

in accordance with sections 49.3, 49.4, 49.6 to 49.8, and 49.11, pay election costs as provided in section 47.3, participate in election contests as provided in sections 62.1A and 62.9, and perform other election duties required by state law. The board may ~~authorize additional precinct election officials as provided in section 51.1,~~ provide for the use of an optical scan voting system as provided in sections 52.2, 52.3, and 52.8, and exercise other election powers as provided by state law.

Sec. 8. REPEAL. Sections 51.1, 51.2, 51.3, 51.4, 51.5, 51.6, 51.7, 51.8, 51.9, 51.10, 51.11, 51.12, 51.13, and 51.14, Code 2009, are repealed.

Sec. 9. REPEAL. Section 51.15, Code Supplement 2009, is repealed.

DIVISION II
USE OF AUTOMATIC TABULATING
EQUIPMENT AT CERTAIN ELECTIONS

Sec. 10. Section 49.26, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

b. If the commissioner concludes, pursuant to paragraph "a", that voting will probably be so light as to make counting of ballots by the precinct election officials less expensive than preparation and use of automatic tabulating equipment, paper ballots ~~shall~~ may be used, subject to paragraph "c". ~~The~~ If paper ballots are used, the commissioner may shall use ballots and instructions similar to those used when the ballots are counted by automatic tabulating equipment.

Sec. 11. Section 49.26, subsection 2, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding a determination by the commissioner pursuant to paragraph "b", upon receipt of a petition signed by not less than one hundred eligible electors, the commissioner shall count the ballots at an election described in paragraph "a" using automatic tabulating equipment. A petition filed under this paragraph must be received by the commissioner not later than 5:00 p.m. on the forty-second day before the election.

Sec. 12. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 19, 2010

CHAPTER 1061
NONSUBSTANTIVE CODE CORRECTIONS
S.F. 2237

AN ACT relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
MISCELLANEOUS PROVISIONS

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

2. "Athlete agent" means an individual who enters into an agency contract with a student athlete or, directly or indirectly, recruits or solicits a student athlete to enter into an agency

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

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

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

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

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

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

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

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

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

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

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

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

43.31 Form of official ballot — implementation by rule.

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

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

3. If the affidavit on the affidavit envelope shows that the affiant is not a qualified voter on the day of the election at which the ballot is offered for voting, the envelope shall not be opened, but the envelope and ballot contained in the envelope shall be preserved and returned by the precinct election officials to the commissioner, who shall preserve them for the period

of time and under the conditions provided for in sections 50.12 ~~through, 50.13,~~ 50.15, and section 50.19.

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

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

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

a. The governing authority of ~~these political subdivisions~~ a political subdivision specified in section 76.1, subsection 1, before issuing bonds shall, by resolution, provide for the assessment of an annual levy upon all the taxable property in the political subdivision sufficient to pay the interest and principal of the bonds within a period named not exceeding the applicable period of time specified in section 76.1. A certified copy of this resolution shall be filed with the county auditor or the auditors of the counties in which the political subdivision is located; and the filing shall make it a duty of the auditors to enter annually this levy for collection from the taxable property within the boundaries of the political subdivision until funds are realized to pay the bonds in full. The levy shall continue to be made against property that is severed from the political subdivision after the filing of the resolution until funds are realized to pay the bonds in full.

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

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

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

92.18 Migratory labor — defined.

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

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

a. (1) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States pursuant to ~~section §~~ 903 of the Social Security Act may not be requisitioned from this state's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of this chapter. Such money may be requisitioned pursuant to subsection 3 of this section for the payment of benefits. Such money may also be requisitioned and used for the payment of expenses incurred for the administration of this chapter but only pursuant to a specific appropriation by the legislature and only if the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which ~~(1) specifies;~~

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

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

(c) Limits the amount which may be obligated during a twelve-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount

by which the aggregate of the amounts transferred to the account of this state pursuant to section § 903 of the Social Security Act exceeds the aggregate of the amounts used by this state pursuant to this chapter and charged against the amounts transferred to the account of this state during the same twelve-month period.

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

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

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

(1) Whereby wages or services, upon the basis of which an individual may become entitled to benefits under the unemployment compensation law of another state or of the federal government, shall be deemed to be wages for employment by employers for the purposes of section 96.3 and section 96.4, subsection 5; provided such other state agency or agency of the federal government has agreed to reimburse the fund for such portion of benefits paid under this chapter upon the basis of such wages or services as the department finds will be fair and reasonable as to all affected interests, and ~~(b) whereby~~

(2) Whereby the department will reimburse other state or federal agencies charged with the administration of unemployment compensation laws with such reasonable portion of benefits, paid under the law of any such other states or of the federal government upon the basis of employment or wages for employment by employers, as the department finds will be fair and reasonable as to all affected interests.

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

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

d. Temporary or seasonal interruptions in service for employees of a school corporation or educational institution when the temporary suspension of service does not terminate the period of employment of the employee and the employee returns to service at a school corporation or educational institution upon the end of the temporary or seasonal interruption. However,

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

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

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

1. Each employee whose employment commences after July 4, 1953, or who has not qualified for credit for prior service rendered prior to July 4, 1953, or any publicly elected official of the state or any of its political subdivisions shall become a member upon the first day in which such employee is employed. The employee shall continue to be an active member so long as the employee continues in covered employment. The employee shall cease to be an active member if the employee joins another retirement system in the state which is maintained in whole or in part by public contributions or payments and receives retirement credit for service in that other system for the same position previously covered under this chapter. If an employee joins another publicly maintained retirement system and ceases to be an active member under this chapter, the employee may elect to leave the employee's accumulated contributions in the retirement fund or receive a refund of the employee's accumulated contributions in the manner provided for members who are terminating covered employment pursuant to section 97B.53. However, if an employee joins another publicly maintained retirement system and leaves the employee's accumulated contributions in the retirement fund, the employee shall not be eligible to receive retirement benefits until the employee has a bona fide retirement from employment with a covered employer as provided in section 97B.52A, or until the employee would otherwise be eligible to receive benefits upon attaining the age of seventy years as provided in section 97B.46.

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

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

4. Persons who are members of any other retirement system in the state which is maintained in whole or in part by public contributions other than persons who are covered under the provisions of chapter 97, Code 1950, as amended by the Fifty-fourth General Assembly on the date of the repeal of said chapter, under the provisions of sections 97.50 through 97.53 shall not become members under this chapter while still actively participating in that other retirement system unless the persons do not receive retirement credit for service in that other system for the position to be covered under this chapter.

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

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

7. Notwithstanding any other provision of this section, commencing July 1, 1994, a member who is employed by a community college may elect coverage under an eligible alternative retirement benefits system as provided in section 260C.14, subsection 17, in lieu of continuing or commencing contributions to the Iowa public employees' retirement system. However, the employer's annual contribution in dollars to the eligible alternative retirement benefits system shall not exceed the annual contribution in dollars which the employer would contribute if the employee had elected to remain an active member under this chapter, as set forth in section 97B.11. A member employed by a community college who

elects coverage under an eligible alternative retirement benefits system may withdraw the member's accumulated contributions effective when coverage under the eligible alternative retirement benefits system commences. A member who is employed by a community college prior to July 1, 1994, must file an election for coverage under the eligible alternative retirement benefits system described in section 260C.14, subsection 17, paragraph "a", subparagraph (1), with the system and the employing community college within eighteen months of the first day on which coverage commences under the community college's eligible alternative retirement benefits system described in section 260C.14, subsection 17, paragraph "a", subparagraph (1), or the employee shall remain a member under this chapter and shall not be eligible to elect to participate in that community college's eligible alternative retirement benefits system described in section 260C.14, subsection 17, paragraph "a", subparagraph (1) at a later date. Employees of a community college hired on or after July 1, 1994, must file an election for coverage under an eligible alternative retirement benefits system with the system and the employing community college within sixty days of commencing employment, or the employee shall remain a member under this chapter and shall not be eligible to elect to participate in an eligible alternative retirement benefits system of the community college at a later date. The system shall cooperate with the boards of directors of the community colleges to facilitate the implementation of this provision.

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

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

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

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

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

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

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

Sec. 18. Section 100D.1, subsections 4 and 5, Code Supplement 2009, are amended to read as follows:

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

5. "*Fire protection system*" means a sprinkler system, standpipe system, hose system, special hazard system, dry systems system, foam systems system, or any water-based

fire protection system, either manual or automatically activated, used for fire protection purposes that is composed of an integrated system of underground and overhead piping connected to a water source. For licensing purposes only “*fire protection system*” does not include the water service piping to a structure or building from a city water main.

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

1. “*Apprentice electrician*” means any person who, as such person’s principal occupation, is engaged in learning and assisting in the installation, alteration, and repair of electrical wiring, apparatus, and equipment as an employee of a person licensed under this chapter, and who is licensed by the board and is progressing toward completion of an apprenticeship training program registered by the ~~bureau office~~ of apprenticeship and training of the United States department of labor. For purposes of this chapter, persons who are not engaged in the installation, alteration, or repair of electrical wiring, apparatus, and equipment, either inside or outside buildings, shall not be considered apprentice electricians.

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

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

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

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

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

a. A person shall be licensed as an unclassified person by the board to perform electrical work if the work is performed under the personal supervision of a person actually licensed to perform such work and the licensed and unclassified persons are employed by the same employer. A person shall not be employed continuously for more than one hundred days as an unclassified person without having obtained a current license from the board. For the purposes of determining whether a person has been “*employed continuously*” for more than one hundred days under this subsection, employment shall include any days not worked due to illness, holidays, weekend days, and other absences that do not constitute separation from or termination of employment. Any period of employment as a nonlicensed unclassified person shall not be credited to any applicable experiential requirement of an apprenticeship training program registered by the ~~bureau office~~ of apprenticeship and training of the United States department of labor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Four members of the general assembly, with not more than one member from each chamber being from the same political party. The majority leader of the senate and the minority leader of the senate shall each appoint one of the senate members. The majority leader of the house of representatives and the minority leader of the house of representatives shall each appoint one of the house members.

