rehabilitation, treatment, or restitution performed by the licensee; and any other factors the commission deems relevant. Character references may be required but shall not be obtained from licensed real estate brokers or salespersons.

Approved March 19, 2010

CHAPTER 1069

SUBSTANTIVE CODE CORRECTIONS

S.F. 2340

AN ACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions.

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

DIVISION I
MISCELLANEOUS PROVISIONS

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

8.7 Reporting of gifts and bequests received.

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

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

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

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

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

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

12B.6 Certain public funds of political subdivisions.

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

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

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

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

h. If a business that is approved to receive financial assistance experiences a layoff within this state or closes any of its facilities within this state, the board has the discretion to reduce or eliminate some or all of the amount of financial assistance to be received. If a business has received financial assistance under this ~~part~~ section and experiences a layoff within this state or closes any of its facilities within this state, the business may be subject to repayment of all or a portion of the incentives that the business has received.

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

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

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

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

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

2. The specimens for the tests required herein must be taken by a licensed practicing physician or osteopathic physician, and immediately delivered to the ~~university~~ state hygienic laboratory of the Iowa department of public health at Iowa City, and each such specimen shall be in a container upon which is plainly printed the name and address of the subject, the date when the specimen was taken, the name and address of the subject's employer and a certificate by the physician or osteopathic physician that the physician took the specimen from the named subject on the date stated over the physician's signature and address.

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

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

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

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

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

4. For informational purposes only, the chief executive officer shall submit to the department of management by October 1 of each year a proposed operating budget for the authority for the succeeding fiscal year. This budget proposal shall also be accompanied by an estimate of the net proceeds to be deposited into the general fund during the succeeding fiscal year. This budget shall be on forms prescribed by the department of management. A copy of the information required to be submitted to the department of management pursuant to this subsection shall be submitted to the ~~legislative~~ general assembly's standing committees on government oversight ~~committees~~ and the legislative services agency by October 1 of each year.

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

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

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

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

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

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

Sec. 16. Section 135C.41, subsection 2, Code Supplement 2009, is amended to read as follows:

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

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

1. A facility which desires to further contest an affirmed or modified citation for a Class I, Class II, or Class III violation, may do so in the manner provided by chapter 17A for contested cases. Notice of intent to formally contest a citation shall be given the department in writing within five days after the informal conference or after receipt of the written explanation of the representative delegated to hold the informal conference, whichever is applicable, in the case of an affirmed or modified citation ~~for a Class I, Class II, or Class III violation~~. A facility

which has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A.

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

l. For the board of physician assistants, five members licensed to practice as physician assistants, at least two of whom practice in counties with a population of less than fifty thousand, one member licensed to practice medicine and surgery who supervises a physician assistant, one member licensed to practice osteopathic medicine and surgery who supervises a physician assistant, and two members who are not licensed to practice either medicine and surgery or osteopathic medicine and surgery or licensed as a physician assistant and who shall represent the general public. At least one of the physician or osteopathic physician members shall be in practice in a county with a population of less than fifty thousand.

o. For respiratory care, one licensed physician with training in respiratory care, three respiratory care practitioners who have practiced respiratory care for a minimum of six years immediately preceding their appointment to the board and who are recommended by the society for respiratory care, and one member not licensed to practice medicine, osteopathic medicine, or respiratory care who shall represent the general public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. An extension council of an extension district may choose to be subject to the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs "*a*" through "*d*", and subsection 1, paragraph "*e*", for the purpose of the annual levy for the fiscal year commencing July 1, 1991, which levy is payable in the fiscal year beginning July 1, 1992. Before an extension district may be subject to the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs "*a*" through "*d*", and subsection 1, paragraph "*e*", for fiscal years beginning on or after July 1, 1992, which levy is payable in fiscal years beginning on or after July 1, 1993, the question of whether the district shall be subject to the levy and revenue limits as specified in such ~~subsections~~ paragraphs must be submitted to the registered voters of the district. The question shall be submitted at the time of a state general election. If the question is approved by a majority of those voting on the question the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs "*a*" through "*d*", and subsection 1, paragraph "*e*", shall thereafter apply to the extension district. The question need only be approved at one state general election. If a majority of those voting on the question vote against the question, the district may continue to submit the question at subsequent state general elections until approved.

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

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

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

~~(2)~~ *b.* Indemnification proceeds required by this chapter may be made copayable to any state with whom this state has entered into contracts or agreements as authorized by this section, for the benefit of sellers of grain in that state.

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

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

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

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

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

(1) The advisory council shall consist of ~~twelve~~ fourteen members. Six members shall be appointed by and serve at the pleasure of the governor. Four of the members appointed shall be appointed on the basis of knowledge and skill related to expertise in the area of dependent

adult abuse including professionals practicing in the disciplines of medicine, public health, mental health, long-term care, social work, law, and law enforcement. Two of the members appointed shall be members of the general public with an interest in the area of dependent adult abuse and two of the members appointed shall be members of the Iowa caregivers association. In addition, the membership of the council shall include the director or the director's designee of the department of human services, the department on aging, the Iowa department of public health, and the department of inspections and appeals.

Sec. 29. Section 252F.3, subsection 5, Code Supplement 2009, is amended to read as follows:

5. If a timely written response and request for a court hearing is not received by the unit and a party does not deny paternity, the administrator shall enter an order in accordance with section 252F.4.

6. *a.* If a party contests the establishment of paternity, the party shall submit, within twenty days of service of the notice on the party under subsection 1, a written statement contesting paternity establishment to the unit. Upon receipt of a written challenge of paternity establishment, or upon initiation by the unit, the administrator shall enter ex parte administrative orders requiring the mother, child or children involved, and the putative father to submit to paternity testing. Either the mother or putative father may contest paternity under this chapter.

b. The orders shall be filed with the clerk of the district court in the county where the notice was filed and have the same force and effect as a court order for paternity testing.

c. The unit shall issue copies of the respective administrative orders for paternity testing to the mother and putative father in person, or by regular mail to the last known address of each, or if applicable, to the last known address of the attorney for each.

d. If a paternity test is ordered under this section, the administrator shall direct that inherited characteristics be analyzed and interpreted, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret the results. The test shall be of a type generally acknowledged as reliable by accreditation entities designated by the secretary of the United States department of health and human services and shall be performed by a laboratory approved by an accreditation entity.

e. The party contesting paternity shall be provided one opportunity to reschedule the paternity testing appointment if the testing is rescheduled prior to the date of the originally scheduled appointment.

