is positioned on the passenger side of the
35 vehicle and is used in conjunction with a red light positioned

1 on the driver side of the vehicle.

2 b. A person shall not use only a blue light on a vehicle
3 unless the vehicle meets the requirements of paragraph "a",
4 subparagraph (1) or "~~b~~" (2).

5 4. *Expiration of authority.* The authorization shall expire
6 at midnight on the thirty-first day of December five years from
7 the year in which it was issued, or when the vehicle is no
8 longer owned by the member, or when the member has ceased to
9 be an active member of the fire department or of an ambulance,
10 rescue, or first response service, or when the member has used
11 the blue or white light beyond the scope of its authorized use.
12 A person issued an authorization under subsection 3, paragraph
13 "~~b~~", "a", subparagraph (2), shall return the authorization to
14 the fire chief upon expiration or upon a determination by the
15 fire chief or the department that the authorization should be
16 revoked.

17 7. *Flashing white light.*

18 a. Except as provided in section 321.373, subsection 7, and
19 subsection 2, paragraphs "c" and "i" of this section, a flashing
20 white light shall only be used on a vehicle in the following
21 circumstances:

22 ~~a.~~ (1) On a vehicle owned or exclusively operated by an
23 ambulance, rescue, or first response service.

24 ~~b.~~ (2) On a vehicle authorized by the director of public
25 health when all of the following apply:

26 ~~(1)~~ (a) The vehicle is owned by a member of an ambulance,
27 rescue, or first response service.

28 ~~(2)~~ (b) The request for authorization is made by the member
29 on forms provided by the Iowa department of public health.

30 ~~(3)~~ (c) Necessity for authorization is demonstrated in the
31 request.

32 ~~(4)~~ (d) The head of an ambulance, rescue, or first response
33 service certifies that the member is in good standing and
34 recommends that the authorization be granted.

35 ~~e.~~ (3) On an authorized emergency vehicle.

1 b. The Iowa department of public health shall adopt rules
2 to establish issuance standards, including allowing local
3 emergency medical service providers to issue certificates of
4 authorization, and shall adopt rules to establish certificate
5 of authorization revocation procedures.

6 Sec. 99. Section 321.471, subsection 2, paragraph b, Code
7 2009, is amended to read as follows:

8 b. A person who violates the ordinance or resolution
9 shall, upon conviction or a guilty plea, be subject to a fine
10 determined by dividing the difference between the actual weight
11 of the vehicle and the maximum weight allowed by the ordinance
12 or resolution by one hundred and multiplying the quotient by
13 two dollars.

14 c. Local authorities may issue or approve special permits
15 allowing the operation over a bridge or culvert of vehicles
16 with weights in excess of restrictions imposed under the
17 ordinance or resolution, but not in excess of load restrictions
18 imposed by any other provision of this chapter. The local
19 authority shall issue such a permit for not to exceed eight
20 weeks upon a showing of agricultural hardship. The operator
21 of a vehicle which is the subject of a permit issued under this
22 paragraph shall carry the permit while operating the vehicle
23 and shall show the permit to any peace officer upon request.

24 Sec. 100. Section 321.493, Code 2009, is amended to read as
25 follows:

26 **321.493 Liability for damages.**

27 1. For purposes of this section:

28 a. "Owner" means the person to whom the certificate of
29 title for the vehicle has been issued or assigned or to whom
30 a manufacturer's or importer's certificate of origin for the
31 vehicle has been delivered or assigned. However, if the
32 vehicle is leased, "owner" means the person to whom the vehicle
33 is leased, not the person to whom the certificate of title
34 for the vehicle has been issued or assigned or to whom the
35 manufacturer's or importer's certificate of origin for the

1 vehicle has been delivered or assigned.

2 b. "Leased" means the transfer of the possession or
3 right to possession of a vehicle to a lessee for a valuable
4 consideration for a continuous period of twelve months or more,
5 pursuant to a written agreement.

6 ~~1. 2. a. Subject to paragraph "b", in all cases where~~
7 ~~damage is done by any motor vehicle by reason of negligence~~
8 ~~of the driver, and driven with the consent of the owner, the~~
9 ~~owner of the motor vehicle shall be liable for such damage.~~
10 ~~For purposes of this subsection, "owner" means the person~~
11 ~~to whom the certificate of title for the vehicle has been~~
12 ~~issued or assigned or to whom a manufacturer's or importer's~~
13 ~~certificate of origin for the vehicle has been delivered or~~
14 ~~assigned. However, if the vehicle is leased, "owner" means~~
15 ~~the person to whom the vehicle is leased, not the person~~
16 ~~to whom the certificate of title for the vehicle has been~~
17 ~~issued or assigned or to whom the manufacturer's or importer's~~
18 ~~certificate of origin for the vehicle has been delivered or~~
19 ~~assigned. For purposes of this subsection, "leased" means the~~
20 ~~transfer of the possession or right to possession of a vehicle~~
21 ~~to a lessee for a valuable consideration for a continuous~~
22 ~~period of twelve months or more, pursuant to a written~~
23 ~~agreement.~~

24 *b.* The owner of a vehicle with a gross vehicle weight rating
25 of seven thousand five hundred pounds or more who rents the
26 vehicle for less than a year under an agreement which requires
27 an insurance policy covering at least the minimum levels of
28 financial responsibility prescribed by law, shall not be deemed
29 to be the owner of the vehicle for the purpose of determining
30 financial responsibility for the operation of the vehicle or
31 for the acts of the operator in connection with the vehicle's
32 operation.

33 ~~2. 3.~~ A person who has made a bona fide sale or transfer
34 of the person's right, title, or interest in or to a motor
35 vehicle and who has delivered possession of the motor vehicle

1 to the purchaser or transferee shall not be liable for any
2 damage thereafter resulting from negligent operation of the
3 motor vehicle by another, but the purchaser or transferee
4 to whom possession was delivered shall be deemed the owner.
5 The provisions of section 321.45, subsection 2, ~~of section~~
6 ~~321.45~~ shall not apply in determining, for the purpose of
7 fixing liability under this subsection, whether such sale or
8 transfer was made.

9 Sec. 101. Section 321.498, Code 2009, is amended to read as
10 follows:

11 **321.498 Legal effect of use and operation.**

12 1. The acceptance by any nonresident of this state of the
13 privileges extended by the laws of this state to nonresident
14 operators or owners of operating a motor vehicle, or having the
15 same operated, within this state shall be deemed:

16 ~~1-~~ a. An agreement by the nonresident that the nonresident
17 shall be subject to the jurisdiction of the district court
18 of this state over all civil actions and proceedings against
19 the nonresident for damages to person or property growing or
20 arising out of such use and operation, and

21 ~~2-~~ b. An appointment by such nonresident of the director
22 of this state as the nonresident's lawful attorney upon whom
23 may be served all original notices of suit pertaining to such
24 actions and proceedings, and

25 ~~3-~~ c. An agreement by such nonresident that any original
26 notice of suit so served shall be of the same legal force and
27 validity as if personally served on the nonresident in this
28 state.

29 ~~4-~~ 2. The term "*nonresident*" shall include any person
30 who was, at the time of the accident or event, a resident of
31 the state of Iowa but who removed from the state before the
32 commencement of such action or proceedings.

33 Sec. 102. Section 321J.4B, subsections 2, 6, 11, and 12,
34 Code 2009, are amended to read as follows:

35 2. a. A motor vehicle is subject to impoundment in the

1 following circumstances:

2 ~~a.~~ (1) If a person operates a vehicle in violation
3 of section 321J.2, and if convicted for that conduct, the
4 conviction would be a second or subsequent offense under
5 section 321J.2.

6 ~~b.~~ (2) If a person operates a vehicle while that person's
7 driver's license or operating privilege has been suspended,
8 denied, revoked, or barred due to a violation of section
9 321J.2.

10 b. The clerk of court shall send notice of a conviction
11 of an offense for which the vehicle was impounded to the
12 impounding authority upon conviction of the defendant for such
13 offense.

14 c. Impoundment of the vehicle under this section may occur
15 in addition to any criminal penalty imposed under chapter 321
16 or this chapter for the underlying criminal offense.

17 6. Upon conviction of the defendant for a second or
18 subsequent violation of subsection 2, paragraph ~~"b"~~ "a",
19 subparagraph (2), the court shall order, if the convicted
20 person is the owner of the motor vehicle used in the commission
21 of the offense, that that motor vehicle be seized and forfeited
22 to the state pursuant to chapters 809 and 809A.

23 11. a. (1) During the period of impoundment or
24 immobilization the owner of an impounded or immobilized vehicle
25 shall not sell or transfer the title of the motor vehicle which
26 is subject to the order of impoundment or immobilization.

27 (2) A person convicted of an offense under subsection
28 ~~2~~ shall not purchase or register any motor vehicle during the
29 period of impoundment, immobilization, or license revocation.

30 ~~Violation of paragraph "a" is a serious misdemeanor.~~

31 b. If, during the period of impoundment or immobilization,
32 the title to the motor vehicle which is the subject of the
33 order is transferred by the foreclosure of a chattel mortgage,
34 a sale upon execution, the cancellation of a conditional sales
35 contract, or an order of a court, the court which enters the

1 order that permits transfer of the title shall notify the
2 department of the transfer of the title. The department shall
3 enter notice of the transfer of the title to the motor vehicle
4 in the previous owner's vehicle registration record.

5 c. Violation of paragraph "a" is a serious misdemeanor.

6 12. a. Notwithstanding other requirements of this section:

7 ~~a.~~ (1) Upon learning the address or phone number of a
8 rental or leasing company which owns a motor vehicle impounded
9 or immobilized under this section, the peace officer, county
10 attorney, or attorney general shall immediately contact the
11 company to inform the company that the vehicle is available for
12 return to the company.