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

155.12 Conflict with federal law — effect.

If any provision of this chapter is in conflict with the requirements of section 1908 of the United States Social Security Act (~~42 United States Code, section 1396g~~) codified at 42 U.S.C. § 1396g, relative to a state program for licensing of administrators of nursing homes, and

except for such conflict the state would be entitled to receive contributions from the United States for payment of assistance under the program established pursuant to ~~Title Tit. XIX of the United States Social Security Act (42 United States Code, sections, codified at 42 U.S.C. § 1396 – 1396g, inclusive)~~, such provision of this chapter so in conflict with said statute of the United States shall be considered as suspended and of no effect until sixty days after the convening of the next regular session of the general assembly after such conflict is discovered.

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

158.16 Penalty.

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

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

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

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

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

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

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

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

The following ~~department~~ agency representatives:

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

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

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

172A.5 Bonded packers registration.

A dealer or broker who has a bond required by the United States department of agriculture under the Packers and Stockyards Act of 1921 as amended, ~~Title VII, sections 181 through 231, United States Code 7 U.S.C. § 181 – 231~~, shall be exempt from the provisions of this chapter upon registration with the secretary. Registration shall be effective upon filing with the secretary a certified copy of the bond filed with the United States department of agriculture, and shall continue in effect until that bond is terminated.

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

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

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

196.9 Eggs unfit for human food.

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

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

215.17 Test weights to be used.

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

All weights up to and including 25 pounds	\$ 1.10 each
Over twenty-five pounds capacity, up to and including 50 pounds.....	2.25 each
Over 50 pounds capacity, up to and including 100 pounds	3.00 each
Over 100 pounds capacity, up to and including 500 pounds	4.50 each
Over 500 pounds capacity, up to and including 1,000 pounds	7.50 each

2. The fee for all tank calibrations shall be as follows:

100 gallons up to and including 300 gallons.....	\$ 4.50
301 gallons up to and including 500 gallons.....	7.50
501 gallons up to and including 1,000 gallons.....	11.25
1,001 gallons up to and including 2,000 gallons.....	15.00
2,001 gallons up to and including 3,000 gallons.....	18.00
3,001 gallons up to and including 4,000 gallons.....	21.00
4,001 gallons up to and including 5,000 gallons.....	24.00
5,001 gallons up to and including 6,000 gallons.....	27.00
6,001 gallons up to and including 7,000 gallons.....	30.00
7,001 gallons and up.....	37.50

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

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

1. a. The board of directors of each school district may develop and offer a family support program which provides outreach and incentives for the voluntary participation of expectant parents and parents of children in the period of life from birth through age five, who reside within district boundaries, in educational family support experiences designed to assist parents in learning about the physical, mental, and emotional development of their children. A board may contract with another school district or public or private nonprofit agency for provision of the approved program or program site.

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

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

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

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

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

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

8. *Early intervention supplement state cost per pupil.* For the budget year beginning July 1, 2009, for the early intervention supplement state cost per pupil, the department of management shall add together the early intervention allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 256D.4, Code 2009, and divide that sum by the statewide total budget enrollment for the fiscal year beginning July 1, 2009. The early intervention supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus an allowable growth amount that is equal to the early intervention supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

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

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

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

a. For the budget year beginning July 1, 1991, the department of management shall calculate for each district the difference between the sum of the revenues generated by the foundation property tax and the additional property tax in the district calculated under this chapter and the revenues that would have been generated by the foundation property tax and the additional property tax in that district for that budget year calculated under chapter 442, Code 1989, if chapter 442, Code 1989, were in effect, except that the revenues that would have been generated by the additional property tax levy under chapter 442, Code 1989, shall not include revenues generated for the school improvement program. However in making the calculation of the difference in revenues under this subsection, the department shall not include the revenues generated under section 257.37 and under chapter 442, Code 1989, for funding media and educational services through the area education agencies. If the property tax revenues for a district calculated under this chapter exceed the property tax revenues for that district calculated under chapter 442, Code 1989, the department of management shall reduce the revenues raised by the additional property tax levy in that district under this chapter by that difference and the department of education shall pay

property tax adjustment aid to the district equal to that difference from moneys appropriated for property tax adjustment aid.

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

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

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

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

c. State appropriations, ~~and (d) “hospital.”~~

d. “Hospital income”, as that term is defined in ~~subsection 4 of~~ section 263A.1.

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

2. The determination of standards of performance expected of school district personnel shall be reserved as an exclusive management right of the school board and shall not be subject to mandatory negotiations under chapter 20. Notwithstanding chapter 20, objections to the procedures, use, or content of an evaluation in a teacher termination proceeding brought before the school board in a hearing held in accordance with section 279.16 or 279.27 shall not be subject to the grievance procedures negotiated in accordance with chapter 20. A school district shall not be obligated to process any evaluation grievance after service of a notice and recommendation to terminate an individual’s continuing teaching contract in accordance with this chapter 279.

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

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

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

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

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

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

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

306C.20 Bonus funds agreements.

The department shall enter into agreements with the duly constituted federal authorities in order to secure for the state all bonus federal funds allotted and appropriations to the state and to avoid loss or reduction, under ~~Title 23, section 131, of the United States Code 23 U.S.C. § 131,~~ of federal aid funds apportioned or to be apportioned to the state under ~~Title 23, section 104 of the United States Code 23 U.S.C. § 104.~~ The department may accept

funds from whatever source, including any allotment of funds by the United States, or any of its departments or agencies, appropriated to carry out the purposes of ~~Title 23, section 131 of the United States Code 23 U.S.C. § 131~~. The department shall take such steps as may be necessary to obtain from the United States or any of its departments or agencies, funds allotted and appropriated for the purpose of paying the federal share of just compensation to be paid to advertising device owners and owners of the real property under the terms of this chapter and ~~Title 23, section 131, paragraph "g" of the United States Code 23 U.S.C. § 131(g)~~. All moneys received pursuant to the provisions of this chapter shall be deposited in the "highway beautification fund".

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

4. The registration plate number, except on motorized ~~bicyele bicycles, motoreyele motorcycles, motorcycle trailer trailers~~, and trailers with an empty weight of two thousand pounds or less shall be of sufficient size to be readable from a distance of one hundred feet during daylight.

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

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

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

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

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

420.220 City tax sale after public bidder sale.

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

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

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

3. ~~c.~~ In the event of sale or conveyance of the property by the county after issuance of tax deed to it then sale may be made for general city taxes levied after such sale or conveyance by the county.

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

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

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

1. All state, national, private, ~~co-operative~~ cooperative, and savings banks, credit unions, title insurance and trust companies, savings and loan associations, production credit

associations, insurance companies or insurance associations, reciprocal or inter-insurance exchanges, and fraternal beneficiary associations.

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

2. A notice authorized or required under this section may be given by mailing the notice to the person for whom it is intended, addressed to that person at the address given in the last return filed by the person pursuant to this chapter, or if no return has been filed, then to any address obtainable. The mailing of the notice is presumptive evidence of the receipt of the notice by the person to whom addressed. Any period of time which is determined according to this chapter by the giving of notice commences to run from the date of mailing of the notice. Neither mailed notice ~~or~~ nor notice by publication is required for the initial determination and imposition of the charge. The board shall undertake to provide reasonable notice of the environmental protection charge and procedures, as in the board's sole discretion it deems appropriate, provided that the actual charge and procedures are published in the Iowa administrative bulletin prior to the effective date of the charge.

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

433.7 Hearing.

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

Sec. 59. Section 455B.602, subsection 8, paragraph a, Code 2009, is amended to read as follows:

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

Sec. 60. Section 455G.3, subsection 3, paragraph b, Code 2009, is amended to read as follows:

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

Sec. 61. Section 455G.21, subsection 3, Code 2009, is amended to read as follows:

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

Sec. 62. Section 466B.3, subsection 4, paragraphs e and k, Code Supplement 2009, are amended to read as follows:

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

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

Sec. 63. Section 483A.24, subsection 2, paragraph f, Code 2009, is amended to read as follows:

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

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

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

Sec. 64. Section 483A.24, subsection 14, Code 2009, is amended to read as follows:

14. Upon payment of the fee of five dollars for a lifetime fishing license or lifetime hunting and fishing combined license, the department shall issue a lifetime fishing license or lifetime hunting and fishing combined license to a resident of Iowa who has served in the armed forces of the United States on active federal service and who was disabled or was a prisoner of war during that veteran's military service. The department shall prepare an application to be used by a person requesting a lifetime fishing license or lifetime hunting and fishing combined license under this subsection. The department of veterans affairs shall assist the department in verifying the status or claims of applicants under this subsection. As used in this subsection, "*disabled*" means entitled to a service connected rating under the ~~United States Code, Title 38, 38 U.S.C. ch. 11.~~

Sec. 65. Section 489.1013, subsection 3, paragraph c, Code 2009, is amended to read as follows:

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

Sec. 66. Section 491.36, Code 2009, is amended to read as follows:

491.36 Foreign-trade zone corporation.

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

Sec. 67. Section 518.14, subsection 4, paragraph g, Code Supplement 2009, is amended to read as follows:

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

Sec. 68. Section 518A.12, subsection 4, paragraph g, Code Supplement 2009, is amended to read as follows:

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

Sec. 69. Section 533A.8, subsection 5, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

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

Sec. 70. Section 537.5105, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 71. Section 543C.2, subsection 9, Code 2009, is amended to read as follows:

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

Sec. 72. Section 554.2310, subsection 3, Code Supplement 2009, is amended to read as follows:

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

Sec. 73. Section 554.12403, subsection 2, Code 2009, is amended to read as follows:

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

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

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

Sec. 74. Section 554B.2, Code 2009, is amended to read as follows:

554B.2 Security interest.