f. An original copy of the test results shall be filed with the clerk of the district court in the county where the notice was filed. The child support recovery unit shall issue a copy of the filed test results to each party in person, or by regular mail to the last known address of each, or if applicable, to the last known address of the attorney for each. However, if the action is the result of a request from a foreign jurisdiction, the unit shall issue a copy of the results to the initiating agency in that foreign jurisdiction.

g. Verified documentation of the chain of custody of the blood or genetic specimens is competent evidence to establish the chain of custody. The testimony of the appointed expert is not required. A verified expert's report of test results which indicate a statistical probability of paternity is sufficient authenticity of the expert's conclusion.

h. A verified expert's report shall be admitted as evidence to establish administrative paternity, and, if a court hearing is scheduled to resolve the issue of paternity, shall be admitted as evidence and is admissible at trial.

i. If the verified expert concludes that the test results show that the putative father is not excluded and that the probability of the putative father's paternity is ninety-five percent or higher, there shall be a rebuttable presumption that the putative father is the biological father, and the evidence shall be sufficient as a basis for administrative establishment of paternity.

(1) In order to challenge the presumption of paternity, a party shall file a written notice of the challenge with the district court within twenty days from the date the paternity test results are issued or mailed to all parties by the unit. Any challenge to a presumption of paternity resulting from paternity tests, or to paternity test results filed after the lapse of the twenty-day time frame shall not be accepted or admissible by the unit or the court.

(2) A copy of the notice challenging the presumption of paternity shall be provided to any other party in person, or by mailing the notice to the last known address of each party, or if applicable, to the last known address of each party's attorney.

(3) The party challenging the presumption of paternity has the burden of proving that the putative father is not the father of the child.

(4) The presumption of paternity may be rebutted only by clear and convincing evidence.

j. If the verified expert concludes that the test results indicate that the putative father is not excluded and that the probability of the putative father's paternity is less than ninety-five percent, the administrator shall order a subsequent administrative paternity test or certify the case to the district court for resolution in accordance with the procedures and time frames specified in paragraph "*i*" and section 252F.5.

k. If the results of the test or the verified expert's analysis are timely challenged as provided in this subsection, the administrator, upon the request of a party and advance payment by the contestant or upon the unit's own initiative, shall order that an additional test be performed by the same laboratory or an independent laboratory. If the party requesting additional testing does not advance payment, the administrator shall certify the case to the district court in accordance with paragraph "*i*" and section 252F.5.

l. When a subsequent paternity test is conducted, the time frames in this chapter associated with paternity tests shall apply to the most recently completed test.

m. If the paternity test results exclude the putative father as a potential biological father of the child or children, and additional tests are not requested by either party or conducted on the unit's initiative, or if additional tests exclude the putative father as a potential biological father, the unit shall withdraw its action against the putative father and shall file a notice of the withdrawal with the clerk of the district court, and shall provide a copy of the notice to each party in person, or by regular mail sent to each party's last known address, or if applicable, the last known address of the party's attorney.

n. Except as provided in paragraph "*k*", the unit shall advance the costs of genetic testing. If paternity is established and paternity testing was conducted, the unit shall enter an order or, if the action proceeded to a court hearing, request that the court enter a judgment for the costs of the paternity tests consistent with applicable federal law. In a proceeding under this chapter, a copy of a bill for genetic testing shall be admitted as evidence without requiring third-party foundation testimony and shall constitute prima facie evidence of the amount incurred for genetic testing.

Sec. 30. Section 256B.9, subsection 1, paragraphs b, c, and d, Code 2009, are amended to read as follows:

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

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

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

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

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

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

Sec. 31. Section 256D.3, subsection 3, Code Supplement 2009, is amended to read as follows:

3. Beginning January 15, 2006, the department shall submit an annual report to the chairpersons and ranking members of the senate and house education committees that includes the statewide average school district class size in basic skills instruction in kindergarten through grade three, by grade level and by district size, and describes school district progress toward achieving early intervention block grant program goals and the ways in which school districts are using moneys received pursuant to this chapter and expended as provided in section ~~256D.2~~ 256D.2A. The report shall include district-by-district information showing the allocation received for early intervention block grant program purposes, the total number of students enrolled in grade four in each district, and the number of students in each district who are not proficient in reading in grade four for the most recent reporting period, as well as for each reporting period starting with the school year beginning July 1, 2001.

Sec. 32. Section 256F.2, Code 2009, is amended by adding the following new unnumbered paragraph:

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

Sec. 33. Section 256G.4, subsection 3, paragraph a, subparagraph (2), unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

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

Sec. 34. Section 257.6, subsection 1, paragraph a, subparagraph (5), Code Supplement 2009, is amended to read as follows:

(5) Resident pupils receiving competent private instruction from a licensed practitioner provided through a public school district pursuant to chapter 299A shall be counted as three-tenths of one pupil. Revenues received by a school district attributed to a school district's weighted enrollment pursuant to this ~~paragraph~~ subparagraph shall be expended for the purpose for which the weighting was assigned under this ~~paragraph~~ subparagraph. If the school district determines that the expenditures associated with providing competent private instruction pursuant to chapter 299A are in excess of the revenue attributed to the school district's weighted enrollment for such instruction in accordance with this subparagraph, the school district may submit a request to the school budget review committee for modified allowable growth in accordance with section 257.31, subsection 5, paragraph "*n*". A home school assistance program shall not provide moneys received pursuant to this subparagraph, nor resources paid for with moneys received pursuant to this subparagraph, to parents or students utilizing the program.

Sec. 35. Section 260C.44, Code 2009, is amended to read as follows:

260C.44 Apprenticeship programs.

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

2. For purposes of this section~~,~~:

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

b. "Apprenticeable occupation" means an occupation approved for apprenticeship by the United States department of labor, office of apprenticeship and training.

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

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

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

~~For purposes of this section, "*apprentice*" means a person who is at least sixteen years of age, except where a higher minimum age is required by law, who is employed in an apprenticeable occupation, and is registered with the United States department of labor, bureau of apprenticeship and training.~~ [1]

Sec. 36. Section 260C.47, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The state board of education shall establish an accreditation process for community college programs by July 1, 1997. The process shall be jointly developed and agreed upon by the department of education and the community colleges. The state accreditation process shall be integrated with the accreditation process of the north central association of colleges and schools, including the evaluation cycle, the self-study process, and the criteria for evaluation, which shall incorporate the standards for community colleges developed under section 260C.48; and shall identify and make provision for the needs of the state that are not met by the association's accreditation process. For the academic year commencing July 1, 1998, and in succeeding school years, the department of education shall use a two-component process for the continued accreditation of community college programs. ~~Beginning July 1, 2006, the state accreditation process shall incorporate the standards developed pursuant to section 260C.48, subsection 4.~~

Sec. 37. Section 272C.4, unnumbered paragraph 2, Code Supplement 2009, is amended by striking the unnumbered paragraph.