13 ~~b.~~ (2) The holder of a security interest in a vehicle
14 which is impounded or immobilized pursuant to this section
15 or forfeited in the manner provided in chapters 809 and 809A
16 shall be notified of the impoundment, immobilization, or
17 forfeiture within seventy-two hours of the seizure of the
18 vehicle and shall have the right to claim the motor vehicle
19 without payment of any fees or surcharges unless the value of
20 the vehicle exceeds the value of the security interest held by
21 the creditor.

22 ~~e.~~ (3) Any of the following persons may make application
23 to the court for permission to operate a motor vehicle, which
24 is impounded or immobilized pursuant to this section, during
25 the period of impoundment or immobilization, if the applicant's
26 driver's license or operating privilege has not been suspended,
27 denied, revoked, or barred, and an ignition interlock device
28 of a type approved by the commissioner of public safety is
29 installed in the motor vehicle prior to operation:

30 ~~(1)~~ (a) A person, other than the person who committed the
31 offense which resulted in the impoundment or immobilization,
32 who is not a member of the immediate family of the person
33 who committed the offense but is a joint owner of the motor
34 vehicle.

35 ~~(2)~~ (b) A member of the immediate family of the person

1 who committed the offense which resulted in the impoundment
2 or immobilization, if the member demonstrates that the motor
3 vehicle that is subject to the order for impoundment or
4 immobilization is the only motor vehicle possessed by the
5 family.

6 b. For purposes of this section, "*a member of the immediate*
7 *family*" means a spouse, child, or parent of the person who
8 committed the offense.

9 Sec. 103. Section 321J.4B, subsection 4, unnumbered
10 paragraph 1, Code 2009, is amended to read as follows:

11 An owner of a motor vehicle impounded or immobilized under
12 this section, who knows of, should have known of, or gives
13 consent to the operation of, the motor vehicle in violation of
14 subsection 2, paragraph ~~"b"~~ "a", subparagraph (2), shall be:

15 Sec. 104. Section 321J.4B, subsection 5, paragraph b,
16 unnumbered paragraph 1, Code 2009, is amended to read as
17 follows:

18 Upon conviction of the defendant for a violation of
19 subsection 2, paragraph "a", subparagraph (1), the court may
20 order continued impoundment, or the immobilization, of the
21 motor vehicle used in the commission of the offense, if the
22 convicted person is the owner of the motor vehicle, and shall
23 specify all of the following in the order:

24 Sec. 105. Section 321J.4B, subsection 5, paragraph g, Code
25 2009, is amended to read as follows:

26 g. Upon receipt of a court order for continued impoundment
27 or immobilization of the motor vehicle, the agency shall review
28 the value of the vehicle in relation to the costs associated
29 with the period of impoundment of the motor vehicle specified
30 in the order. If the agency determines that the costs of
31 impoundment of the motor vehicle exceed the actual wholesale
32 value of the motor vehicle, the agency may treat the vehicle as
33 an abandoned vehicle pursuant to section 321.89. If the agency
34 elects to treat the motor vehicle as abandoned, the agency
35 shall notify the registered owner of the motor vehicle that

1 the vehicle shall be deemed abandoned and shall be sold in the
2 manner provided in section 321.89 if payment of the total cost
3 of impoundment is not received within twenty-one days of the
4 mailing of the notice. The agency shall provide documentation
5 regarding the valuation of the vehicle and the costs of
6 impoundment. This paragraph shall not apply to vehicles that
7 are immobilized pursuant to this section or if subsection 12,
8 paragraph "a", subparagraph (1) or ~~"b"~~ (2), applies.

9 Sec. 106. Section 322.2, unnumbered paragraph 2, Code 2009,
10 is amended by striking the unnumbered paragraph.

11 Sec. 107. Section 322.5, subsections 1, 4, and 5, Code 2009,
12 are amended to read as follows:

13 1. a. The license fee for a motor vehicle dealer for a
14 two-year period or part thereof is the sum of seventy dollars
15 for the licensee's principal place of business in each city
16 or township and an additional twenty dollars for a two-year
17 period or part thereof for each car lot which is in the city or
18 township in which the principal place of business is located
19 and which is not adjacent to that place, to be paid to the
20 department at the time a license is applied for. In case the
21 application is denied, the department shall refund the amount
22 of the fee to the applicant.

23 b. For the purposes of this section, "adjacent" means that
24 the principal place of business and each additional lot are
25 adjoining parcels of property. Parcels

26 ~~For the purposes of this subsection, parcels of property~~
27 shall be deemed to be adjacent if the parcels are only
28 separated by an alley, street, or highway that is not a
29 controlled-access facility.

30 4. a. A nonresident motor vehicle dealer, who is authorized
31 by a written contract with a manufacturer or distributor of
32 new motor trucks to sell at retail such new motor trucks, may
33 display motor trucks within this state at qualified events
34 approved by the department. The dealer must obtain a temporary
35 permit from the department. An application for a temporary

1 permit shall be made upon a form provided by the department
2 and shall be accompanied by a ten dollar permit fee. Permits
3 shall be issued for a period not to exceed fourteen days. The
4 department shall issue a temporary permit under this subsection
5 only if the qualified event for which the permit is issued
6 meets all of the following conditions:

7 ~~a.~~ (1) The sale of motor vehicles is not allowed during the
8 qualified event.

9 ~~b.~~ (2) The qualified event is conducted in a controlled
10 area and is not open to the public generally.

11 ~~c.~~ (3) The qualified event generally promotes the motor
12 truck industry.

13 ~~d.~~ (4) The qualified event is conducted within the area of
14 responsibility that is specified in the motor vehicle dealer's
15 contract with the manufacturer or distributor.

16 b. A temporary permit shall not be issued under this
17 subsection unless the state in which the nonresident motor
18 vehicle dealer is licensed extends by reciprocity similar
19 privileges to a motor vehicle dealer licensed by this state.

20 5. a. A manufacturer, distributor, or dealer may, upon
21 receipt of a temporary permit approved by the department,
22 display new ambulances, new fire vehicles, and new rescue
23 vehicles for educational purposes only at vehicle shows and
24 vehicle exhibitions conducted for the express purpose of
25 educating fire and rescue personnel in new technology and
26 techniques for fire fighting and rescue efforts. Application
27 for temporary permits shall be made upon forms provided by the
28 department and shall be accompanied by a ten-dollar permit fee.
29 Permits shall be issued for a single show or exhibition, not to
30 exceed five consecutive days.

31 b. A temporary permit shall not be issued under this
32 subsection to a nonresident manufacturer, distributor, or
33 dealer unless the state in which the nonresident manufacturer,
34 distributor, or dealer is licensed extends by reciprocity
35 similar privileges to a manufacturer, distributor, or dealer

1 licensed by this state.

2 Sec. 108. Section 322.15, Code 2009, is amended to read as
3 follows:

4 **322.15 ~~Liberal construction~~ Construction of chapter.**

5 1. All provisions of this chapter shall be liberally
6 construed to the end that the practice or commission of
7 fraud in the sale, barter, or disposition of motor vehicles
8 at retail in this state may be prohibited and prevented,
9 and irresponsible, unreliable, or dishonest persons may be
10 prevented from engaging in the business of selling, bartering,
11 or otherwise dealing in motor vehicles at retail in this
12 state and reliable persons may be encouraged to engage in the
13 business of selling, bartering, and otherwise dealing in motor
14 vehicles at retail in this state.

15 2. Nothing contained herein shall be construed to require
16 the licensing or to apply to any bank, credit union, or trust
17 company in Iowa.

18 Sec. 109. Section 322A.2, Code 2009, is amended to read as
19 follows:

20 **322A.2 Discontinuing franchise.**

21 1. ~~Notwithstanding~~ Unless otherwise provided in subsection
22 2, notwithstanding the terms, provisions, or conditions of any
23 agreement or franchise, ~~no~~ a franchiser shall not terminate
24 or refuse to continue any franchise unless the franchiser has
25 first established, in a hearing held under the provisions of
26 this chapter, that both of the following apply:

27 ~~1. a.~~ The franchiser has good cause for termination or
28 noncontinuance, ~~and.~~

29 ~~2. b.~~ Upon termination or noncontinuance, another franchise
30 in the same line-make will become effective in the same
31 community, without diminution of the motor vehicle service
32 formerly provided, or that the community cannot be reasonably
33 expected to support such a dealership; ~~provided, however, a.~~

34 2. A franchiser may terminate a franchise for a particular
35 line-make if the franchiser discontinues that line-make and

1 a franchiser may terminate a franchise if the franchisee's
2 license as a motor vehicle dealer is revoked pursuant to the
3 provisions of chapter 322.

4 Sec. 110. Section 327F.14, Code 2009, is amended to read as
5 follows:

6 **327F.14 Lights on track power cars.**

7 1. Any person, firm, or corporation owning or operating
8 a track power car in this state shall insure that such track
9 power car is equipped with an electric headlight that will
10 enable the operator to see an unlighted obstruction on the
11 track at a distance of three hundred feet in clear weather. A
12 track power car shall also be equipped with two rear electric
13 red lights of such construction to be plainly visible during
14 hours of darkness on a clear night at a distance of three
15 hundred feet.

16 2. Such lights shall be in operation when the track power
17 car is being operated.

18 3. These lighting requirements shall not be construed to
19 penalize any person, firm, or corporation if it can be shown
20 that such lighting equipment was present in good and sufficient
21 working order at the beginning of a trip and became disabled
22 during the trip.

23 4. A person, firm, or corporation found guilty of
24 a violation of this section shall, upon conviction, be subject
25 to a schedule "one" penalty.

26 Sec. 111. Section 327F.36, Code 2009, is amended to read as
27 follows:

28 **327F.36 Screen exhaust fire controls.**

29 1. No locomotive or other rolling stock shall be operated
30 unless it is equipped with proper deflector and screen exhaust
31 fire controls and uses adequate devices to prevent the escape
32 of blowing or burning materials or substances and is maintained
33 in good working order to protect against the start and spread
34 of fires along the right-of-way.