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

Sec. 75. Section 602.8106, subsection 1, paragraph d, Code Supplement 2009, is amended to read as follows:

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

Sec. 76. Section 626D.3, subsection 2, Code 2009, is amended to read as follows:

2. The person filing the tribal judgment shall make and file with the clerk of court an affidavit setting forth the name and last known address of the party seeking enforcement and the responding party. Upon the filing of the tribal judgment and accompanying affidavit, the

enforcing party shall serve upon the responding party a notice of filing of the tribal judgment together with a copy of the tribal judgment in accordance with Iowa rule of civil procedure 1.442 of the Iowa rules of civil procedure. The enforcing party shall file proof of service or mailing with the clerk of court. The notice of filing shall include the name and address of the enforcing party and the enforcing party's attorney, if any, and shall include the text contained in sections 626D.4 and 626D.5.

Sec. 77. Section 633.517, subsection 1, Code 2009, is amended to read as follows:

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

Sec. 78. Section 636.45, Code Supplement 2009, is amended to read as follows:

636.45 Federally insured loans.

1. Insurance companies, building savings and loan associations, trustees, guardians, executors, administrators, and other fiduciaries, the state and its political subdivisions, and institutions and agencies thereof, and all other persons, associations, and corporations (~~4~~) may:

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

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

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

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

Sec. 79. Section 669.22, Code 2009, is amended to read as follows:

669.22 Actions in federal court.

The state shall defend any employee, and shall indemnify and hold harmless an employee of the state in any action commenced in federal court under ~~section 1983, Title 42, United States Code, 42 U.S.C. § 1983~~ against the employee for acts of the employee while acting in the scope of employment. The duty to indemnify and hold harmless shall not apply and the state shall be entitled to restitution from an employee if the employee fails to cooperate in

the investigation or defense of the claim or demand, or if, in an action commenced by the state against the employee, it is determined that the conduct of the employee upon which the claim or demand was based constituted a willful and wanton act or omission or malfeasance in office.

Sec. 80. Section 670.8, unnumbered paragraph 2, Code 2009, is amended to read as follows:

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

Sec. 81. Section 714B.10, subsection 2, Code 2009, is amended to read as follows:

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

Sec. 82. Section 723.4, subsection 6, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

As used in this ~~section~~ subsection:

Sec. 83. 2009 Iowa Acts, chapter 9, section 6, subsection 1, is amended by striking the subsection.

Sec. 84. 2009 Iowa Acts, chapter 100, section 35, is amended to read as follows:

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

Sec. 85. 2009 Iowa Acts, chapter 175, section 25, is amended to read as follows:

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

Sec. 86. 2009 Iowa Acts, chapter 179, section 30, is amended to read as follows:

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

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

Sec. 87. 2009 Iowa Acts, chapter 179, sections 201 and 202, are amended to read as follows:

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

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

Sec. 88. REPEAL. 2009 Iowa Acts, chapter 133, sections 228 and 247, are repealed.

Sec. 89. REPEAL. 2009 Iowa Acts, chapter 170, section 3, is repealed.

DIVISION II VOLUME III RENUMBERING

Sec. 90. Section 260C.14, subsections 10 and 17, Code Supplement 2009, are amended to read as follows:

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

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

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

17. a. Provide for eligible alternative retirement benefits systems which shall be limited to the following:

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

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

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

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

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

Sec. 91. Section 261.1, Code 2009, is amended to read as follows:

261.1 Commission created.

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

2. Membership of the commission shall be as follows:

1. a. A member of the state board of regents to be named by the board, or the executive director of the board if so appointed by the board, who shall serve for a four-year term or until

the expiration of the member's term of office. Such member shall convene the organizational meeting of the commission.

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

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

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

~~e.~~ (3) The members of the senate and house of representatives shall serve at the pleasure of the appointing legislator for a term beginning upon the convening of the general assembly and expiring upon the convening of the following general assembly, or when the appointee's successor is appointed, whichever occurs later.

4. ~~d.~~ Eight additional members to be appointed by the governor. One of the members shall be selected to represent private colleges and universities located in the state of Iowa. When appointing this member, the governor shall give careful consideration to any person or persons nominated or recommended by any organization or association of some or all private colleges and universities located in the state of Iowa. One of the members shall be selected to represent community colleges located in the state of Iowa. When appointing this member, the governor shall give careful consideration to any person or persons nominated or recommended by any organization or association of Iowa community colleges. One member shall be enrolled as a student at a board of regents institution, community college, or accredited private institution. One member shall be a representative of a lending institution located in this state. One member shall be an individual who is repaying or has repaid a student loan guaranteed by the commission. The other three members, none of whom shall be official board members or trustees of an institution of higher learning or of an association of institutions of higher learning, shall be selected to represent the general public.

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

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

~~b.~~ A vacancy shall exist on the commission when a legislative member of the commission ceases to be a member of the general assembly or when a student member ceases to be enrolled as a student. Such vacancy shall be filled within thirty days.

Sec. 92. Section 261.48, Code 2009, is amended to read as follows:

261.48 Minority teacher loan payments.

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

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

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

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

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

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

2. The maximum annual reimbursement payment to an eligible teacher under this section for loan repayments made during a school year is one thousand dollars or the remainder of the teacher's loan, whichever is less. Total payments under this section for an eligible teacher are limited to a six-year period and shall not exceed six thousand dollars. If a teacher fails to complete a year of employment on a full-time basis as provided in subsection 1, paragraph "a", the teacher shall not be reimbursed for loan payments made during that school year. If

the number of eligible applicants exceeds the funding available, the commission may accept applicants based on academic scholarship.

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

Sec. 93. Section 261.121, subsection 2, unnumbered paragraph 2, Code 2009, is amended to read as follows:

3. The notice shall include all of the following:

Sec. 94. Section 272C.6, subsections 3, 4, and 6, Code 2009, are amended to read as follows:

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

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

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

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

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

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

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

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

6. a. A board created pursuant to chapter 147, 154A, 155, 169, 542, 542B, 543B, 543D, 544A, or 544B may charge a fee not to exceed seventy-five dollars for conducting a

disciplinary hearing pursuant to this chapter which results in disciplinary action taken against the licensee by the board, and in addition to the fee, may recover from a licensee the costs for the following procedures and associated personnel:

- a. (1) Transcript.
- b. (2) Witness fees and expenses.
- c. (3) Depositions.
- d. (4) Medical examination fees incurred relating to a person licensed under chapter 147, 154A, 155, or 169.

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

Sec. 95. Section 273.9, subsection 4, Code 2009, is amended to read as follows:

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

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

Sec. 96. Section 273.22, subsection 2, Code 2009, is amended to read as follows:

2. a. The collective bargaining agreement of the area education agency with the largest basic enrollment, as defined in section 257.6, for the year prior to the year the reorganization is effective, shall serve as the base agreement in the new area education agency and the employees of the other area education agencies involved in the formation of the new area education agency shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contracts for the following years without further action by the public employment relations board. If only one collective bargaining agreement is in effect among the area education agencies that are party to the reorganization, that agreement shall serve as the base agreement, and the employees of the other agencies involved in the formation of the new area education agency shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contracts for the following years without further action by the public employment relations board.

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

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

Sec. 97. Section 275.33, subsection 2, Code 2009, is amended to read as follows:

2. a. The collective bargaining agreement of the district with the largest basic enrollment for the year prior to the reorganization, as defined in section 257.6, in the new district shall serve as the base agreement and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contracts for the following years without further action by the public employment relations board. If only one collective

bargaining agreement is in effect among the districts which are party to the reorganization, then that agreement shall serve as the base agreement, and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contracts for the following years without further action by the public employment relations board.

b. The board of the newly formed district, using the base agreement as its existing contract, shall bargain with the combined employees of the existing districts for the school year beginning with the effective date of the reorganization. The bargaining shall be completed by the dates specified in section 20.17 prior to the school year in which the reorganization becomes effective or within one hundred eighty days after the organization of the new board, whichever is later. If a bargaining agreement was already concluded by the board and employees of the existing district with the contract serving as the base agreement for the school year beginning with the effective date of the reorganization, that agreement shall be void. However, if the base agreement contains multiyear provisions affecting school years subsequent to the effective date of the reorganization, the base agreement shall remain in effect as specified in the agreement.

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

Sec. 98. Section 277.28, Code 2009, is amended to read as follows:

277.28 Oath required.

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

“~~Do~~ Do you solemnly swear that you will support the Constitution of the United States and the Constitution of the State of Iowa and that you will faithfully and impartially to the best of your ability discharge the duties of the office of (naming the office) in (naming the district) as now or hereafter required by ~~law?~~ law?”

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

“I,, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially to the best of my ability discharge the duties of the office of (naming the office) in (naming the district) as now or hereafter required by ~~law.~~ law.”

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

Sec. 99. Section 279.40, Code 2009, is amended to read as follows:

279.40 Sick leave.

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

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

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

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

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

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

Sec. 100. Section 279.51, subsection 1, unnumbered paragraphs 1 and 2, Code 2009, are amended to read as follows:

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

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

Sec. 101. Section 280.21A, subsection 1, Code 2009, is amended to read as follows:

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

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

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

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

Sec. 102. Section 284.14, subsection 5, Code 2009, is amended to read as follows:

5. *Iowa excellence fund.*

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

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

Sec. 103. Section 298.4, Code 2009, is amended to read as follows:

298.4 District management levy.

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

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

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

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

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

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

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

¹ See chapter 1193, §48 herein

Sec. 104. Section 303.1A, Code 2009, is amended to read as follows:

303.1A Director's duties.