Sec. 38. NEW SECTION. **272C.11 Insurers of professional and occupational licensees — reports.**

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

Sec. 39. Section 282.18, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

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

[1] See chapter 1193, §47 herein

Sec. 40. Section 282.18, subsection 13, Code Supplement 2009, is amended to read as follows:

13. If a request under this section is for transfer to a laboratory school, as described in chapter 265, the student, who is the subject of the request, shall not be included in the basic enrollment of the student's district of residence, and the laboratory school shall report the enrollment of the student directly to the department of education, unless the number of students from the district attending the laboratory school during the current school year, as a result of open enrollment under this section, exceeds the number of students enrolled in the laboratory school from that district during the 1989-1990 school year. If the number of students enrolled in the laboratory school from a district during the current year exceeds the number of students enrolled from that district during the 1989-1990 school year, those students who represent the difference between the current and the 1988-1989 school year enrollment figures shall be included in the basic enrollment of the students' districts of residence and the districts shall retain any moneys received as a result of the inclusion of the student in the district enrollment. The total number of students enrolled at a laboratory school during a school year shall not exceed six hundred seventy students. The regents institution operating the laboratory school and the board of directors of the school district in the community in which the regents institution is located shall develop a student transfer policy designed to protect and promote the quality and integrity of the teacher education program at the laboratory school, the viability of the education program of the local school district in which the regents institution is located, and to indicate the order in which and reasons why requests to transfer to a laboratory school shall be considered. A laboratory school may deny a request for transfer under the policy. A denial of a request to transfer under this ~~paragraph~~ subsection is not subject to appeal under section 290.1.

Sec. 41. Section 301.28, subsection 1, Code Supplement 2009, is amended to read as follows:

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

Sec. 42. Section 321.115A, subsection 1, Code Supplement 2009, is amended to read as follows:

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

Sec. 43. NEW SECTION. **321.179 Motorcycle rider education fund.**

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

Sec. 44. Section 321.180B, subsections 5, 6, and 7, Code Supplement 2009, are amended to read as follows:

5. *Class M license education requirements.* A person under the age of eighteen applying for an intermediate or full driver's license valid for the operation of a motorcycle shall be required to successfully complete a motorcycle education course either approved and established by the department of transportation or from a private or commercial driver education school

licensed by the department of transportation before the class M license will be issued. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction minus moneys received by the school district under ~~subsection 6~~ section 321.179.

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

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

Sec. 45. Section 321.247, Code 2009, is amended to read as follows:

321.247 Golf cart operation on city streets.

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

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

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

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

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

Sec. 46. Section 321.295, Code 2009, is amended to read as follows:

321.295 Limitation on bridge or elevated structures.

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

~~The~~ unless the department, upon request from any local authority ~~shall,~~ or upon its own initiative ~~may, conduct~~, has conducted an investigation of ~~any~~ the bridge or other elevated structure constituting a part of ~~a~~ the highway, and ~~if it shall thereupon find~~ has found that ~~such~~ the structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter~~,~~. Under those circumstances, the department shall determine and declare the maximum speed of vehicles which ~~such~~ the structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of two hundred feet before each end of such structure.

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

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

Sec. 47. Section 321.385A, Code 2009, is amended to read as follows:

321.385A Citation for unlighted headlamp or rear lamp.

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

b. A citation issued for failure to have rear lamps as required under section 321.387 or a rear registration plate light as required under section 321.388 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the lamps or light. ~~If the person complies with the directive to replace or repair the lamps or light within the allotted time period, the citation shall be expunged. If the person fails to comply within the allotted time period, the citation shall be processed in the same manner as other citations.~~

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

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

Sec. 48. Section 321.449, subsections 1 and 4, Code Supplement 2009, are amended to read as follows:

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

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

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

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

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

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

Sec. 49. Section 321I.22, subsection 9, Code Supplement 2009, is amended to read as follows:

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

Sec. 50. Section 404A.4, subsection 2, Code Supplement 2009, is amended to read as follows:

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

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

b. For the fiscal year beginning July 1, 2010, the ~~department~~ office shall reserve not more than twenty million dollars worth of tax credits for a taxable year beginning on or after January 1, 2010, and not more than thirty million dollars worth of tax credits for a taxable year beginning on or after January 1, 2011.

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

Sec. 51. Section 404A.4, subsection 4, paragraph b, subparagraph (4), Code Supplement 2009, is amended to read as follows:

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

Sec. 52. Section 428.29, Code Supplement 2009, is amended to read as follows:

428.29 Assessment and certification.

The director of revenue shall on or before October 31 each year proceed to determine, upon the basis of the data required in ~~such~~ the report under section 428.28 and any other

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

Sec. 53. Section 435.2, subsection 3, Code Supplement 2009, is amended to read as follows:

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

Sec. 54. Section 437A.22, subsection 2, paragraph c, Code Supplement 2009, is amended to read as follows:

c. The recorder shall endorse on each notice of lien the day, hour, and minute when filed for recording and the document reference number, shall preserve such notice, and shall promptly record the lien in the manner provided for recording real estate mortgages. The lien is effective from the time of the indexing of the lien.

Sec. 55. Section 455B.103, subsection 4, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

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

Sec. 56. Section 455B.191, subsection 3, paragraph a, subparagraphs (2) and (3), Code Supplement 2009, are amended to read as follows:

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

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

Sec. 57. Section 455B.474, unnumbered paragraph 2, Code Supplement 2009, is amended by striking the unnumbered paragraph.

Sec. 58. NEW SECTION. **455B.474A Rules consistent with federal regulations.**

The rules adopted by the commission under section 455B.474 shall be consistent with and shall not exceed the requirements of federal regulations relating to the regulation of underground storage tanks except as provided in section 455B.474, subsection 1, paragraph *"f"*, and subsection 3, paragraph *"d"*. It is the intent of the general assembly that state

rules adopted pursuant to section 455B.474, subsection 1, paragraph *"f"*, and subsection 3, paragraph *"d"*, be consistent with and not more restrictive than federal regulations adopted by the United States environmental protection agency when those rules are adopted.