35 2. A violation of this section ~~shall, upon conviction,~~

1 ~~be subject to a schedule "one" penalty is a public offense.~~

2 The railroad corporation, and any officer, agent, lessee, or
3 independent contractor found guilty of a violation of this
4 section, upon conviction, shall be subject to a schedule "one"
5 penalty.

6 3. In the event a right-of-way fire can be attributed to
7 faulty screen exhaust fire control equipment, a local fire
8 department may collect reasonable hourly charges, not to exceed
9 a total of two hundred fifty dollars for each call from the
10 railroad corporation.

11 Sec. 112. Section 328.1, Code 2009, is amended to read as
12 follows:

13 **328.1 Definitions.**

14 1. The following words, terms, and phrases when used in
15 this chapter shall, for the purposes of this chapter, have the
16 meanings herein given, unless otherwise specifically defined,
17 or unless another intention clearly appears, or the context
18 otherwise requires:

19 ~~1-~~ a. "Aeronautics" means transportation by aircraft,
20 the operation, construction, repair, or maintenance of
21 aircraft, aircraft power plants and accessories, including
22 the repair, packing, and maintenance of parachutes, the
23 design, establishment, construction, extension, operation,
24 improvement, repair, or maintenance of landing areas, or other
25 air navigation facilities, and air instruction.

26 ~~2-~~ b. "Aeronautics instructor" means any individual giving
27 or offering to give instruction, in aeronautics, either in
28 flying or ground subjects, or both, for hire or reward.

29 ~~3-~~ c. "Air carrier airport" means an existing public
30 airport regularly served by an air carrier, other than a
31 supplemental air carrier, certificated by the civil aviation
32 board under section 401 of the federal Aviation Act of 1958.

33 ~~4-~~ d. "Aircraft" means any contrivance now known, or
34 hereafter invented, used or designed for navigation of or
35 flight in the air, for the purpose of transporting persons or

1 property, or both.

2 5. e. "Air instruction" means the imparting of aeronautical
3 information, by any aeronautics instructor, or in or by any air
4 school or flying club.

5 6. f. "Air navigation" means the operation or navigation of
6 aircraft in the air space over this state, or upon any landing
7 area within this state.

8 7. g. "Air navigation facility" means any facility,
9 other than one owned or controlled by the federal government,
10 used, available for use, or designed for use, in aid of air
11 navigation, including landing areas, and any structures,
12 mechanisms, lights, beacons, markers, communicating systems,
13 or other instrumentalities or devices having a similar purpose
14 for guiding or controlling flight in the air or the landing and
15 take-off of aircraft.

16 8. h. "Airperson" means any individual who engages, as
17 the person in command, or as pilot, mechanic, or member of
18 the crew, in the navigation of aircraft while under way and
19 any individual who is directly in charge of the inspection,
20 maintenance, overhauling, or repair of aircraft, aircraft
21 engines, propellers, aircraft appliances, or parachutes;
22 and any individual who serves in the capacity of aircraft
23 dispatcher or air-traffic control-tower operator. It shall
24 not include individuals engaged in aeronautics as an employee
25 of the United States or any state or foreign country and
26 any individuals employed by a manufacturer of aircraft,
27 aircraft engines, propellers, or appliances to perform duties
28 as inspector or mechanic in connection therewith, and any
29 individual performing inspection or mechanical duties in
30 connection with aircraft owned or operated by the individual.

31 9. i. "Airport" means any landing area used regularly by
32 aircraft for receiving or discharging passengers or cargo, and
33 all appurtenant areas used or suitable for airport buildings or
34 other airport facilities, and all appurtenant rights-of-way,
35 whether heretofore or hereafter established. "Airport" includes

1 land within a city with a population greater than one hundred
2 seventy-five thousand which is acquired to replace or mitigate
3 land used in an airport runway project at an existing airport
4 when federal law, grant, or action requires such replacement
5 or mitigation.

6 ~~10.~~ j. "*Air school*" means any person engaged in giving,
7 or offering to give, instruction, in aeronautics, either in
8 flying or ground subjects, or both, for hire or reward, and
9 who employs other persons for such purposes. It does not
10 include any public school or university of this state, or any
11 institution of higher learning duly accredited and approved for
12 carrying on collegiate work.

13 ~~11.~~ k. "*Air taxi operator*" means an operator who engages
14 in the air transportation of passengers, property, and mail
15 by aircraft on public demand for compensation and does not
16 directly or indirectly utilize aircraft with a capacity of more
17 than thirty passengers or seventy-five hundred pounds maximum
18 payload, unless exempted by the aeronautics and public transit
19 administrator of the department.

20 ~~12.~~ l. "*Civil aircraft*" means any aircraft other than a
21 public aircraft.

22 ~~13.~~ a. m. "*Commission*" means the state transportation
23 commission of the state department of transportation.

24 ~~b.~~ "*Department*" ~~means the state department of~~
25 ~~transportation.~~

26 ~~c.~~ "*Director*" ~~means the director of transportation or the~~
27 ~~director's designee.~~

28 ~~14.~~ n. "*Commuter air carrier*" means an air taxi operator
29 which operates not less than five round trips per week between
30 two or more points and publishes flight schedules which specify
31 the times, days of the week, and places between which such
32 flights are performed or transports mail pursuant to a current
33 contract with the United States postal service.

34 o. "*Department*" means the state department of
35 transportation.

1 p. "*Director*" means the director of transportation or the
2 director's designee.

3 ~~15.~~ q. "*General aviation airport*" means any airport that
4 is not an air carrier airport.

5 ~~16.~~ r. "*Governmental subdivision*" means any county or city
6 of this state, and any other political subdivision, public
7 corporation, authority, or district in this state which is or
8 may be authorized by law to acquire, establish, construct,
9 maintain, improve, and operate landing areas and other air
10 navigation facilities.

11 ~~17.~~ s. "*Landing area*" means any locality, either of land
12 or water, including intermediate landing fields, which is
13 used or intended to be used, for the landing and take-off
14 of aircraft, whether or not facilities are provided for the
15 shelter, servicing, or repair of aircraft, or for receiving
16 or discharging passengers or cargo; it does not include any
17 intermediate landing field established or maintained by the
18 federal government as a part of any civil airway.

19 ~~18.~~ t. "*Operation for hire*" shall mean hire to the general
20 public or members or classes thereof, and shall not include
21 such operations as are incidental to the carrying on of the
22 general business of an aircraft owner engaged in business other
23 than aeronautics.

24 ~~19.~~ u. "*Operation of aircraft*" or "*operate aircraft*" means
25 the use of aircraft for the purpose of air navigation, and
26 includes the navigation or piloting of aircraft and shall
27 embrace any person who causes or authorizes the operation of
28 aircraft, whether with or without the right of legal control
29 (in the capacity of owner, lessee, or otherwise).

30 ~~20.~~ v. "*Owner*" means a person owning or renting an
31 aircraft, or having the exclusive use of an aircraft, for a
32 period of more than thirty days.

33 ~~21.~~ w. "*Person*" means any individual, firm, partnership,
34 corporation, company, association, joint stock association, or
35 body politic; and includes any trustee, receiver, assignee, or

1 other similar representative thereof.

2 ~~22.~~ x. "Public aircraft" means an aircraft used exclusively
3 in the service of any government or of any political
4 subdivision thereof, including the government of any state,
5 territory, or possession of the United States, or the District
6 of Columbia, but not including any government-owned aircraft
7 engaged in carrying persons or property for commercial
8 purposes.

9 ~~23.~~ 2. The singular shall include the plural, and the
10 plural the singular.

11 Sec. 113. Section 328.21, subsection 4, Code 2009, is
12 amended to read as follows:

13 4. Should the department find and determine that no
14 established manufacturer's list price exists for any such
15 aircraft the department is hereby authorized and empowered
16 to determine and fix the fair value of such aircraft which
17 fair value shall be used in lieu of a manufacturers' list
18 price in computing the registration fee for each such aircraft
19 as otherwise provided by this section. When the fee as so
20 computed results in a fractional part of a dollar, it shall be
21 computed to the nearest dollar.

22 ~~When the fee as so computed results in a fractional part of a~~
23 ~~dollar, it shall be computed to the nearest dollar.~~

24 Sec. 114. Section 328.38, Code 2009, is amended to read as
25 follows:

26 **328.38 Exhibition of certificates.**

27 The Unless otherwise provided in this chapter, the
28 certificate of registration or special certificate issued by
29 the department or any agency of another state ~~(unless the~~
30 ~~requirement therefor is excepted by the provisions of this~~
31 ~~chapter)~~ must be presented for inspection upon demand of any
32 passenger, peace officer, authorized member, official, or
33 employee of the department or any official, manager, or person
34 in charge of any landing area in this state where landing is
35 made and shall, as to:

1 1. For an airperson or aeronautics instructor, be kept
2 in that person's personal possession whenever engaging in
3 aeronautics;~~as to.~~

4 2. For an aircraft, be conspicuously displayed therein;~~as~~
5 ~~to~~ in the aircraft.

6 3. For a landing area, be conspicuously displayed in the
7 office of the person in charge thereof;~~as to~~ of the landing
8 area.

9 4. For an air school, be conspicuously displayed in the
10 principal office thereof;~~and as to~~ of the school.

11 5. For a navigation facility, be conspicuously displayed
12 in the office of the person responsible for the operation
13 thereof;~~and must be presented for inspection upon demand of~~
14 ~~any passenger, peace officer, authorized member, official, or~~
15 ~~employee of the department or any official, manager, or person~~
16 ~~in charge of any landing area in this state where landing is~~
17 ~~made~~ of the facility.

18 Sec. 115. Section 329.12, Code 2009, is amended to read as
19 follows:

20 **329.12 Board of adjustment — creation — powers — duties.**

21 1. The governing body of any municipality seeking to
22 exercise powers under this chapter shall by ordinance provide
23 for the appointment of a board of adjustment, as provided in
24 section 414.7 for a city, or as provided in section 335.10 for
25 a county. The board of adjustment has the same powers and
26 duties, and its procedure and appeals are subject to the same
27 provisions as established in sections 414.9 to 414.19 for a
28 city, or sections 335.12 to 335.21 for a county.

