

House File 2326 - Introduced

HOUSE FILE 2326
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 625)

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 retroactive applicability
7 provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

STATUTORY CORRECTIONS

Section 1. Section 8.55, subsection 2, Code Supplement 2011, is amended to read as follows:

2. ~~a.~~ The maximum balance of the fund is the amount equal to two and one-half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be distributed as follows:

~~(1)~~ a. The first sixty million dollars of the difference between the actual net revenue for the general fund of the state for the fiscal year and the adjusted revenue estimate for the fiscal year shall be transferred to the taxpayers trust fund.

~~(2)~~ b. The remainder of the excess, if any, shall be transferred to the general fund of the state.

~~b. Notwithstanding paragraph "a", any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of each fiscal year shall not be distributed as provided in paragraph "a" but shall be transferred to the senior living trust fund. The total amount appropriated, reverted, or transferred, in the aggregate, under this paragraph, section 8.57, subsection 2, and any other law providing for an appropriation or reversion or transfer of an appropriation to the credit of the senior living trust fund, for all fiscal years beginning on or after July 1, 2004, shall not exceed the amount specified in section 8.57, subsection 2, paragraph "c".~~

Sec. 2. Section 8.57, Code Supplement 2011, is amended to read as follows:

8.57 Annual appropriations — reduction of GAAP deficit — rebuild Iowa infrastructure fund.

1. *a.* The "cash reserve goal percentage" for fiscal years beginning on or after July 1, 2004, is seven and one-half percent of the adjusted revenue estimate. For each fiscal

1 year in which the appropriation of the surplus existing in the
2 general fund of the state at the conclusion of the prior fiscal
3 year pursuant to paragraph "b" was not sufficient for the cash
4 reserve fund to reach the cash reserve goal percentage for the
5 current fiscal year, there is appropriated from the general
6 fund of the state an amount to be determined as follows:

7 (1) If the balance of the cash reserve fund in the current
8 fiscal year is not more than six and one-half percent of the
9 adjusted revenue estimate for the current fiscal year, the
10 amount of the appropriation under this lettered paragraph is
11 one percent of the adjusted revenue estimate for the current
12 fiscal year.

13 (2) If the balance of the cash reserve fund in the current
14 fiscal year is more than six and one-half percent but less than
15 seven and one-half percent of the adjusted revenue estimate for
16 that fiscal year, the amount of the appropriation under this
17 lettered paragraph is the amount necessary for the cash reserve
18 fund to reach seven and one-half percent of the adjusted
19 revenue estimate for the current fiscal year.

20 (3) The moneys appropriated under this lettered paragraph
21 shall be credited in equal and proportionate amounts in each
22 quarter of the current fiscal year.

23 b. The surplus existing in the general fund of the state
24 at the conclusion of the fiscal year is appropriated for
25 distribution in the succeeding fiscal year as provided in
26 subsections 3 2 and 4 3. Moneys credited to the cash reserve
27 fund from the appropriation made in this paragraph shall not
28 exceed the amount necessary for the cash reserve fund to reach
29 the cash reserve goal percentage for the succeeding fiscal
30 year. As used in this paragraph, "surplus" means the excess
31 of revenues and other financing sources over expenditures and
32 other financing uses for the general fund of the state in a
33 fiscal year.

34 c. The amount appropriated in this section is not subject
35 to the provisions of section 8.31, relating to requisitions

1 and allotment, or to section 8.32, relating to conditional
2 availability of appropriations.

3 ~~2. a. There is appropriated from the surplus existing~~
4 ~~in the general fund of the state at the conclusion of the~~
5 ~~fiscal year beginning July 1, 2005, and ending June 30, 2006,~~
6 ~~and at the conclusion of each succeeding fiscal year for~~
7 ~~distribution to the senior living trust fund, an amount equal~~
8 ~~to one percent of the adjusted revenue estimate for the current~~
9 ~~fiscal year. However, if the amount of the surplus existing~~
10 ~~in the general fund of the state at the conclusion of a fiscal~~
11 ~~year is less than two percent of the adjusted revenue estimate~~
12 ~~for that fiscal year, the amount of the appropriation made in~~
13 ~~this paragraph shall be equal to fifty percent of the surplus~~
14 ~~amount. The appropriation made in this paragraph shall be~~
15 ~~distributed to the senior living trust fund in the succeeding~~
16 ~~fiscal year. For the purposes of this subsection, "surplus"~~
17 ~~means the same as defined in subsection 1, paragraph "b".~~

18 ~~b. The appropriation made in paragraph "a" shall be made~~
19 ~~before the appropriations are made pursuant to subsections 1,~~
20 ~~3, and 4, of the surplus existing in the general fund of the~~
21 ~~state at the conclusion of the fiscal year beginning July 1,~~
22 ~~2005, and ending June 30, 2006, and each succeeding fiscal~~
23 ~~year.~~

24 ~~c. The appropriation made in paragraph "a" shall continue~~
25 ~~until the aggregate amount of the appropriations made,~~
26 ~~reverted, or transferred to the senior living trust fund for~~
27 ~~all fiscal years beginning on or after July 1, 2004, pursuant~~
28 ~~to paragraph "a" of this subsection, section 8.55, subsection 2,~~
29 ~~paragraph "b", and any other law providing for an appropriation~~
30 ~~or reversion or transfer of an appropriation to the senior~~
31 ~~living trust fund is equal to three hundred million dollars.~~

32 ~~d. This subsection and section 8.55, subsection 2, paragraph~~
33 ~~"b", are repealed when the aggregate amount specified in~~
34 ~~paragraph "c" has been distributed, appropriated, reverted, or~~
35 ~~transferred to the senior living trust fund. The director of~~

1 ~~the department of management shall notify the Iowa Code editor~~
2 ~~when the aggregate amount has been distributed, appropriated,~~
3 ~~reverted, or transferred.~~

4 3. 2. Moneys appropriated under subsection 1 shall be first
5 credited to the cash reserve fund. To the extent that moneys
6 appropriated under subsection 1 would make the moneys in the
7 cash reserve fund exceed the cash reserve goal percentage of
8 the adjusted revenue estimate for the fiscal year, the moneys
9 are appropriated to the department of management to be spent
10 for the purpose of eliminating Iowa's GAAP deficit, including
11 the payment of items budgeted in a subsequent fiscal year
12 which under generally accepted accounting principles should be
13 budgeted in the current fiscal year. These moneys shall be
14 deposited into a GAAP deficit reduction account established
15 within the department of management. The department of
16 management shall annually file with both houses of the general
17 assembly at the time of the submission of the governor's
18 budget, a schedule of the items for which moneys appropriated
19 under this subsection for the purpose of eliminating Iowa's
20 GAAP deficit, including the payment of items budgeted in
21 a subsequent fiscal year which under generally accepted
22 accounting principles should be budgeted in the current
23 fiscal year, shall be spent. The schedule shall indicate the
24 fiscal year in which the spending for an item is to take place
25 and shall incorporate the items detailed in 1994 Iowa Acts,
26 chapter 1181, section 17. The schedule shall list each item
27 of expenditure and the estimated dollar amount of moneys to
28 be spent on that item for the fiscal year. The department of
29 management may submit during a regular legislative session an
30 amended schedule for legislative consideration. If moneys
31 appropriated under this subsection are not enough to pay for
32 all listed expenditures, the department of management shall
33 distribute the payments among the listed expenditure items.
34 Moneys appropriated to the department of management under
35 this subsection shall not be spent on items other than those

1 included in the filed schedule. On September 1 following the
 2 close of a fiscal year, moneys in the GAAP deficit reduction
 3 account which remain unexpended for items on the filed schedule
 4 for the previous fiscal year shall be credited to the Iowa
 5 economic emergency fund.

6 ~~4.~~ 3. To the extent that moneys appropriated under
 7 subsection 1 exceed the amounts necessary for the cash reserve
 8 fund to reach its maximum balance and the amounts necessary to
 9 eliminate Iowa's GAAP deficit, including elimination of the
 10 making of any appropriation in an incorrect fiscal year, the
 11 moneys shall be appropriated to the Iowa economic emergency
 12 fund.

13 ~~5.~~ 4. As used in this section, "GAAP" means generally
 14 accepted accounting principles as established by the
 15 governmental accounting standards board.

16 ~~6.~~ 5. *a.* A rebuild Iowa infrastructure fund is created
 17 under the authority of the department of management. The fund
 18 shall consist of appropriations made to the fund and transfers
 19 of interest, earnings, and moneys from other funds as provided
 20 by law. The rebuild Iowa infrastructure fund shall be separate
 21 from the general fund of the state and the balance in the
 22 rebuild Iowa infrastructure fund shall not be considered part
 23 of the balance of the general fund of the state. However, the
 24 rebuild Iowa infrastructure fund shall be considered a special
 25 account for the purposes of section 8.53, relating to generally
 26 accepted accounting principles.

27 *b.* Moneys in the rebuild Iowa infrastructure fund are
 28 not subject to section 8.33. Notwithstanding section
 29 12C.7, subsection 2, interest or earnings on moneys in the
 30 rebuild Iowa infrastructure fund shall be credited to the
 31 infrastructure fund. Moneys in the rebuild Iowa infrastructure
 32 fund may be used for cash flow purposes during a fiscal year
 33 provided that any moneys so allocated are returned to the
 34 infrastructure fund by the end of that fiscal year.

35 *c.* Moneys in the rebuild Iowa infrastructure fund in a

1 fiscal year shall be used as directed by the general assembly
2 for public vertical infrastructure projects. For the purposes
3 of this subsection, "*vertical infrastructure*" includes only land
4 acquisition and construction; major renovation and major repair
5 of buildings; all appurtenant structures; utilities; site
6 development; recreational trails; and debt service payments
7 on academic revenue bonds issued in accordance with chapter
8 262A for capital projects at board of regents institutions.
9 "*Vertical infrastructure*" does not include routine, recurring
10 maintenance or operational expenses or leasing of a building,
11 appurtenant structure, or utility without a lease-purchase
12 agreement.

13 *d.* The general assembly may provide that all or part of the
14 moneys deposited in the GAAP deficit reduction account created
15 in this section shall be transferred to the infrastructure fund
16 in lieu of appropriation of the moneys to the Iowa economic
17 emergency fund.

18 *e.* (1) (a) (i) Notwithstanding provisions to the contrary
19 in sections 99D.17 and 99F.11, for the fiscal year beginning
20 July 1, 2000, and for each fiscal year thereafter, not more
21 than a total of sixty-six million dollars shall be deposited
22 in the general fund of the state in any fiscal year pursuant to
23 sections 99D.17 and 99F.11.

24 (ii) However, in lieu of the deposit in subparagraph
25 subdivision (i), for the fiscal year beginning July 1, 2010,
26 and for each fiscal year thereafter until the principal and
27 interest on all bonds issued by the treasurer of state pursuant
28 to section 12.87 are paid, as determined by the treasurer of
29 state, the first fifty-five million dollars of the moneys
30 directed to be deposited in the general fund of the state
31 under subparagraph subdivision (i) shall be deposited in the
32 revenue bonds debt service fund created in section 12.89, and
33 the next three million seven hundred fifty thousand dollars of
34 the moneys directed to be deposited in the general fund of the
35 state under subparagraph subdivision (i) shall be deposited

1 in the revenue bonds federal subsidy holdback fund created in
2 section 12.89A, and the next one million two hundred fifty
3 thousand dollars of the moneys directed to be deposited in the
4 general fund of the state under subparagraph subdivision (i)
5 shall be deposited in the general fund of the state.

6 (b) The next fifteen million dollars of the moneys directed
7 to be deposited in the general fund of the state in a fiscal
8 year pursuant to sections 99D.17 and 99F.11 shall be deposited
9 in the vision Iowa fund created in section 12.72 for the fiscal
10 year beginning July 1, 2000, and for each fiscal year through
11 the fiscal year beginning July 1, 2019.

12 (c) The next five million dollars of the moneys directed to
13 be deposited in the general fund of the state in a fiscal year
14 pursuant to sections 99D.17 and 99F.11 shall be deposited in
15 the school infrastructure fund created in section 12.82 for the
16 fiscal year beginning July 1, 2000, and for each fiscal year
17 thereafter until the principal and interest on all bonds issued
18 by the treasurer of state pursuant to section 12.81 are paid,
19 as determined by the treasurer of state.

20 (d) (i) The total moneys in excess of the moneys deposited
21 in the revenue bonds debt service fund, the revenue bonds
22 federal subsidy holdback fund, the vision Iowa fund, the
23 school infrastructure fund, and the general fund of the
24 state in a fiscal year shall be deposited in the rebuild Iowa
25 infrastructure fund and shall be used as provided in this
26 section, notwithstanding section 8.60.

27 (ii) However, in lieu of the deposit in subparagraph
28 subdivision (i), for the fiscal year beginning July 1, 2010,
29 and for each fiscal year thereafter until the principal and
30 interest on all bonds issued by the treasurer of state pursuant
31 to section 12.87 are paid, as determined by the treasurer of
32 state, sixty-four million seven hundred fifty thousand dollars
33 of the excess moneys directed to be deposited in the rebuild
34 Iowa infrastructure fund under subparagraph subdivision (i)
35 shall be deposited in the general fund of the state.

1 (2) If the total amount of moneys directed to be deposited
2 in the general fund of the state under sections 99D.17 and
3 99F.11 in a fiscal year is less than the total amount of moneys
4 directed to be deposited in the revenue bonds debt service
5 fund and the revenue bonds federal subsidy holdback fund in
6 the fiscal year pursuant to this paragraph "e", the difference
7 shall be paid from moneys deposited in the beer and liquor
8 control fund created in section 123.53 in the manner provided
9 in section 123.53, subsection 3.

10 (3) After the deposit of moneys directed to be deposited in
11 the general fund of the state, the revenue bonds debt service
12 fund, and the revenue bonds federal subsidy holdback fund, as
13 provided in subparagraph (1), subparagraph division (a), if the
14 total amount of moneys directed to be deposited in the general
15 fund of the state under sections 99D.17 and 99F.11 in a fiscal
16 year is less than the total amount of moneys directed to be
17 deposited in the vision Iowa fund and the school infrastructure
18 fund in the fiscal year pursuant to this paragraph "e", the
19 difference shall be paid from lottery revenues in the manner
20 provided in section 99G.39, subsection 3.

21 *f.* There is appropriated from the rebuild Iowa
22 infrastructure fund to the secure an advanced vision for
23 education fund created in section 423F.2, for each fiscal year
24 of the fiscal period beginning July 1, 2008, and ending June
25 30, 2010, the amount of the moneys in excess of the first
26 forty-seven million dollars credited to the rebuild Iowa
27 infrastructure fund during the fiscal year, not to exceed ten
28 million dollars.

29 *g.* Notwithstanding any other provision to the contrary,
30 and prior to the appropriation of moneys from the rebuild Iowa
31 infrastructure fund pursuant to paragraph "c", and section
32 8.57A, subsection 4, moneys shall first be appropriated
33 from the rebuild Iowa infrastructure fund to the vertical
34 infrastructure fund as provided in section 8.57B, subsection 4.

35 *h.* Annually, on or before January 15 of each year, a state

1 agency that received an appropriation from the rebuild Iowa
2 infrastructure fund shall report to the legislative services
3 agency and the department of management the status of all
4 projects completed or in progress. The report shall include
5 a description of the project, the progress of work completed,
6 the total estimated cost of the project, a list of all revenue
7 sources being used to fund the project, the amount of funds
8 expended, the amount of funds obligated, and the date the
9 project was completed or an estimated completion date of the
10 project, where applicable.

11 *i.* Annually, on or before December 31 of each year, a
12 recipient of moneys from the rebuild Iowa infrastructure fund
13 for any purpose shall report to the state agency to which the
14 moneys are appropriated the status of all projects completed
15 or in progress. The report shall include a description of the
16 project, the progress of work completed, the total estimated
17 cost of the project, a list of all revenue sources being used
18 to fund the project, the amount of funds expended, the amount
19 of funds obligated, and the date the project was completed or
20 an estimated completion date of the project, where applicable.

21 Sec. 3. Section 8A.317, subsection 1, Code Supplement 2011,
22 is amended to read as follows:

23 1. As used in this section, unless the context otherwise
24 requires:

25 *a.* "Biobased material" means the same as defined in section
26 469.31 a material in which carbon is derived in whole or in
27 part from a renewable resource.

28 *b.* "Biobased product" means a product generated by blending
29 or assembling of one or more biobased materials, either
30 exclusively or in combination with nonbiobased materials,
31 in which the biobased material is present as a quantifiable
32 portion of the total mass of the product.

33 ~~*b.*~~ *c.* "Designated biobased product" means a biobased
34 product as defined in section 469.31, and includes a product
35 determined by the United States department of agriculture to

1 be a commercial or industrial product, other than food or
2 feed, that is composed, in whole or in significant part, of
3 biological products, including renewable domestic agricultural
4 materials including plant, animal, and marine materials, or
5 forestry materials as provided in 7 U.S.C. § 8102.

6 Sec. 4. Section 11.2, subsection 3, paragraph d, Code
7 Supplement 2011, is amended to read as follows:

8 d. The review of the most recent annual report to
9 shareholders of an open-end management investment company
10 or an unincorporated investment company or investment trust
11 registered with the federal securities and exchange commission
12 under the federal Investment Company Act of 1940, 15 U.S.C.
13 § 80a, pursuant to 17 C.F.R. § 270.30d-1 or the review, by
14 the person performing the audit, of the most recent annual
15 report to shareholders, call reports, or the findings pursuant
16 to a regular examination under state or federal law, to the
17 extent the findings are not confidential, of a bank, savings
18 and loan association, or credit union shall satisfy the review
19 requirements of this ~~paragraph~~ subsection.

20 Sec. 5. Section 11.5A, Code Supplement 2011, is amended to
21 read as follows:

22 **11.5A Audit or examination — costs.**

23 When requested by the auditor of state, the department
24 of management shall transfer from any unappropriated funds
25 in the state treasury an amount not exceeding the expenses
26 and prorated salary costs already paid to perform audits or
27 examinations of state departments and agencies, the offices
28 of the judicial branch, and federal financial assistance as
29 defined in the federal Single Audit Act, 31 U.S.C. § 7501, et
30 seq., received by all other departments, as listed in section
31 11.5B, for which payments by agencies have not been made. Upon
32 payment by the departments, the auditor of state shall credit
33 the payments to the state treasury.