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

1. a. Adopt rules that are necessary for the effective administration of the department.
2. b. Direct and administer the programs and services of the department.
3. c. Prepare the departmental budget request by September ~~first~~ 1 of each year on the forms furnished, and including the information required by the department of management.
4. d. Accept, receive, and administer grants or other funds or gifts from public or private agencies including the federal government for the various divisions and the department.
5. e. Appoint and approve the technical, professional, secretarial, and clerical staff necessary to accomplish the purposes of the department subject to chapter 8A, subchapter IV.
6. f. Administer the Iowa cultural trust as provided in chapter 303A and do all of the following:
 - a. (1) Develop and adopt by rule criteria for the issuance of trust fund credits by measuring the efforts of qualified organizations, as defined in section 303A.3, to increase their endowment or other resources for the promotion of the arts, history, or the sciences and humanities in Iowa. If the director determines that the organizations have increased the amount of their endowment and other resources, the director shall certify the amount of increase in the form of trust fund credits to the treasurer, who shall deposit in the Iowa cultural trust fund, from moneys received for purposes of the trust fund as provided in section 303A.4, subsection 2, an amount equal to the trust fund credits. If the amount of the trust fund credits issued by the director exceeds the amount of moneys available to be deposited in the trust fund as provided in section 303A.4, subsection 2, the outstanding trust fund credits shall not expire but shall be available to draw down additional moneys which become available to be deposited in the trust fund as provided in section 303A.4, subsection 2.
 - b. (2) Develop and implement, in accordance with chapter 303A, a grant application process for grants issued to qualified organizations as defined in section 303A.3.
 - c. (3) Develop and adopt by rule criteria for the approval of Iowa cultural trust grants. The criteria shall include, but shall not be limited to, the future stability and sustainability of a qualified organization.
 - d. (4) Compile, in consultation with the Iowa arts council and the state historical society of Iowa, a list of grant applications recommended for funding in accordance with the amount available for distribution as provided in section 303A.6, subsection 3. The list of recommended grant applications shall be submitted to the Iowa cultural trust board of trustees for approval.
 - e. (5) Monitor the allocation and use of grant moneys by qualified organizations to determine whether moneys are used in accordance with the provisions of this ~~subsection~~ paragraph "f" and chapter 303A. The director shall annually submit the director's findings and recommendations in a report to the Iowa cultural trust board of trustees prior to final board action in approving grants for the next succeeding fiscal year.
2. The director may appoint a member of the staff to be acting director who shall have the powers delegated by the director in the director's absence. The director may delegate the powers and duties of that office to the administrators.

Sec. 105. Section 307.12, Code 2009, is amended to read as follows:

307.12 Duties of the director.

1. The director shall:
 1. a. Manage the internal operations of the department and establish guidelines and procedures to promote the orderly and efficient administration of the department.
 2. b. Employ personnel as necessary to carry out the duties and responsibilities of the department, consistent with chapter 8A, subchapter IV.
 3. c. Assist the commission in developing state transportation policy and a state transportation plan.
 4. d. Establish temporary advisory boards of a size the director deems appropriate to advise the department.

5. e. Prepare a budget for the department and prepare reports required by law.
6. f. Present the department's proposed budget to the commission prior to December 31 of each year.
7. g. Appoint the deputy director of transportation and the administrators of the department.
8. h. Review and submit legislative proposals necessary to maintain current state transportation laws.
9. i. Enter into reciprocal agreements relating to motor vehicle inspections with authorized officials of any other state, subject to approval by the commission. The director may exempt or impose requirements upon nonresident motor vehicles consistent with those imposed upon vehicles of Iowa residents operated in other states.
10. j. Adopt rules in accordance with chapter 17A as the director deems necessary for the administration of the department and the exercise of the director's and department's powers and duties.
11. k. Reorganize the administration of the department as needed to increase administrative efficiency.
12. l. Provide for the receipt or disbursement of federal funds allocated to the state and its political subdivisions for transportation purposes.
13. m. Include in the department's annual budget all estimated federal funds to be received or allocated to the department.
14. n. Adopt, after consultation with the department of natural resources and the department of public safety, rules relating to enforcement of the rules regarding transportation of hazardous wastes adopted by the department of natural resources. The department and the division of state patrol of the department of public safety shall carry out the enforcement of the rules.
15. o. Prepare and submit a report to the general assembly on or before January 15 of each fiscal year describing the prior fiscal year's highway construction program, actual expenditures of the program, and contractual obligations of the program.
16. p. Administer chapter 327J.
2. If in the interest of the state, the director may allow a subsistence expense to an employee under the supervision of the department's administrator for highways for continuous stay in one location while on duty away from established headquarters and place of domicile for a period not to exceed forty-five days; and allow automobile expenses in accordance with section 8A.363, for moving an employee and the employee's family from place of present domicile to new domicile, and actual transportation expense for moving of household goods. The household goods for which transportation expense is allowed shall not include pets or animals.

Sec. 106. Section 314.1, subsection 3, Code 2009, is amended to read as follows:

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

b. Upon the completion of any contract or project on either the farm-to-market or secondary road system, the county engineer shall file with the county auditor a statement showing the total cost thereof with certificate that the work has been done in accordance with the plans and specifications. Upon completion of a contract or project on the municipal street system, the city public works department or city engineer shall file with the city clerk a statement showing the total cost of the contract or project with a certificate that the work has been done in accordance with the plans and specifications. All contracts shall be in writing and shall be secured by a bond for the faithful performance thereof as provided by law.

Sec. 107. Section 314.22, subsection 3, paragraph b, unnumbered paragraph 2, Code 2009, is amended to read as follows:

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

Sec. 108. Section 317.1A, Code 2009, is amended to read as follows:

317.1A Noxious weeds.

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

1. a. Primary noxious weeds, which shall include quack:

(1) Quack grass (Agropyron repens), perennial.

(2) Perennial sow thistle (Sonchus arvensis);

(3) Canada thistle (Cirsium arvense), bull.

(4) Bull thistle (Cirsium lanceolatum);

(5) European morning glory or field bindweed (Convolvulus arvensis), horse.

(6) Horse nettle (Solanum carolinense), leafy.

(7) Leafy spurge (Euphorbia esula), perennial.

(8) Perennial pepper-grass (Lepidium draba);

(9) Russian knapweed (Centaurea repens), buckthorn.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) Shattercane (Sorghum bicolor) annual.

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

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

Sec. 109. Section 317.6, Code 2009, is amended to read as follows:

317.6 Entering land to destroy weeds — notice.

1. If there is a substantial failure by the owner or person in possession or control of any land to comply with any order of destruction pursuant to the provisions of this chapter, the county weed commissioner, including the weed commissioner's deputies, or employees acting under the weed commissioner's direction may enter upon any land within the commissioner's county for the purpose of destroying noxious weeds.

2. The entry may be made without the consent of the landowner or person in possession or control of the land. However, the actual work of destruction shall not be commenced until

five days after the landowner and the person in possession or control of the land have been notified.

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

Sec. 110. Section 317.14, Code 2009, is amended to read as follows:

317.14 Notice of program.

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

2. ~~Said~~ The notice shall state:

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

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

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

Sec. 111. Section 321.1, subsection 20A, Code Supplement 2009, is amended to read as follows:

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

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

Sec. 112. Section 321.190, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. The fee for a nonoperator's identification card shall be five dollars and the card shall be valid for a period of five years from the date of issuance. A nonoperator's identification card shall be issued without expiration to anyone age seventy or over. If an applicant for a nonoperator's identification card is a foreign national who is temporarily present in this state, the nonoperator's identification card shall be issued only for the length of time the foreign national is authorized to be present as determined by the department, not to exceed two years. An issuance fee shall not be charged for a person whose driver's license or driving privilege has been suspended under section 321.210, subsection 1, paragraph "e" (a), subparagraph (3).

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

Sec. 113. Section 321.210, subsection 1, Code 2009, is amended to read as follows:

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

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

- ~~b.~~ (2) Is an habitual violator of the traffic laws.
- ~~e.~~ (3) Is physically or mentally incapable of safely operating a motor vehicle.
- ~~d.~~ (4) Has permitted an unlawful or fraudulent use of the license.
- ~~e.~~ (5) Has committed an offense or acted in a manner in another state or foreign jurisdiction which in this state would be grounds for suspension or revocation.
- ~~f.~~ (6) Has committed a serious violation of the motor vehicle laws of this state.
- ~~g.~~ (7) Is subject to a license suspension under section 321.513.
- b. Prior to a suspension taking effect under paragraph “a”, “b”, “c”, “d”, “e”, or “f” subparagraphs (1), (2), (3), (4), (5), or (6), the licensee shall have received thirty days’ advance notice of the effective date of the suspension. Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, the filing of a petition for judicial review shall, except for suspensions under paragraph “e” “a”, subparagraph (3), operate to stay the suspension pending the determination by the district court.

Sec. 114. Section 321.212, subsection 1, paragraph a, Code 2009, is amended to read as follows:

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

(2) A suspension under section 321.210, subsection 1, paragraph “d” “a”, subparagraph (4), for a violation of section 321.216B shall not exceed six months. As soon as practicable after the period of suspension has expired, but not later than six months after the date of expiration, the department shall expunge information regarding the suspension from the person’s driving record.