29 ~~The concurring vote of a majority of the board shall be~~
30 ~~necessary to reverse any order, requirement, decision or~~
31 ~~determination of any administrative official or to decide~~
32 ~~in favor of the applicant on any matter upon which it is~~
33 ~~required to pass under any regulations adopted pursuant to this~~
34 ~~chapter or to effect any variance therefrom.~~

35 2. a. The board of adjustment shall consist of two members

1 from each municipality, selected by the governing body thereof,
2 and one additional member to act as chairperson and to be
3 selected by a majority vote of the members selected by the
4 municipality. ~~Members shall be removable for cause by the~~
5 ~~appointing authority upon written charges and after public~~
6 ~~hearing. Vacancies shall be filled for the unexpired term of~~
7 ~~any member whose office becomes vacant in the same manner in~~
8 ~~which said member was selected.~~

9 b. The terms of the members of the board of adjustment shall
10 be for five years, excepting that when the board shall first
11 be created, one of the members appointed by each municipality
12 shall be appointed for a term of two years and one for a term
13 of four years.

14 c. Vacancies shall be filled for the unexpired term of any
15 member whose office becomes vacant in the same manner in which
16 that member was selected.

17 d. Members shall be removable for cause by the appointing
18 authority upon written charges and after public hearing.

19 3. The concurring vote of a majority of the board shall be
20 necessary to do any of the following:

21 a. Reverse any order, requirement, decision, or
22 determination of any administrative official.

23 b. Decide in favor of the applicant on any matter upon which
24 the board is required to pass under any regulations adopted
25 pursuant to this chapter.

26 c. Effect any variance from any regulations adopted pursuant
27 to this chapter.

28 Sec. 116. Section 331.206, subsection 2, Code 2009, is
29 amended to read as follows:

30 2. The plan used under subsection 1 shall be selected by the
31 board or by a special election as provided in section 331.207.

32 a. A plan selected by the board shall remain in effect for
33 at least six years unless it is changed by a special election
34 as provided in section 331.207.

35 b. A plan selected by the board shall become effective

1 on the first day in January which is not a Sunday or holiday
2 following the next general election, at which time the terms of
3 the members expire and the terms of the members elected under
4 the requirements of the new supervisor representation plan at
5 the general election as specified in section 331.208, 331.209,
6 or 331.210 shall commence.

7 Sec. 117. Section 331.233, subsections 2 and 3, Code 2009,
8 are amended to read as follows:

9 2. Only eligible electors of the county not holding
10 a city, county, or state office shall be members of the
11 commission. In counties having multiple state legislative
12 districts, the districts shall be represented as equally as
13 possible. The membership shall be bipartisan and gender
14 balanced and each appointing authority under subsection
15 1 shall provide for representation of various age groups,
16 racial minorities, economic groups, and representatives
17 of identifiable geographically defined populations, all in
18 reasonable relationship to the proportions in which these
19 groups are present in the population of the commission area. A
20 vacancy on the commission shall be filled by appointment in the
21 same manner as the original appointment. The county auditor
22 shall notify the appropriate appointing authority of a vacancy.

23 3. The legislative appointing authorities shall be
24 considered one appointing authority for the purpose of
25 complying with ~~this~~ subsection 2. The senior legislative
26 appointing authority in terms of length of legislative service
27 shall convene the legislative appointing authorities to consult
28 for the purpose of complying with ~~this~~ subsection 2.

29 ~~3.~~ 4. If at any time during the commission process, the
30 commission adopts a resolution by majority vote to prepare a
31 charter proposing city-county consolidation or the community
32 commonwealth form, additional members shall be appointed to the
33 commission in order to comply with section 331.233A. The life
34 of the commission shall be extended up to six months after the
35 appointment of the additional members.

1 Sec. 118. Section 331.430, subsection 2, Code 2009, is
2 amended to read as follows:

3 2. The board may make appropriations from the debt service
4 fund for the following debt service:

5 a. Judgments against the county, except those authorized by
6 law to be paid from sources other than property tax.

7 b. Interest as it becomes due and the amount necessary
8 to pay, or to create a sinking fund to pay, the principal at
9 maturity of all general obligation bonds issued by the county.

10 c. Payments required to be made from the debt service fund
11 under a lease or lease-purchase agreement.

12 ~~For the purposes of this section, warrants issued by a county~~
13 ~~in anticipation of revenue, refunding or refinancing of such~~
14 ~~warrants, and judgments based on a default in payment of such~~
15 ~~warrants shall not be considered debt payable from the debt~~
16 ~~service fund.~~

17 Sec. 119. Section 331.430, Code 2009, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 5. For the purposes of this section,
20 warrants issued by a county in anticipation of revenue,
21 refunding or refinancing of such warrants, and judgments
22 based on a default in payment of such warrants shall not be
23 considered debt payable from the debt service fund.

24 Sec. 120. Section 354.25, Code 2009, is amended to read as
25 follows:

26 **354.25 Survey and replat of official plats.**

27 1. A survey of an official plat shall conform as nearly
28 as possible to the original lot lines shown on the official
29 plat. The surveyor may summon witnesses, administer oaths, and
30 prepare affidavits and boundary line agreements as necessary in
31 order to establish the location of property lines or lot lines.
32 If a substantial error is discovered in an official plat or
33 if it is found to be materially defective, a proprietor may
34 petition the governing body which would have jurisdiction to
35 approve the plat at the time the petition is filed for a replat

1 of any part of the official plat. Notice of the proposed
2 replat shall be served, in the manner of original notice as
3 provided in Iowa rules of civil procedure, to the proprietors
4 of record and holders of easements specifically recorded within
5 the area to be replatted. The governing body has jurisdiction
6 of the matter upon proof of publication of notice of the
7 petition once each week for two weeks in a newspaper of general
8 circulation within the area of the replat.

9 2. All of the following shall apply to a replat of an
10 official plat ordered by the governing body:

11 ~~1. a. Shall~~ The replat shall be prepared by a surveyor
12 pursuant to chapter 355 and recorded; ~~and.~~

13 ~~2. b. Shall~~ The replat shall be exempt from the provisions
14 of section 354.11; ~~and.~~

15 ~~3. c. Shall~~ The replat shall have attached to the plat a
16 statement by the surveyor that the replat is prepared at the
17 direction of the governing body.

18 3. The costs of the replat shall be presented to the auditor
19 and assessed against the property included in the replat as
20 provided for in section 354.17.

21 Sec. 121. Section 357H.1, subsection 2, Code 2009, is
22 amended to read as follows:

23 2. For purposes of this chapter, ~~"improvements"~~:

24 a. "Board" means the board of supervisors of the county.

25 b. "Improvements" means dredging, installation of erosion
26 control measures, land acquisition, and related improvements,
27 including soil conservation practices, within or outside of the
28 boundaries of the zone.

29 ~~For purposes of this chapter, "board" means the board of~~
30 ~~supervisors of the county.~~

31 Sec. 122. Section 358.16, subsections 1 and 2, Code
32 Supplement 2009, are amended to read as follows:

33 1. a. The board of trustees of any sanitary district
34 organized under this chapter shall have power to provide for
35 the disposal of the sewage thereof, including the sewage and

1 drainage of any city or village within the boundaries of such
2 district; to acquire, lay out, locate, establish, construct,
3 maintain, and operate one or more drains, conduits, treatment
4 plants, disposal plants, pumping plants, works, ditches,
5 channels, and outlets of such capacity and character as may
6 be required for the treatment, carrying off, and disposal of
7 the sewage and industrial wastes and other drainage incidental
8 thereto of such district; to lay out, establish, construct,
9 maintain, and operate all such adjuncts, additions, auxiliary
10 improvements, and works as may be necessary or proper for
11 accomplishment of the purposes intended, and to procure
12 supplies of water for operating, diluting, and flushing
13 purposes; to maintain, repair, change, enlarge, and add to
14 such facilities, improvements, and works as may be necessary
15 or proper to meet the future requirements for the purposes
16 aforesaid; and, when necessary for such purposes, any such
17 facilities, improvements, and works and the maintenance
18 and operation thereof may extend beyond the limits of such
19 district, and the rights and powers of said board of trustees
20 in respect thereto shall be the same as if located within
21 said district, provided, no taxes shall be levied upon any
22 property outside of such district; and provided further, that
23 the district shall be liable for all damages sustained beyond
24 its limits in consequence of any work or improvement authorized
25 hereunder.

26 b. The board of trustees, however, may upon such petition
27 of property owners representing at least twenty-five percent
28 of the valuation of property not included within the district
29 as constituted which seeks benefit from the operation of such
30 sanitary district, include such property and the area involved
31 within the limits of such sanitary district, and such added
32 areas shall be subject to the same taxation as other portions
33 of the district.

34 c. Nothing contained herein shall be construed to
35 authorize or empower such board of trustees to operate a

1 system of waterworks for the purpose of furnishing water to
2 the inhabitants of the district, or to construct, maintain,
3 or operate local municipal sewerage facilities, or to deprive
4 municipalities within the district of their powers to construct
5 and operate sewers for local purposes within their limits.

6 d. The board of trustees of such sanitary district may,
7 however, upon petition of the council or governing body of any
8 incorporated city within the sanitary district, contract with
9 such city to undertake the operation of local municipal sewage
10 facilities as part of the functioning of the sanitary district
11 and make an agreement with such municipality for the levying of
12 additional sewer or sewage disposal taxes, which taxes shall be
13 levied by the municipality as now provided by law.