34 Sec. 6. Section 15.107, subsection 1, Code Supplement 2011,
35 is amended to read as follows:

1 1. The authority shall establish the Iowa innovation
2 corporation as a nonprofit corporation organized under chapter
3 504 and qualifying under section 501(c)(3) of the Internal
4 Revenue Code as an organization exempt from taxation. Unless
5 otherwise provided in this subchapter, the corporation is
6 subject to the provisions of chapter 504. The corporation
7 shall be established for the purpose of receiving and
8 disbursing funds from public or private sources ~~to be used~~ to
9 further the overall development and economic well-being of the
10 state.

11 Sec. 7. Section 15.202, Code Supplement 2011, is amended to
12 read as follows:

13 **15.202 Grants and gifts.**

14 The authority may, ~~with the approval of the director,~~ accept
15 grants and allotments of funds from the federal government
16 and enter into cooperative agreements with the secretary of
17 agriculture of the United States for projects to effectuate any
18 of the purposes of the agricultural marketing program; and may
19 accept grants, gifts, or allotments of funds from any person
20 for the purpose of carrying out the agricultural marketing
21 program. The authority shall make an itemized accounting of
22 such funds to the director at the end of each fiscal year.

23 Sec. 8. Section 15.272, Code Supplement 2011, is amended to
24 read as follows:

25 **15.272 Statewide welcome center program — objectives and**
26 **agency responsibilities — pilot projects.**

27 The state agencies, as indicated in this section, shall
28 undertake certain specific functions to implement the goals of
29 a statewide program, including the pilot projects, for welcome
30 centers.

31 1. *a.* The department of economic development and the
32 state department of transportation shall jointly establish a
33 statewide long-range plan for developing and operating welcome
34 centers throughout the state. The plan shall be submitted
35 to the general assembly by January 15, 1988. The plan shall

1 address, but not be limited to, the following:

2 (1) Integrating state, regional, and local tourism and
3 recreation marketing and promotion plans.

4 (2) Recommending a wide range of centers, including
5 state-developed and state-operated to privately managed
6 facilities.

7 (3) Establishing design, service, and maintenance quality
8 standards which all welcome centers will maintain. Included
9 in the standards shall be a provision requiring that space or
10 facilities be available for purposes of displaying and offering
11 for sale Iowa-made products, crafts, and arts. The space
12 or facilities may be operated by the department of economic
13 development or leased to and operated by other persons.

14 (4) Making projections of increased tourist spending,
15 indirect economic benefits, and direct revenue production which
16 are estimated to occur as a result of implementing a statewide
17 welcome center program.

18 (5) Projecting estimated acquisition, construction,
19 exhibit, staffing, and maintenance costs.

20 (6) Integrating electronic data telecommunications systems.

21 (7) Identifying sites for maintaining existing centers as
22 well as locations for new centers.

23 b. The departments may enter into contracts for the
24 preparation of the long-range plan. The departments shall
25 involve the department of natural resources and the department
26 of cultural affairs in the preparation of the plan. The
27 recommendations and comments of organizations representing
28 hospitality and tourism services, including but not limited to,
29 the regional tourism councils, convention and visitors bureaus,
30 and the Iowa travel council, and others with interests in this
31 program will be considered for incorporation in the plan.
32 Prior to submission of the plan to the general assembly, the
33 plan shall be submitted to the regional tourism councils, the
34 convention and visitors bureaus, and the Iowa travel council
35 for their comments and criticisms which shall be submitted by

1 the department of economic development along with the plan to
2 the general assembly.

3 2. The responsibilities of the authority include the
4 following:

5 a. Seeing to the acquisition of property and the
6 construction of all new welcome centers including the pilot
7 projects selected by the department of economic development
8 pursuant to paragraph "e". In carrying out this responsibility
9 the authority may, but is not limited to, the following:

10 (1) Arrange for the state department of transportation to
11 acquire title to land and buildings for use as and undertake
12 construction of state-owned welcome centers. In acquiring
13 property and constructing the welcome centers, including any
14 pilot projects, the state department of transportation may
15 use any funds available to it, including but not limited to,
16 the RISE fund, matching funds from local units of government
17 or organizations, the primary road fund, federal grants, and
18 moneys specifically appropriated for these purposes.

19 (2) Contract with other state agencies, local units of
20 government, or private groups, organizations, or entities for
21 the use of land, buildings, or facilities as state welcome
22 centers or in connection with state welcome centers, whether or
23 not the property is actually owned by the state. If the local
24 match required for pilot projects or which may be required for
25 other welcome centers is met by providing land, buildings, or
26 facilities, the entity providing the local match shall enter
27 into an agreement with the authority to either transfer title
28 of the property to the state or to dedicate the use of the
29 property under the conditions and period of time set by the
30 authority.

31 b. Providing for the operations, management, and
32 maintenance of the state-owned and state-operated welcome
33 centers, including the collection and distribution of
34 tourism literature, telecommunication services, and other
35 travel-related services, and the display and offering for sale

1 of Iowa-made products, crafts, and arts.

2 *c.* Providing, at the discretion of the authority, financial
3 assistance in the form of loans and grants to privately
4 operated information centers to the extent the centers are
5 consistent with the long-range plan.

6 *d.* Developing a common theme or graphic logo which will be
7 identified with all welcome centers which meet the standards of
8 operations established for those centers.

9 *e.* Selecting the sites for the pilot projects. In selecting
10 the pilot project sites, the following apply:

11 (1) Up to three sites may be located in proximity to
12 the interstates and up to three sites may be located in
13 proximity to the other primary roads. The department of
14 economic development shall select at least one site which is in
15 proximity to a primary road which is not an interstate.

16 (2) Proposals for the sites must be submitted prior to
17 September 1, 1987, and shall contain a commitment of at least
18 a one-dollar-per-dollar match of state financial assistance.
19 The local match may be in terms of land, buildings, or other
20 noncash items which are acceptable by the department of
21 economic development.

22 (3) Priority shall be given to proposals that have the best
23 local match, that are to be located where there is a very high
24 number of travelers passing, and for which the department of
25 economic development, after consultation with the departments
26 of transportation, natural resources, and cultural affairs,
27 considers the chances of success to be nearly perfect.

28 (4) The department of economic development shall select the
29 sites by September 15, 1987.

30 Sec. 9. Section 15.292, subsection 6, Code Supplement 2011,
31 is amended to read as follows:

32 6. The ~~board~~ authority may approve, deny, or defer each
33 application for financial assistance from the brownfield
34 redevelopment fund created in section 15.293.

35 Sec. 10. Section 15.293A, subsection 2, paragraph a,

1 subparagraphs (1) and (2), Code Supplement 2011, are amended
2 to read as follows:

3 (1) The authority shall accept and, in conjunction with
4 the council ~~and the board~~, review applications for tax credits
5 pursuant to this section.

6 (2) Upon review of an application, the authority may
7 register the project under the program. If the authority
8 registers the project, the authority shall, in conjunction with
9 the council ~~and the board~~, make a preliminary determination as
10 to the amount of tax credit for which the investor qualifies.

11 Sec. 11. Section 15.293A, subsection 8, Code Supplement
12 2011, is amended to read as follows:

13 8. A registered project shall be completed within thirty
14 months of the project's approval unless the authority, ~~with the~~
15 ~~approval of the board~~, provides additional time to complete
16 the project. A project shall not be provided more than twelve
17 months of additional time. If the registered project is not
18 completed within the time required, the project is not eligible
19 to claim a tax credit pursuant to this section.

20 Sec. 12. Section 15.294, subsection 4, Code Supplement
21 2011, is amended to read as follows:

22 4. The council, in conjunction with the authority, shall
23 consider applications for redevelopment tax credits as
24 described in sections 15.293A and 15.293B, and may recommend
25 to the ~~board~~ authority which applications to approve and the
26 amount of such tax credits that each project is eligible to
27 receive.

28 Sec. 13. Section 15.301, subsection 2, paragraph b,
29 subparagraphs (1) and (4), Code Supplement 2011, are amended
30 to read as follows:

31 (1) The department of economic development or the authority
32 may designate an organization to administer the provisions of
33 this section on the authority's behalf.

34 (4) An organization designated pursuant to subparagraph (1)
35 may accept, evaluate, and approve applications for financial

1 assistance from eligible small businesses pursuant to the
2 requirements of this section and may monitor the compliance of
3 eligible businesses with the terms of an agreement entered into
4 with the department or authority.

5 Sec. 14. Section 15.301, subsection 2, paragraph e, Code
6 Supplement 2011, is amended to read as follows:

7 e. The department of economic development, under the terms
8 of an agreement with the organization designated pursuant to
9 paragraph "b", shall begin to provide financial assistance from
10 the fund not later than August 1, 2010, and shall to the extent
11 practicable obligate all available moneys in the fund prior to
12 March 31, 2011.

13 Sec. 15. Section 15.301, subsection 4, unnumbered paragraph
14 1, Code Supplement 2011, is amended to read as follows:

15 Upon approval of the application for financial assistance
16 by the department of economic development, the authority, or
17 an organization designated pursuant to subsection 2, paragraph
18 "b", the eligible business shall enter into an agreement with
19 the department or authority which shall include but not be
20 limited to all of the following provisions:

21 Sec. 16. Section 15.331A, subsection 2, paragraphs a and b,
22 Code 2011, are amended to read as follows:

23 a. The contractor or subcontractor shall state under oath,
24 on forms provided by the department of revenue, the amount of
25 the sales of goods, wares, or merchandise or services rendered,
26 furnished, or performed including water, sewer, gas, and
27 electric utility services upon which sales or use tax has been
28 paid prior to the project completion, and shall file the forms
29 with the eligible business before final settlement is made.

30 b. The eligible business shall, not more than one year
31 after project completion, make application to the department
32 of revenue for any refund of the amount of the sales and use
33 taxes paid pursuant to chapter 423 upon any goods, wares, or
34 merchandise, or services rendered, furnished, or performed,
35 including water, sewer, gas, and electric utility services.

1 The application shall be made in the manner and upon forms to
2 be provided by the department of revenue, and the department of
3 revenue shall audit the claim and, if approved, issue a warrant
4 to the eligible business in the amount of the sales or use tax
5 which has been paid to the state of Iowa under a contract. A
6 claim filed by the eligible business in accordance with this
7 section shall not be denied by reason of a limitation provision
8 set forth in chapter 421 or 423.

9 Sec. 17. Section 15.411, subsection 9, Code Supplement
10 2011, is amended to read as follows:

11 9. In each fiscal year, the authority may transfer
12 additional moneys that become available to the authority
13 from sources such as loan repayments or recaptures of awards
14 from federal economic stimulus funds to the innovation
15 and commercialization development fund created in section
16 15.412, provided the authority spends those moneys for the
17 implementation of the recommendations included in the separate
18 consultant reports on bioscience, advanced manufacturing,
19 information technology, and entrepreneurship submitted to the
20 department of economic development in calendar years 2004,
21 2005, and 2006.

22 Sec. 18. Section 15E.64, subsection 2, paragraph a, Code
23 Supplement 2011, is amended to read as follows:

24 a. The chairperson of the economic development authority
25 board or a designee of the chairperson.

26 Sec. 19. Section 15E.120, subsection 6, Code Supplement
27 2011, is amended to read as follows:

28 6. On July ~~18~~ 1, 2011, the economic development authority
29 shall assume responsibility for the administration of this
30 section.

31 Sec. 20. Section 15E.193, subsection 1, paragraph b,
32 subparagraph (2), Code Supplement 2011, is amended to read as
33 follows:

34 (2) The authority, ~~upon the recommendation of the~~
35 ~~authority~~, shall adopt rules determining what constitutes a

1 sufficient package of benefits.

2 Sec. 21. Section 15E.208, subsection 3, paragraph b,
3 subparagraph (2), subparagraph divisions (c) through (e), Code
4 Supplement 2011, are amended to read as follows:

5 (c) Notwithstanding any provision of this division to
6 the contrary, payments on the principal balance of the loan
7 granted by the corporation to an eligible person and assigned
8 to the department of economic development pursuant to this
9 subparagraph during calendar year 2003 shall be deferred until
10 October 1, 2007. The eligible person shall make principal
11 payments to the department of economic development in the
12 amount of one million dollars for each year on October 1,
13 2007, October 1, 2008, and October 1, 2009. The eligible
14 person shall pay the department of economic development four
15 hundred eighty-two thousand seven hundred sixty-one dollars
16 in interest, which shall be deemed to be the total amount of
17 interest accruing on the principal amount of the loan. The
18 eligible person shall pay the interest amount on October 1,
19 2010. Upon the payment of the principal balance of the loan
20 and the accrued interest, the debt shall be retired.

21 (d) Notwithstanding any provision of this division to
22 the contrary, the corporation shall repay the department of
23 economic development, or its successor entity, the principal
24 balance of the Iowa agricultural industry finance loan
25 beginning on October 1, 2007. The principal balance of
26 the loan equals twenty-one million five hundred seventeen
27 thousand two hundred thirty-nine dollars. The corporation
28 shall repay the department of economic development, or its
29 successor entity, five hundred seventeen thousand two hundred
30 thirty-nine dollars by October 1, 2007, and for each subsequent
31 year the corporation shall repay the department, or its
32 successor entity, at least one million dollars by October 1
33 until the total principal balance of the loan is repaid. This
34 subparagraph shall not be construed to limit the authority
35 of the department of economic development, or its successor

1 entity, to negotiate the payment of interest accruing on
2 the principal balance which shall be paid as provided by an
3 agreement executed by the department of economic development,
4 or its successor entity, and the corporation.

5 (e) Notwithstanding any provision of this division to
6 the contrary, payments of principal and interest of the loan
7 granted by the corporation to an eligible person and assigned
8 to the department of economic development pursuant to this
9 subparagraph during calendar year 2003 which were deferred
10 pursuant to subparagraph division (c) shall be forgiven and the
11 total debt, including interest, shall be retired.

12 Sec. 22. Section 15E.351, subsection 1, Code Supplement
13 2011, is amended to read as follows:

14 1. The ~~economic development~~ authority shall establish and
15 administer a business accelerator program to provide financial
16 assistance for the establishment and operation of a business
17 accelerator for technology-based, value-added agricultural,
18 information solutions, alternative and renewable energy
19 including the alternative and renewable energy sectors listed
20 in section 476.42, subsection 1, paragraph "a", subparagraph
21 (1), or advanced manufacturing start-up businesses or for a
22 satellite of an existing business accelerator. The program
23 shall be designed to foster the accelerated growth of new
24 and existing businesses through the provision of technical
25 assistance. The ~~economic development~~ authority may provide
26 financial assistance under this section from moneys allocated
27 for regional financial assistance pursuant to section 15G.111,
28 subsection 9.

29 Sec. 23. Section 15E.351, subsection 2, paragraph h, Code
30 Supplement 2011, is amended to read as follows:

31 h. The business accelerator must possess the willingness to
32 accept referrals from the ~~economic development~~ authority.

33 Sec. 24. Section 15G.111, subsection 2, paragraphs c and d,
34 Code Supplement 2011, are amended to read as follows:

35 c. Of the moneys accruing to the fund pursuant to

1 subsection 1, paragraph "c", the authority, ~~with the approval~~
 2 ~~of the authority~~, may allocate an amount necessary to fund
 3 administrative and operations costs. An allocation pursuant to
 4 this paragraph may be made in addition to any allocations made
 5 pursuant to subsection 4, paragraph "a".

6 d. Of the moneys transferred to the fund pursuant to 2009
 7 Iowa Acts, chapter 123, section 9, the authority, ~~with the~~
 8 ~~approval of the authority~~, may allocate an amount necessary
 9 to fund administrative and operations costs. An allocation
 10 pursuant to this paragraph may be made in addition to any
 11 allocations made pursuant to subsection 4, paragraph "a".

12 Sec. 25. Section 15G.112, subsection 1, paragraph b, Code
 13 Supplement 2011, is amended to read as follows:

14 b. The program shall consist of the components described
 15 in subsections 4 through 9. Each fiscal year, the authority,
 16 ~~with the approval of the authority~~, shall allocate an amount of
 17 financial assistance from the fund that may be awarded under
 18 each component of the program to qualifying applicants.

19 Sec. 26. Section 15G.112, subsection 1, paragraph d,
 20 unnumbered paragraph 1, Code Supplement 2011, is amended to
 21 read as follows:

22 For each award of financial assistance under the program,
 23 the authority and the recipient of the financial assistance
 24 shall enter into an agreement describing the terms and
 25 obligations under which the financial assistance is being
 26 provided. The authority may negotiate, ~~subject to approval by~~
 27 ~~the authority~~, the terms and obligations of the agreement. An
 28 agreement shall contain but need not be limited to all of the
 29 following terms and obligations:

30 Sec. 27. Section 15G.112, subsection 4, paragraph a,
 31 subparagraph (2), Code Supplement 2011, is amended to read as
 32 follows:

33 (2) The business shall provide a sufficient package of
 34 benefits to each employee holding a created or retained job.
 35 The authority, ~~at the recommendation of the authority~~, shall

1 adopt rules determining what constitutes a sufficient package
2 of benefits.

3 Sec. 28. Section 15G.112, subsection 5, paragraph b, Code
4 Supplement 2011, is amended to read as follows:

5 b. The business shall provide a sufficient package of
6 benefits to each employee holding a created or retained job.
7 The authority, ~~at the recommendation of the authority,~~ shall
8 adopt rules determining what constitutes a sufficient package
9 of benefits.

10 Sec. 29. Section 15G.113, subsection 1, Code Supplement
11 2011, is amended to read as follows:

12 1. The authority, ~~with the approval of the authority,~~
13 may award financial assistance from the fund to a business,
14 an individual, a development corporation, a nonprofit
15 organization, an organization established in section 28H.1,
16 or a political subdivision of this state if, in the opinion
17 of the authority, a project presents a unique opportunity for
18 economic development in this state, or if the project addresses
19 a situation constituting a threat to the continued economic
20 prosperity of this state.

21 Sec. 30. Section 15G.114, subsection 1, Code Supplement
22 2011, is amended to read as follows:

23 1. The authority, ~~upon the recommendation of the authority,~~
24 shall adopt rules for the administration of this chapter in
25 accordance with chapter 17A.