Sec. 59. Section 459B.102, subsection 12, Code Supplement 2009, is amended to read as follows:

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

Sec. 60. Section 459B.103, subsections 3 and 5, Code Supplement 2009, are amended to read as follows:

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

(1) A sole proprietor.

(2) A joint tenant or tenant in common.

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

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

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

Sec. 61. Section 459B.308, Code Supplement 2009, is amended to read as follows:

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

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

Sec. 62. Section 508E.12, subsection 2, paragraph a, subparagraphs (1) and (2), Code 2009, are amended to read as follows:

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

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

Sec. 63. Section 805.6, Code Supplement 2009, is amended to read as follows:

805.6 Uniform citation and complaint.

1. *a.* ~~(1)~~ The commissioner of public safety, the director of transportation, and the director of the department of natural resources, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by sections 805.8A, 805.8B, and 805.8C to be scheduled violations. ~~The filing fees and court costs in cases of parking meter and overtime parking violations which are denied are as stated in section 602.8106, subsection 1. The court costs in scheduled violation cases where a court appearance is not required are as stated in section 602.8106, subsection 1. The court costs in scheduled violation cases where a court appearance is required are as stated in section 602.8106, subsection 1.~~ This subsection does not prevent the charging of any of those violations by information, by private complaint filed under chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1.

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

2. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. Notwithstanding other contrary requirements of this section, a uniform citation and complaint may be originated from a computerized device. The officer issuing the citation through a computerized device shall electronically sign and date the citation or complaint and shall obtain electronically the signature of the person cited as provided in section 805.3 and shall give two copies of the citation to the person cited and shall provide a record of the citation to the court where the person cited is to appear and to the law enforcement agency of the officer by an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or copy of the citation. If the uniform citation and complaint is created electronically, the issuing agency shall cause the uniform citation and complaint to be transmitted to the court, and the officer shall deliver a document to the defendant which contains a section for the defendant and a section which may be sent to the court. The court shall forward an abstract of the uniform citation and complaint in accordance with section 321.491 when applicable.

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

~~(3) Notwithstanding other contrary requirements of this section, a uniform citation and complaint may be originated from a computerized device. The officer issuing the citation through a computerized device shall electronically sign and date the citation or complaint and shall obtain electronically the signature of the person cited as provided in section 805.3 and shall give two copies of the citation to the person cited and shall provide a record of the citation to the court where the person cited is to appear and to the law enforcement agency of the officer by an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or copy of the citation.~~

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

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

(2) The following statement:

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

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

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

[2] See chapter 1193, §66 herein

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

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

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

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

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

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

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

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

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

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

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

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

~~7. Supplies of uniform citation and complaint forms existing or on order on July 1, 1995, may be used until exhausted.~~ [3]

Sec. 64. Section 808B.10, subsection 1, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

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

[3] See chapter 1193, §67 herein

order pursuant to ~~either~~ section 808B.11 ~~or 808B.12~~. However, a pen register or a trap and trace device may be used or installed without court order if any of the following apply:

Sec. 65. Section 811.9, Code Supplement 2009, is amended to read as follows:

811.9 Forfeiture of appearance bond.

Sections 811.6 through 811.8 shall not apply in a case where a simple misdemeanor is charged upon a uniform citation and complaint and where the defendant has submitted an unsecured appearance bond or has submitted bail in the form of cash, check, credit card as provided in section 805.14, or guaranteed arrest bond certificate as defined in section 321.1. When a defendant fails to appear as required in such cases, the court, or the clerk of the district court, shall enter a judgment of forfeiture of the bond or bail. The judgment shall be final upon entry and shall not be set aside unless ~~a~~ the conviction is for a scheduled violation under chapter 321 that was set aside under the procedures established in section 321.200A.

Sec. 66. 2009 Iowa Acts, chapter 133, is amended by adding the following new section:

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

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

Sec. 67. REPEAL. Section 294A.22, Code Supplement 2009, is repealed.

DIVISION II
VOLUME III RENUMBERING

Sec. 68. Section 256.36, Code 2009, is amended to read as follows:

256.36 Math and science grant program.

1. *a.* The department shall establish a math and science education grant program to provide for the allocation of grant moneys to public school corporations and to contract for the development of statewide program models and recommendations in keeping with the goals stated in this section.

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

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

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

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

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

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

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

(3) The development of specific recommendations and rationale for changes in school standards that will facilitate improvements in math and science education and provide outcomes that serve as a standard of successful learning~~;~~.

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

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

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

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

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

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

~~3.~~ 4. There is established in the state treasury a math and science education account that is under the control of and administered by the department of education. The department may accept gifts, grants, bequests, and other private contributions, as well as state or federal funds, and shall deposit the moneys in the account to be used for distribution as grant award moneys under the math and science education program. Moneys in the account are appropriated and may be used for the purposes of this section. The department shall not commingle federal, state, and private funds within the account. Not more than six percent of any state funds appropriated for the program may be used for administrative purposes. State funds appropriated and any interest earned on the state funds but not expended for the first two years of the program shall not revert to the general fund under section 8.33, but shall remain available for expenditure until June 30 of the third year of the program. In subsequent years, state funds and any interest earned on the state funds which are appropriated, but not expended by June 30 of the school year shall revert to the general fund as provided under section 8.33. Receipt of funds during the first year of the program shall not affect eligibility to receive funds during any subsequent years.

Sec. 69. Section 256.81, subsection 1, Code 2009, is amended to read as follows:

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

Sec. 70. Section 256.82, subsections 2 and 3, Code 2009, are amended to read as follows:

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

b. Membership on the board does not constitute holding a public office and members shall not be required to take and file oaths of office before serving. A member shall not be disqualified from holding any public office or employment by reason of appointment to the board nor shall a member forfeit an office or employment by reason of appointment to the board.

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

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

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

Sec. 71. Section 256A.3, subsections 5 and 6, Code 2009, are amended to read as follows:

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

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

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

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

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

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

~~e.~~ (5) The degree to which the program involves and works with the parents, and includes home visits, instruction for parents on parenting skills, on enhancement of skills in providing for their children's learning and development, and the physical, mental, and emotional development of children, and experiential education.