14 2. a. The board of trustees may require connection to the
15 sanitary sewer system established, maintained, or operated by
16 the district from any adjacent property within the district,
17 and require the installation of sanitary toilets or other
18 sanitary sewage facilities and removal of other toilet and
19 other sewage facilities on the property. However, the board
20 of trustees shall not regulate, restrict the use, or require
21 the connection of a private sewage disposal facility previously
22 approved by the county board of health pursuant to section
23 455B.172 without the prior approval of that board of health.

24 b. If the property owner does not perform an action required
25 under ~~the preceding~~ paragraph "a" within a reasonable time
26 after notice and hearing, the board of trustees may perform
27 the required action and assess the costs of the action against
28 the property for collection in the same manner as a property
29 tax. The notice shall state the nature of the action and
30 the time within which the action is required to be performed
31 by the property owner, state the date, time, and place where
32 the property owner will be heard by the board of trustees for
33 the purpose of stating why the intended action should not be
34 required, and shall be given by certified mail to the property
35 owner as shown on the records of the county auditor not less

1 than four nor more than twenty days before the date of the
2 hearing.

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

16 Sec. 123. Section 380.1, Code 2009, is amended to read as
17 follows:

18 **380.1 Definitions.**

19 As used in this chapter, unless the context otherwise
20 requires, ~~"book"~~:

21 a. "All of the members of the council" refers to all of the
22 seats of the council including a vacant seat and a seat where
23 the member is absent, but does not include a seat where the
24 council member declines to vote by reason of a conflict of
25 interest.

26 b. "Book", "list", "record", or "schedule" kept by a county
27 auditor, assessor, treasurer, recorder, sheriff, or other
28 county officer means the county system as defined in section
29 445.1.

30 Sec. 124. Section 380.4, Code 2009, is amended to read as
31 follows:

32 **380.4 Majority requirement — tie vote — conflicts of**
33 **interest.**

34 1. Passage of an ordinance, amendment, or resolution
35 requires a majority vote of all of the members of the council,

1 except when the mayor may vote to break a tie vote in a city
2 with an even number of council members, as provided in section
3 372.4. Passage of a motion requires a majority vote of a
4 quorum of the council. A resolution must be passed to spend
5 public funds in excess of one hundred thousand dollars on a
6 public improvement project, or to accept public improvements
7 and facilities upon their completion. Each council member's
8 vote on a measure must be recorded. A measure which fails
9 to receive sufficient votes for passage shall be considered
10 defeated.

11 ~~As used in this chapter, "all of the members of the~~
12 ~~council" refers to all of the seats of the council including~~
13 ~~a vacant seat and a seat where the member is absent, but does~~
14 ~~not include a seat where the council member declines to vote by~~
15 ~~reason of a conflict of interest.~~

16 2. A measure voted upon is not invalid by reason of a
17 conflict of interest in a member of the council, unless the
18 vote of the member of the council was decisive to passage
19 of the measure. The vote must be computed on the basis of
20 the number of members not disqualified by reason of conflict
21 of interest. However, a majority of all members is required
22 for a quorum. For the purpose of this section, the statement
23 of a council member that the council member declines to vote
24 by reason of conflict of interest is conclusive and must be
25 entered of record.

26 Sec. 125. Section 384.4, Code 2009, is amended to read as
27 follows:

28 **384.4 Debt service fund.**

29 1. A city shall establish a debt service fund and shall
30 certify taxes to be levied for the debt service fund in the
31 amount necessary to pay:

32 ~~1-~~ a. Judgments against the city, except those authorized
33 by state law to be paid from other funds.

34 ~~2-~~ b. Interest as it becomes due and the amount necessary
35 to pay, or to create a sinking fund to pay, the principal at

1 maturity of all general obligation bonds issued by the city or
2 to pay, or to create a sinking fund to pay, amounts as due on
3 loans received through the former Iowa community development
4 loan program pursuant to section 15E.120.

5 ~~3.~~ c. Payments required to be made from the debt service
6 fund under a lease or lease-purchase agreement.

7 ~~4.~~ d. Payments required to be made from the debt service
8 fund under a loan agreement.

9 2. Moneys pledged or available to service general
10 obligation bonds, and received from sources other than property
11 taxes, must be deposited in the debt service fund.

12 3. If a final judgment is entered against a city with a
13 population of five hundred or less for an amount in excess of
14 eighty-eight thousand dollars over and above what is covered
15 by liability insurance, such city may spread the budgeting and
16 payment of that portion not covered by insurance over a period
17 of time not to exceed ten years. Interest shall be paid by the
18 city on the unpaid balance. This ~~paragraph~~ subsection shall
19 only apply to final judgments entered but not fully satisfied
20 prior to March 25, 1976.

21 Sec. 126. Section 384.16, subsection 1, Code 2009, is
22 amended to read as follows:

23 1. a. A budget must be prepared for at least the following
24 fiscal year. When required by rules of the committee, a
25 tentative budget must be prepared for one or two ensuing years.
26 A proposed budget must show estimates of the following:

27 ~~a.~~ (1) Expenditures for each program.

28 ~~b.~~ (2) Income from sources other than property taxation.

29 ~~c.~~ (3) Amount to be raised by property taxation, and the
30 property tax rate expressed in dollars per one thousand dollars
31 assessed valuation.

32 b. A budget must show comparisons between the estimated
33 expenditures in each program in the following year, the latest
34 estimated expenditures in each program in the current year,
35 and the actual expenditures in each program from the annual

1 report as provided in section 384.22, or as corrected by a
 2 subsequent audit report. Wherever practicable, as provided in
 3 rules of the committee, a budget must show comparisons between
 4 the levels of service provided by each program as estimated for
 5 the following year, and actual levels of service provided by
 6 each program during the two preceding years. For each city
 7 that has established an urban renewal area, the budget shall
 8 include estimated and actual tax increment financing revenues
 9 and all estimated and actual expenditures of the revenues,
 10 proceeds from debt and all estimated and actual expenditures of
 11 the debt proceeds, and identification of any entity receiving
 12 a direct payment of taxes funded by tax increment financing
 13 revenues and shall include the total amount of loans, advances,
 14 indebtedness, or bonds outstanding at the close of the most
 15 recently ended fiscal year, which qualify for payment from the
 16 special fund created in section 403.19, including interest
 17 negotiated on such loans, advances, indebtedness, or bonds.
 18 ~~For purposes of this subsection, "indebtedness" includes~~
 19 ~~written agreements whereby the city agrees to suspend, abate,~~
 20 ~~exempt, rebate, refund, or reimburse property taxes, provide~~
 21 ~~a grant for property taxes paid, or make a direct payment~~
 22 ~~of taxes, with moneys in the special fund. The amount of~~
 23 ~~loans, advances, indebtedness, or bonds shall be listed in~~
 24 ~~the aggregate for each city reporting. The city finance~~
 25 ~~committee, in consultation with the department of management~~
 26 ~~and the legislative services agency, shall determine reporting~~
 27 ~~criteria and shall prepare a form for reports filed with the~~
 28 ~~department pursuant to this section. The department shall make~~
 29 ~~the information available by electronic means.~~

30 c. For purposes of this subsection, "indebtedness" includes
 31 written agreements whereby the city agrees to suspend, abate,
 32 exempt, rebate, refund, or reimburse property taxes, provide
 33 a grant for property taxes paid, or make a direct payment of
 34 taxes, with moneys in the special fund.

35 Sec. 127. Section 384.54, unnumbered paragraph 1, Code

1 2009, is amended to read as follows:

2 1. At any time after final adoption of the resolution of
3 necessity, but before awarding the contract, the council may
4 ~~proceed as follows:~~ direct the city attorney to file, in the
5 district court of the county in which the property proposed to
6 be assessed is located, a petition praying that the acts done
7 by the council relative to the proposed public improvement be
8 confirmed by decree.

9 Sec. 128. Section 384.54, subsection 1, Code 2009, is
10 amended by striking the subsection.

11 Sec. 129. Section 384.54, subsection 15, Code 2009, is
12 amended to read as follows:

13 15. a. The cost of all court proceedings are a legitimate
14 item of expense in connection with a public improvement,
15 and may be included within the final assessment against any
16 property specially benefited in the assessment district.

17 b. Whenever on a hearing by the court, the amount of any
18 assessment is reduced or canceled so that there is a deficiency
19 in the total amount remaining assessed in the proceeding, the
20 court may assess the deficiency to the city or distribute the
21 deficiency upon the other property abutting upon or adjacent to
22 the improvement or in the district assessed, in a manner the
23 court finds to be just and equitable, not exceeding, however,
24 the amount the property would be specially benefited by the
25 improvement, and not exceeding twenty-five percent of the value
26 of the lot as shown by the plat and schedule of assessments or
27 as reduced by the court.

28 Sec. 130. Section 400.28, Code 2009, is amended to read as
29 follows:

30 **400.28 Employees — number diminished.**

31 1. When the public interest requires a diminution of
32 employees in a classification or grade under civil service,
33 the city council, acting in good faith, may do either of the
34 following:

35 ~~1.~~ a. Abolish the office and remove the employee from the

1 employee's classification or grade thereunder, ~~or~~ or.

2 ~~2.~~ b. Reduce the number of employees in any classification
3 or grade by suspending the necessary number.

4 2. In case it thus becomes necessary to so remove or suspend
5 any such employees, the persons so removed or suspended shall
6 be those having seniority of the shortest duration in the
7 classifications or grades affected, and such seniority shall be
8 computed as provided in section 400.12 for all persons holding
9 seniority in the classification or grade affected, regardless
10 of their seniority in any other classification or grade, but
11 any such employee so removed from any classification or grade
12 shall revert to the employee's seniority in the next lower
13 grade or classification; if such seniority is equal, then the
14 one less efficient and competent as determined by the person or
15 body having the appointing power shall be the one affected.