26 Sec. 31. Section 15G.115, subsection 1, Code Supplement
27 2011, is amended to read as follows:

28 1. The authority shall accept and process applications for
29 financial assistance under the economic development financial
30 assistance program. After processing the applications, the
31 authority shall prepare them for review by advisory committees
32 and for final action ~~by the authority~~ as described in this
33 section.

34 Sec. 32. Section 15G.115, subsection 3, paragraphs b and d,
35 Code Supplement 2011, are amended to read as follows:

1 *b.* Consider the recommendation of the ~~due diligence~~
2 ~~committee and the~~ technology commercialization committee on
3 each application for financial assistance, as described in
4 subsection 2, and take final action on each application.

5 *d.* Take final action on any rules ~~recommended by the~~
6 ~~authority~~ for the implementation of the provisions of this
7 chapter.

8 Sec. 33. Section 15H.3, subsection 1, paragraph k, Code
9 Supplement 2011, is amended to read as follows:

10 *k.* Additional ex officio, nonvoting members selected by the
11 commission to the extent that they are not in conflict with the
12 provisions of the National Community Service Trust Act of 1993
13 or any related state or federal legislation.

14 Sec. 34. Section 28N.2, subsection 2, paragraph e, Code
15 Supplement 2011, is amended to read as follows:

16 *e.* Four voting members, each appointed by the heads of the
17 following ~~departments~~ agencies:

18 (1) The department of agriculture and land stewardship.

19 (2) The department of natural resources.

20 (3) The economic development authority.

21 (4) The department of transportation.

22 Sec. 35. Section 29C.20B, subsection 1, Code Supplement
23 2011, is amended to read as follows:

24 1. The homeland security and emergency management division
25 shall work with the department of human services and nonprofit,
26 voluntary, and faith-based organizations active in disaster
27 recovery and response ~~in coordination with the department of~~
28 ~~human services~~ to establish a statewide system of disaster
29 case management to be activated following the governor's
30 proclamation of a disaster emergency or the declaration of
31 a major disaster by the president of the United States for
32 individual assistance purposes. Under the system, the homeland
33 security and emergency management division shall coordinate
34 case management services locally through local committees as
35 established in each commission's emergency plan.

1 Sec. 36. Section 42.4, subsection 8, paragraph b,
2 subparagraph (2), Code 2011, is amended to read as follows:

3 (2) Each holdover senatorial district to which subparagraph
4 (1) is not applicable shall elect a senator in the year ending
5 in two for a two-year term commencing in January of the year
6 ending in three. However, if more than one incumbent state
7 senator is residing in a holdover senatorial district on the
8 first Wednesday in February of the year ending in two, and,
9 on or before the ~~first~~ third Wednesday in February of the
10 year ending in two, all but one of the incumbent senators
11 resigns from office effective no later than January of the
12 year ending in three, the remaining incumbent senator shall
13 represent the district in the senate for the general assembly
14 commencing in January of the year ending in three. A copy of
15 each resignation must be filed in the office of the secretary
16 of state no later than five p.m. on the third Wednesday in
17 February of the year ending in two.

18 Sec. 37. Section 46.2A, subsection 8, Code 2011, is amended
19 by striking the subsection.

20 Sec. 38. Section 123.135, subsection 5, Code 2011, is
21 amended to read as follows:

22 5. Notwithstanding any other penalties provided by this
23 chapter, any holder of a certificate of compliance or any
24 class "A" permit holder who violates this chapter or the rules
25 adopted pursuant to this chapter is subject to a civil ~~fine~~
26 penalty not to exceed one thousand dollars or suspension of the
27 holder's certificate or permit for a period not to exceed one
28 year, or both such civil ~~fine~~ penalty and suspension. Civil
29 ~~finer penalties~~ imposed under this section shall be collected
30 and retained by the division.

31 Sec. 39. Section 123.180, subsection 6, Code 2011, is
32 amended to read as follows:

33 6. Regardless of any other penalties provided by this
34 chapter, any holder of a certificate of compliance relating to
35 wine or a class "A" permittee who violates this chapter or the

1 rules adopted pursuant to this chapter is subject to a civil
2 fine penalty not to exceed one thousand dollars or subject to
3 suspension of the certificate of compliance or permit for a
4 period not to exceed one year, or to both civil fine penalty
5 and suspension. Civil ~~fin~~es penalties imposed under this
6 section shall be collected and retained by the division.

7 Sec. 40. Section 125.2, subsection 14, Code Supplement
8 2011, is amended to read as follows:

9 14. "*Psychiatric advanced registered nurse practitioner*"
10 means an individual currently licensed as a registered nurse
11 under chapter 152 or 152E who holds a national certification in
12 psychiatric mental health care and who is registered with the
13 board of nursing as an advanced registered nurse practitioner.

14 Sec. 41. Section 125.10, subsections 3, 5, 9, and 17, Code
15 2011, as amended by 2011 Iowa Acts, chapter 121, section 30,
16 are amended to read as follows:

17 3. Coordinate the efforts and enlist the assistance of all
18 public and private agencies, organizations and individuals
19 interested in the prevention of substance ~~abuse~~ misuse and the
20 treatment of persons with substance-related disorders.

21 5. Cooperate with the department of education, boards
22 of education, schools, police departments, courts, and other
23 public and private agencies, organizations, and individuals in
24 establishing programs for the prevention of substance ~~abuse~~
25 misuse and the treatment of persons with substance-related
26 disorders, and in preparing relevant curriculum materials for
27 use at all levels of school education.

28 9. Sponsor and implement research in cooperation with local
29 treatment programs into the causes and nature of substance
30 misuse and treatment of persons with substance-related
31 disorders, and serve as a clearing house for information
32 relating to substance ~~abuse~~ misuse.

33 17. Review all state health, welfare, education and
34 treatment proposals to be submitted for federal funding under
35 federal legislation, and advise the governor on provisions to

1 be included relating to substance ~~abuse~~ misuse, and persons
2 with substance-related disorders.

3 Sec. 42. Section 125.43A, Code 2011, as amended by 2011 Iowa
4 Acts, chapter 121, section 39, is amended to read as follows:

5 **125.43A Prescreening — exception.**

6 Except in cases of medical emergency or court-ordered
7 admissions, a person shall be admitted to a state mental health
8 institute for ~~substance-abuse~~ treatment of a substance-related
9 disorder only after a preliminary intake and assessment by a
10 department-licensed treatment facility or a hospital providing
11 care or treatment for persons with substance-related disorders
12 licensed under chapter 135B and accredited by the joint
13 commission on the accreditation of health care organizations,
14 the commission on accreditation of rehabilitation facilities,
15 the American osteopathic association, or another recognized
16 organization approved by the board, or by a designee of a
17 department-licensed treatment facility or a hospital other
18 than a state mental health institute, which confirms that
19 the admission is appropriate to the person's ~~substance~~
20 ~~abuse~~ substance-related disorder service needs. A county
21 board of supervisors may seek an admission of a patient to a
22 state mental health institute who has not been confirmed for
23 appropriate admission and the county shall be responsible for
24 one hundred percent of the cost of treatment and services of
25 the patient.

26 Sec. 43. Section 125.83, Code 2011, as amended by 2011 Iowa
27 Acts, chapter 121, section 47, is amended to read as follows:

28 **125.83 Placement for evaluation.**

29 If upon completion of the commitment hearing, the court
30 finds that the contention that the respondent is a person with
31 a substance-related disorder has been sustained by clear and
32 convincing evidence, the court shall order the respondent
33 placed at a facility or under the care of a suitable facility
34 on an outpatient basis as expeditiously as possible for a
35 complete evaluation and appropriate treatment. The court shall

1 furnish to the facility at the time of admission or outpatient
2 placement, a written statement of facts setting forth the
3 evidence on which the finding is based. The administrator of
4 the facility shall report to the court no more than fifteen
5 days after the individual is admitted to or placed under the
6 care of the facility, which shall include the chief medical
7 officer's recommendation concerning ~~substance-abuse~~ treatment
8 of a substance-related disorder. An extension of time may be
9 granted for a period not to exceed seven days upon a showing
10 of good cause. A copy of the report shall be sent to the
11 respondent's attorney who may contest the need for an extension
12 of time if one is requested. If the request is contested, the
13 court shall make an inquiry as it deems appropriate and may
14 either order the respondent released from the facility or grant
15 extension of time for further evaluation. If the administrator
16 fails to report to the court within fifteen days after the
17 individual is admitted to the facility, and no extension
18 of time has been requested, the administrator is guilty of
19 contempt and shall be punished under chapter 665. The court
20 shall order a rehearing on the application to determine whether
21 the respondent should continue to be held at the facility.

22 Sec. 44. Section 125.91, subsections 2 and 3, Code 2011, as
23 amended by 2011 Iowa Acts, chapter 121, section 50, are amended
24 to read as follows:

25 2. a. A peace officer who has reasonable grounds to
26 believe that the circumstances described in subsection 1 are
27 applicable may, without a warrant, take or cause that person
28 to be taken to the nearest available facility referred to in
29 section 125.81, subsection 2, paragraph "b" or "c". Such a
30 person with a substance-related disorder due to intoxication
31 or substance-induced incapacitation who also demonstrates
32 a significant degree of distress or dysfunction may also
33 be delivered to a facility by someone other than a peace
34 officer upon a showing of reasonable grounds. Upon delivery
35 of the person to a facility under this section, the examining

1 attending physician may order treatment of the person, but
2 only to the extent necessary to preserve the person's life
3 or to appropriately control the person's behavior if the
4 behavior is likely to result in physical injury to the person
5 or others if allowed to continue. The peace officer or other
6 person who delivered the person to the facility shall describe
7 the circumstances of the matter to the ~~examining~~ attending
8 physician. If the person is a peace officer, the peace
9 officer may do so either in person or by written report. If
10 the ~~examining~~ attending physician has reasonable grounds to
11 believe that the circumstances in subsection 1 are applicable,
12 the ~~examining~~ attending physician shall at once communicate
13 with the nearest available magistrate as defined in section
14 801.4, subsection 10. The magistrate shall, based upon the
15 circumstances described by the ~~examining~~ attending physician,
16 give the ~~examining~~ attending physician oral instructions
17 either directing that the person be released forthwith, or
18 authorizing the person's detention in an appropriate facility.
19 The magistrate may also give oral instructions and order that
20 the detained person be transported to an appropriate facility.
21 **b.** If the magistrate orders that the person be detained, the
22 magistrate shall, by the close of business on the next working
23 day, file a written order with the clerk in the county where it
24 is anticipated that an application may be filed under section
25 125.75. The order may be filed by facsimile if necessary. The
26 order shall state the circumstances under which the person
27 was taken into custody or otherwise brought to a facility
28 and the grounds supporting the finding of probable cause to
29 believe that the person is a person with a substance-related
30 disorder likely to result in physical injury to the person or
31 others if not detained. The order shall confirm the oral order
32 authorizing the person's detention including any order given
33 to transport the person to an appropriate facility. The clerk
34 shall provide a copy of that order to the attending physician,
35 at the facility to which the person was originally taken, any

1 subsequent facility to which the person was transported, and
2 to any law enforcement department or ambulance service that
3 transported the person pursuant to the magistrate's order.

4 3. The attending physician shall examine and may detain
5 the person pursuant to the magistrate's order for a period not
6 to exceed forty-eight hours from the time the order is dated,
7 excluding Saturdays, Sundays, and holidays, unless the order is
8 dismissed by a magistrate. The facility may provide treatment
9 which is necessary to preserve the person's life or to
10 appropriately control the person's behavior if the behavior is
11 likely to result in physical injury to the person or others if
12 allowed to continue or is otherwise deemed medically necessary
13 by the attending physician, but shall not otherwise provide
14 treatment to the person without the person's consent. The
15 person shall be discharged from the facility and released from
16 detention no later than the expiration of the forty-eight-hour
17 period, unless an application for involuntary commitment is
18 filed with the clerk pursuant to section 125.75. The detention
19 of a person by the procedure in this section, and not in excess
20 of the period of time prescribed by this section, shall not
21 render the peace officer, attending physician, or facility
22 detaining the person liable in a criminal or civil action
23 for false arrest or false imprisonment if the peace officer,
24 attending physician, or facility had reasonable grounds to
25 believe that the circumstances described in subsection 1 were
26 applicable.

27 Sec. 45. Section 135.141, subsection 2, paragraph a, Code
28 2011, is amended to read as follows:

29 a. Coordinate with the homeland security and emergency
30 management division of the department of public defense the
31 administration of emergency planning matters which involve
32 the public health, including development, administration, and
33 execution of the public health components of the comprehensive
34 emergency plan and emergency management program pursuant to
35 section 29C.8.

1 Sec. 46. Section 142A.3, subsection 10, Code Supplement
2 2011, is amended to read as follows:

3 10. The commission may designate an advisory council. The
4 commission shall determine the membership and representation
5 of the advisory council and members of the council shall serve
6 at the pleasure of the commission. The advisory council may
7 include representatives of health care provider groups, parent
8 groups, antitobacco advocacy programs and organizations,
9 ~~tobacco retailers,~~ research and evaluation experts, and youth
10 organizers.

11 Sec. 47. Section 152.12, Code 2011, is amended to read as
12 follows:

13 **152.12 Examination information.**

14 Notwithstanding section 147.21, individual pass or fail
15 examination results made available from the authorized national
16 testing agency may be disclosed to the appropriate licensing
17 authority in another state, the District of Columbia, or a
18 territory or ~~county~~ country, and the board-approved education
19 program, for purposes of verifying accuracy of national data
20 and determining program approval.

21 Sec. 48. Section 173.11, subsection 3, Code Supplement
22 2011, is amended to read as follows:

23 3. Administer the foundation fund under the control of the
24 Iowa state fair foundation, ~~in its capacity as the board of~~
25 ~~the Iowa state fair foundation,~~ as directed by the board in
26 its capacity as the board of the Iowa state fair foundation.
27 The treasurer shall administer the fund in accordance with
28 procedures of the treasurer of state, and maintain a correct
29 account of receipts and disbursements of assets of the
30 foundation fund.

31 Sec. 49. Section 226.9C, subsection 2, paragraph c,
32 subparagraph (1), as enacted by 2011 Iowa Acts, chapter 121,
33 section 51, is amended to read as follows:

34 (1) Prior to an individual's admission for dual diagnosis
35 treatment, the individual shall have been prescreened. The

1 person performing the prescreening shall be either the mental
 2 health professional, as defined in section 228.1, who is
 3 contracting with the county central-point-of-coordination
 4 process to provide the prescreening or a mental health
 5 professional with the requisite qualifications. A mental
 6 health professional with the requisite qualifications shall
 7 meet all of the following qualifications: is a mental health
 8 professional as defined in section 228.1, is ~~a-certified~~ an
 9 alcohol and drug counselor certified by the nongovernmental
 10 Iowa board of substance abuse certification, and is employed
 11 by or providing services for a facility, as defined in section
 12 125.2.

13 Sec. 50. Section 230A.106, subsection 2, paragraph c, as
 14 enacted by 2011 Iowa Acts, chapter 121, section 16, is amended
 15 to read as follows:

16 *c. Day treatment, partial hospitalization, or psychosocial*
 17 *rehabilitation services. Such Day treatment, partial*
 18 *hospitalization, or psychosocial rehabilitation services shall*
 19 *be provided as structured day programs in segments of less than*
 20 *twenty-four hours using a multidisciplinary team approach to*
 21 *develop treatment plans that vary in intensity of services*
 22 *and the frequency and duration of services based on the needs*
 23 *of the patient. These services may be provided directly by*
 24 *the center or in collaboration or affiliation with other*
 25 *appropriately accredited providers.*

26 Sec. 51. Section 232.103, subsection 3, Code 2011, is
 27 amended to read as follows:

28 3. A change in the level of care for a child who is subject
 29 to a dispositional order for out-of-home placement requires
 30 modification of the dispositional order. A hearing shall be
 31 held on a motion to terminate or modify a dispositional order
 32 except that a hearing on a motion to terminate or modify an
 33 order may be waived upon agreement by all parties. Reasonable
 34 notice of the hearing shall be given to the parties. The
 35 hearing shall be conducted in accordance with the ~~provisions of~~

1 procedure established for dispositional hearings under section
2 232.50, subsection 3.

3 Sec. 52. Section 236.18, Code 2011, is amended to read as
4 follows:

5 **236.18 Reference to certain criminal provisions.**

6 In addition to the ~~criminal penalties~~ provisions contained
7 in this chapter, certain criminal penalties and provisions
8 pertaining to domestic abuse assaults are set forth in chapter
9 664A and sections 708.2A and 708.2B.

10 Sec. 53. Section 249H.3, subsection 10, Code 2011, is
11 amended to read as follows:

12 10. "*Persons with disabilities*" means individuals eighteen
13 years of age or older with ~~disabilities as disability is~~
14 ~~defined in section 225B.2~~ mental or physical impairments that
15 result in significant functional limitation in one or more
16 areas of major life activity and in the need for specialized
17 care, treatment, or training services of extended duration.

18 Sec. 54. Section 252B.9, subsection 1, paragraph f,
19 subparagraph (5), Code 2011, is amended to read as follows:

20 (5) If the person fails to comply with the request or
21 subpoena, fails to request a conference, and fails to pay a
22 fine penalty imposed under subparagraph (4), the unit may
23 petition the district court to compel the person to comply
24 with this paragraph. If the person objects to imposition of
25 the fine penalty, the person may seek judicial review by the
26 district court.

27 Sec. 55. Section 256.32, subsection 2, paragraph d, Code
28 Supplement 2011, is amended by striking the paragraph.

29 Sec. 56. Section 256I.3, subsection 2, paragraph a, Code
30 Supplement 2011, is amended to read as follows:

31 a. The board shall consist of twenty-one voting members with
32 fifteen citizen members and six state agency members. The six
33 state agency members shall be the directors or their designees
34 of the following ~~departments~~ agencies: economic development
35 authority, education, human rights, human services, public

1 health, and workforce development. The designees of state
 2 agency directors shall be selected on an annual basis. The
 3 citizen members shall be appointed by the governor, subject to
 4 confirmation by the senate. The governor's appointments of
 5 citizen members shall be made in a manner so that each of the
 6 state's congressional districts is represented by at least two
 7 citizen members and so that all the appointments as a whole
 8 reflect the ethnic, cultural, social, and economic diversity of
 9 the state. A member of the state board shall not be a provider
 10 of services or other entity receiving funding through the early
 11 childhood Iowa initiative or be employed by such a provider or
 12 other entity.