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

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

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

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

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

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

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

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

b. The council shall seek to use performance-based measures to evaluate programs. Not more than five percent of any state funds appropriated for child development purposes may be used for administration and evaluation.

Sec. 72. Section 257.44, Code 2009, is amended to read as follows:

257.44 Gifted and talented children defined.

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

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

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

Sec. 73. Section 263A.13, Code 2009, is amended to read as follows:

263A.13 Hospital reports to general assembly.

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

~~1.~~ a. Revenue from all income sources, by source, including but not limited to state appropriations, other state funds, tuition income, patient charges, payments from political subdivisions, interest income, and gifts, and grants from public and private sources.

~~2.~~ b. Expenditures by program and revenue source.

~~3.~~ c. Net revenue over spending from hospital operations, including the method used to calculate the results.

2. The legislative services agency shall develop forms for collecting the information required in this ~~subparagraph~~ section.

Sec. 74. Section 272C.8, Code 2009, is amended to read as follows:

272C.8 Immunities.

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

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

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

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

Sec. 75. Section 275.1, Code 2009, is amended to read as follows:

275.1 ~~Declaration~~ Definitions — declaration of policy — surveys — ~~definitions~~.

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

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

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

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

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

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

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

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

2. It is the policy of the state to encourage economical and efficient school districts which will ensure an equal educational opportunity to all children of the state. All areas of the state shall be in school districts maintaining kindergarten and twelve grades. If a school district ceases to maintain kindergarten and twelve grades except as otherwise provided in section 28E.9, 256.13, 280.15, 282.7, subsection 1 or subsections 1 and 3, or section 282.8, it shall reorganize within six months or the state board shall attach the school district not maintaining kindergarten and twelve grades to one or more adjacent districts. Voluntary reorganizations under this chapter shall be commenced only if the affected school districts are contiguous or marginally adjacent to one another. A reorganized district shall meet the requirements of section 275.3.

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

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

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

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

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

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

~~5. *"Regular board"* means the board of a reorganized district that begins to function at the organizational meeting following the third regular school election held after the effective date of the school reorganization, and is comprised of members who were elected to the current terms or were appointed to replace members who were elected.~~

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

Sec. 76. Section 275.8, Code 2009, is amended to read as follows:

275.8 Cooperation of department of education — planning joint districts.

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

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

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

c. Filing said plan with the department of education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 77. Section 276.3, subsection 3, Code 2009, is amended to read as follows:

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

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

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

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

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

Sec. 78. Section 279.19A, subsections 2, 5, and 8, Code 2009, are amended to read as follows:

2. *a.* An extracurricular contract shall be continued automatically in force and effect for equivalent periods, except as modified or terminated by mutual agreement of the board of directors and the employee, or terminated in accordance with this section. An extracurricular contract shall initially be offered by the employing board to an individual on the same date that contracts are offered to teachers under section 279.13. An extracurricular contract may be terminated at the end of a school year pursuant to sections 279.15 through 279.19. If the

school district offers an extracurricular contract for a sport for the subsequent school year to an employee who is currently performing under an extracurricular contract for that sport, and the employee does not wish to accept the extracurricular contract for the subsequent year, the employee may resign from the extracurricular contract within twenty-one days after it has been received.

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

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

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

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

8. *a.* A termination proceeding of an extracurricular contract either by the board pursuant to subsection 2 or pursuant to section 279.27 does not affect a contract issued pursuant to section 279.13.

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

Sec. 79. Section 280.20, Code 2009, is amended to read as follows:

280.20 Vocational agriculture education.

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

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

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

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

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

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

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

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

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

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

Sec. 80. Section 282.6, Code 2009, is amended to read as follows:

282.6 Tuition.

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

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

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

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

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

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

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

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

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

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

Sec. 81. Section 282.11, Code 2009, is amended to read as follows:

282.11 Procedure.

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

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

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

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

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

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

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

c. If the board disallows the request of a parent or guardian of an affected pupil, the parent or guardian, not later than March 1, may appeal the sending of that pupil to the school district specified in the agreement, to the state board of education. The basis for the appeal shall be

the same as the basis for the request to the board. An appeal shall specify a contiguous school district to which the parent or guardian wishes to send the affected pupil.

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

Sec. 82. Section 282.24, subsection 1, Code Supplement 2009, is amended to read as follows:

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

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

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

Sec. 83. Section 303.1, Code 2009, is amended to read as follows:

303.1 Department of cultural affairs.

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

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

2. The department shall:

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

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

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

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

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

3. The department may:

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

b. Develop and implement fee-based educational programming opportunities, including preschool programs, related to arts, history, and other cultural matters for Iowans of all ages.

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

a. Historical division.

b. Arts division.

c. Other divisions created by rule.

d. Administrative section.

~~4.~~ 5. The department is under the control of a director who shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The salary of the director shall be set by the governor within a range set by the general assembly. The director may create, combine, eliminate, alter, or reorganize the organization of the department by rule.

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

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

a. Organize the activities of the division.

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

c. Control all property of the division.

d. Perform other duties imposed by law.

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

Sec. 84. Section 313.28, Code 2009, is amended to read as follows:

313.28 Temporary primary road detours.

1. When the department, for the purpose of establishing, constructing, or maintaining any primary road, determines that any secondary road or portion thereof is necessary for a detour or haul road, the department, after consultation with the county board of supervisors having jurisdiction of the route, shall by order temporarily designate the secondary road or portion thereof as a temporary primary road detour or as a temporary primary road haul road, and the department shall maintain the same as a primary road until it shall revoke the temporary designation order. Prior to use of a secondary road as a primary haul road or detour, the department shall designate a representative to inspect the secondary road with the county engineer to determine and note the condition of the road.

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

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

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

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

Sec. 85. Section 316.9, Code 2009, is amended to read as follows:

316.9 Rules.

1. The department shall ~~make~~ adopt administrative rules pursuant to chapter 17A as necessary to effect the provisions of this chapter and to assure:

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

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

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

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

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

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

Sec. 86. Section 317.1, Code 2009, is amended to read as follows:

317.1 Definitions.

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

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

b. "Commissioner" means the county weed commissioner or the commissioner's deputy within each county. [4]

Sec. 87. Section 317.4, Code 2009, is amended to read as follows:

317.4 Direction and control.

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

Sec. 88. Section 321.1A, Code 2009, is amended to read as follows:

321.1A Presumption of residency.

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

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

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

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

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

~~5.~~ *e.* The person is receiving public assistance from this state.