16 3. In case of removal or suspension, the civil service
17 commission shall issue to each person affected one certificate
18 showing the person's comparative seniority or length of service
19 in each of the classifications or grades from which the person
20 is so removed and the fact that the person has been honorably
21 removed. The certificate shall also list each classification
22 or grade in which the person was previously employed. The
23 person's name shall be carried for a period of not less than
24 three years after the suspension or removal on a preferred list
25 and appointments or promotions made during that period to the
26 person's former duties in the classification or grade shall
27 be made in the order of greater seniority from the preferred
28 lists.

29 Sec. 131. Section 403.6, unnumbered paragraph 1, Code 2009,
30 is amended to read as follows:

31 The provisions of this chapter shall be liberally
32 interpreted to achieve the purposes of this chapter. Every
33 municipality shall have all the powers necessary or convenient
34 to carry out and effectuate the purposes and provisions of this
35 chapter, including the following powers in addition to others

1 herein granted:

2 Sec. 132. Section 403.6, subsection 19, Code 2009, is
3 amended to read as follows:

4 19. a. A municipality, upon entering into a development or
5 redevelopment agreement pursuant to section 403.8, subsection
6 1, or as otherwise permitted in this chapter, may enter into
7 a written assessment agreement with the developer of taxable
8 property in the urban renewal area which establishes a minimum
9 actual value of the land and completed improvements to be
10 made on the land until a specified termination date which
11 shall not be later than the date after which the tax increment
12 will no longer be remitted to the municipality pursuant to
13 section 403.19, subsection 2. The assessment agreement shall
14 be presented to the appropriate assessor. The assessor shall
15 review the plans and specifications for the improvements to
16 be made and if the minimum actual value contained in the
17 assessment agreement appears to be reasonable, the assessor
18 shall execute the following certification upon the agreement:

19 The undersigned assessor, being legally responsible for the
20 assessment of the above described property upon completion of
21 the improvements to be made on it, certifies that the actual
22 value assigned to that land and improvements upon completion
23 shall not be less than \$.....

24 b. This assessment agreement with the certification of
25 the assessor and a copy of this subsection shall be filed in
26 the office of the county recorder of the county where the
27 property is located. Upon completion of the improvements,
28 the assessor shall value the property as required by law,
29 except that the actual value shall not be less than the minimum
30 actual value contained in the assessment agreement. This
31 subsection does not prohibit the assessor from assigning a
32 higher actual value to the property or prohibit the owner
33 from seeking administrative or legal remedies to reduce the
34 actual value assigned except that the actual value shall not
35 be reduced below the minimum actual value contained in the

1 assessment agreement. An assessor, county auditor, board of
2 review, director of revenue, or court of this state shall not
3 reduce or order the reduction of the actual value below the
4 minimum actual value in the agreement during the term of the
5 agreement regardless of the actual value which may result from
6 the incomplete construction of improvements, destruction or
7 diminution by any cause, insured or uninsured, except in the
8 case of acquisition or reacquisition of the property by a
9 public entity. Recording of an assessment agreement complying
10 with this subsection constitutes notice of the assessment
11 agreement to a subsequent purchaser or encumbrancer of the land
12 or any part of it, whether voluntary or involuntary, and is
13 binding upon a subsequent purchaser or encumbrancer.

14 Sec. 133. Section 403.6, unnumbered paragraph 2, Code 2009,
15 is amended by striking the unnumbered paragraph.

16 Sec. 134. Section 410.6, Code 2009, is amended to read as
17 follows:

18 **410.6 Who entitled to pension — conditions.**

19 1. Any member of said departments who shall have served
20 twenty-two years or more in such department, and shall have
21 reached the age of fifty years; or who shall while a member
22 of such department become mentally or physically permanently
23 disabled from discharging the member's duties, shall be
24 entitled to be retired, and upon retirement shall be paid out
25 of the pension fund of such department a monthly pension equal
26 to one-half the amount of salary received by the member monthly
27 at the date the member actually retires from said department.
28 If any member shall have served twenty-two years in said
29 department, but shall not have reached the age of fifty years,
30 the member shall be entitled to retirement, but no pension
31 shall be paid while the member lives until the member reaches
32 the age of fifty years.

33 2. Upon the adoption of any increase in pension benefits
34 effective subsequent to the date of a member's retirement,
35 the amount payable to each member as regular pension shall be

1 increased by an amount equal to sixty percent of any increase
2 in the pension benefits for the rank at which the member
3 retired.

4 3. Pensions payable under this chapter shall be adjusted as
5 follows:

6 ~~1.~~ a. On each July 1 and January 1, the monthly pension
7 authorized in this chapter payable to each retired member and
8 to each beneficiary, except children, of a deceased member
9 shall be recomputed. The applicable formulas authorized in
10 this chapter which were used to compute the retired member's or
11 beneficiary's pension at the time of retirement or death shall
12 be used in the recomputation except the earnable compensation
13 payable on each July 1 or January 1 to an active member having
14 the same or equivalent rank or position as was held by such
15 retired or deceased member at the time of retirement or
16 death, shall be used in lieu of the final compensation which
17 the retired or deceased member was receiving at the time of
18 retirement or death. At no time shall the monthly pension or
19 payment to the beneficiary be less than the amount which was
20 paid at the time of such member's retirement or death.

21 ~~2.~~ b. All monthly pensions adjusted as provided in this
22 section shall be payable beginning on July 1 or January 1 of
23 the year which the adjustment is made and shall continue in
24 effect until the next adjustment at which time the monthly
25 pension shall again be recomputed and all monthly pensions
26 adjusted in accordance with the computations.

27 ~~3.~~ c. The adjustment of pensions required by this
28 section shall recognize the retired or deceased member's
29 position on the salary scale within the member's rank at the
30 time of retirement or death. In the event that the rank or
31 position held by the retired or deceased member at the time
32 of retirement or death is subsequently abolished, adjustments
33 in the pensions of the member or of the member's spouse or
34 children shall be computed by the board of trustees as though
35 such rank or position had not been abolished and salary

1 increases had been granted to such rank or position on the
2 same basis as that granted to other ranks and positions in the
3 department.

4 4. At no time shall the monthly pension or payment to the
5 member be less than one hundred fifty dollars.

6 Sec. 135. Section 410.10, Code 2009, is amended to read as
7 follows:

8 **410.10 Pensions — surviving spouse — children —**
9 **dependents.**

10 1. Upon the death of any acting or retired member of such
11 departments, leaving a spouse or minor children, or dependent
12 father or mother surviving, there shall be paid out of said
13 fund as follows:

14 ~~1.~~ a. To the surviving spouse, a sum equal to one-half of
15 the deceased member's total adjusted pension as provided for in
16 section 410.6, but in no event less than seventy-five dollars
17 per month.

18 ~~2.~~ b. If there be no surviving spouse, or upon the death of
19 such spouse, then to the dependent father and mother, if both
20 survive, or to either dependent parent, if one survives, thirty
21 dollars per month.

22 ~~3.~~ c. To the guardian of each surviving child under
23 eighteen years of age, twenty dollars per month.

24 2. Effective July 1, 1991, the remarriage of a surviving
25 spouse does not make the spouse ineligible to receive benefits
26 under this section, and for a surviving spouse who remarried
27 prior to July 1, 1991, the remarriage does not make the spouse
28 ineligible to receive benefits under this section.

29 3. However, the benefits provided by this section are
30 subject to the following definitions: ~~The term "spouse"~~

31 a. "Child" and "children" mean only the surviving issue of
32 a deceased active or retired member, or the child or children
33 legally adopted by a deceased member prior to the member's
34 retirement from active service.

35 b. "Spouse" means a surviving spouse of a marriage

1 contracted prior to retirement of a deceased member from active
2 service, or of a marriage of a retired member contracted prior
3 to March 2, 1934.

4 ~~c. Surviving spouse~~ "Surviving spouse" includes a former
5 spouse only if the division of assets in the dissolution of
6 marriage decree pursuant to section 598.17 grants the former
7 spouse rights of a spouse under this chapter. If there is no
8 surviving spouse of a marriage contracted prior to retirement
9 of a deceased member, or of a marriage of a retired member
10 contracted prior to March 2, 1934, ~~surviving spouse~~ "surviving
11 spouse" includes a surviving spouse of a marriage of two
12 years or more duration contracted subsequent to retirement of
13 the member. ~~The terms "child" and "children" mean only the~~
14 ~~surviving issue of a deceased active or retired member, or the~~
15 ~~child or children legally adopted by a deceased member prior to~~
16 ~~the member's retirement from active service.~~

17 4. This section and its provisions shall be interpreted for
18 all purposes as including all surviving spouses.

19 Sec. 136. Section 411.38, subsection 1, Code 2009, is
20 amended to read as follows:

21 1. Upon the establishment of the statewide system, each
22 city participating in the statewide fire and police retirement
23 system shall do all of the following:

24 a. Pay to the statewide system the normal contribution rate
25 provided pursuant to section 411.8.

26 b. (1) Transfer from each terminated city fire or police
27 retirement system to the statewide system amounts sufficient
28 to cover the accrued liabilities of that terminated system
29 as determined by the actuary of the statewide system. The
30 actuary of the statewide system shall redetermine the accrued
31 liabilities of the terminated systems as necessary to take
32 into account additional amounts payable by the city which are
33 attributable to errors or omissions which occurred prior to
34 January 1, 1992, or to matters pending as of January 1, 1992.
35 If the actuary of the statewide system determines that the

1 assets transferred by a terminated system are insufficient to
2 fully fund the accrued liabilities of the terminated system
3 as determined by the actuary as of January 1, 1992, the
4 participating city shall pay to the statewide system an amount
5 equal to the unfunded liability plus interest for the period
6 beginning January 1, 1992, and ending with the date of payment
7 or the date of entry into an amortization agreement pursuant
8 to this section. Interest on the unfunded liability shall
9 be computed at a rate equal to the greater of the actuarial
10 interest rate assumption on investments of the moneys in the
11 fund or the actual investment earnings of the fund for the
12 applicable calendar year. The participating city may enter
13 into an agreement with the statewide system to make additional
14 annual contributions sufficient to amortize the unfunded
15 accrued liability of the terminated system. The terms of an
16 amortization agreement shall be based upon the recommendation
17 of the actuary of the statewide system, and the agreement shall
18 do each of the following:

19 ~~(1)~~ (a) Allow the city to make additional annual
20 contributions over a period not to exceed thirty years from
21 January 1, 1992.