13 Sec. 57. Section 256I.5, subsection 4, paragraph a, Code
 14 Supplement 2011, is amended to read as follows:

15 a. Enter into memoranda of agreement with the departments
 16 of education, human rights, human services, public health, and
 17 workforce development and the economic development authority
 18 to formalize the commitments of the respective departments'
 19 commitments departments and the authority to collaborating with
 20 and integrating a comprehensive early care, education, health,
 21 and human services system. Items addressed in the memoranda
 22 shall include but are not limited to data sharing and providing
 23 staffing to the technical assistance team.

24 Sec. 58. Section 260C.18A, subsection 2, paragraph e, Code
 25 Supplement 2011, is amended by striking the paragraph.

26 Sec. 59. Section 261E.8, subsection 3, Code Supplement
 27 2011, is amended to read as follows:

28 3. A student may make application to a community college and
 29 the school district to allow the student to enroll for college
 30 credit in a nonsectarian course offered by the community
 31 college. A comparable course, as defined in rules adopted by
 32 the board of directors of the school district, must not be
 33 offered by the school district or accredited nonpublic school
 34 which the student attends. The school board shall annually
 35 approve courses to be made available for high school credit

1 using locally developed criteria that establishes which courses
 2 will provide the student with academic rigor and will prepare
 3 the student adequately for transition to a postsecondary
 4 institution. If ~~an eligible postsecondary institution a~~
 5 community college accepts a student for enrollment under
 6 this section, the school district, in collaboration with the
 7 community college, shall send written notice to the student,
 8 the student's parent or legal guardian in the case of a minor
 9 child, and the student's school district. The notice shall
 10 list the course, the clock hours the student will be attending
 11 the course, and the number of hours of college credit that the
 12 student will receive from the community college upon successful
 13 completion of the course.

14 Sec. 60. Section 267A.2, Code Supplement 2011, is amended
 15 to read as follows:

16 **267A.2 Definitions.**

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

19 1. "*Coordinator*" means the local food and farm program
 20 coordinator created in section 267A.4.

21 2. "*Council*" means the local food and farm program council
 22 established in section 267A.3.

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

25 4. "*Fund*" means the local food and farm program fund created
 26 in section 267A.5.

27 Sec. 61. Section 282.1, subsection 1, Code 2011, is amended
 28 to read as follows:

29 1. Persons between five and twenty-one years of age are of
 30 school age. Nonresident children shall be charged the maximum
 31 tuition rate as determined in section 282.24, subsection 1,
 32 with the exception that those residing temporarily in a school
 33 corporation may attend school in the corporation upon terms
 34 prescribed by the board. A school district discontinuing
 35 grades under section 282.7, subsection 1 or ~~subsections 1 and~~

1 3, shall be charged tuition as provided in section 282.24,
2 subsection 1.

3 Sec. 62. Section 282.10, subsection 1, Code 2011, is amended
4 to read as follows:

5 1. Whole grade sharing is a procedure used by school
6 districts whereby all or a substantial portion of the pupils in
7 any grade in two or more school districts share an educational
8 program for all or a substantial portion of a school day
9 under a written agreement pursuant to section 256.13, 280.15,
10 or 282.7, subsection 1 or ~~subsections 1 and 3~~. Whole grade
11 sharing may either be one-way or two-way sharing.

12 Sec. 63. Section 282.18, subsection 15, Code 2011, is
13 amended to read as follows:

14 15. a. If a request under this section is for transfer to
15 ~~a laboratory~~ the research and development school, as described
16 in chapter 256G, the student who is the subject of the request
17 shall be included in the basic enrollment of the student's
18 district of residence and the board of directors of the
19 district of residence shall pay to ~~a laboratory~~ the research
20 and development school the state cost per pupil for the
21 previous school year, plus any moneys received for the pupil as
22 a result of the non-English speaking weighting under section
23 280.4, subsection 3, for the previous school year multiplied by
24 the state cost per pupil for the previous year.

25 b. Notwithstanding subsection 7, a district of residence
26 shall not be required to pay the state cost per pupil for a
27 student attending ~~a laboratory~~ the research and development
28 school during the school year beginning July 1, 2010, if
29 the student was not included in the district of residence's
30 enrollment count for funding purposes in the school year
31 beginning July 1, 2009.

32 Sec. 64. Section 306D.2, subsection 1, unnumbered paragraph
33 1, Code Supplement 2011, is amended to read as follows:

34 The state department of transportation shall prepare a
35 statewide, long-range plan for the protection, enhancement,

1 and identification of highways and secondary roads which pass
 2 through unusually scenic areas of the state as identified
 3 in section 306D.1. The department of natural resources,
 4 department of economic development authority, and department of
 5 cultural affairs, private organizations, county conservation
 6 boards, city park and recreation departments, and the federal
 7 agencies having jurisdiction over land in the state shall be
 8 encouraged to assist in preparing the plan. The plan shall be
 9 coordinated with the state's open space plan if a state open
 10 space plan has been approved by the general assembly. The plan
 11 shall include, but is not limited to, the following elements:

12 Sec. 65. Section 321.18, subsection 9, Code 2011, is amended
 13 by striking the subsection.

14 Sec. 66. Section 321.180B, subsection 1, paragraph c, Code
 15 Supplement 2011, is amended to read as follows:

16 c. Except as otherwise provided, a permittee who is less
 17 than eighteen years of age and who is operating a motor vehicle
 18 must be accompanied by a person issued a driver's license
 19 valid for the vehicle operated who is the parent, guardian,
 20 or custodian of the permittee, a member of the permittee's
 21 immediate family if the family member is at least twenty-one
 22 years of age, an approved driver education instructor, a
 23 prospective driver education instructor who is enrolled in
 24 a practitioner preparation program with a safety education
 25 program approved by the state board of education, or a person
 26 at least twenty-five years of age if written permission is
 27 granted by the parent, guardian, or custodian, and who is
 28 actually occupying a seat beside the driver. A permittee shall
 29 not operate a motor vehicle if the number of passengers in the
 30 motor vehicle exceeds the number of passenger safety belts
 31 in the motor vehicle. If the applicant for an instruction
 32 permit holds a driver's license issued in this state valid
 33 for the operation of a motorized bicycle or a motorcycle, the
 34 instruction permit shall be valid for such operation without
 35 the requirement of an accompanying person.

1 Sec. 67. Section 321.186, subsection 3, Code Supplement
2 2011, is amended to read as follows:

3 3. The examination shall include a screening of the
4 applicant's eyesight, a test of the applicant's ability to
5 read and understand highway signs regulating, warning, and
6 directing traffic, a test of the applicant's knowledge of the
7 traffic laws of this state, an actual demonstration of ability
8 to exercise ordinary and reasonable control in the operation
9 of a motor vehicle, and other physical and mental examinations
10 as the department finds necessary to determine the applicant's
11 fitness to operate a motor vehicle safely upon the highways.
12 However, an applicant for a new driver's license ~~other than~~
13 ~~a commercial driver's license~~ need not pass a vision test
14 administered by the department if the applicant files with the
15 department a vision report in accordance with section 321.186A
16 which shows that the applicant's visual acuity level meets or
17 exceeds those required by the department.

18 Sec. 68. Section 331.427, subsection 3, paragraph a, Code
19 2011, is amended to read as follows:

20 a. Expenses of a ~~joint~~ local emergency management commission
21 under chapter 29C.

22 Sec. 69. Section 331.653, subsection 5, Code 2011, is
23 amended to read as follows:

24 5. Serve as a member of the ~~joint~~ local emergency management
25 commission as provided in section 29C.9.

26 Sec. 70. Section 331.756, subsection 4, Code Supplement
27 2011, is amended to read as follows:

28 4. Prosecute misdemeanors under chapter ~~236~~ 664A. The
29 county attorney shall prosecute other misdemeanors when not
30 otherwise engaged in the performance of other official duties.

31 Sec. 71. Section 419.4, subsection 2, Code 2011, is amended
32 to read as follows:

33 2. a. The proceedings under which the bonds are authorized
34 to be issued under the provisions of this chapter, and any
35 mortgage given to secure the same, may contain any agreements

1 and provisions customarily contained in instruments securing
2 bonds, including, but not limited to:

3 ~~a.~~ (1) Provisions respecting custody of the proceeds
4 from the sale of the bonds including their investment and
5 reinvestment until used to defray the cost of the project.

6 ~~b.~~ (2) Provisions respecting the fixing and collection of
7 rents or payment with respect to any project covered by such
8 proceedings or mortgage.

9 ~~c.~~ (3) The terms to be incorporated in the lease, sale
10 contract, or loan agreement with respect to such project.

11 ~~d.~~ (4) The maintenance and insurance of such project.

12 ~~e.~~ (5) The creation, maintenance, custody, investment and
13 reinvestment and use of special funds from the revenues of such
14 project, and

15 ~~f.~~ (6) The rights and remedies available in case of a
16 default to the bond holders or to any trustee under the lease,
17 sale contract, loan agreement or mortgage.

18 b. A municipality shall have the power to provide that
19 proceeds from the sale of bonds and special funds from the
20 revenues of the project shall be invested and reinvested in
21 such securities and other investments as shall be provided in
22 the proceedings under which the bonds are authorized to be
23 issued including:

24 (1) obligations issued or guaranteed by the United States;

25 (2) obligations issued or guaranteed by any person
26 controlled or supervised by and acting as an instrumentality of
27 the United States pursuant to authority granted by the Congress
28 of the United States;

29 (3) obligations issued or guaranteed by any state of the
30 United States, or the District of Columbia, or any political
31 subdivision of any such state or district;

32 (4) prime commercial paper;

33 (5) prime finance company paper;

34 (6) bankers' acceptances drawn on and accepted by banks
35 organized under the laws of any state or of the United States;

1 (7) repurchase agreements fully secured by obligations
 2 issued or guaranteed by the United States or by any person
 3 controlled or supervised by and acting as an instrumentality of
 4 the United States pursuant to authority granted by the Congress
 5 of the United States; and

6 (8) certificates of deposit issued by banks organized
 7 under the laws of any state or of the United States; whether
 8 or not such investment or reinvestment is authorized under any
 9 other law of this state. The municipality shall also have the
 10 power to provide that such proceeds or funds or investments
 11 and the amounts payable under the lease, sale contract, or
 12 loan agreement shall be received, held and disbursed by one or
 13 more banks or trust companies located in or out of the state
 14 of Iowa. A municipality shall also have the power to provide
 15 that the project and improvements shall be constructed by the
 16 municipality, lessee, the lessee's designee, the contracting
 17 party, or the contracting party's designee, or any one or
 18 more of them on real estate owned by the municipality, the
 19 lessee, the lessee's designee, the contracting party, or the
 20 contracting party's designee, as the case may be, that the
 21 bond proceeds shall be disbursed by the trustee bank or banks,
 22 trust company or trust companies, during construction upon the
 23 estimate, order or certificate of the lessee, the lessee's
 24 designee, the contracting party, or the contracting party's
 25 designee.

26 c. In making such agreements or provisions as provided
 27 in this subsection, a municipality shall not have the power
 28 to obligate itself, except with respect to the project and
 29 the application of the revenues therefrom, and shall not have
 30 the power to incur a pecuniary liability or a charge upon its
 31 general credit or against its taxing powers.

32 Sec. 72. Section 422.5, subsection 3, paragraph b, Code
 33 Supplement 2011, is amended to read as follows:

34 b. In lieu of the computation in subsection 1, or 2, or 3
 35 in paragraph "a" of this subsection, if the married persons',

1 filing jointly or filing separately on a combined return,
 2 head of household's, or surviving spouse's net income exceeds
 3 thirteen thousand five hundred dollars, the regular tax imposed
 4 under this division shall be the lesser of the maximum state
 5 individual income tax rate times the portion of the net income
 6 in excess of thirteen thousand five hundred dollars or the
 7 regular tax liability computed without regard to this sentence.
 8 Taxpayers electing to file separately shall compute the
 9 alternate tax described in this paragraph using the total net
 10 income of the husband and wife. The alternate tax described
 11 in this paragraph does not apply if one spouse elects to carry
 12 back or carry forward the loss as provided in section 422.9,
 13 subsection 3.

14 Sec. 73. Section 422.7, subsection 51, Code Supplement
 15 2011, is amended to read as follows:

16 51. Subtract, to the extent included, the amount of any
 17 Vietnam Conflict veterans bonus provided pursuant to section
 18 35A.8, subsection 5, ~~and section 35A.8A.~~

19 Sec. 74. Section 422.11S, subsection 7, paragraph a,
 20 subparagraph (2), Code Supplement 2011, is amended to read as
 21 follows:

22 (2) "*Total approved tax credits*" means for the tax year
 23 beginning in the 2006 calendar year, two million five hundred
 24 thousand dollars, for the tax year beginning in the 2007
 25 calendar year, five million dollars, and for tax years
 26 beginning on or after January 1, 2008, seven million five
 27 hundred thousand dollars. However, for tax years beginning on
 28 or after January 1, 2012, ~~and only if legislation is enacted~~
 29 ~~by the Eighty-fourth General Assembly, 2011 session, amending~~
 30 ~~section 257.8, subsections 1 and 2, to establish both the state~~
 31 ~~percent of growth and the categorical state percent of growth~~
 32 ~~for the budget year beginning July 1, 2012, at two percent,~~
 33 "*total approved tax credits*" means eight million seven hundred
 34 fifty thousand dollars.

35 Sec. 75. Section 422.11T, Code 2011, is amended to read as

1 follows:

2 **422.11T Film qualified expenditure tax credit.**

3 The taxes imposed under this division, less the ~~credit~~
4 credits allowed under section 422.12, shall be reduced by a
5 qualified expenditure tax credit authorized pursuant to section
6 15.393, subsection 2, paragraph "a".

7 Sec. 76. Section 422.11U, Code 2011, is amended to read as
8 follows:

9 **422.11U Film investment tax credit.**

10 The taxes imposed under this division, less the ~~credit~~
11 credits allowed under section 422.12, shall be reduced by an
12 investment tax credit authorized pursuant to section 15.393,
13 subsection 2, paragraph "b".

14 Sec. 77. Section 437A.14, subsection 3, Code Supplement
15 2011, is amended to read as follows:

16 3. Unless otherwise expressly permitted by a section
17 referencing this chapter, the kilowatt-hours of electricity or
18 therms of natural gas delivered by a taxpayer in a competitive
19 service area shall not be divulged to any person or entity,
20 other than the taxpayer, the department of revenue, or the
21 internal revenue service for use in a matter unrelated to tax
22 administration. This prohibition precludes persons or entities
23 other than the taxpayer, the department of revenue, or the
24 internal revenue service from obtaining such information from
25 the department of revenue. A subpoena, order, or process which
26 requires the department of revenue to produce such information
27 to a person or entity, other than the taxpayer, the department
28 of revenue, or internal revenue service, for use in a nontax
29 proceeding is void.

30 Sec. 78. Section 445.5, subsection 6, Code Supplement 2011,
31 is amended to read as follows:

32 6. The county treasurer shall deliver to the taxpayer a
33 receipt stating the year of tax, date of payment, a description
34 of the parcel, and the amount of taxes, interest, fees, and
35 costs paid when payment is made by cash tender. A receipt

1 for other payment tender types shall only be delivered upon
2 request. The receipt shall be in full ~~of~~ for the first half,
3 second half, or full year amounts unless a payment is made
4 under section 445.36A or 435.24, subsection 6.

5 Sec. 79. Section 452A.3, subsection 5, Code 2011, is amended
6 to read as follows:

7 5. a. The tax shall be paid by the following:

8 ~~a.~~ (1) The supplier, upon the invoiced gross gallonage of
9 all motor fuel or undyed special fuel withdrawn from a terminal
10 for delivery in this state.

11 (2) Tax shall not be paid when the sale of alcohol occurs
12 within a terminal from an alcohol manufacturer to an Iowa
13 licensed supplier. The tax shall be paid by the Iowa licensed
14 supplier when the invoiced gross gallonage of the alcohol or
15 the alcohol part of ethanol blended gasoline is withdrawn from
16 a terminal for delivery in this state.

17 ~~b.~~ (3) The person who owns the fuel at the time it is
18 brought into the state by a restrictive supplier or importer,
19 upon the invoiced gross gallonage of motor fuel or undyed
20 special fuel imported.

21 ~~c.~~ (4) The blender on total invoiced gross gallonage of
22 alcohol or other product sold to be blended with gasoline or
23 special fuel.

24 ~~d.~~ (5) Any other person who possesses taxable fuel upon
25 which the tax has not been paid to a licensee.

26 b. ~~However, the~~ The tax shall not be imposed or collected
27 under this division with respect to motor fuel or special fuel
28 sold for export or exported from this state to any other state,
29 territory, or foreign country.

30 Sec. 80. Section 455B.487, Code 2011, is amended to read as
31 follows:

32 **455B.487 Facility acquisition and operation.**

33 1. The commission shall adopt rules establishing criteria
34 for the identification of land areas or sites which are
35 suitable for the operation of facilities for the management

1 of hazardous and low-level radioactive wastes. Upon request,
2 the department shall assist in locating suitable sites for the
3 location of a facility. The commission may purchase or condemn
4 land to be leased or used for the operation of a facility
5 subject to chapter 6A. Consideration for a contract for
6 purchase of land shall not be in excess of funds appropriated
7 by the general assembly for that purpose. The commission may
8 lease land purchased under this section to any person including
9 the state or a state agency. This section authorizes the state
10 to own or operate hazardous waste facilities and low-level
11 radioactive waste facilities, subject to the approval of the
12 general assembly.

13 2. The purchase, condemnation, use, or lease of land for the
14 management of wastes, shall be approved by the general assembly
15 prior to the purchase, condemnation, use, or lease of the land.

16 3. a. The terms of the lease or contract shall establish
17 responsibility for long-term monitoring and maintenance of the
18 site. The commission shall require that the lessee or operator
19 post bond or provide proof of sufficient insurance coverage,
20 as determined by the commission to be reasonably necessary to
21 protect the state against liabilities arising from the storage
22 of wastes, abandonment of the facility, facility accidents,
23 failure of the facility, or other liabilities which may arise.