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

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

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

a. A person who is attending a college or university in this state, if the person has a domicile in another state and has a valid driver's license issued by the state of domicile. ~~*"Resident"* also does not include members~~

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

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

[4] See chapter 1193, §49 herein

Sec. 89. Section 321.32, Code 2009, is amended to read as follows:

321.32 Registration card carried and exhibited — exception.

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

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

Sec. 90. Section 321.45, subsections 1 and 2, Code 2009, are amended to read as follows:

1. *a.* No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of a new vehicle subject to registration under the provisions of this chapter to a dealer to be used by such dealer for purposes of display and lease or resale without delivering to such dealer a manufacturer's or importer's certificate duly executed and with such assignments thereon as may be necessary to show title in the purchaser thereof; nor shall such dealer purchase or acquire a new vehicle that is subject to registration without obtaining from the seller thereof such manufacturer's or importer's certificate. In addition to the assignments stated herein, such manufacturer's or importer's certificate shall contain thereon the identification and description of the vehicle delivered and the name and address of the dealer to whom said vehicle was originally sold over the signature of an authorized official of the manufacturer or importer who made the original delivery.

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

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

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

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

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

~~*c.*~~ (3) A dispute between a buyer and the selling dealer who has failed to deliver or procure the certificate of title as promised~~, or~~.

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

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

Sec. 91. Section 321.126, Code 2009, is amended to read as follows:

321.126 Refunds of annual registration fees.

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

~~1.~~ *a.* If the vehicle is destroyed by fire or accident, or junked and its identity as a vehicle entirely eliminated, the owner in whose name the vehicle was registered at the time of

destruction or dismantling shall return the plates to the department and within thirty days thereafter make a statement of such destruction or dismantling and make claim for refund. With reference to the destruction or dismantling of a vehicle, no refund shall be allowed unless a junking certificate has been issued, as provided in section 321.52.

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

~~3.~~ *c.* If the vehicle is placed in storage by the owner upon the owner's entry into the military service of the United States, the owner shall return the plates to the county treasurer or the department and make a statement regarding the storage and military service and make claim for refund. Whenever the owner of a vehicle so placed in storage desires to again register the vehicle, the county treasurer or department shall compute and collect the fees for registration for the registration year commencing in the month the vehicle is removed from storage.

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

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

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

~~a.~~ (1) If a vehicle registration fee credit has not been received by the owner of the vehicle under section 321.46, subsection 3, the refund shall be computed on the basis of the number of unexpired months remaining in the registration year at the time the vehicle was sold or junked. The refund shall be rounded to the nearest whole dollar. Section 321.127, subsection 1, does not apply.

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

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

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

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

~~9.~~ 2. Notwithstanding any provision of this section to the contrary, there shall be no refund of proportional registration fees unless the state which issued the base plate for the vehicle allows such refund. If an owner subject to proportional registration leases the vehicle for which the refund is sought, the claim shall be filed in the names of both the lessee and the lessor and the refund payment made payable to both the lessor and the lessee. The term *"owner"* for purposes of this section shall include a person in whom is vested right

of possession or control of a vehicle which is subject to a lease, contract, or other legal arrangement vesting right of possession or control in addition to the term as defined in section 321.1, subsection 49.

Sec. 92. Section 321.198, Code 2009, is amended to read as follows:

321.198 Military service exception.

1. *a.* The effective date of a valid driver's license issued under the laws of this state, held by any person at the time of entering the military service of the United States or of the state of Iowa, notwithstanding the expiration of the license according to its terms, is hereby extended without fee until six months following the initial separation from active duty of the person from the military service, provided the person is not suffering from physical disabilities which impair the person's competency as an operator and provided further that the licensee shall furnish, upon demand of any peace officer, satisfactory evidence of the person's military service. However, a person entitled to the benefits of this section who is charged with operating a motor vehicle without a valid driver's license shall not be convicted if the person produces in court, within a reasonable time, a valid driver's license previously issued to that person along with evidence of the person's military service as provided in this paragraph.

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

2. The provisions of this section shall also apply to the spouse and children, or ward of such military personnel when such spouse, children, or ward are living with the above described military personnel outside of the state of Iowa and provided that such extension of license does not exceed five years.

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

Sec. 93. Section 321.252, Code 2009, is amended to read as follows:

321.252 Department to adopt sign manual.

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

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

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

3. *a.* The department shall establish, by rule, in cooperation with a tourist signing committee, the standards for tourist-oriented directional signs and shall annually review the list of attractions for which signing is in place. The rules shall conform to national standards

for tourist-oriented directional signs adopted under 23 U.S.C. § 131(q) and to the manual of uniform traffic-control devices.

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

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

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

4. The rules shall not be applicable to directional signs relating to historic sites on land owned or managed by state agencies, as provided in section 321.253A. The rules shall include but are not limited to the following:

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

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

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

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

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

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

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

~~8.~~ *h.* Provisions for masking or removing signs during off seasons for businesses, activities, services, and sites operated on a seasonal basis. Faded signs shall be replaced and the commercial vendor charged for the cost of replacement based upon the fee schedule adopted.

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

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

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

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

Sec. 94. Section 321.306, Code 2009, is amended to read as follows:

321.306 Roadways laned for traffic.

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

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

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

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

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

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

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

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

Sec. 95. Section 321.324, Code 2009, is amended to read as follows:

321.324 Operation on approach of emergency vehicles.

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

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

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

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

Sec. 96. 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. 97. Section 321.417, Code 2009, is amended to read as follows:

321.417 Single-beam road-lighting equipment.

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

1. The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes,

and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

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

Sec. 98. Section 321.422, Code 2009, is amended to read as follows:

321.422 Red light in front.

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

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

Sec. 99. Section 321.423, subsections 3, 4, and 7, Code 2009, are amended to read as follows:

3. *Blue light.*

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

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

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

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

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

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

7. *Flashing white light.*

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

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

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

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

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

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

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

~~*c.*~~ (3) On an authorized emergency vehicle.

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

Sec. 100. Section 321.471, subsection 2, paragraph b, Code 2009, is amended to read as follows:

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

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

Sec. 101. Section 321.493, Code 2009, is amended to read as follows:

321.493 Liability for damages.

1. For purposes of this section:

a. "Owner" means the person to whom the certificate of title for the vehicle has been issued or assigned or to whom a manufacturer's or importer's certificate of origin for the vehicle has been delivered or assigned. However, if the vehicle is leased, *"owner"* means the person to whom the vehicle is leased, not the person to whom the certificate of title for the vehicle has been issued or assigned or to whom the manufacturer's or importer's certificate of origin for the vehicle has been delivered or assigned.