22 ~~(2)~~ (b) Provide that the city shall pay a rate of return on
23 the amortized amount that is at least equal to the estimated
24 rate of return on the investments of the statewide system for
25 the years covered by the amortization agreement.

26 ~~(3)~~ (c) Contain other terms and conditions as are approved
27 by the board of trustees for the statewide system.

28 (2) In the alternative, a city may treat the city's
29 accrued unfunded liability for the terminated system as legal
30 indebtedness to the statewide system for the purposes of
31 section 384.24, subsection 3, paragraph "f".

32 c. Contribute additional amounts necessary to ensure
33 sufficient financial support for the statewide fire and police
34 retirement system, as determined by the board of trustees based
35 on information provided by the actuary of the statewide system.

1 Sec. 137. Section 419.2, unnumbered paragraph 1, Code 2009,
2 is amended to read as follows:

3 A municipality shall not have the power to operate any
4 project financed under this chapter, as a business or in any
5 manner except as specifically provided in this chapter. In
6 addition to any other powers which it may now have, each
7 municipality shall have the following powers:

8 Sec. 138. Section 419.2, unnumbered paragraph 2, Code 2009,
9 is amended by striking the unnumbered paragraph.

10 Sec. 139. REPEAL. Section 321.33, Code 2009, is repealed.

11 DIVISION III

12 CORRECTION OF INTERNAL REFERENCES

13 Sec. 140. Section 9E.6A, subsection 1, Code 2009, is amended
14 to read as follows:

15 1. Each person performing a notarial act pursuant to section
16 9E.10 must acquire and use a stamp or seal as provided in this
17 chapter. However, this section shall not apply to a notarial
18 act performed by a judicial officer as defined in section
19 602.1101, if the notarial act is performed in accordance with
20 state or federal statutory authority, and shall not apply to a
21 certification by a chief officer or a chief officer's designee
22 of a peace officer's verification of a uniform citation and
23 complaint pursuant to section 805.6, subsection 5 3, paragraph
24 "c".

25 Sec. 141. Section 321.34, subsection 11B, paragraph c, Code
26 2009, is amended to read as follows:

27 c. The special fee for letter-number designated motorcycle
28 rider education plates is thirty-five dollars. The fee for
29 personalized motorcycle rider education plates is twenty-five
30 dollars, which shall be paid in addition to the special
31 motorcycle rider education fee of thirty-five dollars. The
32 fees collected by the director under this subsection shall
33 be paid monthly to the treasurer of state and deposited in
34 the road use tax fund. The treasurer of state shall transfer
35 monthly from the statutory allocations fund created under

1 section 321.145, subsection 2, to the department for use in
2 accordance with section ~~321.180B, subsection 6~~ 321.179, the
3 amount of the special fees collected in the previous month for
4 the motorcycle rider education plates.

5 Sec. 142. Section 321.46, subsection 3, paragraph f, Code
6 2009, is amended to read as follows:

7 f. If the credit allowed exceeds the amount of the annual
8 registration fee for the vehicle acquired, the owner may claim
9 a refund under section 321.126, subsection ~~6~~ 1, paragraph "f",
10 for the balance of the credit.

11 Sec. 143. Section 321.145, subsection 2, paragraph b,
12 subparagraph (2), Code Supplement 2009, is amended to read as
13 follows:

14 (2) An amount equal to two dollars per year of license
15 validity for each issued or renewed driver's license which is
16 valid for the operation of a motorcycle shall be credited to
17 the motorcycle rider education fund established under section
18 ~~321.180B~~ 321.179.

19 Sec. 144. Section 419.11, unnumbered paragraph 1, Code
20 2009, is amended to read as follows:

21 Any municipality acquiring, purchasing, constructing,
22 reconstructing, improving, or extending any industrial
23 buildings, buildings used as headquarters facilities or
24 pollution control facilities, as provided in this chapter,
25 shall annually pay out of the revenue from such industrial
26 buildings, buildings used as headquarters facilities or
27 pollution control facilities to the state of Iowa and to the
28 city, school district and any other political subdivision,
29 authorized to levy taxes, a sum equal to the amount of tax,
30 determined by applying the tax rate of the taxing district to
31 the assessed value of the property, which the state, county,
32 city, school district, or other political subdivision would
33 receive if the property were owned by any private person or
34 corporation, any other statute to the contrary notwithstanding.
35 For purposes of arriving at such tax equivalent, the property

1 shall be valued and assessed by the assessor in whose
2 jurisdiction the property is located, in accordance with
3 chapter 441, but the municipality, the lessee on behalf of
4 the municipality, and such other persons as are authorized
5 by chapter 441 shall be entitled to protest any assessment
6 and take appeals in the same manner as any taxpayer. Such
7 valuations shall be included in any summation of valuations in
8 the taxing district for all purposes known to the law. Income
9 from this source shall be considered under the provisions of
10 section 384.16, subsection 1, paragraph ~~"b"~~ "a", subparagraph
11 (2).

12 Sec. 145. Section 809A.3, subsection 4, paragraph b, Code
13 2009, is amended to read as follows:

14 b. A second or subsequent violation of section 321J.4B,
15 subsection 2, paragraph ~~"b"~~ "a", subparagraph (2).

16 DIVISION IV

17 EFFECTIVE DATE

18 Sec. 146. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
19 APPLICABILITY.

20 1. The section of this Act repealing section 294A.22, being
21 deemed of immediate importance, takes effect upon enactment and
22 applies retroactively to July 1, 2009.

23 2. The section of this Act amending section 435.2, being
24 deemed of immediate importance, takes effect upon enactment and
25 applies retroactively to July 1, 2009.

26 3. The section of this Act adding a section to 2009 Iowa
27 Acts, chapter 133, takes effect upon enactment and applies
28 retroactively to July 1, 2009.

29 EXPLANATION

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

1 DIVISION I. Code sections 8.7, 8.9, 12B.6, 99G.7, 99G.21,
2 99G.40, 135.150, and 175.8: Updates references to the general
3 assembly's standing committees on government oversight to
4 conform to changes made by 2009 Iowa Acts, chapter 86.

5 Code section 9H.4: Corrects an internal reference to
6 conform to amendments made by 2009 Iowa Acts, chapter 41, § 9,
7 which renumbered within this provision.

8 Code section 15G.111, subsection 2, paragraph "c":
9 Corrects an internal reference to allocations made to fund
10 administrative and operations costs under the grow Iowa values
11 fund.

12 Code section 15G.112, subsection 1, paragraph "h": Corrects
13 an internal reference within this provision. The financial
14 assistance which is referred to in this language is limited to
15 this Code section.

16 Code section 15G.115, subsection 3: Adds a reference to
17 the third committee which is responsible, under subsection 2
18 of this Code section, for review of applications for financial
19 assistance and making recommendations to the Iowa economic
20 development board. The language adding the third committee
21 was added to this Code section as the result of a contingency
22 contained in 2009 Iowa Acts, chapter 123, §33.

23 Code section 73.1: Adds the words "or breakfast" to language
24 relating to the federal school lunch or breakfast program to
25 conform to changes made by 1994 Iowa Acts, chapter 1193.

26 Code section 85A.11, subsection 2: Conforms language in
27 this subsection pertaining to the state hygienic laboratory
28 to language in subsection 3 of this same Code section, which
29 contains the correct name of that laboratory.

30 Code section 124.212B, subsection 9: Strikes the words
31 "and the board" from language describing which entities are to
32 report to the pharmacy board regarding unlawful pseudoephedrine
33 sales.

34 Code section 135.43, subsection 7, paragraph "b": Adds
35 a reference to the office of the state medical examiner to

1 conform to changes made to this Code section by 2009 Iowa Acts,
2 chapter 182, which moved the child death review team under the
3 office of the state medical examiner.

4 Code sections 135C.41 and 135C.43: Eliminates redundant
5 references to the three types of violations for which citations
6 may be issued to health care facilities. Prior to the changes
7 made to these provisions by 2009 Iowa Acts, chapter 156, these
8 Code sections referred to citations issued for Class I and II
9 violations only. There are only three classes of violations
10 under Code chapter 135C.

11 Code sections 147.14 and 148.3: Adds references to
12 osteopathic medicine and osteopathic physicians to conform to
13 other changes made to these same Code sections by 2008 Iowa
14 Acts, chapter 1088.

15 Code section 153.34, subsection 16: Conforms the style
16 of the language of this subsection relating to dental
17 practice discipline to the style of the language in the other
18 subsections and to follow the dictates of the language in the
19 first unnumbered paragraph of this Code section.

20 Code section 163.30: Renumbers and restores some former
21 language to eliminate an unnumbered paragraph which resulted
22 from a mistake in the renumbering and rewriting of a portion of
23 this provision in 2009 Iowa Acts, chapter 133.

24 Code section 173.1, subsection 5: Conforms language
25 relating to the selection of the secretary of the Iowa state
26 fair authority to the procedure specified in Code section
27 173.9. Code section 173.9 was modified in 1993 Iowa Acts,
28 chapter 176, §34, to change the procedure from the election of
29 the secretary to service for a term of years to appointment of
30 the secretary to service at the pleasure of the board.

31 Code section 176A.10: Makes a reference change in language
32 referring to levy and revenue limits that are contained in
33 subparagraph (2) of paragraphs "a" through "d" of subsection
34 1 and paragraph "e" of subsection 1 of this Code section to
35 conform to renumbering made in 2009 Iowa Acts, chapter 41,

1 §205.

2 Code section 203.19, subsection 2: Renumbers this
3 provision to separate the different methods of providing
4 for indemnification in cooperative interstate grain sales
5 agreements from the requirements applicable to payment of
6 indemnification proceeds.