24 b. The terms of the lease or contract shall also require
25 that the lessee or operator of the facility pay an annual
26 fee to the state, as established by the commission, to cover
27 facility monitoring costs, and shall require that the lessee
28 or operator establish a long-term monitoring and maintenance
29 fund in which the lessee or operator shall deposit annually an
30 amount specified by the commission. The fund shall be used
31 to pay closure, long-term monitoring and maintenance, and
32 contingency costs.

33 4. The lease agreement or contract shall provide for a
34 local review and monitoring committee established by the
35 county or municipal entity governing the jurisdiction in

1 which the facility is located. Prior to the approval of a
2 lease agreement or contract the local committee shall review
3 the application of the prospective lessee or operator and
4 shall determine the suitability of the proposed site for
5 the facility. The local committee may inspect the facility
6 during operation and may make recommendations regarding the
7 operation and closure of the facility. The commission shall
8 establish a surtax paid by the lessee or operator of a facility
9 to the local governmental entity, and retained by the local
10 governmental entity in which the facility is located. The
11 lessee or operator of the facility shall provide funding for
12 the implementation of the duties of the local committee.

13 5. The lessee or operator is subject to all applicable
14 permit and licensing requirements. The leasehold interest,
15 including improvements made to the property, shall be listed,
16 assessed, and valued as any other real property as provided by
17 law.

18 6. a. Facilities acquired or operated pursuant to this
19 section shall comply with applicable federal and state
20 statutes, local ordinances, and regulations adopted by
21 regulatory agencies to the extent required by law.

22 ~~The purchase, condemnation, use, or lease of land for the~~
23 ~~management of wastes, shall be approved by the general assembly~~
24 ~~prior to the purchase, condemnation, use, or lease of the land.~~

25 b. Facilities acquired or operated pursuant to this section
26 may be used for regional, statewide or multistate management
27 of wastes.

28 c. Facilities acquired or operated pursuant to this section
29 shall not be used for the purpose of shallow land burial of
30 wastes as a means of disposal.

31 7. An operator of a facility acquired or operated pursuant
32 to this section shall require that a person, prior to the use
33 of the facility, submit proof that reasonable and good faith
34 measures have been taken to reduce the generation of waste.

35 8. A hazardous waste facility acquired or operated pursuant

1 to this section shall be operated in accordance with the
2 following schedule:

3 ~~1.~~ a. The initial fee paid by a person depositing hazardous
4 waste at the facility shall be increased by ten percent per ton
5 upon receipt of twenty-five percent of the waste capacity of
6 the facility.

7 ~~2.~~ b. The initial fee paid by a person depositing hazardous
8 waste at the facility shall be increased by twenty-five percent
9 per ton upon receipt of fifty percent of the waste capacity of
10 the facility.

11 ~~3.~~ c. Upon receipt of fifty percent of the waste capacity
12 of the facility, the receipt of waste shall be limited to
13 hazardous waste generated within the state of Iowa. If an
14 agreement has been established between the owner or operator of
15 the hazardous waste facility and an out-of-state generator of
16 hazardous waste, this limitation is null and void.

17 Sec. 81. Section 459.501, subsection 5, paragraph b, Code
18 Supplement 2011, is amended to read as follows:

19 b. The department of natural resources shall credit an
20 amount to the fund from which the expense authorized by the
21 executive council as provided in paragraph "a" was appropriated
22 which is equal to an amount ~~allocated~~ authorized for payment
23 to support the livestock remediation fund by the executive
24 council under paragraph "a". However, the department shall only
25 be required to credit the moneys to such fund if the moneys
26 in the livestock remediation fund which are not obligated or
27 encumbered, and not counting the department's estimate of
28 the cost to the livestock remediation fund for pending or
29 unsettled claims, the amount to be allocated to the department
30 of agriculture and land stewardship, and any amount required to
31 be transferred to the fund from which appropriated as described
32 in this paragraph, are in excess of two million five hundred
33 thousand dollars. The department is not required to credit the
34 total amount to the fund from which appropriated as described
35 in this paragraph during any one fiscal year.

1 Sec. 82. Section 459.502, subsection 2, Code Supplement
2 2011, is amended to read as follows:

3 2. The department shall deposit moneys collected from
4 the fees into the livestock remediation fund according to
5 procedures adopted by the department.

6 Sec. 83. Section 461A.80, Code Supplement 2011, is amended
7 to read as follows:

8 **461A.80 Public outdoor recreation and resources advisory**
9 **council.**

10 1. An advisory council for public outdoor recreation and
11 resources appropriations made for the purposes of section
12 461A.79 is created. The council shall consist of a public
13 member appointed by the governor from each congressional
14 district, the chairperson of the commission, the director, and
15 a designee of the economic development authority.

16 2. Each county conservation board of those counties which
17 are located in a congressional district shall nominate one
18 person from the congressional district for appointment to the
19 advisory council. The commission shall compile a list of
20 the nominations of the county conservation boards for each
21 congressional district and shall provide this list to the
22 governor. The governor shall appoint one member from each
23 congressional district from the nominations as provided.
24 Appointments shall be made for three-year terms beginning July
25 1 in the year of appointment. A person shall not serve more
26 than two terms. A vacancy shall be filled for the unexpired
27 term in the same manner as the original appointment was made.

28 3. No more than three public members shall belong to the
29 same political party. The council shall elect a chairperson
30 annually from among the council's members, and the director
31 shall serve as council secretary. Persons already serving in
32 an elected or appointed governmental capacity are not eligible
33 to serve as council members.

34 ~~2.~~ 4. The advisory council shall meet annually, in July,
35 and upon the call of the chairperson of the advisory council.

1 The advisory council shall make policy recommendations to
 2 the commission regarding the projects and programs to be
 3 funded from funds available for public outdoor recreation and
 4 resources from appropriations made for the purposes of section
 5 461A.79.

6 ~~3. Each county conservation board of those counties which~~
 7 ~~are located in a congressional district shall nominate one~~
 8 ~~person from the congressional district for appointment to the~~
 9 ~~advisory council. The commission shall compile a list of~~
 10 ~~the nominations of the county conservation boards for each~~
 11 ~~congressional district and shall provide this list to the~~
 12 ~~governor. The governor shall appoint one member from each~~
 13 ~~congressional district from the nominations as provided.~~
 14 ~~Appointments shall be made for three-year terms beginning July~~
 15 ~~1 in the year of appointment. A person shall not serve more~~
 16 ~~than two terms. A vacancy shall be filled for the unexpired~~
 17 ~~term in the same manner as the original appointment was made.~~

18 5. The public members of the advisory council shall be
 19 reimbursed for actual and necessary expenses for each day
 20 employed in the official discharge of their duties. The
 21 expenses shall be paid from the administration fund of the
 22 commission. Each member of the council may also be eligible to
 23 receive compensation as provided in section 7E.6.

24 Sec. 84. Section 462A.2, subsection 24, Code Supplement
 25 2011, is amended to read as follows:

26 24. "Operate" means to navigate or otherwise use a vessel or
 27 motorboat. For the purposes of section 462A.12, subsection
 28 2, sections 462A.14, 462A.14A, 462A.14B, 462A.14C, 462A.14D,
 29 and 462A.14E, and section 462A.23, subsection 2, paragraph
 30 "b", "operate", when used in reference to a motorboat, means
 31 the motorboat is powered by a motor which is running, and when
 32 used in reference to a sailboat, means the sailboat is either
 33 powered by a motor which is running, or the sailboat is under
 34 way and has sails hoisted and is not propelled by a motor, and
 35 is under way.

1 Sec. 85. Section 465A.2, subsection 1, paragraph b,
2 unnumbered paragraph 1, Code Supplement 2011, is amended to
3 read as follows:

4 Prepare a statewide, long-range plan for the acquisition
5 and protection of significant open space lands throughout the
6 state as identified in section 465A.1. The department of
7 transportation, department of economic development authority,
8 and department of cultural affairs, private organizations,
9 county conservation boards, city park and recreation
10 departments, and the federal agencies with lands in the state
11 shall be directly involved in preparing the plan. The plan
12 shall include, but is not limited to, the following elements:

13 Sec. 86. Section 466B.3, subsection 4, paragraph m, Code
14 Supplement 2011, is amended by striking the paragraph.

15 Sec. 87. Section 468.221, subsection 2, paragraph b, Code
16 Supplement 2011, is amended to read as follows:

17 **b.** If the written communication is to be delivered to a
18 local government, it may be delivered to the governing body of
19 the local government. The written communication may also be
20 delivered to a person designated by the governing body. As
21 used in this ~~paragraph~~ section, "*local government*" includes
22 a county, city, township, or any special purpose district or
23 authority.

24 Sec. 88. Section 473.1, subsections 1 and 6, Code Supplement
25 2011, are amended to read as follows:

26 1. "*Alternative and renewable energy*" means ~~the same~~
27 ~~as in section 469.31~~ energy sources including but not
28 limited to solar, wind turbine, waste management, resource
29 recovery, recovered energy generation, refuse-derived fuel,
30 hydroelectric, agricultural crops or residues, hydrogen
31 produced using renewable fuel sources, and woodburning, or
32 relating to renewable fuel development and distribution.

33 6. "*Renewable fuel*" means ~~the same as in section 469.31~~ a
34 fuel that is all of the following:

35 a. A motor vehicle fuel that is any of the following:

1 (1) Produced from grain; starch; oilseed; vegetable,
2 animal, or fish materials, including but not limited to fats,
3 greases, and oil; sugar components, grasses, or potatoes; or
4 other biomass.

5 (2) Natural gas produced from a biogas source including
6 but not limited to a landfill, sewage waste treatment plant,
7 animal feeding operation, or other place where decaying organic
8 material is found.

9 b. Used to replace or reduce the quantity of fossil fuel
10 present in a motor fuel mixture used to operate a motor
11 vehicle.

12 Sec. 89. Section 473.7, subsection 2, Code Supplement 2011,
13 is amended to read as follows:

14 2. ~~The authority shall collect~~ Collect and analyze data
15 to use in forecasting future energy demand and supply for
16 the state. A supplier is required to provide information
17 pertaining to the supply, storage, distribution, and sale of
18 energy sources in this state when requested by the authority.
19 The information shall be of a nature which directly relates
20 to the supply, storage, distribution, and sale of energy
21 sources, and shall not include any records, documents, books,
22 or other data which relate to the financial position of the
23 supplier. The authority, prior to requiring any supplier to
24 furnish it with such information, shall make every reasonable
25 effort to determine if such information is available from any
26 other governmental source. If it finds such information is
27 available, the authority shall not require submission of the
28 information from a supplier. Notwithstanding the provisions of
29 chapter 22, information and reports obtained under this section
30 shall be confidential except when used for statistical purposes
31 without identifying a specific supplier and when release of
32 the information will not give an advantage to competitors and
33 serves a public purpose. The authority shall use this data to
34 conduct energy forecasts.

35 Sec. 90. Section 473.10, subsection 4, Code Supplement

1 2011, is amended to read as follows:

2 4. The ~~director~~ authority shall adopt rules to implement
3 this section.

4 Sec. 91. Section 476.1C, subsection 1, Code 2011, is amended
5 to read as follows:

6 1. Gas public utilities having fewer than two thousand
7 customers ~~are:~~

8 a. ~~Are~~ not subject to the regulation authority of
9 the utilities board under this chapter unless otherwise
10 specifically provided. Sections 476.10, 476.20, 476.21, and
11 476.51 apply to such gas utilities.

12 b. ~~Gas public utilities having fewer than two thousand~~
13 ~~customers shall~~ Shall be subject to the assessment of fees
14 for the support of the Iowa energy center created in section
15 266.39C and the center for global and regional environmental
16 research created by the state board of regents and shall file
17 energy efficiency plans and energy efficiency results with
18 the board. The energy efficiency plans as a whole shall be
19 cost-effective. The board may waive all or part of the energy
20 efficiency filing requirements if the gas utility demonstrates
21 superior results with existing energy efficiency efforts.

22 c. ~~Gas public utilities having fewer than two thousand~~
23 ~~customers shall~~ Shall keep books, accounts, papers and records
24 accurately and faithfully in the manner and form prescribed by
25 the board. The board may inspect the accounts of the utility
26 at any time.

27 d. (1) ~~A gas public utility having fewer than two thousand~~
28 ~~customers may~~ May make effective a new or changed rate,
29 charge, schedule, or regulation after giving written notice
30 of the proposed new or changed rate, charge, schedule, or
31 regulation to all affected customers served by the public
32 utility. The notice shall inform the customers of their right
33 to petition for a review of the proposal to the utilities
34 board within sixty days after notice is served if the petition
35 contains the signatures of at least one hundred of the gas

1 utility's customers. The notice shall state the address of the
2 utilities board. The new or changed rate, charge, schedule, or
3 regulation takes effect sixty days after such valid notice is
4 served unless a petition for review of the new or changed rate,
5 charge, schedule, or regulation signed by at least one hundred
6 of the gas utility's customers is filed with the board prior to
7 the expiration of the sixty-day period.

8 (2) If such a valid petition is filed with the board
9 within the sixty-day period, any new or changed rate, charge,
10 schedule, or regulation shall take effect, under bond or
11 corporate undertaking, subject to refund of all amounts
12 collected in excess of those amounts which would have been
13 collected under the rates or charges finally approved by the
14 board. The board shall within five months of the date of
15 filing make a determination of just and reasonable rates based
16 on a review of the proposal, applying established regulatory
17 principles. The board may call upon the gas public utility
18 and its customers to furnish factual evidence in support of or
19 opposition to the new or changed rate, charge, schedule, or
20 regulation. If the gas public utility disputes the finding,
21 the utility may within twenty days file for further review, and
22 the board shall docket the case as a formal proceeding under
23 section 476.6, subsection 4, and set the case for hearing. The
24 gas public utility shall submit factual evidence and written
25 argument in support of the filing.

26 e. ~~A gas public utility having fewer than two thousand~~
27 ~~customers shall~~ Shall not make effective a new or changed rate,
28 charge, schedule, or regulation which relates to services for
29 which a rate change is pending within twelve months following
30 the date the petition to review the prior proposed rate,
31 charge, schedule, or regulation was filed with the board
32 or until the board has made its determination of just and
33 reasonable rates, whichever date is earlier, unless the utility
34 applies to the board for authority and receives authority to
35 make a subsequent rate change at an earlier date.

1 ~~f. Gas public utilities having fewer than two thousand~~
 2 ~~customers shall~~ Shall not make or grant any unreasonable
 3 preferences or advantages as to rates or services to any
 4 person or subject any person to any unreasonable prejudice
 5 or disadvantage. Rates charged by a gas public utility
 6 having less than two thousand customers for transportation of
 7 customer-owned gas shall not exceed the actual cost of such
 8 transportation services including a fair rate of return.

9 Sec. 92. Section 476C.4, subsection 4, paragraph b,
 10 subparagraph (2), Code Supplement 2011, is amended to read as
 11 follows:

12 (2) The applicant shall, in the application made under this
 13 section, identify the equity holders or beneficiaries that
 14 are to receive the tax credit certificates and the percentage
 15 of the tax credit that is allocable to each equity holder or
 16 beneficiary.

17 Sec. 93. Section 483A.24, subsection 1, Code Supplement
 18 2011, is amended to read as follows:

19 1. Owners or tenants of land, and their juvenile minor
 20 children, may hunt, fish or trap upon such lands and may shoot
 21 by lawful means ground squirrels, gophers, or woodchucks upon
 22 adjacent roads without securing a license so to do; except,
 23 special licenses to hunt deer and wild turkey shall be required
 24 of owners and tenants but they shall not be required to have a
 25 special wild turkey hunting license to hunt wild turkey on a
 26 hunting preserve licensed under chapter 484B.

27 Sec. 94. Section 483A.24, subsection 2, paragraph a,
 28 subparagraph (3), subparagraph division (b), Code Supplement
 29 2011, is amended to read as follows:

30 (b) An "owner" does not mean a person who owns a farm unit
 31 and who employs a farm manager or third party to operate the
 32 farm unit, or a person who owns a farm unit and who rents the
 33 entire farm unit to a tenant who is responsible for all farm
 34 operations. However, this ~~paragraph~~ subparagraph division does
 35 not apply to an owner who is a parent of the tenant and who

1 resides in this state.

2 Sec. 95. Section 496B.12, Code Supplement 2011, is amended
3 to read as follows:

4 **496B.12 Articles amended.**

5 1. The articles of incorporation of any development
6 corporation may be amended by the votes of the shareholders and
7 the members thereof voting separately by classes.

8 2. Any amendment shall require approval by the affirmative
9 vote of two-thirds of the votes to which the shareholders shall
10 be entitled and two-thirds of the votes to which the members
11 shall be entitled. No amendment, however, shall be made
12 which: ~~(1)~~

13 a. ~~is~~ Is inconsistent with this chapter~~;~~. ~~(2)~~

14 b. ~~authorizes~~ Authorizes any additional class or classes of
15 shares of capital stock~~;~~. ~~(3)~~

16 c. ~~eliminates~~ Eliminates or curtails the authority of the
17 authority with respect to the corporation.

18 3. Without the consent of each of the members affected, no
19 amendment shall be made which does any of the following: ~~(1)~~

20 a. ~~increases~~ Increases the obligation of a member to make
21 loans to the corporation~~;~~. ~~(2)~~

22 b. ~~makes~~ Makes any change in the principal amount, interest
23 rate, maturity date, or in the security or credit position of
24 any outstanding loan of a member to the corporation~~;~~. ~~(3)~~

25 c. ~~affects~~ Affects a member's right to withdraw from
26 membership, as provided herein~~, or~~. ~~(4)~~

27 d. ~~affects~~ Affects a member's voting rights in the
28 corporation.

29 4. Within thirty days after any meeting at which amendment
30 of any such articles has been adopted, articles of amendment
31 signed and sworn to by the president, secretary, and majority
32 of the directors, setting forth such amendment and the due
33 adoption thereof, shall be submitted to the director of the
34 authority who shall examine them, and if the director finds
35 that they conform to the requirements of this chapter, shall

1 so certify and endorse the director's approval thereof.
2 Thereupon, the articles of amendment shall be filed in the
3 office of the secretary of state in the manner set forth and
4 as provided in the Iowa business corporation Act, chapter 490,
5 and no such amendment shall take effect until such articles of
6 amendment shall have been approved and filed as aforesaid.