Sec. 115. Section 321.299, Code 2009, is amended to read as follows:

321.299 Overtaking a vehicle.

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

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

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

Sec. 116. Section 321.366, Code 2009, is amended to read as follows:

321.366 Acts prohibited on fully controlled-access facilities.

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

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

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

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

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

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

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

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

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

Sec. 117. Section 321.383, subsection 3, Code 2009, is amended to read as follows:

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

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

Sec. 118. Section 321.409, Code 2009, is amended to read as follows:

321.409 Mandatory lighting equipment.

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

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

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

3. *2.* Every new motor vehicle, other than a motorcycle or motorized bicycle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle.

Sec. 119. Section 321.474, Code 2009, is amended to read as follows:

321.474 Department may restrict.

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

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

3. For the purposes of restrictions imposed under this section, a triple axle is any group of three or more consecutive axles where the centers of any consecutive axles are more than forty inches apart and where the centers of the extreme axles are more than eighty-four inches

apart but not more than one hundred sixty-eight inches apart. Where triple axle restrictions are imposed, the signs erected by the department shall give notice of the restrictions.

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

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

Sec. 120. Section 321.491, Code 2009, is amended to read as follows:

321.491 Convictions and recommendations for suspension to be reported.

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

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

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

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

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

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

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

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

Sec. 121. Section 321E.11, Code 2009, is amended to read as follows:

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

1. Movements by permit in accordance with this chapter shall be permitted only during the hours from thirty minutes prior to sunrise to thirty minutes following sunset unless the issuing authority determines that the movement can be better accomplished at another period of time because of traffic volume conditions or the vehicle subject to the permit has an overall length not to exceed one hundred feet, an overall width not to exceed eleven feet, and an overall height not to exceed fourteen feet, four inches, and the permit requires the vehicle to operate only on those highways designated by the department. Additional safety lighting and escorts may be required for movement at night.

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

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

Sec. 122. Section 327G.81, Code 2009, is amended to read as follows:

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

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

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

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

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

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

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

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

Sec. 123. Section 328.41, Code 2009, is amended to read as follows:

328.41 Operating recklessly or while intoxicated.

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

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

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

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

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

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

Sec. 124. Section 330A.9, subsection 4, paragraph e, unnumbered paragraph 2, Code 2009, is amended to read as follows:

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

Sec. 125. Section 331.206, subsection 2, Code 2009, is amended to read as follows:

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

b. A plan selected by the board shall become effective on the first day in January which is not a Sunday or holiday following the next general election, at which time the terms of the members expire and the terms of the members elected under the requirements of the new supervisor representation plan at the general election as specified in section 331.208, 331.209, or 331.210 shall commence.

Sec. 126. Section 331.236, Code 2009, is amended to read as follows:

331.236 Ballot requirements.

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

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

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

Sec. 127. Section 331.247, subsection 7, paragraph c, Code 2009, is amended to read as follows:

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

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

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

Sec. 128. Section 331.252, Code 2009, is amended to read as follows:

331.252 Form of ballot — city-county consolidation.

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

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

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

Sec. 129. Section 331.255, Code 2009, is amended to read as follows:

331.255 Form of ballot — multicounty consolidation.

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

Should the consolidation charter described below be adopted for (name of applicable county)?

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

Sec. 130. Section 331.262, subsections 1 and 9, Code 2009, are amended to read as follows:

1. a. As a political subdivision of the state, the community commonwealth unit of local government shall have the statutory and constitutional status of a county and of a city to the extent the community commonwealth governing body assumes the powers and duties of cities as those powers and duties relate to the delivery of services. For each service provided by the community commonwealth, the community commonwealth shall assume the same

statutory rights, powers, and duties relating to the provision of the service as if the member city were itself providing the service to its citizens.

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

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

b. A city or county may join an existing community commonwealth government by resolution of the board or council, whichever is applicable, or upon petition of eligible electors of the city or county, whichever is applicable, equal in number to at least twenty-five percent of the persons who voted at the last general election for the office of governor or president of the United States, whichever is fewer. Within fifteen days after receiving a valid petition, the applicable governing body shall adopt a resolution in favor of participation and shall immediately forward the resolution to the governing body of the community commonwealth. If a majority of the community commonwealth governing body approves the resolution, the question of joining the community commonwealth shall be submitted to the electorate of the petitioning city or county within sixty days after approval of the resolution.

Sec. 131. Section 331.301, subsection 10, paragraph e, subparagraph (1), Code Supplement 2009, is amended to read as follows:

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

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

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

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

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

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

(b) However, if the principal amount of a lease or lease-purchase contract pursuant to this subparagraph (1) is less than twenty-five thousand dollars, the board may authorize the lease or lease-purchase contract without following the authorization procedures of section 331.443.

Sec. 132. Section 331.301, subsection 10, paragraph e, subparagraph (2), subparagraph division (b), Code Supplement 2009, is amended to read as follows:

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

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

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

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

Sec. 133. Section 331.307, subsections 9 through 12, Code 2009, are amended to read as follows:

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

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

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

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

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

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

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

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

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

11. 12. This section does not preclude a peace officer of a county from issuing a criminal citation for a violation of a county code or regulation if criminal penalties are also provided for the violation. Each day that a violation occurs or is permitted by the defendant to exist, constitutes a separate offense.

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

Sec. 134. Section 331.342, Code 2009, is amended to read as follows:

331.342 Conflicts of interest in public contracts.

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

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

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

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

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

4. d. Contracts in which a county officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in ~~subsection 8~~ paragraph "h", or

both, if the contracts are made by competitive bid, publicly invited and opened, or if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this ~~subsection~~ paragraph does not apply to a contract for professional services not customarily awarded by competitive bid.

5. e. The designation of official newspapers.

6. f. A contract in which a county officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract shall not be renewed.

7. g. A contract with volunteer fire fighters or civil defense volunteers.

8. h. A contract with a corporation in which a county officer or employee has an interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of the officer or employee.

9. i. A contract made by competitive bid, publicly invited and opened, in which a member of a county board, commission, or administrative agency has an interest, if the member is not authorized by law to participate in the awarding of the contract. The competitive bid qualification of this ~~subsection~~ paragraph does not apply to a contract for professional services not customarily awarded by competitive bid.

10. j. Contracts not otherwise permitted by this section, for the purchase of goods or services by a county, which benefit a county officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of one thousand five hundred dollars in a fiscal year.

11. k. A contract that is a bond, note, or other obligation of the county and the contract is not acquired directly from the county, but is acquired in a transaction with a third party, who may or may not be the original underwriter, purchaser, or obligee of the contract.

Sec. 135. Section 331.402, subsection 3, paragraph d, subparagraph (2), subparagraph division (b), Code Supplement 2009, is amended to read as follows:

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

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

Shall the county of enter into a loan agreement in amount of \$ for the purpose of

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

Sec. 136. Section 331.424, subsection 1, Code 2009, is amended to read as follows:

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

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

~~(4)~~ (a) The costs of inpatient or outpatient substance abuse admission, commitment, transportation, care, and treatment at any of the following:

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

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

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

~~(3)~~ (c) Clothing, transportation, medical, or other services provided persons attending the Iowa braille and sight saving school, the Iowa school for the deaf, or the university of

Iowa hospitals and clinics' center for disabilities and development for children with severe disabilities at Iowa City, for which the county becomes obligated to pay pursuant to sections 263.12, 269.2, and 270.4 through 270.7.

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

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

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

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

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

g. (7) The maintenance and operation of the courts, including but not limited to the salary and expenses of the clerk of the district court and other employees of the clerk's office, and bailiffs, court costs if the prosecution fails or if the costs cannot be collected from the person liable, costs and expenses of prosecution under section 189A.17, salaries and expenses of juvenile court officers under chapter 602, court-ordered costs in domestic abuse cases under section 236.5, the county's expense for confinement of prisoners under chapter 356A, temporary assistance to the county attorney, county contributions to a retirement system for bailiffs, reimbursement for judicial magistrates under section 602.6501, claims filed under section 622.93, interpreters' fees under section 622B.7, uniform citation and complaint supplies under section 805.6, and costs of prosecution under section 815.13.

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

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

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

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

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

Sec. 137. Section 331.605, Code 2009, is amended to read as follows:

331.605 Other fees.

1. The recorder shall collect:

1. a. For the issuance of a registration or transfer for a vessel or boat:

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

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

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

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

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

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

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

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

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

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

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

8. h. Other fees as provided by law.

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

Sec. 138. Section 331.651, Code 2009, is amended to read as follows:

331.651 Office of county sheriff.

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

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

a. Have no felony convictions.

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

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

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

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

Sec. 139. Section 336.2, Code 2009, is amended to read as follows:

336.2 Library districts formed.

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

2. a. Eligible electors residing within the proposed district in a number not less than five percent of those voting for president of the United States or governor, as the case may be, within the district at the last general election may petition the board of supervisors of the county, or the city council, for the establishment of the library district. The petition shall clearly designate the area to be included in the district.

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

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

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

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

Sec. 140. Section 336.16, Code 2009, is amended to read as follows:

336.16 Withdrawal from district — termination.

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

(2) A county may withdraw from the district after a majority of the voters of the unincorporated area of the county voting on the issue favor the withdrawal. The board of supervisors shall call for the election which shall be held at the next general election.

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

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

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

Sec. 141. Section 352.3, subsections 1 and 4, Code 2009, are amended to read as follows:

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

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

~~b.~~ (2) Two members appointed by the district soil and water conservation commissioners, one of whom must be a member of the district soil and water conservation board of commissioners and one must be a person who is not a commissioner, but is actively operating a farm in the county.

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

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

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

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

Sec. 142. Section 352.6, Code 2009, is amended to read as follows:

352.6 Creation or expansion of agricultural areas.

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

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

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

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

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

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

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

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

Sec. 143. Section 354.11, Code 2009, is amended to read as follows:

354.11 Attachments to subdivision plats.

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

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

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

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

4. d. A certified resolution by each governing body as required by section 354.8 either approving the subdivision or waiving the right to review.