7 Code section 216.6A, subsection 3: Strikes the word "for"
8 and inserts the word "to" to correctly reflect the relationship
9 between the listing of affirmative defenses for employers as
10 against claims of unfair or discriminatory wage practices by
11 employees.

12 Code section 216C.11, subsection 2: Adds in the words "or
13 service dog" to conform to other language in this provision
14 enacted in 2009 Iowa Acts, chapter 163.

15 Code section 235B.1: Corrects the total number of members
16 on the dependent adult abuse advisory council from 12 to 14 to
17 reflect the addition of two more members to the council by 2009
18 Iowa Acts, chapter 23, §50.

19 Code section 256B.9: Eliminates obsolete language in
20 this provision relating to the phase-in of special education
21 weightings for certain children and combines paragraphs to
22 eliminate unanchored unnumbered paragraphs.

23 Code section 256D.3: Replaces a reference to a repealed
24 Code section with the correct updated reference to language
25 specifying how school districts are to expend moneys received
26 under the early intervention block grant program.

27 Code section 256F.2: Adds a lead-in paragraph to this
28 definitions provision in the charter schools Code chapter to
29 describe the scope of the definitions that apply to the Code
30 chapter.

31 Code section 256G.4: Updates the style of this Code section
32 to conform to the balance of the style of the Code section and
33 the membership list that follows the paragraph.

34 Code section 257.6: Corrects an incorrect internal
35 reference, contained in language referring to the weighting

1 assigned to certain resident pupils under this subparagraph,
2 added by 2009 Iowa Acts, chapter 177, § 15.

3 Code section 260C.44: Consolidates, using current Code
4 styling, and alphabetizes definitions in the Code section
5 relating to apprenticeship programs at community colleges and
6 updates the name of the federal office in the United States
7 department of labor which is in charge of those programs.

8 Code section 260C.47: Strikes obsolete language relating to
9 the phase-in of incorporation of standards for faculty quality
10 assurance and ongoing quality professional development into the
11 community college accreditation process.

12 Code sections 272C.4 and 272C.11: Strikes a paragraph
13 relating to reports required of insurers of professional or
14 occupational licensees from a Code section pertaining to the
15 duties of the licensing boards that regulate most professional
16 or occupational licensees and places the paragraph in its own
17 new Code section in the same Code chapter.

18 Code section 282.18: Conforms language used to describe
19 sufficiency of school classroom space issues in this statute
20 pertaining to open enrollment to the term "insufficient
21 classroom space" as referred to in this Code section which
22 relates to the same subject matter and corrects an incorrect
23 internal self-reference to the subsection regarding the
24 procedures applicable to requests to transfer to a laboratory
25 school and to the denial of those requests.

26 Code section 294A.22: Repeals, at the end of this division
27 of the bill, this provision which relates to payments received
28 under the former educational excellence program, the remainder
29 of which was repealed by 2009 Iowa Acts, chapter 68.

30 Code section 301.28: Adds the word "district" to language
31 prohibiting certain school personnel from acting as an agent
32 for school textbooks or supplies, to conform to changes made
33 by 2009 Iowa Acts, chapter 54.

34 Code section 321.115A: Splits this sentence and conforms
35 the language to similar language found in Code section 321.115

1 to clarify that the fees specified in the reference string in
2 this subsection are only annual registration fees. A different
3 fee for new registrations, contained in Code section 321.105A
4 which is not referred to within the reference string, also
5 applies to vehicles described in this Code section.

6 Code sections 321.179 and 321.180B: Moves language
7 establishing the motorcycle rider education fund out of the
8 provision pertaining to graduated driver's licenses for persons
9 under the age of 18 and places the fund in its own Code section.

10 Code section 321.247: Numbers this provision and separates
11 the elements of the offense related to improper operation of a
12 golf cart from the punishment specified for the violation.

13 Code section 321.295: Numbers this provision and anchors
14 paragraphs to clarify the relationship between the several
15 exceptions contained within this Code section regarding the
16 maximum permissible speed on highways over bridges and other
17 elevated structures.

18 Code section 321.385A: Consolidates the requirements of
19 this Code section and eliminates redundant language, numbers
20 the requirements, and moves generally applicable language
21 relating to the issuance of replacement or repair notices
22 to the end of the provision to clarify the relationship
23 between that provision and the remainder of the Code section
24 requirements.

25 Code section 321.449: Letters paragraphs within numbered
26 subsections in this provision relating to operation of
27 commercial vehicles, abbreviates a reference to a United
28 States Code title, and moves language relating to the
29 federal definition of the term "driver-salesperson" to the
30 paragraph which describes the permissible hours of driving by
31 driver-salespersons.

32 Code section 321I.22: Changes a reference to the
33 entity responsible for adopting rules establishing minimum
34 requirements for all-terrain vehicle dealers from the
35 "department" to the "commission" to conform to other language

1 within this provision.

2 Code section 404A.4: Changes several references from
3 "department" to "office" or "state historic preservation
4 office" to conform to other language specifying that the
5 state historic preservation office is the entity that has the
6 responsibility for issuance of the tax credits under this Code
7 section.

8 Code section 428.29: Strikes the word "such" before the
9 word "report" and adds in a reference to Code section 428.28
10 which contains the requirements pertaining to the contents of
11 the reports required of utilities regarding property possessed
12 by the utility.

13 Code section 435.2: Restores language stricken from the
14 Code as a result of consolidation of language from former
15 subsection 7 of Code section 435.1, and former Code section
16 435.34 relating to property taxes on modular homes to reverse
17 the manner in which the conflict between the former provisions
18 was resolved by 2009 Iowa Acts, chapter 133, sections 146 and
19 191.

20 Code section 437A.22: Adds in the word "number" after the
21 words "document reference" to correct the reference to the term
22 used to describe the designation assigned to documents and used
23 in indexing notices of liens under Code sections 558.49 and
24 558.52.

25 Code section 455B.103: Adds a reference to Code chapter
26 459B in this provision relating to investigations of complaints
27 by the environmental protection commission to conform to the
28 change made to this language by 2009 Iowa Acts, chapter 155.

29 Code section 455B.191: Moves language to correctly refer
30 to the subject matter to which the language actually applies.
31 Due to the restructuring of the provision by 2009 Iowa Acts,
32 chapter 133, the stricken and underscored portion of this
33 provision was inadvertently placed in an incorrect location.

34 Code sections 455B.474 and 455B.474A: Strikes the last
35 unnumbered paragraph of Code section 455B.474, which from its

1 context relates to several of the subsections within that
2 Code section, and places it in a new Code section 455B.474A
3 to facilitate future codification of new subsections in Code
4 section 455B.474. References contained in the language of
5 the new Code section are added to clarify that the language
6 still refers to subsections within Code section 455B.474. This
7 paragraph has had to be moved in the past to accommodate the
8 addition of new subsections within Code section 455B.474.

9 Code section 459B.102: Adds the word "manure" to conform
10 the use of a term to the defined term "dry bedded manure
11 confinement feeding operation building" in this definition of
12 the term "dry bedded confinement feeding operation structure".

13 Code section 459B.103: In subsection 3, corrects two
14 internal references to conform to a similar provision found in
15 Code section 459A.103, subsection 1, paragraph "c", and because
16 a spouse of a person could not also hold an interest in an
17 entity in which the person was sole proprietor. In subsection
18 5, the word "manure" is added to conform language relating to
19 certain buildings to the term "dry bedded manure confinement
20 feeding operation building", which is defined in Code section
21 459B.102, subsection 14.

22 Code section 459B.308: Adds the word "feeding" to conform
23 the use of a term to the term "dry bedded confinement feeding
24 operation" which is defined in Code section 459B.102,
25 subsection 11.

26 Code section 508E.12: Adds the word and figure
27 "subparagraph (5)" in two locations to the citation to Code
28 section 508E.2, subsection 15, paragraph "d", which describes
29 the only type of person who could provide the unencumbered
30 assets required for entering into a permissible viatical
31 settlement agreement under this Code section.

32 Code section 805.6: Restructures this Code provision to
33 eliminate unanchored unnumbered paragraphs, place similar
34 provisions together, and eliminate an obsolete provision
35 relating to use of uniform citation and complaint forms in

1 existence on or before July 1, 1995.

2 Code section 808B.10: Strikes the words and figure "either"
3 and "or 808B.12" to conform to the changes made by 2009 Acts,
4 chapter 88, which created an exception under Code section
5 808B.12 to the search warrant or court order requirements
6 of this Code section and Code section 808B.11 in cases of
7 emergency.

8 Code section 811.9: Corrects the language describing the
9 conditions under which a judgment of forfeiture of bond or
10 bail may be set aside in simple misdemeanor cases charged
11 upon a uniform citation and complaint, to clarify that those
12 conditions only apply to convictions for scheduled violations
13 under Code chapter 321 that are set aside as provided under
14 Code section 321.200A, which relates to discovery of fraudulent
15 convictions under Code chapter 321.

16 DIVISION II. Code sections in Volume III of the Iowa
17 Code are numbered and renumbered within this division
18 of this bill to assist in the elimination of unanchored
19 unnumbered paragraphs within numbered and lettered sections
20 of the Code. The renumberings include some restructuring
21 of provisions within these Code sections and the correction
22 of internal references within these provisions. In some
23 cases provisions within a Code section are moved to another
24 Code section to improve readability of the Code and to place
25 those provisions with other similar provisions in the new
26 location. In some cases similar provisions are consolidated
27 and broken into numbered or lettered lists to allow the reader
28 to better identify Code section components. In the process of
29 renumbering, some style changes are made to reflect current
30 Code format, style, and syntax.

31 DIVISION III. This division of this bill contains internal
32 references corrections that pertain to provisions within other
33 divisions in this bill.

34 DIVISION IV. This division contains effective dates
35 applicable to various changes made in this bill.