7 5. Within sixty days after the effective date of any
8 legislative amendment affecting the rights and obligations
9 of the members and shareholders or otherwise affecting the
10 articles of incorporation, the approval of such legislative
11 amendments shall be voted on by the shareholders and the
12 members of the development corporation at a meeting duly
13 called for that purpose. If such legislative amendment is not
14 approved by the affirmative vote of two-thirds of the votes to
15 which such shareholders shall be entitled and two-thirds of the
16 votes to which such members shall be entitled, any such member
17 voting against the approval of such legislative amendment shall
18 have the right to withdraw from membership as provided in this
19 chapter.

20 6. Within thirty days after any meeting at which a
21 legislative amendment affecting the articles of incorporation
22 of a development corporation has been voted on, a certificate
23 filed and sworn to by the secretary or other recording officer
24 of such corporation setting forth the action taken at such
25 meeting with respect to such amendment shall be submitted to
26 the director of the authority and upon receipt of such approval
27 shall be filed in the office of the secretary of state.

28 Sec. 96. Section 501A.504, subsection 4, Code Supplement
29 2011, is amended to read as follows:

30 4. *Filing.* An amendment of the articles shall be filed with
31 the secretary as required in section 501A.201. The amendment
32 is effective as provided in subchapter II. After an amendment
33 to the articles of organization has been adopted and approved
34 in the manner required by this chapter and by the articles of
35 organization, the cooperative shall deliver to the secretary of

1 state for filing articles of amendment which shall set forth
2 all of the following:

3 a. The name of the cooperative.

4 b. The text of each amendment adopted.

5 c. The date of each amendment's adoption.

6 d. (1) If the amendment was adopted by the directors ~~or~~
7 ~~members~~, a statement that the amendment was duly adopted in
8 the manner required by this chapter and by the articles of
9 organization and that members' adoption was not required.

10 ~~e.~~ (2) If an amendment required adoption by the members, a
11 statement that the amendment was duly adopted by the members
12 in the manner required by this chapter and by the articles of
13 organization.

14 Sec. 97. Section 507B.7, subsection 1, paragraph a, Code
15 Supplement 2011, is amended to read as follows:

16 a. Payment of a civil penalty of not more than one thousand
17 dollars for each act or violation of this subtitle, but not
18 to exceed an aggregate of ten thousand dollars, unless the
19 person knew or reasonably should have known the person was in
20 violation of this subtitle, in which case the penalty shall be
21 not more than five thousand dollars for each act or violation,
22 but not to exceed an aggregate penalty of fifty thousand
23 dollars in any one six-month period. If the commissioner finds
24 that a violation of this subtitle was directed, encouraged,
25 condoned, ignored, or ratified by the employer of the person
26 or by an insurer, the commissioner shall also assess a ~~fine~~
27 penalty to the employer or insurer.

28 Sec. 98. Section 509.3, subsection 1, paragraph d, Code
29 2011, is amended to read as follows:

30 d. A provision that if the insurance on a person or
31 insurance on a person and the person's dependents covered by
32 the policy ceases because of termination of employment or of
33 membership in the class, the person and the person's dependents
34 may continue their accident or health insurance under the
35 group policy ~~and may subsequently apply for a converted policy~~

1 ~~without evidence of insurability, as provided in chapter 509B.~~

2 Sec. 99. Section 514J.108, subsection 1, paragraph c, Code
3 Supplement 2011, is amended to read as follows:

4 c. A final adverse determination that concerns an admission,
5 availability of care, continued stay, or health care service
6 for which the covered person received emergency services, and
7 the covered person has not been discharged from a facility.

8 Sec. 100. Section 515C.2, subsection 1, Code 2011, is
9 amended to read as follows:

10 1. An insurer, in order to qualify for writing mortgage
11 guaranty insurance, must have the same surplus to policyholders
12 as that required of a multiple line company by section ~~515.49,~~
13 subsection 8 515.8.

14 Sec. 101. Section 523C.13, subsection 1, Code Supplement
15 2011, is amended to read as follows:

16 1. Payment of a civil penalty of not more than one thousand
17 dollars for each and every act or violation, but not to exceed
18 an aggregate of ten thousand dollars, unless the person knew
19 or reasonably should have known the person was in violation of
20 this section, in which case the penalty shall be not more than
21 five thousand dollars for each and every act or violation, but
22 not to exceed an aggregate penalty of fifty thousand dollars
23 in any one six-month period. The commissioner shall, if it
24 finds the violations of this section were directed, encouraged,
25 condoned, ignored, or ratified by the employer of such person,
26 assess such ~~fine~~ penalty to the employer and not such person.
27 Any civil penalties collected under this subsection shall be
28 deposited as provided in section 505.7.

29 Sec. 102. Section 524.904, subsection 3, paragraph c, Code
30 Supplement 2011, is amended to read as follows:

31 c. Shipping documents or instruments that secure title
32 to or give a first lien on livestock. At inception, the
33 current value of the livestock securing the loans must equal
34 at least one hundred percent of the amount of the outstanding
35 loans and extensions of credit. For purposes of this section,

1 "livestock" includes dairy and beef cattle, hogs, sheep, and
2 poultry, whether or not held for resale. For livestock held
3 for resale, current value means the price listed for livestock
4 in a regularly published listing or actual purchase price
5 established by invoice. For livestock not held for resale,
6 the value shall be determined by the local slaughter price.
7 The state bank must maintain in its files evidence of purchase
8 or an inspection and valuation for the livestock pledged that
9 is reasonably current, taking into account the nature and
10 frequency of turnover of the livestock to which the documents
11 relate.

12 Sec. 103. Section 524.904, subsection 5, paragraph c, Code
13 Supplement 2011, is amended to read as follows:

14 c. To demonstrate compliance with this subsection, a state
15 bank shall maintain in its files, at a minimum, all of the
16 following:

17 (1) Documentation demonstrating the current ownership of
18 the borrowing entity.

19 (2) Documentation identifying the persons who have voting
20 rights in the borrowing entity.

21 (3) Documentation identifying the board of directors and
22 senior management of the borrowing entity.

23 (4) The state bank's assessment of the borrowing entity's
24 means of servicing the loan or extension of credit, including
25 specific reasons in support of that assessment. The assessment
26 shall include an analysis of the borrowing entity's financial
27 history, its present and projected economic and financial
28 performance, and the significance of any financial support
29 provided to the borrowing entity by members of the borrowing
30 group and third parties.

31 Sec. 104. Section 524.904, subsection 7, paragraph m, Code
32 Supplement 2011, is amended to read as follows:

33 m. A renewal or restructuring of a loan as a new loan or
34 extension of credit following the exercise by a state bank of
35 reasonable efforts, consistent with safe and sound banking

1 practices, to bring the loan into conformance with the lending
2 limit, unless new funds are advanced by the state bank to
3 the borrower or unless a new borrower replaces the original
4 borrower or unless the superintendent determines that the
5 renewal or restructuring was undertaken as a means to evade the
6 state bank's lending limit.

7 Sec. 105. Section 568.16, Code Supplement 2011, is amended
8 to read as follows:

9 **568.16 Purchase money refunded.**

10 If the grantee of the state, or the grantee's successors,
11 administrators, or assigns, shall be deprived of the land
12 conveyed by the state under this chapter by the final decree
13 of a court of record for the reason that the conveyance by
14 the state did not pass title to the land described, because
15 title to the land had previously for any reason been vested
16 in others, then the money paid ~~by~~ to the state for the land
17 shall be refunded by the state to the person or persons
18 entitled to the refund, provided the grantee, or the grantee's
19 successors, administrators, or assigns, shall file a certified
20 copy of the transcript of the final decree with the executive
21 council within one year from the date of the issuance of
22 such decree, and shall also file satisfactory proof with the
23 executive council that the action over the title to the land
24 was commenced within ten years from the date of the issuance of
25 patent or deed by the state. The amount of money to be refunded
26 under the provisions of this section shall be authorized
27 and paid by the executive council as an expense from the
28 appropriations addressed in section 7D.29.

29 Sec. 106. Section 602.9202, subsection 4, Code 2011, is
30 amended to read as follows:

31 4. "*Senior judge retirement age*" means seventy-eight years
32 of age or, if the senior judge is reappointed as a senior
33 judge for an additional ~~two-year~~ one-year term upon attaining
34 seventy-eight years of age pursuant to section 602.9203, eighty
35 years of age.

1 Sec. 107. Section 631.17, subsection 4, Code Supplement
2 2011, is amended to read as follows:

3 4. The district court shall dismiss any case subsequently
4 brought directly or indirectly by a person subject to a bar
5 pursuant to subsection 1 in violation of that subsection and
6 shall assess all costs to that person, and the court shall
7 assess a further civil ~~fine~~ penalty of one hundred dollars
8 against that person for each such case dismissed.

9 Sec. 108. Section 633.3, subsection 8, Code Supplement
10 2011, is amended to read as follows:

11 8. *Costs of administration* — includes court costs,
12 fiduciary's fees, attorney fees, all appraisers' fees, premiums
13 on corporate surety bonds, statutory allowance for support
14 of surviving spouse and children, cost of continuation of
15 abstracts of title, recording fees, transfer fees, transfer
16 taxes, agents' fees allowed by order of court, interest
17 expense, including, but not limited to, interest payable on
18 extension of federal and state estate tax, and all other fees
19 and expenses allowed by order of court in connection with
20 the administration of the estate. Court costs shall include
21 expenses of selling property.

22 Sec. 109. Section 633A.3106, subsection 2, Code Supplement
23 2011, is amended to read as follows:

24 2. For the purposes of this section, a child born after the
25 death of the settlor who would have been entitled to a share
26 of the settlor's probate estate pursuant to section 633.267
27 shall be treated as a child of the settlor ~~for purposes of this~~
28 ~~section.~~

29 Sec. 110. Section 655A.3, subsection 1, paragraph b, Code
30 2011, is amended to read as follows:

31 b. The notice shall contain the following in capital letters
32 of the same type or print size as the rest of the notice:

33 WITHIN THIRTY DAYS AFTER YOUR RECEIPT OF THIS NOTICE, YOU
34 MUST EITHER CURE THE DEFAULTS DESCRIBED IN THIS NOTICE OR FILE
35 WITH THE RECORDER OF THE COUNTY WHERE THE MORTGAGED PROPERTY

1 IS LOCATED A REJECTION OF THIS NOTICE AND SERVE A COPY OF YOUR
2 REJECTION ON THE MORTGAGEE IN THE MANNER PROVIDED BY ~~THE RULES~~
3 ~~OF CIVIL PROCEDURE FOR SERVICE OF ORIGINAL NOTICES~~ IN SECTION
4 655A.4. IF YOU WISH TO REJECT THIS NOTICE, YOU SHOULD CONSULT
5 AN ATTORNEY AS TO THE PROPER MANNER TO MAKE THE REJECTION.

6 IF YOU DO NOT TAKE EITHER OF THE ACTIONS DESCRIBED ABOVE
7 WITHIN THE THIRTY-DAY PERIOD, THE FORECLOSURE WILL BE COMPLETE
8 AND YOU WILL LOSE TITLE TO THE MORTGAGED PROPERTY. AFTER THE
9 FORECLOSURE IS COMPLETE THE DEBT SECURED BY THE MORTGAGED
10 PROPERTY WILL BE EXTINGUISHED.

11 Sec. 111. Section 692A.118, subsections 11 and 12, Code
12 Supplement 2011, are amended to read as follows:

13 11. When the department has a reasonable basis to believe
14 that a sex offender has changed residence to an unknown
15 location, has become a fugitive from justice, or has otherwise
16 taken flight, ~~the department shall~~ make a reasonable effort to
17 ascertain the whereabouts of the offender, and if such effort
18 fails to identify the location of the offender, an appropriate
19 notice shall be made on the sex offender registry internet
20 site of this state and shall be transmitted to the national
21 sex offender registry. The department shall notify other law
22 enforcement agencies as deemed appropriate.

23 12. ~~The department shall notify~~ Notify appropriate law
24 enforcement agencies including the United States marshal
25 service to investigate and verify possible violations. The
26 department shall ensure any warrants for arrest are entered
27 into the Iowa online warrant and articles system and the
28 national crime information center and pursue prosecution of
29 stated violations through state or federal court.

30 Sec. 112. Section 714.27, subsection 2, paragraph a, Code
31 Supplement 2011, is amended to read as follows:

32 a. ~~The identity of~~ Identifying information for the person
33 from whom the salvaged material was received or purchased,
34 including name and address; date of birth; Iowa driver's
35 license number, Iowa nonoperator's identification card

1 number, or social security number in conjunction with photo
2 identification; sex, age, height, and race.

3 Sec. 113. Section 717F.1, subsection 5, paragraph a,
4 subparagraph (9), Code Supplement 2011, is amended by striking
5 the subparagraph.

6 Sec. 114. Section 717F.1, subsection 5, paragraph a,
7 subparagraph (10), subparagraph division (d), Code Supplement
8 2011, is amended to read as follows:

9 (d) A member of the family elapidae, ~~voperidae~~ viperidae,
10 crotalidae, atractaspidae, or hydrophidae which are venomous,
11 including but not limited to cobras, mambas, coral snakes,
12 kraits, adders, vipers, rattlesnakes, copperheads, pit vipers,
13 keelbacks, cottonmouths, and sea snakes.

14 Sec. 115. Section 717F.8, subsection 2, paragraph j, Code
15 2011, is amended to read as follows:

16 j. Fifty dollars for a member of the family elapidae,
17 ~~voperidae~~ viperidae, crotalidae, atractaspidae, or hydrophidae
18 which are venomous, including but not limited to cobras,
19 mambas, coral snakes, kraits, adders, vipers, rattlesnakes,
20 copperheads, pit vipers, keelbacks, cottonmouths, and sea
21 snakes.

22 Sec. 116. Section 805.8A, subsection 13, paragraph f, Code
23 Supplement 2011, is amended to read as follows:

24 f. For violations of section 327B.1, subsection 1 or ~~2~~ 3,
25 the scheduled fine is two hundred fifty dollars.

26 Sec. 117. Section 811.1, subsection 1, Code Supplement
27 2011, is amended to read as follows:

28 1. A defendant awaiting judgment of conviction and
29 sentencing following either a plea or verdict of guilty of
30 a class "A" felony~~7~~; forcible felony as defined in section
31 702.11~~7~~; any class "B" felony included in section 462A.14 or
32 707.6A; any felony included in section 124.401, subsection
33 1, paragraph "a" or "b"; ~~or~~ a second or subsequent offense
34 under section 124.401, subsection 1, paragraph "c"; any felony
35 punishable under section 902.9, subsection 1; any public

1 offense committed while detained pursuant to section 229A.5;
2 or any public offense committed while subject to an order of
3 commitment pursuant to chapter 229A.

4 Sec. 118. Section 907.5, Code Supplement 2011, is amended
5 to read as follows:

6 **907.5 Standards for release on probation — written reasons.**

7 1. Before deferring judgment, deferring sentence, or
8 suspending sentence, the court first shall determine which
9 option, if available, will provide maximum opportunity for
10 the rehabilitation of the defendant and protection of the
11 community from further offenses by the defendant and others.
12 In making this determination, the court shall consider all of
13 the following:

14 a. The age of the defendant; ~~the.~~

15 b. The defendant's prior record of convictions and prior
16 record of deferments of judgment if any; ~~the.~~

17 c. The defendant's employment circumstances; ~~the.~~

18 d. The defendant's family circumstances; ~~the.~~

19 e. The defendant's mental health and substance abuse history
20 and treatment options available in the community and the
21 correctional system; ~~the.~~

22 f. The nature of the offense committed; ~~and such.~~

23 g. Such other factors as are appropriate.

24 2. The court shall file a specific written statement of
25 its reasons for and the facts supporting its decision to defer
26 judgment, to defer sentence, or to suspend sentence, and its
27 decision on the length of probation.

28 Sec. 119. REPEAL. Section 15.103, Code Supplement 2011, is
29 repealed.

30 Sec. 120. REPEAL. Section 135.160, Code 2011, is repealed.

31 Sec. 121. 2011 Iowa Acts, chapter 113, section 45, is
32 amended by striking the section and inserting in lieu thereof
33 the following:

34 SEC. 45. Section 159.20, subsection 1, paragraph j, Code
35 2011, is amended to read as follows:

1 j. Provide for the promotion and expansion of renewable
2 fuels and coproducts, by doing all of the following:

3 ~~j.~~ (1) Assist the office of renewable fuels and coproducts
4 in administering the provisions of chapter 159A, subchapter II.

5 (2) Assist the renewable fuel infrastructure board, provide
6 for the administration of the renewable fuel infrastructure
7 programs, and provide for the management of the renewable fuel
8 infrastructure fund, as provided in chapter 159A, subchapter
9 III.

10 Sec. 122. 2011 Iowa Acts, chapter 131, section 134, is
11 amended to read as follows:

12 SEC. 134. 2011 Iowa Acts, Senate File 510, section 28 27, if
13 enacted, is amended to read as follows:

14 ~~SEC. 28.~~ SEC. 27. EFFECTIVE DATE. The following provision
15 of this division of this Act takes effect thirty days after
16 enactment, ~~notwithstanding section 3.7 of this Act or thirty~~
17 days after the enactment of 2011 Iowa Acts, Senate File 533,
18 if enacted, whichever is later:

19 The section of this division of this Act ~~amending~~ enacting
20 section 124.204, subsection 4, paragraph "ai", subparagraphs
21 (1) through (4).

22 Sec. 123. 2011 Iowa Acts, chapter 131, section 135, is
23 amended to read as follows:

24 SEC. 135. 2011 Iowa Acts, Senate File 510, section 29 28, if
25 enacted, is amended to read as follows:

26 ~~SEC. 29.~~ SEC. 28. EFFECTIVE UPON ENACTMENT. The following
27 provision of this division of this Act, being deemed of
28 immediate importance, ~~and notwithstanding section 3.7~~ takes
29 effect upon enactment of this Act or upon enactment of 2011
30 Iowa Acts, Senate File 533, if enacted, whichever is later:

31 The section of this Act ~~amending~~ enacting section 124.204,
32 subsection 4, paragraph "ai", subparagraph (5).

33 DIVISION II

34 INTERNAL REFERENCES

35 Sec. 124. Section 7E.5A, subsection 4, Code 2011, is amended

1 to read as follows:

2 4. As used in this section, "*vertical infrastructure*" means
3 the same as defined in section 8.57, subsection 6 5, paragraph
4 "c".