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

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

2. A subdivision plat which includes no land set apart for streets, alleys, parks, open areas, school property, or public use other than utility easements, shall be accompanied by the

documents listed in ~~subsections~~ subsection 1, 2, 3, 4, paragraphs "a", "b", "c", "d", and 5 "e" and a certificate of the treasurer that the land is free from certified taxes other than certified special assessments.

Sec. 144. Section 357C.13, Code 2009, is amended to read as follows:

357C.13 Determination of fee.

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

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

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

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

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

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

Sec. 145. Section 358.2, Code 2009, is amended to read as follows:

358.2 Petition — deposit.

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

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

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

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

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

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

3. a. There shall be filed with the petition a bond with sureties approved by the auditor, or a certified check, credit union certified share draft or cash in an amount sufficient for the payment of all costs and expenses incurred in the proceedings if the district is not finally established.

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

Sec. 146. Section 358.7, Code 2009, is amended to read as follows:

358.7 Election.

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

For Sanitary District

Against Sanitary District

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

Sec. 147. Section 360.9, Code 2009, is amended to read as follows:

360.9 Reversion of real estate — payment.

1. *a.* Any real estate, including improvements thereon, situated wholly outside of a city, owned by a township and heretofore used for township purposes and which is no longer necessary for township purposes, shall revert to the present owner of the tract from which the same was taken, provided that said owner of the tract last aforesaid shall, within the time hereinafter prescribed, pay the value thereof to the township clerk. In the event the township trustees and said owner of the tract from which such real property was taken do not agree as to the value of such property and improvements thereon, the township clerk shall, on written application of either party, appoint three disinterested residents of the township to appraise such property and improvements thereon.

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

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

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

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

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

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

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

Sec. 148. Section 362.5, Code 2009, is amended to read as follows:

362.5 Interest in public contract prohibited — exceptions.

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

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

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

1. a. The payment of lawful compensation of a city officer or employee holding more than one city office or position, the holding of which is not incompatible with another public office or is not prohibited by law.

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

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

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

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

6. f. The designation of an official newspaper.

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

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

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

10. j. Contracts not otherwise permitted by this section, for the purchase of goods or services by a city having a population of more than two thousand five hundred, which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of one thousand five hundred dollars in a fiscal year.

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

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

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

Sec. 149. Section 368.20, Code 2009, is amended to read as follows:

368.20 Procedure after approval.

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

1. a. Serve and publish notice of the result as provided in section 362.3.

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

2. Upon proper filing and expiration of time for appeal, the incorporation, discontinuance, or boundary adjustment is complete. However, if an appeal to any of the proceedings is pending, completion does not occur until the appeal is decided, unless a subsequent date is provided in the proposal. The board shall also file with the state department of transportation a copy of the map and legal land description of each completed incorporation

or corporate boundary adjustment completed under sections 368.11 through 368.22 or approved annexation within an urbanized area.

Sec. 150. Section 368.22, Code 2009, is amended to read as follows:

368.22 Appeal.

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

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

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

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

3. The following portions of section 17A.19 are not applicable to this chapter:

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

~~2. b. Subsection 5.~~

~~3. c. Subsection 8.~~

~~4. d. Subsection 9.~~

~~5. e. Subsection 10.~~

~~6. f. Subsection 11.~~

Sec. 151. Section 372.5, Code 2009, is amended to read as follows:

372.5 Commission form.

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

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

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

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

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

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

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

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

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

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

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

Sec. 152. Section 373.7, Code 2009, is amended to read as follows:

373.7 Form of ballot.

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

Should the cities of and unite to form one joint

metropolitan corporation government?

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

Sec. 153. Section 376.8, subsection 2, Code 2009, is amended to read as follows:

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

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

Sec. 154. Section 384.24A, subsection 4, paragraph b, subparagraph (2), Code Supplement 2009, is amended to read as follows:

(2) (a) If at any time before the end of the thirty-day period after which a meeting may be held to take action to enter into the loan agreement, a petition is filed with the clerk of the city in the manner provided by section 362.4, asking that the question of entering into the loan agreement be submitted to the registered voters of the city, the governing body shall either by resolution declare the proposal to enter into the loan agreement to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of entering into the loan agreement. However, for purposes of this paragraph, the petition shall not require signatures in excess of one thousand persons.

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

Shall the city of enter into a loan agreement in amount of \$ for the purpose of

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

Sec. 155. Section 384.50, Code 2009, is amended to read as follows:

384.50 Notice of hearing.

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

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

NOTICE TO PROPERTY OWNERS

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

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

.....
Clerk

3. Not less than fifteen days before the hearing, the clerk shall send a copy of the notice by mail to each property owner whose property is subject to assessment for the improvement at the address as shown by the records of the county auditor. If a property is shown to be in the name of more than one owner at the same mailing address, a single notice may be mailed

addressed to all owners at that address. Failure to receive a mailed notice is not a defense to the special assessment.

Sec. 156. Section 389.2, Code 2009, is amended to read as follows:

389.2 Submission to voters.

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

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

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

Sec. 157. Section 403.5, subsection 4, paragraph b, Code 2009, is amended to read as follows:

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

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

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

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

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

(d) (iv) The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

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

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

Sec. 158. Section 403A.5, Code 2009, is amended to read as follows:

403A.5 Exercise of municipal housing powers — municipal housing agency.

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

2. If the municipal housing agency is authorized to transact business and exercise powers hereunder, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the municipal housing agency which board shall consist of five commissioners. The term of office for three of the commissioners originally appointed shall be two years and the term of office for two of the commissioners originally appointed shall be one year. Thereafter the term of office for each commissioner shall be two years. In cities having a population of more than one hundred thousand, the city council may establish, by ordinance, the number of commissioners at not less than five.

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

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

b. The mayor shall designate a chairperson and vice chairperson from among the commissioners. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and the agency may determine their qualifications, duties, and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before September 30 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expense as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality, and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency.

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

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

6. A municipality or a "Municipal Housing Agency" may not proceed with a housing project until a study or a report and recommendation on housing available within the community

is made public by the municipality or agency and is included in its recommendations for a housing project. Recommendations must receive majority approval from the local governing body before proceeding on the housing project.

Sec. 159. Section 404.2, subsection 2, paragraph h, Code 2009, is amended to read as follows:

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

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

Sec. 160. Section 411.5, subsection 9, Code 2009, is amended to read as follows:

9. *Duties of actuary.*

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

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

Sec. 161. Section 411.30, Code 2009, is amended to read as follows:

411.30 Transfer of membership.

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

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

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

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

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

2. The Iowa public employees' retirement system shall transfer to the board of trustees of the applicable retirement system under this chapter an amount equal to the total of the accumulated contributions of the member as defined in section 97B.1A, subsection 2, together with the employer contribution for that period of service plus the interest that accrued on the contributions for that period equal to two percent plus the interest dividend rate applicable for each year. The board of trustees of the applicable retirement system under this chapter shall credit the member whose contributions are transferred under this section with membership service under this chapter for the period for which the member was covered under the Iowa public employees' retirement system. If the amount of the accumulated contributions as defined in section 97B.1A, subsection 2, transferred is less than the amount that would have been contributed under section 411.8, subsection 1, paragraph "f", at the rates in effect for the period for which contributions were made plus the interest that would have accrued on the amount, the member shall pay the difference together with interest that would have accrued on the amount.

3. a. If the amount of the employer contributions transferred is less than the amount that would have been contributed by the employer under section 411.5, subsection 12, paragraph "b", plus the interest that would have accrued on the contributions, the board of trustees of the applicable retirement system under this chapter shall determine the remaining contribution amount due. The board of trustees shall notify the county board of supervisors of the county

in which the sheriff was elected of the remaining amount to be paid to the retirement system under this chapter.

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

4. From July 1, 1986, the county board of supervisors of the county in which the sheriff was elected shall deduct the contribution required of the member under section 411.8, subsection 1, paragraph "f", from the member's earnable compensation and the county shall pay from the county general fund an amount equal to the normal rate of contribution multiplied by the member's earnable compensation to the applicable retirement system for the period in which the member remains sheriff or deputy sheriff of that county.

DIVISION III INTERNAL REFERENCE CHANGES

Sec. 162. Section 123.38, unnumbered paragraph 2, Code 2009, is amended to read as follows:

Any licensee or permittee, or the licensee's or permittee's executor or administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of the licensee's or permittee's creditors, may voluntarily surrender a license or permit to the division. When a license or permit is surrendered the division shall notify the local authority, and the division or the local authority shall refund to the person surrendering the license or permit, a proportionate amount of the fee received by the division or the local authority for the license or permit as follows: if a license or permit is surrendered during the first three months of the period for which it was issued, the refund shall be three-fourths of the amount of the fee; if surrendered more than three months but not more than six months after issuance, the refund shall be one-half of the amount of the fee; if surrendered more than six months but not more than nine months after issuance, the refund shall be one-fourth of the amount of the fee. No refund shall be made, however, for any special liquor permit, nor for a liquor control license, wine permit, or beer permit surrendered more than nine months after issuance. For purposes of this paragraph, any portion of license or permit fees used for the purposes authorized in section 331.424, subsection 1, paragraphs "a" and "b" paragraph "a", subparagraphs (1) and (2), and in section 331.424A, shall not be deemed received either by the division or by a local authority. No refund shall be made to any licensee or permittee, upon the surrender of the license or permit, if there is at the time of surrender, a complaint filed with the division or local authority, charging the licensee or permittee with a violation of this chapter. If upon a hearing on a complaint the license or permit is not revoked or suspended, then the licensee or permittee is eligible, upon surrender of the license or permit, to receive a refund as provided in this section; but if the license or permit is revoked or suspended upon hearing the licensee or permittee is not eligible for the refund of any portion of the license or permit fee.