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

~~1.~~ 2. *a.* Subject to paragraph *"b"*, in all cases where damage is done by any motor vehicle by reason of negligence of the driver, and driven with the consent of the owner, the owner of the motor vehicle shall be liable for such damage. ~~For purposes of this subsection, *"owner"* means the person to whom the certificate of title for the vehicle has been issued or assigned or to whom a manufacturer's or importer's certificate of origin for the vehicle has been delivered or assigned. However, if the vehicle is leased, *"owner"* means the person to whom the vehicle is leased, not the person to whom the certificate of title for the vehicle has been issued or assigned or to whom the manufacturer's or importer's certificate of origin for the vehicle has been delivered or assigned. For purposes of this subsection, *"leased"* means the transfer of the possession or right to possession of a vehicle to a lessee for a valuable consideration for a continuous period of twelve months or more, pursuant to a written agreement.~~

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

~~2.~~ 3. A person who has made a bona fide sale or transfer of the person's right, title, or interest in or to a motor vehicle and who has delivered possession of the motor vehicle to the purchaser or transferee shall not be liable for any damage thereafter resulting from negligent operation of the motor vehicle by another, but the purchaser or transferee to whom possession was delivered shall be deemed the owner. The provisions of section 321.45, subsection 2, ~~of section 321.45~~ shall not apply in determining, for the purpose of fixing liability under this subsection, whether such sale or transfer was made.

Sec. 102. Section 321.498, Code 2009, is amended to read as follows:

321.498 Legal effect of use and operation.

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

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

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

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

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

Sec. 103. Section 321J.4B, subsections 2, 6, 11, and 12, Code 2009, are amended to read as follows:

2. a. A motor vehicle is subject to impoundment in the following circumstances:

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

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

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

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

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

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

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

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

b. If, during the period of impoundment or immobilization, the title to the motor vehicle which is the subject of the order is transferred by the foreclosure of a chattel mortgage, a sale upon execution, the cancellation of a conditional sales contract, or an order of a court, the court which enters the order that permits transfer of the title shall notify the department of the transfer of the title. The department shall enter notice of the transfer of the title to the motor vehicle in the previous owner's vehicle registration record.

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

12. a. Notwithstanding other requirements of this section:

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

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

~~c.~~ (3) Any of the following persons may make application to the court for permission to operate a motor vehicle, which is impounded or immobilized pursuant to this section, during the period of impoundment or immobilization, if the applicant's driver's license or operating privilege has not been suspended, denied, revoked, or barred, and an ignition interlock device

of a type approved by the commissioner of public safety is installed in the motor vehicle prior to operation:

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

~~(2)~~ (b) A member of the immediate family of the person who committed the offense which resulted in the impoundment or immobilization, if the member demonstrates that the motor vehicle that is subject to the order for impoundment or immobilization is the only motor vehicle possessed by the family.

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

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

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

Sec. 105. Section 321J.4B, subsection 5, paragraph b, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 106. Section 321J.4B, subsection 5, paragraph g, Code 2009, is amended to read as follows:

g. Upon receipt of a court order for continued impoundment or immobilization of the motor vehicle, the agency shall review the value of the vehicle in relation to the costs associated with the period of impoundment of the motor vehicle specified in the order. If the agency determines that the costs of impoundment of the motor vehicle exceed the actual wholesale value of the motor vehicle, the agency may treat the vehicle as an abandoned vehicle pursuant to section 321.89. If the agency elects to treat the motor vehicle as abandoned, the agency shall notify the registered owner of the motor vehicle that the vehicle shall be deemed abandoned and shall be sold in the manner provided in section 321.89 if payment of the total cost of impoundment is not received within twenty-one days of the mailing of the notice. The agency shall provide documentation regarding the valuation of the vehicle and the costs of impoundment. This paragraph shall not apply to vehicles that are immobilized pursuant to this section or if subsection 12, paragraph "*a*", subparagraph (1) or ~~"*b*"~~ (2), applies.

Sec. 107. Section 322.2, unnumbered paragraph 2, Code 2009, is amended by striking the unnumbered paragraph.

Sec. 108. Section 322.5, subsections 1, 4, and 5, Code 2009, are amended to read as follows:

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

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

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

4. a. A nonresident motor vehicle dealer, who is authorized by a written contract with a manufacturer or distributor of new motor trucks to sell at retail such new motor trucks, may display motor trucks within this state at qualified events approved by the department. The dealer must obtain a temporary permit from the department. An application for a temporary permit shall be made upon a form provided by the department and shall be accompanied by a ten dollar permit fee. Permits shall be issued for a period not to exceed fourteen days. The department shall issue a temporary permit under this subsection only if the qualified event for which the permit is issued meets all of the following conditions:

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

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

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

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

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

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

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

Sec. 109. Section 322.15, Code 2009, is amended to read as follows:

322.15 ~~Liberal construction~~ Construction of chapter.

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

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

Sec. 110. Section 322A.2, Code 2009, is amended to read as follows:

322A.2 Discontinuing franchise.

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

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

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

2. A franchiser may terminate a franchise for a particular line-make if the franchiser discontinues that line-make and a franchiser may terminate a franchise if the franchisee's license as a motor vehicle dealer is revoked pursuant to the provisions of chapter 322.

Sec. 111. Section 327F.14, Code 2009, is amended to read as follows:

327F.14 Lights on track power cars.

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

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

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

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

Sec. 112. Section 327F.36, Code 2009, is amended to read as follows:

327F.36 Screen exhaust fire controls.

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

2. A violation of this section ~~shall, upon conviction, be subject to a schedule "one" penalty~~ is a public offense. The railroad corporation, and any officer, agent, lessee, or independent contractor found guilty of a violation of this section, upon conviction, shall be subject to a schedule "one" penalty.

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

Sec. 113. Section 328.1, Code 2009, is amended to read as follows:

328.1 Definitions.

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

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

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

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

~~4.~~ *d. "Aircraft"* means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air, for the purpose of transporting persons or property, or both.

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

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

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

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

~~9.~~ *i. "Airport"* means any landing area used regularly by aircraft for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established. *"Airport"* includes land within a city with a population greater than one hundred seventy-five thousand which is acquired to replace or mitigate land used in an airport runway project at an existing airport when federal law, grant, or action requires such replacement or mitigation.