5 Sec. 125. Section 8.22A, subsection 5, paragraph b, Code
6 Supplement 2011, is amended to read as follows:

7 b. The amount of revenue for the following fiscal year from
8 gambling revenues and from interest earned on the cash reserve
9 fund and the economic emergency fund to be deposited in the
10 rebuild Iowa infrastructure fund under section 8.57, subsection
11 6 5, paragraph "e".

12 Sec. 126. Section 8.57A, subsection 4, Code Supplement
13 2011, is amended to read as follows:

14 4. a. There is appropriated from the rebuild Iowa
15 infrastructure fund for the fiscal year beginning July 1, 2013,
16 and for each fiscal year thereafter, the sum of forty-two
17 million dollars to the environment first fund, notwithstanding
18 section 8.57, subsection 6 5, paragraph "c".

19 b. There is appropriated from the rebuild Iowa
20 infrastructure fund each fiscal year for the period beginning
21 July 1, 2010, and ending June 30, 2012, the sum of thirty-three
22 million dollars to the environment first fund, notwithstanding
23 section 8.57, subsection 6 5, paragraph "c".

24 c. There is appropriated from the rebuild Iowa
25 infrastructure fund for the fiscal year beginning July 1,
26 2012, and ending June 30, 2013, the sum of thirty-five million
27 dollars to the environment first fund, notwithstanding section
28 8.57, subsection 6 5, paragraph "c".

29 Sec. 127. Section 8.57C, subsection 3, paragraphs b through
30 d, Code Supplement 2011, are amended to read as follows:

31 b. There is appropriated from the rebuild Iowa
32 infrastructure fund for the fiscal year beginning July 1, 2008,
33 and ending June 30, 2009, the sum of seventeen million five
34 hundred thousand dollars, and for the fiscal year beginning
35 July 1, 2009, and ending June 30, 2010, the sum of fourteen

1 million five hundred twenty-five thousand dollars to the
2 technology reinvestment fund, notwithstanding section 8.57,
3 subsection 6 5, paragraph "c".

4 c. There is appropriated from the rebuild Iowa
5 infrastructure fund for the fiscal year beginning July 1, 2010,
6 and ending June 30, 2011, the sum of ten million dollars to the
7 technology reinvestment fund, notwithstanding section 8.57,
8 subsection 6 5, paragraph "c".

9 d. There is appropriated from the rebuild Iowa
10 infrastructure fund for the fiscal year beginning July 1,
11 2011, and ending June 30, 2012, the sum of fifteen million,
12 five hundred forty-one thousand dollars to the technology
13 reinvestment fund, notwithstanding section 8.57, subsection 6
14 5, paragraph "c".

15 Sec. 128. Section 8A.123, subsection 1, Code 2011, is
16 amended to read as follows:

17 1. Activities of the department shall be accounted
18 for within the general fund of the state, except that the
19 director may establish and maintain internal service funds in
20 accordance with generally accepted accounting principles, as
21 defined in section 8.57, subsection 5 4, for activities of
22 the department which are primarily funded from billings to
23 governmental entities for services rendered by the department.
24 The establishment of an internal service fund is subject to
25 the approval of the director of the department of management
26 and the concurrence of the auditor of state. At least ninety
27 days prior to the establishment of an internal service fund
28 pursuant to this section, the director shall notify in writing
29 the general assembly, including the legislative council,
30 legislative fiscal committee, and the legislative services
31 agency.

32 Sec. 129. Section 12.87, subsection 1, paragraph b,
33 subparagraph (1), Code Supplement 2011, is amended to read as
34 follows:

35 (1) On or after July 1, 2009, the treasurer of state may

1 issue and sell bonds in amounts which provide aggregate net
2 proceeds of not more than one hundred eighty-five million
3 dollars for capital projects which qualify as vertical
4 infrastructure projects as defined in section 8.57, subsection
5 6 5, paragraph "c", to the extent practicable in any fiscal year
6 and without limiting other qualifying capital expenditures.

7 Sec. 130. Section 12.89, subsection 2, paragraph b, Code
8 2011, is amended to read as follows:

9 b. The revenues required to be deposited into the fund
10 pursuant to section 8.57, subsection 6 5, paragraph "e",
11 subparagraphs (1) and (2).

12 Sec. 131. Section 12.89A, subsection 2, paragraph a, Code
13 Supplement 2011, is amended to read as follows:

14 a. The revenues required to be deposited in the fund
15 pursuant to section 8.57, subsection 6 5, paragraph "e",
16 subparagraphs (1) and (2).

17 Sec. 132. Section 12E.12, subsection 1, paragraph b,
18 subparagraphs (1) and (2), Code 2011, are amended to read as
19 follows:

20 (1) The tax-exempt bond proceeds restricted capital funds
21 account. The net proceeds of tax-exempt bonds issued to
22 provide funds for capital projects, certain debt service, and
23 attorney fees related to the master settlement agreement which
24 the state treasurer is authorized and directed to deposit on
25 behalf of the state shall be deposited in the account and shall
26 be used to fund capital projects, certain debt service, and
27 the payment of attorney fees related to the master settlement
28 agreement. With respect to capital projects, it is the
29 intent of the general assembly to fund capital projects that
30 qualify as vertical infrastructure projects as defined in
31 section 8.57, subsection 6 5, paragraph "c", to the extent
32 practicable in any fiscal year and without limiting other
33 qualifying capital expenditures considered and approved by a
34 constitutional majority of each house of the general assembly
35 and the governor.

1 (2) The FY 2009 tax-exempt bond proceeds restricted
2 capital funds account. The net proceeds of tax-exempt bonds
3 issued after July 1, 2008, as a result of the securitization
4 of any remaining tobacco settlement payments to provide
5 funds for capital projects which the treasurer of state is
6 authorized and directed to deposit on behalf of the state
7 shall be deposited in the account and shall be used to fund
8 capital projects. With respect to capital projects, it is
9 the intent of the general assembly to fund capital projects
10 that qualify as vertical infrastructure projects as defined
11 in section 8.57, subsection 6 5, paragraph "c", to the extent
12 practicable in any fiscal year and without limiting other
13 qualifying capital expenditures considered and approved by a
14 constitutional majority of each house of the general assembly
15 and the governor.

16 Sec. 133. Section 15G.110, Code Supplement 2011, is amended
17 to read as follows:

18 **15G.110 Appropriation.**

19 For the fiscal year beginning July 1, 2011, and ending June
20 30, 2012, there is appropriated to the economic development
21 authority fifteen million dollars from the rebuild Iowa
22 infrastructure fund for deposit in the economic development
23 fund, notwithstanding section 8.57, subsection 6 5, paragraph
24 "c".

25 Sec. 134. Section 16.193, subsection 2, Code Supplement
26 2011, is amended to read as follows:

27 2. For the period beginning July 1, 2009, and ending June
28 30, 2011, two hundred thousand dollars of the moneys deposited
29 in the rebuild Iowa infrastructure fund shall be allocated
30 each fiscal year to the Iowa finance authority for purposes of
31 administering the Iowa jobs program and Iowa jobs II program,
32 notwithstanding section 8.57, subsection 6 5, paragraph "c".

33 Sec. 135. Section 99G.39, subsection 3, paragraph a, Code
34 2011, is amended to read as follows:

35 a. Notwithstanding subsection 1, if gaming revenues under

1 sections 99D.17 and 99F.11 are insufficient in a fiscal year to
2 meet the total amount of such revenues directed to be deposited
3 in the vision Iowa fund and the school infrastructure fund
4 during the fiscal year pursuant to section 8.57, subsection 6
5 5, paragraph "e", the difference shall be paid from lottery
6 revenues prior to deposit of the lottery revenues in the
7 general fund. If lottery revenues are insufficient during the
8 fiscal year to pay the difference, the remaining difference
9 shall be paid from lottery revenues in subsequent fiscal years
10 as such revenues become available.

11 Sec. 136. Section 123.53, subsection 3, Code Supplement
12 2011, is amended to read as follows:

13 3. Notwithstanding subsection 2, if gaming revenues under
14 sections 99D.17 and 99F.11 are insufficient in a fiscal year to
15 meet the total amount of such revenues directed to be deposited
16 in the revenue bonds debt service fund and the revenue bonds
17 federal subsidy holdback fund during the fiscal year pursuant
18 to section 8.57, subsection 6 5, paragraph "e", the difference
19 shall be paid from moneys deposited in the beer and liquor
20 control fund prior to transfer of such moneys to the general
21 fund pursuant to subsection 2 and prior to the transfer of such
22 moneys pursuant to subsections 5 and 6. If moneys deposited in
23 the beer and liquor control fund are insufficient during the
24 fiscal year to pay the difference, the remaining difference
25 shall be paid from moneys deposited in the beer and liquor
26 control fund in subsequent fiscal years as such moneys become
27 available.

28 Sec. 137. Section 260G.6, subsection 2, Code Supplement
29 2011, is amended to read as follows:

30 2. Projects funded pursuant to this section shall be for
31 vertical infrastructure as defined in section 8.57, subsection
32 6 5, paragraph "c".

33 Sec. 138. Section 324A.6A, Code 2011, is amended to read as
34 follows:

35 **324A.6A Public transit infrastructure grant fund.**

1 A public transit infrastructure grant fund is established
2 within the department. Moneys in the fund shall be awarded to
3 public transit systems within the state for construction and
4 infrastructure projects that meet the definition of "*vertical*
5 *infrastructure*" in section 8.57, subsection 6 5, paragraph "*c*".
6 The fund shall consist of appropriations made to the fund and
7 transfers of interest, earnings, and moneys from other funds as
8 provided by law. In awarding grant assistance, the office of
9 public transit within the department shall, by rule, specify
10 certain criteria that must be included in a grant application,
11 which shall include but not be limited to information on the
12 feasibility of completion of an individual infrastructure
13 project. Notwithstanding section 8.33, moneys in the public
14 transit infrastructure grant fund shall not revert to the fund
15 from which they are appropriated but shall remain available
16 indefinitely for expenditure under this section.

17 Sec. 139. Section 461A.3A, subsection 1, Code Supplement
18 2011, is amended to read as follows:

19 1. The department shall establish a restore the outdoors
20 program. The purpose of the program is to provide funding
21 for projects involving existing vertical infrastructure as
22 defined in section 8.57, subsection 6 5, paragraph "*c*", or
23 the construction of new vertical infrastructure if the new
24 construction is required due to increased demand for facilities
25 at the park or if it is not cost-effective to repair or
26 renovate the existing vertical infrastructure. Projects shall
27 be limited to existing state parks and other public facilities
28 managed by the department.

29 Sec. 140. Section 473.19A, subsection 3, Code Supplement
30 2011, is amended to read as follows:

31 3. The building energy management fund shall be limited to
32 a maximum of one million dollars. Amounts in excess of this
33 maximum limitation shall be transferred to and deposited in
34 the rebuild Iowa infrastructure fund created in section 8.57,
35 subsection 6 5.

DIVISION III

EFFECTIVE DATE AND APPLICABILITY PROVISIONS

Sec. 141. EFFECTIVE UPON ENACTMENT. The provisions in division I of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 42.4, subsection 8.

2. The section of this Act amending section 15E.120.

3. The section of this Act amending 2011 Iowa Acts, chapter 113, section 45.

4. The section of this Act amending 2011 Iowa Acts, chapter 131, section 134.

5. The section of this Act amending 2011 Iowa Acts, chapter 131, section 135.

Sec. 142. EFFECTIVE DATE — CONTINGENT REPEAL. The section of this Act amending section 321.18, Code 2011, by striking subsection 9, takes effect on June 30, 2012, or on the date that chapter 322E is repealed, whichever date is the latest.

Sec. 143. RETROACTIVE APPLICABILITY. The section of this Act amending section 42.4, subsection 8, applies retroactively to January 1, 2011.

Sec. 144. RETROACTIVE APPLICABILITY. The following provision or provisions of this Act apply retroactively to July 1, 2011:

1. The section of this Act amending 15E.120.

2. The section of this Act amending 2011 Iowa Acts, chapter 113, section 45.

Sec. 145. RETROACTIVE APPLICABILITY. The provision in division I of this Act amending 2011 Iowa Acts, chapter 131, section 134, applies retroactively to the date which is 30 days after July 29, 2011.

Sec. 146. RETROACTIVE APPLICABILITY. The provision in division I of this Act amending 2011 Iowa Acts, chapter 131, section 135, applies retroactively to July 29, 2011.

EXPLANATION

1 This bill contains statutory corrections that 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. The Code
6 sections amended include the following:

7 DIVISION I. Code sections 8.55 and 8.57: Strikes language,
8 providing for appropriation of general fund surplus revenue
9 to the senior living trust fund, pursuant to the terms of
10 paragraph "d" of Code section 8.57 that provides for the
11 repeal of the language when the aggregate amount in the trust
12 fund equals \$300 million. The fund reached that milestone in
13 2011. References to the rebuild Iowa infrastructure fund in
14 renumbered subsection 5 of Code section 8.57 are also changed
15 to distinguish references to that fund from references to other
16 infrastructure funds in that subsection. Internal references
17 to Code section 8.57 are also corrected in division II of this
18 bill.

19 Code section 8A.317: Strikes references to definitions
20 of "biobased material" and "biobased product" contained in
21 former Code section 469.31 and inserts language from the former
22 definitions provision into this Code section relating to state
23 purchases of biobased products. Code chapter 469 was repealed
24 by 2011 Iowa Acts, ch. 118, section 49, effective July 18,
25 2011, and applicable on July 1, 2011.

26 Code section 11.2: Corrects a textual internal reference to
27 auditor of state review requirements for investment companies,
28 banks, savings and loan associations, or credit unions employed
29 by the state board of regents.

30 Code section 11.5A: Adds the words "or examinations" to
31 this provision governing the payment of costs of audits or
32 examinations of state agencies by the auditor of state to
33 conform with similar changes made elsewhere in Code chapter 11
34 by 2011 Iowa Acts, ch. 75.

35 Code section 15.103: Repeals this Code section toward the

1 end of the bill which establishes the Iowa economic development
2 board of the former department of economic development. This
3 provision was superseded by the enactment of Code section
4 15.105 by 2011 Iowa Acts, ch. 118, section 5, which creates the
5 economic development authority that replaces the department of
6 economic development and is governed by a board of 11 voting
7 members.

8 Code section 15.107: Strikes redundant language in a
9 provision relating to the purpose for which the Iowa innovation
10 corporation is established.

11 Code section 15.202: Strikes "with the approval of the
12 director" within this provision relating to the acceptance of
13 funds by the economic development authority to conform to the
14 hierarchy established for the administration of the economic
15 development programs and funds by the economic development
16 authority by 2011 Iowa Acts, ch. 118.

17 Code section 15.272: Clarifies in language relating to the
18 initial establishment of the statewide welcome center program
19 that the former department of economic development was the
20 entity responsible for program planning and development.

21 Code section 15.292: Replaces the word "board" with the word
22 "authority" in language relating to the entity responsible for
23 decisions relating to applications for financial assistance
24 from the brownfield redevelopment fund because, after the
25 enactment of 2011 Iowa Acts, ch. 118, what was once the "board"
26 under prior law is now the "economic development authority".

27 Code section 15.293A: Strikes the words "and the board"
28 and "with the approval of the board" from language relating
29 to review of applications for redevelopment tax credits by
30 the authority because, after the enactment of 2011 Iowa Acts,
31 ch. 118, what was once the "board" under prior law is now the
32 "economic development authority".

33 Code section 15.294: Replaces the word "board" with the
34 word "authority" in language relating to the brownfield
35 redevelopment advisory council because, after the enactment of

1 2011 Iowa Acts, ch. 118, what was once the "board" under prior
2 law is now the "economic development authority".

3 Code section 15.301: Adds references to the former
4 department of economic development in the save our small
5 businesses fund and program language in provisions which relate
6 to activities which took place prior to the enactment of 2011
7 Iowa Acts, ch. 118, which established the economic development
8 authority.

9 Code section 15.331A: Clarifies that the department
10 of revenue is the entity which is responsible for the
11 administration of the refunding of sales or use tax imposed
12 on gas, electricity, water or sewer utility services, goods,
13 wares, or merchandise or on certain services rendered relating
14 to the construction or equipping of a facility under the high
15 quality jobs program.

16 Code section 15.411: Clarifies that it was the department
17 of economic development that received reports on bioscience,
18 advanced manufacturing, information technology, and
19 entrepreneurship in calendar years 2004, 2005, and 2006 as part
20 of the program for targeted industries development.

21 Code section 15E.64: Adds the word "board" in language
22 relating to the incorporators of the Iowa capital investment
23 corporation. 2011 Iowa Acts, ch. 118, provides, in the
24 amendments to Code section 15.105, that the economic
25 development authority is governed by a board.

26 Code section 15E.120: Substitutes, retroactive to July 1,
27 2011, for the date "July 18, 2011", "July 1" of that year to
28 reflect the retroactive applicability date for 2011 Iowa Acts,
29 ch. 118, in this provision relating to the administration of
30 loan repayments under the former Iowa community development
31 loan program.

32 Code section 15E.193: Strikes redundant language that
33 resulted from the application of directives by 2011 Iowa Acts,
34 ch. 118, in this provision regarding benefits required in
35 enterprise zones in order for a business to be eligible to

1 receive economic development incentives.

2 Code section 15E.208: Adds references to the former
3 department of economic development in this provision regarding
4 Iowa agriculture industry finance loans in language which
5 relates to activities which took place prior to the enactment
6 of 2011 Iowa Acts, ch. 118, which established the economic
7 development authority.

8 Code section 15E.351: Strikes the redundant words "economic
9 development" from a reference to the "economic development
10 authority" in this provision establishing the business
11 accelerator program. The term "authority" is defined for
12 Code chapter 15E, in Code section 15E.1, to mean the economic
13 development authority.

14 Code sections 15G.111, 15G.112, 15G.113, and 15G.114:
15 Strikes redundant references to approval or recommendations
16 by the economic development authority that resulted from the
17 application of directives by 2011 Iowa Acts, ch. 118, in these
18 provisions regarding financial assistance awards made by the
19 authority under the economic development financial assistance
20 program.

21 Code section 15G.115: Strikes a redundant reference to the
22 economic development authority and a reference to the former
23 due diligence committee in this provision relating to financial
24 assistance under the economic development financial assistance
25 program. The due diligence committee was eliminated by 2011
26 Iowa Acts, ch. 118, section 73.