Sec. 163. Section 144.36, subsection 4, Code 2009, is amended to read as follows:

4. The county registrar shall record and forward to the state registrar on or before the tenth day of each calendar month the original certificates of marriages filed with the county registrar during the preceding calendar month and the fees collected by the county registrar on behalf of the state for applications for a license to marry in accordance with section 331.605, subsection 7 1, paragraph "g".

Sec. 164. Section 144.46, subsection 2, Code 2009, is amended to read as follows:

2. Fees collected by the state registrar and by the county registrar on behalf of the state under this section shall be deposited in the general fund of the state and the vital records fund established in section 144.46A in accordance with an apportionment established by rule. Fees collected by the county registrar pursuant to section 331.605, subsection 6 1, paragraph "f", shall be deposited in the county general fund.

Sec. 165. Section 218.99, Code 2009, is amended to read as follows:

218.99 Counties to be notified of patients' personal accounts.

The administrator in control of a state institution shall direct the business manager of each institution under the administrator's jurisdiction which is mentioned in section 331.424, subsection 1, ~~paragraphs "a" and "b"~~ paragraph "a", subparagraphs (1) and (2), and for which services are paid under section 331.424A, to quarterly inform the county of legal settlement's entity designated to perform the county's central point of coordination process of any patient or resident who has an amount in excess of two hundred dollars on account in the patients' personal deposit fund and the amount on deposit. The administrators shall direct the business manager to further notify the entity designated to perform the county's central point of coordination process at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the patient or resident. If the patient or resident has no county of legal settlement, notice shall be made to the director of human services and the administrator in control of the institution involved.

Sec. 166. Section 303A.4, subsection 2, Code 2009, is amended to read as follows:

2. An Iowa cultural trust fund is created in the office of the treasurer of state for the purpose of receiving moneys appropriated by the general assembly and any other moneys available to the trust fund due to the issuance of trust fund credits by the director as provided in section 303.1A, subsection 6 1, paragraph "f".

Sec. 167. Section 303A.6, subsection 2, Code 2009, is amended to read as follows:

2. Approve or disapprove the grants recommended for approval by the director, in consultation with the Iowa arts council and the state historical society of Iowa, in accordance with section 303.1A, subsection 6 1, paragraph "e" "f", subparagraph (3). The board may delete any recommendation, but shall not add to or otherwise amend the list of recommended grants.

Sec. 168. Section 307.10, subsection 15, Code 2009, is amended to read as follows:

15. Approve all rules prior to their adoption by the director pursuant to section 307.12, subsection 40 1, paragraph "j".

Sec. 169. Section 321.12, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. Records concerning suspensions authorized under section 321.210, subsection 1, paragraph "g" "a", subparagraph (7), and section 321.210A may be destroyed six months after the suspension is terminated and the requirements of section 321.191 have been satisfied.

Sec. 170. Section 321.180A, subsections 1 and 3, Code 2009, are amended to read as follows:

1. Notwithstanding other provisions of this chapter, a person with a physical disability, who is not suffering from a convulsive disorder and who can provide a favorable medical report, whose license renewal has been denied under section 321.177, subsection 6 or 7, or whose driver's license has been suspended under section 321.210, subsection 1, paragraph "e" "a", subparagraph (3), upon meeting the requirements of section 321.186, other than a driving demonstration or the person's limitations which caused the denial under section 321.177, subsection 6 or 7, or suspension under section 321.210, subsection 1, paragraph "e" "a", subparagraph (3), and upon paying the fee required in section 321.191, shall be issued a special instruction permit by the department. Upon issuance of the permit the denial or suspension shall be stayed and the stay shall remain in effect as long as the permit is valid.

3. The permittee may apply for a driver's license if thirty days have elapsed since issuance of the special instruction permit. The department shall issue a driver's license if the permittee is qualified, passes all required tests, including a driving test, and pays the required fees. If the person has not obtained a driver's license before expiration of the person's special instruction permit, the person's former denial or suspension under section 321.177, subsection 6 or 7, or section 321.210, subsection 1, paragraph "e" "a", subparagraph (3), upon service of notice by the department, shall be reinstated. A permit shall be reissued for one additional six-month period if a permittee continues to meet the qualifications of subsection 1 and has incurred no motor vehicle violations.

Sec. 171. Section 321.191, subsection 8, Code 2009, is amended to read as follows:

8. *Driver's license reinstatements.* The fee for reinstatement of a driver's license shall be twenty dollars for a license which is, after notice and opportunity for hearing, canceled, suspended, revoked, or barred. However, reinstatement of the privilege suspended under section 321.210, subsection 1, paragraph "e" "a", subparagraph (3), shall be without fee. The fee for reinstatement of the privilege to operate a commercial motor vehicle after a period of disqualification shall be twenty dollars.

Sec. 172. Section 321.210, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. Parking violations, meaning violation of a local authority parking ordinance or violation of sections 321L.4, 321.366, subsection 6 1, paragraph "f", and 321.354 through 321.361 except section 321.354, subsection 1.

Sec. 173. Section 321.210C, subsection 1, Code 2009, is amended to read as follows:

1. A person whose driver's license or operating privileges have been suspended, revoked, or barred under this chapter for a conviction of a moving traffic violation, or suspended, revoked, or barred under section 321.205 or section 321.210, subsection 1, paragraph "e" "a", subparagraph (5), must satisfactorily complete a twelve-month probation period beginning immediately after the end of the period of suspension, revocation, or bar. Upon a second conviction of a moving traffic violation which occurred during the probation period, the department may suspend the driver's license or operating privileges for an additional period equal in duration to the original period of suspension, revocation, or bar, or for one year, whichever is the shorter period.

Sec. 174. Section 321.218, subsection 3, paragraph a, Code Supplement 2009, is amended to read as follows:

a. The department, upon receiving the record of the conviction of a person under this section upon a charge of operating a motor vehicle while the license of the person is suspended or revoked, shall, except for licenses suspended under section 252J.8, 321.210, subsection 1, paragraph "e" "a", subparagraph (3), or section 321.210A or 321.513, extend the period of suspension or revocation for an additional like period or for one year, whichever period is shorter, and the department shall not issue a new driver's license to the person during the extended period.

Sec. 175. Section 321.415, subsection 1, paragraphs a and b, Code 2009, are amended to read as follows:

a. Whenever a driver of a vehicle approaches an oncoming vehicle within one thousand feet, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in section 321.409, subsection 2 1, paragraph "b", shall be deemed to avoid glare at all times, regardless of road contour and loading.

b. Whenever the driver of a vehicle follows another vehicle within four hundred feet to the rear, except when engaged in the act of overtaking and passing, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 321.409, subsection 1, paragraph "a".

Sec. 176. Section 321A.17, subsection 4, Code Supplement 2009, is amended to read as follows:

4. An individual applying for a driver's license following a period of suspension or revocation pursuant to a dispositional order issued under section 232.52, subsection 2, paragraph "a", or under section 321.180B, section 321.210, subsection 1, paragraph "d" "a", subparagraph (4), or section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, following a period of suspension under section 321.194, or following a period of revocation pursuant to a court order issued under section 901.5, subsection 10, or under section 321J.2A, is not required to maintain proof of financial responsibility under this section.

Sec. 177. Section 331.301, subsection 12, Code Supplement 2009, is amended to read as follows:

12. The board of supervisors may credit funds to a reserve for the purposes authorized by subsection 11 of this section; section 331.424, subsection 1, paragraph ~~“f”~~ “a”, subparagraph (6); and section 331.441, subsection 2, paragraph “b”. Moneys credited to the reserve, and interest earned on such moneys, shall remain in the reserve until expended for purposes authorized by subsection 11 of this section; section 331.424, subsection 1, paragraph ~~“f”~~ “a”, subparagraph (6); or section 331.441, subsection 2, paragraph “b”.

Sec. 178. Section 331.610, Code 2009, is amended to read as follows:

331.610 Abolition of office of recorder — identification of office — place of filing.

If the office of county recorder is abolished in a county, the auditor of that county shall be referred to as the county auditor and recorder. After abolition of the office of county recorder, references in the Code requiring filing or recording of documents with the county recorder shall be deemed to require the filing in the office of the county auditor and recorder, and all duties of the abolished office of recorder shall be performed by the county auditor and recorder. However, the board of supervisors may direct that any of the duties of the abolished office of recorder prescribed in section 331.602, subsection 9, 10, 11, or 16, or section 331.605, subsection 1, ~~2, 3, 4~~ paragraphs “a”, “b”, “c”, “d”, or ~~5~~ “e”, shall be performed by other county officers or employees as provided in section 331.323.

Sec. 179. Section 368.7, subsection 3, Code 2009, is amended to read as follows:

3. An application for annexation of territory within an urbanized area of a city other than the city to which the annexation is directed must be approved both by resolution of the council which receives the application and by the board. The board shall not approve an application which creates an island. Notice of the application shall be mailed by certified mail, by the city to which the annexation is directed, at least fourteen business days prior to any action by the city council on the application to the council of each city whose boundary adjoins the territory or is within two miles of the territory, to the board of supervisors of each county which contains a portion of the territory, each affected public utility, and to the regional planning authority of the territory. Notice of the application shall be published in an official county newspaper in each county which contains a portion of the territory at least ten business days prior to any action by the city council on the application. The annexation is completed when the board has filed and recorded copies of applicable portions of the proceedings as required by section 368.20, subsection ~~2~~ 1, paragraph “b”.

DIVISION IV
DIRECTIVES

Sec. 180. CODE EDITOR DIRECTIVES.