27 Code section 15H.3: Adds the word "nonvoting" after a
28 reference to the ex officio members in language regarding the
29 membership of the volunteer service commission to conform to
30 other references to those members in this Code section.

31 Code sections 28N.2 and 256I.3: Changes the word
32 "departments" to "agencies" in these provisions establishing
33 the membership of a state council and a state board to account
34 for the replacement of the department of economic development
35 by the economic development authority in 2011 Iowa Acts, ch.

1 118.

2 Code sections 29C.20B, 135.141, 331.427, and 331.653:
3 Deletes redundant language and conforms these provisions
4 relating to disaster care management, comprehensive emergency
5 plans, and local emergency management commissions to changes
6 made by 2011 Acts, ch. 69, and 2011 Iowa Acts, ch. 129.

7 Code section 42.4: Replaces, retroactively to January
8 1, 2011, the word "first" with the word "third" in language
9 describing the date on which an incumbent senator, who resigns
10 for purposes of allowing another senator to serve a full
11 four-year term, must submit the senator's resignation to
12 reflect language appearing later in this same provision and
13 to conform to the date specified for resignation of incumbent
14 senators under these circumstances in 2011 Iowa Acts, ch. 76,
15 section 3.

16 Code section 46.2A: Strikes the obsolete subsection
17 that requires the repeal of the subsection if the number of
18 congressional districts established following the 2010 federal
19 decennial census and described in chapter 40 of the Code is not
20 equal to four.

21 Code sections 123.135, 123.180, 252B.9, 507B.7, 523C.13,
22 and 631.17: Conforms language relating to civil sanctions
23 imposed by the court or administrative agencies, by striking
24 the word "fine" or "fines" and inserting the word "penalty" or
25 "penalties", to other references to civil penalties throughout
26 the Code.

27 Code section 125.2: Adds the word "mental" within language
28 describing the type of certification that a psychiatric
29 advanced registered nurse practitioner must possess in the Code
30 chapter relating to treatment of substance abusers to conform
31 to changes made by 2011 Iowa Acts, ch. 121, section 52, to the
32 same definition within the Code chapter on civil commitment.
33 This portion of 2011 Iowa Acts, ch. 121, is effective July 1,
34 2012.

35 Code section 125.10: Changes references to "substance

1 abuse" to "substance misuse" to conform to changes made in this
2 Code section, effective July 1, 2012, by 2011 Iowa Acts, ch.
3 121, section 30.

4 Code sections 125.43A and 125.83: Changes "substance abuse
5 treatment" to "treatment of a substance-related disorder" in
6 these two provisions relating to involuntary hospitalizations
7 of persons with substance misuse disorders to conform to
8 similar terminology changes made by 2011 Iowa Acts, ch. 121,
9 effective July 1, 2012.

10 Code section 125.91: Changes references from "examining"
11 physician to "attending" physician and restores a reference
12 to "the facility" in language relating to emergency
13 hospitalization of persons with substance misuse disorders to
14 conform to and clarify changes made in this Code section by
15 2011 Iowa Acts, ch. 121, effective July 1, 2012.

16 Code section 135.160: Repeals, toward the end of the bill,
17 this definitional section for the division of Code chapter 135
18 that pertained to prevention and chronic care management. The
19 other Code sections in the division, to which the definitions
20 pertained, were repealed by 2011 Iowa Acts, ch. 129, sections
21 81 and 82 and 2011 Iowa Acts, ch. 63, section 35.

22 Code section 142A.3: Strikes tobacco retailers from the
23 membership of an advisory council to the commission on tobacco
24 use prevention and control to conform to changes made in Code
25 chapter 142A by 2011 Iowa Acts, ch. 63.

26 Code section 152.12: Changes the word "county" to "country"
27 to correct an apparent typographical error in language relating
28 to disclosure of nursing licensure examination results to other
29 nurse licensing entities at the state or national level.

30 Code section 173.11: Redrafts language relating to
31 administration of the state fair foundation fund by the
32 treasurer of the Iowa state fair foundation to clarify that the
33 state fair board is acting as the board of the foundation.

34 Code section 226.9C: Strikes a redundant instance of the
35 word "certified" in language added, effective July 1, 2012,

1 by 2011 Iowa Acts, ch. 121, to describe the qualifications
2 of persons conducting treatment prescreening of persons with
3 substance misuse disorders.

4 Code section 230A.106: Replaces the word "such" with a
5 listing of types of services that comprise one of the groups of
6 core services that must be provided at community mental health
7 centers, to be consistent with the style and format of the rest
8 of the Code section, effective July 1, 2012.

9 Code section 232.103: Clarifies the relationship between a
10 reference to Code section 232.50, which governs dispositional
11 hearings for juvenile delinquents or youthful offenders, to
12 this provision relating to hearings regarding changes in level
13 of care for a child who is subject to a dispositional order for
14 out-of-home placement.

15 Code sections 236.18 and 331.756: Redirects references
16 to criminal penalties under Code chapter 236 to refer to the
17 provisions within Code chapter 664A to conform to the transfer
18 of the criminal penalties from Code chapter 236 to Code chapter
19 664A by 2006 Iowa Acts, ch. 1101.

20 Code section 249H.3: Substitutes, for an internal reference
21 in this definition, the language used in Code section 225B.2 to
22 define "disability". Code chapter 225B is to be repealed on
23 July 1, 2012, pursuant to Code section 225B.8.

24 Code section 256.32: Strikes from the ex officio membership
25 of the advisory council for agricultural education language
26 referring to the young farmer educational association
27 president. The association is a national organization and
28 there are no Iowa chapters or members who could possibly serve
29 on the council.

30 Code section 256I.5: Rewrites language relating to the
31 commitment of various state entities, in a reference back to
32 entities enumerated in this provision relating to collaboration
33 and integration of a comprehensive early care, education,
34 health, and human services system, to accommodate a changeover
35 in the entity responsible for the administration of economic

1 development programs made by 2011 Iowa Acts, ch. 118.

2 Code section 260C.18A: Strikes this paragraph which
3 references job retention projects under former Code section
4 260F.9, which was repealed effective June 30, 2010, pursuant to
5 2003 Iowa Acts, 1st extraordinary session, ch. 2, section 93.

6 Code section 261E.8: Replaces the term "eligible
7 postsecondary institution" with the term "community college"
8 in this Code chapter relating to enrollment of students from
9 a school district, accredited nonpublic schools, and students
10 receiving competent private instruction in community college
11 programs for concurrent high school and college credit under
12 the senior year plus program.

13 Code section 267A.2: Changes the word "section" to
14 "chapter" in the lead-in phrase to the definitions section for
15 the local food and farm program Code chapter.

16 Code sections 282.1 and 282.10: Clarifies an internal
17 reference to Code section 282.7 in these provisions relating
18 to student attendance and whole grade sharing between school
19 districts.

20 Code section 282.18: Changes the term "laboratory school"
21 to "research and development school" in language relating to
22 open enrollment of students from public school districts to
23 the Price laboratory school to reflect the terminology used to
24 refer to the school under Code chapter 256G, which governs the
25 development and funding of that school.

26 Code sections 306D.2 and 465A.2: Replaces references to
27 the economic development authority with references to the
28 former department of economic development in these provisions
29 regarding Iowa's open space plans in language which relates
30 to activities which took place prior to the enactment of 2011
31 Iowa Acts, ch. 118, which established the economic development
32 authority.

33 Code section 321.18: Strikes subsection 9, effective on
34 June 30, 2012, or when Code chapter 322E is repealed, whichever
35 is later, which provides an exemption to motor vehicle

1 registration provision to motor homes purchased at a motor home
2 manufacturer's club rally by a nonresident and which is driven
3 on a highway solely for the purpose of removing the motor home
4 from the state. Code chapter 322E is currently scheduled for
5 repeal on June 30, 2012.

6 Code section 321.180B: Adds the word "a" within a series to
7 conform to other similar language in a provision enumerating
8 the list of persons who can accompany a person under the age
9 of 18 who has not yet been issued a full driver's license but
10 has been issued a permit or other intermediate license and is
11 lawfully operating a motor vehicle.

12 Code section 321.186: Strikes language relating to
13 applicants for a commercial driver's license from an exemption
14 permitting a license applicant to file a vision report in
15 lieu of passing a vision test administered by the department
16 of transportation to conform to changes made to Code section
17 321.186A by 2011 Iowa Acts, ch. 38.

18 Code section 419.4: Renumbers and adds an internal
19 reference to language relating to municipal bonding authority.

20 Code section 422.5: Corrects an internal reference to
21 computations of tax upon married persons' income in language
22 relating to computation of the alternative minimum tax.

23 Code section 422.7: Strikes, within the list of items to be
24 subtracted from adjusted gross income in the computation of net
25 income, a reference to a Vietnam Conflict veterans' bonus under
26 Code section 35A.8A, which was repealed June 30, 2011, pursuant
27 to the terms of the statute.

28 Code section 422.11S: Strikes contingency language from a
29 definition of the term "total approved tax credits" within this
30 provision relating to school tuition organization tax credits
31 because the amendment to Code section 257.8 that is referenced
32 in the contingency language was enacted in 2011 Iowa Acts, ch.
33 131, sections 122 and 123.

34 Code sections 422.11T and 422.11U: Changes "credit" to
35 "credits" in language relating to reduction of income tax by

1 the tax credits allow under Code section 422.12 to conform to
2 similar language in surrounding provisions and because Code
3 section 422.12 provides for more than one tax credit.

4 Code section 437A.14: Adds the words "of revenue" after
5 references to "department" in language relating to refunding
6 of replacement taxes on electricity and natural gas providers.
7 While the term "director" is defined within Code chapter 437A
8 to mean the director of revenue, the term "department" is not
9 defined.

10 Code section 445.5: Changes the word "of" to "for", in
11 language relating to receipts for payments of property taxes
12 which are paid in part or in full for the given year, to clarify
13 the relationship between the receipt and the payment of the
14 amount.

15 Code section 452A.3: Renumbers to eliminate unnumbered
16 paragraphs within this provision relating to payment of tax on
17 motor and special fuels.

18 Code section 455B.487: Reorganizes and renumbers to
19 eliminate unnumbered paragraphs in this provision relating to
20 criteria established by the environmental protection commission
21 for identification of land suitable for the operation of
22 radioactive waste facilities.

23 Code section 459.501: Replaces, in subsection 5, paragraph
24 "b", the word "allocated" with the words "authorized for
25 payment" to conform to the changes made relating to the
26 authorizations for payment made by the executive council
27 pursuant to paragraph "a" of the same subsection by 2011 Iowa
28 Acts, ch. 131, section 35.

29 Code section 459.502: Clarifies that the fund in which the
30 department is to deposit indemnity fee moneys assessed on the
31 construction of confinement feeding operations is the livestock
32 remediation fund. The term "fund" is not defined for Code
33 chapter 459.

34 Code section 461A.80: Reorganizes and renumbers to
35 eliminate unnumbered paragraphs in this provision relating to

1 the public outdoor recreation and resources appropriations
2 advisory council.

3 Code section 462A.2: Moves language relating to vessels
4 which are under way to clarify that the language applies to
5 sailboats that are not powered by a motor, but which do have
6 sails hoisted, in this definition of the term "operate".

7 Code section 466B.3: Strikes language including the
8 director of the rebuild Iowa office from the membership of the
9 water resources coordinating council. The rebuild Iowa office
10 was repealed on June 30, 2011, pursuant to 2009 Iowa Acts, ch.
11 169, section 10.

12 Code section 468.221: Changes a textual reference from
13 "paragraph" to "section" in a definition of the term "local
14 government" because the term is used elsewhere in this Code
15 section relating to drainage district communications with a
16 state agency or with local government.

17 Code section 473.1: Strikes, in two definitions in this
18 Code chapter relating to energy development and conservation,
19 references to definitions of terms from former Code section
20 469.31 which was repealed by 2011 Iowa Acts, ch. 118, section
21 49, and adds the text of the same definitions from that former
22 Code section.

23 Code section 473.7: Strikes, as redundant, the words "The
24 authority shall" from subsection 2 to conform to the style of
25 this Code section relating to duties of the authority under the
26 energy development and conservation Code chapter.

27 Code section 473.10: Replaces a reference to the director
28 with a reference to the economic development authority in
29 language relating to rulemaking authority. The economic
30 development authority is the entity made responsible for
31 rulemaking under 2011 Iowa Acts, ch. 118.

32 Code section 476.1C: Restructures, by renumbering to
33 eliminate unanchored unnumbered paragraphs and by striking
34 redundant language, in this provision relating to gas public
35 utilities with fewer than 2,000 customers.

1 Code section 476C.4: Adds, within a subparagraph, the
2 word "equity" before references to holders of interests in
3 business entities which have applied for renewable electricity
4 production tax credits to conform to language contained in the
5 immediately preceding subparagraph of subsection 2 of this Code
6 section.

7 Code section 483A.24: Conforms terminology and corrects an
8 internal reference to clarify the applicability of an exclusion
9 from the exception in the definition of "owner" of a farm unit
10 under this Code section governing when a hunting, fishing, or
11 trapping license is not required before a person may engage in
12 those activities.

13 Code section 496B.12: Renumbers and conforms the internal
14 numbering and format of this Code section pertaining to
15 economic development corporations to the numbering and format
16 of other Code sections.

17 Code section 501A.504: Restructures language in subsection
18 4 relating to the filing of amendments to articles of
19 organization of a cooperative to highlight the alternative
20 nature of the adoption methods by members and directors and
21 conforms language relating to the adoption of an amendment by
22 directors to the requirements for amendments by directors that
23 is specified in subsection 3 of this Code section.

24 Code section 509.3: Strikes language referring to
25 applications for converted policies under Code chapter 509B
26 from a provision that describes one of the required components
27 of a group accident or health insurance policy or combination
28 group accident or health insurance policy. Code section
29 509B.4, which provided for the conversion of group policies was
30 repealed by 2006 Iowa Acts, ch. 1117, section 127.

31 Code section 514J.108: Adds the words "the covered person"
32 to language describing one of the instances in which a covered
33 person or a covered person's authorized representative may make
34 a request for an expedited external review of a health care
35 cover decision, to conform to other language within the same

1 Code section.

2 Code section 515C.2: Corrects an internal reference to
3 the Code section establishing surplus requirements required
4 of mortgage guaranty insurers. Former subsection 8 of Code
5 section 515.49 was stricken when the Code section was rewritten
6 by 1988 Iowa Acts, ch. 1112, section 403.

7 Code section 524.904: Adds the word "state" before the word
8 "bank" in multiple locations to conform to other text within
9 this provision relating to loans and extensions of credit by a
10 state bank to a borrower.

11 Code section 568.16: Changes the word "by" to the word
12 "to" in language relating to the refunding of moneys by the
13 state back to grantees of land conveyed by the state, when
14 the grantee or the grantee's heirs or assigns did not receive
15 title to the land conveyed because title resided in some other
16 person.

17 Code section 602.9202: Conforms language relating to the
18 length of the terms that may be served by senior judges who
19 have reached the age of 78 to changes made to Code section
20 602.9203 by 2011 Iowa Acts, ch. 78.

21 Code section 633.3: Adds the words "and state" in a
22 provision defining what is included within the costs of
23 administration of an estate to clarify that interest on state
24 estate tax as well as federal estate tax are included. This
25 conforms with changes made by 2010 Iowa Acts, ch. 1138, and
26 2011 Iowa Acts, ch. 34.

27 Code section 633A.3106: Deletes a redundant phrase in
28 this provision relating to children born or adopted after the
29 execution of a revocable trust.

30 Code section 655A.3: Conforms the language that describes
31 the manner of service of a notice of rejection of a notice of
32 foreclosure to reflect the changes made to Code section 655A.4
33 by 2009 Iowa Acts, ch. 51. That Act changed the manner of
34 service of a notice of rejection under Code section 655A.4 from
35 service in the manner provided for service of original notices

1 to service by ordinary or electronic mail.

2 Code section 692A.118: Strikes language in two subsections
3 within this Code section establishing the duties of the
4 department of public safety regarding the sex offender registry
5 to conform to the style of other subsections.

6 Code section 714.27: Changes "the identity of" to
7 "identifying information for" to conform to the nature of the
8 descriptive list of the types of information that a salvage
9 dealer must maintain under a copper theft ordinance regarding a
10 person who brings in salvaged materials.

11 Code sections 717F.1 and 717F.8: Strikes subparagraph (9)
12 of subsection 5, paragraph "a", which is a duplicate of the
13 language found in subparagraph (10), subparagraph division (a),
14 in Code section 717F.1, and corrects a typographical error in
15 the spelling of the family name of certain types of snakes in
16 language enumerating the types of animals considered to be
17 dangerous wild animals in Code sections 717F.1 and 717F.8.

18 Code section 805.8A: Corrects an internal reference to
19 the provisions within a Code section relating to registration
20 of motor carriers that contain language prohibiting certain
21 conduct. Subsection 2 relates to state department of
22 transportation participation in the federal unified carrier
23 registration plan and agreement for regulated motor carriers.

24 Code section 811.1: Changes two commas to semicolons and
25 strikes a redundant "or" in language to conform the punctuation
26 and format of the series that describes the types of felonies
27 and public offenses for which a defendant, awaiting judgment of
28 conviction and sentencing after a plea or verdict of guilty,
29 shall not be admitted to bail.

30 Code section 907.5: Enumerates the criteria the court must
31 consider before deferring judgment or sentence or suspending
32 a defendant's sentence as lettered paragraphs and numbers
33 the balance of the provision to enhance readability of the
34 provision.

35 2011 Iowa Acts, chapter 113, section 45: Corrects

1 retroactively to July 1, 2011, by striking and replacing this
2 section of 2011 Iowa Acts, ch. 113, numeric references to two
3 subchapters in Code chapter 159A, that according to the text
4 of the language, should refer to the provisions administered
5 by the office of renewable fuels and coproducts and provisions
6 establishing the renewable fuel infrastructure programs and
7 fund.

8 2011 Iowa Acts, chapter 131, sections 134 and 135: Corrects
9 incorrect references within an Act to provisions within another
10 Act. The first correction takes effect upon enactment and
11 applies retroactively to the date which is 30 days after July
12 29, 2011. The second correction takes effect upon enactment
13 and applies retroactively to July 29, 2011.