1. The Code editor is directed to number or renumber to eliminate unnumbered paragraphs in sections 256.33, 256B.4, 256B.6, 260C.31, 260C.66, 260C.69, 261.83, 261A.15, 262.25, 262A.13, 275.16, 277.4, 285.2, 305B.11, 306.22, 307.22, 309.10, 311.7, 313.3, 313.5, 321.31, 321.68, 321.193, 321.211, 321.473, 321.475, 321.476, 321E.28, 321I.15, 321L.3, 322.9, 322A.15, 322C.12, 326.19A, 326.25, 327D.13, 327F.27, 327G.4, 327G.15, 327G.29, 327G.32, 331.254, 331.261, 354.10, 354.12, 354.22, 356.26, 357.1A, 357A.2, 357A.18, 357A.20, 357C.1A, 357C.5, 359.52, 362.3, 372.1, 376.6, 384.18, 389.3, 400.7, 403A.14, and 420.43, Code 2009, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts as necessary.

2. The Code editor is directed to number, renumber, designate, or redesignate to eliminate unnumbered paragraphs within section subunits in sections 22.1, subsection 3; 256.11, subsection 5, paragraphs “g”, “h”, and “j”; 256.12, subsection 2; 256.52, subsection 3; 257.3, subsection 1; 257.6, subsections 3 and 5; 257.32, subsection 1; 257.37, subsection 5; 258.17, subsections 2 and 3; 260C.18B, subsection 1; 260C.72, subsection 1; 261.17, subsection 3; 261.38, subsection 5; 261.126, subsection 4; 266.39, subsections 3 and 4; 273.8, subsection 8; 273.27, subsection 1; 279.10, subsection 3; 279.15, subsection 2; 280.15, subsection 2; 282.3, subsection 2; 282.4, subsection 2; 285.5, subsection 1; 296.7, subsections 1 and 4; 299A.4, subsection 7; 303.16, subsection 5; 303.16, subsection 9, paragraph “a”; 306.4, subsection

4; 313.2A, subsection 2; 316.2, subsection 3; 321.34, subsections 2, 8, 8A, 15, 16, 17, 18, 19, 20, 20A, and 20B; 321.48, subsection 1; 321.69, subsections 7 and 10; 321.109, subsection 2; 321.124, subsection 3, paragraph “h”; 321.166, subsection 1; 321.180, subsection 1, paragraphs “a” and “b”; 321.180B, subsections 1 and 2; 321.189, subsection 1; 321.201, subsection 1; 321.372, subsections 1 and 3; 321.445, subsection 2; 321.471, subsection 1; 321A.2, subsection 1; 321A.5, subsection 3; 321G.13, subsection 1; 321J.4B, subsection 5, paragraph “f”; 321J.20, subsection 1, paragraph “c”; 321J.24, subsection 5; 322.3, subsection 13; 322.19, subsection 1; 322G.4, subsections 1, 2, and 3; 322G.6, subsection 3; 324A.6, subsection 1; 331.238, subsection 2; 331.248, subsection 4; 331.249, subsections 2 and 7; 331.260, subsection 2; 331.323, subsection 1; 331.426, subsection 2; 331.463, subsection 1; 331.659, subsection 1; 331.904, subsection 1; 350.4, subsection 9; 352.5, subsection 3; 356.7, subsection 5; 357A.24, subsection 4; 359.49, subsection 8; 368.7, subsection 1, paragraph “b”, and subsection 4; 368.11, subsection 3, paragraph “m”; 372.4, subsection 1; 373.2, subsection 2; 373.11, subsection 1; 384.38, subsection 3; 384.65, subsection 4; 384.82, subsection 1; 384.103, subsection 2; 386.3, subsection 3; 403.5, subsection 2; 403.8, subsection 2; 403.9, subsection 3; 403.19, subsection 5, paragraph “a”; 403.22, subsection 1; 404.2, subsection 5; 411.6B, subsection 1, paragraph “b”; 411.8, subsection 1, paragraph “g”; and 411.21, subsection 7, Code 2009, and correct internal references in the Code and in any enacted Iowa Acts as necessary.

3. The Code editor is directed to number or renumber to eliminate unnumbered paragraphs within section subunits in sections 10A.108, subsection 1; 321L.5, subsection 6; and 411.36, subsection 1, Code Supplement 2009, and correct internal references in the Code and in any enacted Iowa Acts as necessary.

4. a. The Code editor is directed to strike the words “title” or “Title” and insert “Tit.” within federal Act references in sections 13.31, subsections 1 and 6; 15E.192, subsection 2; 15E.195, subsections 1 and 2; 30.1, subsection 3; 47.1, subsection 5; 96.11, subsection 10, paragraph “c”; 97C.1; 97C.2, subsections 2, 5, and 7; 97C.3, unnumbered paragraph 1, and subsections 1 and 2; 135C.9, subsection 1, paragraph “b”; 142A.8, subsection 2; 203C.1, subsection 26; 207.21, subsections 1, 4, and 5; 207.22, subsection 3, paragraph “b”; 217.38; 228.1, subsection 7; 230.20, subsection 6; 232.1A; 234.6, subsection 1; 249.1, subsection 3; 249A.2, subsections 1, 4, 6, 7, and 8; 249A.20A, subsection 5; 249A.24, subsection 2, paragraph “b”; 249B.1, subsections 6 and 7; 249F.1, subsection 1; 249F.8; 249J.3, subsection 8; 249J.10, subsection 3; 249J.22, subsection 3; 252B.6, subsection 3; 252B.9, subsection 2, paragraph “b”, subparagraph (1), subsection 3, paragraphs “c”, “d”, “e”, subparagraph (1), and “f”; 252B.14, subsection 5; 252D.20; 252E.15; 259.2, unnumbered paragraph 2; 259.9; 260C.18A, subsection 2, paragraph “c”; 306B.1, subsections 3 and 4; 307.10, subsection 13; 321.105, subsection 5; 321.450, subsections 1 and 3; 403.6, subsection 7; 455B.133, subsection 3 and subsection 8, paragraph “a”; 459A.102, subsection 19; 483A.4, subsection 1; 486A.101, subsection 2, paragraph “a”; 488.102, subsection 3, paragraph “a”; 490A.102, subsection 2; 514.7, subsections 2 through 4; 514B.1, subsection 5, paragraphs “b” though² “d”; 514C.8, subsection 1; 514F.4, subsection 2, paragraph “a”; 514I.9, subsection 1; 523A.401, subsection 5, paragraph “a”; 523A.402, subsection 5, paragraph “a”; 523A.602, subsection 3; 534.205, subsection 1; 541A.1, subsection 8, paragraph “b”, subparagraph (2); and 541A.6, Code 2009.

b. The Code editor is directed to strike the word “title” or “Title” and insert “Tit.” within federal Act references in section 35.1, subsection 2, paragraph “b”, subparagraphs (1) and (2), Code Supplement 2009.

c. The Code editor is directed to strike the word “Title” and “Part” and insert “Tit.” and “pt.” within federal Act references in sections 257.50 and 261.86, subsection 5, Code 2009.

d. The Code editor is directed to strike the words “Title”, “subtitle”, “Part”, and “Subpart” and insert “Tit.”, “subtit.”, “pt.”, and “subpt.”, where applicable, within federal Act references in sections 256.10A; 256F.3, subsection 1; and 476.42, subsection 1, unnumbered paragraph 2 and subsection 4, unnumbered paragraph 2, Code 2009.

e. The Code editor is directed to strike the word “Title” and “subchapter” and insert “Tit.” and “subch.” within a federal Act reference in section 537.1302, Code 2009.

² See chapter 1193, §71 herein

f. The Code editor is directed to strike the words “subchapter” and “part” and insert “pt.” within a Code of federal regulations reference in section 162.20, subsection 5, paragraph “c”, Code 2009.

DIVISION V
EFFECTIVE DATES

Sec. 181. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment and apply retroactively to July 1, 2009:

1. The section of this Act striking 2009 Iowa Acts, chapter 9, section 6, subsection 1.
2. The section of this Act repealing 2009 Iowa Acts, chapter 133, sections 228 and 247.
3. The section of this Act repealing 2009 Iowa Acts, chapter 170, section 3.
4. The section of this Act amending 2009 Iowa Acts, chapter 179, section 30.
5. The section of this Act amending 2009 Iowa Acts, chapter 179, sections 201 and 202.

Sec. 182. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. The section of this Act amending 2009 Iowa Acts, chapter 100, section 35, takes effect upon enactment and applies retroactively to May 12, 2009.

Approved March 19, 2010

CHAPTER 1062

LONG-TERM CARE RESIDENT'S ADVOCATE

S.F. 2263

AN ACT relating to the office of the long-term care resident’s advocate, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135C.37, Code 2009, is amended to read as follows:

135C.37 Complaints alleging violations — confidentiality.

A person may request an inspection of a health care facility by filing with the department, resident advocate committee of the facility, or the office of long-term care resident’s advocate as established pursuant to section 231.42, a complaint of an alleged violation of applicable requirements of this chapter or the rules adopted pursuant to this chapter. A person alleging abuse or neglect of a resident with a developmental disability or with mental illness may also file a complaint with the protection and advocacy agency designated pursuant to section 135B.9 or section 135C.2. A copy of a complaint filed with the resident advocate committee or the office of long-term care resident’s advocate shall be forwarded to the department. The complaint shall state in a reasonably specific manner the basis of the complaint, and a statement of the nature of the complaint shall be delivered to the facility involved at the time of the inspection. The name of the person who files a complaint with the department, resident advocate committee, or the office of long-term care resident’s advocate shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees involved in the investigation of the complaint.

Sec. 2. Section 135C.38, subsection 2, paragraph d, Code 2009, is amended to read as follows:

d. A person who is dissatisfied with any aspect of the department’s handling of the complaint may contact the office of long-term care resident’s advocate, established pursuant