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

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

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

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

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

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

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

o. "Department" means the state department of transportation.

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

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

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

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

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

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

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

~~21.~~ *w.* *"Person"* means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

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

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

Sec. 114. Section 328.21, subsection 4, Code 2009, is amended to read as follows:

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

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

Sec. 115. Section 328.38, Code 2009, is amended to read as follows:

328.38 Exhibition of certificates.

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

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

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

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

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

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

Sec. 116. Section 329.12, Code 2009, is amended to read as follows:

329.12 Board of adjustment — creation — powers — duties.

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

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

2. *a.* The board of adjustment shall consist of two members from each municipality, selected by the governing body thereof, and one additional member to act as chairperson and to be selected by a majority vote of the members selected by the municipality. ~~Members shall be removable for cause by the appointing authority upon written charges and after~~

~~public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which said member was selected.~~

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

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

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

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

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

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

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

Sec. 117. Section 331.206, subsection 2, Code 2009, is amended to read as follows:

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

a. 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. [5]

Sec. 118. Section 331.233, subsections 2 and 3, Code 2009, are amended to read as follows:

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

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

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

Sec. 119. Section 331.430, subsection 2, Code 2009, is amended to read as follows:

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

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

[5] See chapter 1193, §76 herein

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

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

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

Sec. 120. Section 331.430, Code 2009, is amended by adding the following new subsection:

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

Sec. 121. Section 354.25, Code 2009, is amended to read as follows:

354.25 Survey and replat of official plats.

1. A survey of an official plat shall conform as nearly as possible to the original lot lines shown on the official plat. The surveyor may summon witnesses, administer oaths, and prepare affidavits and boundary line agreements as necessary in order to establish the location of property lines or lot lines. If a substantial error is discovered in an official plat or if it is found to be materially defective, a proprietor may petition the governing body which would have jurisdiction to approve the plat at the time the petition is filed for a replat of any part of the official plat. Notice of the proposed replat shall be served, in the manner of original notice as provided in Iowa rules of civil procedure, to the proprietors of record and holders of easements specifically recorded within the area to be replatted. The governing body has jurisdiction of the matter upon proof of publication of notice of the petition once each week for two weeks in a newspaper of general circulation within the area of the replat.

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

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

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

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

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

Sec. 122. Section 357H.1, subsection 2, Code 2009, is amended to read as follows:

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

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

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

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

Sec. 123. Section 358.16, subsections 1 and 2, Code Supplement 2009, are amended to read as follows:

1. *a.* The board of trustees of any sanitary district organized under this chapter shall have power to provide for the disposal of the sewage thereof, including the sewage and drainage of any city or village within the boundaries of such district; to acquire, lay out, locate, establish, construct, maintain, and operate one or more drains, conduits, treatment plants, disposal plants, pumping plants, works, ditches, channels, and outlets of such capacity and character as may be required for the treatment, carrying off, and disposal of the sewage and industrial wastes and other drainage incidental thereto of such district; to lay out, establish, construct, maintain, and operate all such adjuncts, additions, auxiliary improvements, and works as may be necessary or proper for accomplishment of the purposes intended, and to procure supplies of water for operating, diluting, and flushing purposes; to maintain, repair, change,

enlarge, and add to such facilities, improvements, and works as may be necessary or proper to meet the future requirements for the purposes aforesaid; and, when necessary for such purposes, any such facilities, improvements, and works and the maintenance and operation thereof may extend beyond the limits of such district, and the rights and powers of said board of trustees in respect thereto shall be the same as if located within said district, provided, no taxes shall be levied upon any property outside of such district; and provided further, that the district shall be liable for all damages sustained beyond its limits in consequence of any work or improvement authorized hereunder.

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

c. Nothing contained herein shall be construed to authorize or empower such board of trustees to operate a system of waterworks for the purpose of furnishing water to the inhabitants of the district, or to construct, maintain, or operate local municipal sewerage facilities, or to deprive municipalities within the district of their powers to construct and operate sewers for local purposes within their limits.

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

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

b. If the property owner does not perform an action required under ~~the preceding~~ paragraph *"a"* within a reasonable time after notice and hearing, the board of trustees may perform the required action and assess the costs of the action against the property for collection in the same manner as a property tax. The notice shall state the nature of the action and the time within which the action is required to be performed by the property owner, state the date, time, and place where the property owner will be heard by the board of trustees for the purpose of stating why the intended action should not be required, and shall be given by certified mail to the property owner as shown on the records of the county auditor not less than four nor more than twenty days before the date of the hearing.

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

Sec. 124. Section 380.1, Code 2009, is amended to read as follows:

380.1 Definitions.

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

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

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

Sec. 125. Section 380.4, Code 2009, is amended to read as follows:

380.4 Majority requirement — tie vote — conflicts of interest.

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

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

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

Sec. 126. Section 384.4, Code 2009, is amended to read as follows:

384.4 Debt service fund.

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

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

~~2.~~ *b.* Interest as it becomes due and the amount necessary to pay, or to create a sinking fund to pay, the principal at maturity of all general obligation bonds issued by the city or to pay, or to create a sinking fund to pay, amounts as due on loans received through the former Iowa community development loan program pursuant to section 15E.120.

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

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

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

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

Sec. 127. Section 384.16, subsection 1, Code 2009, is amended to read as follows:

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

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

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

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

b. A budget must show comparisons between the estimated expenditures in each program in the following year, the latest estimated expenditures in each program in the current year, and the actual expenditures in each program from the annual report as provided in section 384.22, or as corrected by a subsequent audit report. Wherever practicable, as provided in rules of the committee, a budget must show comparisons between the levels of service provided by each program as estimated for the following year, and actual levels of service provided by each program during the two preceding years. For each city that has established

an urban renewal area, the budget shall include estimated and actual tax increment financing revenues and all estimated and actual expenditures of the revenues, proceeds from debt and all estimated and actual expenditures of the debt proceeds, and identification of any entity receiving a direct payment of taxes funded by tax increment financing revenues and shall include the total amount of loans, advances, indebtedness, or bonds outstanding at the close of the most recently ended fiscal year, which qualify for payment from the special fund created in section 403.19, including interest negotiated on such loans, advances, indebtedness, or bonds. ~~For purposes of this subsection, "*indebtedness*" includes written agreements whereby the city agrees to suspend, abate, exempt, rebate, refund, or reimburse property taxes, provide a grant for property taxes paid, or make a direct payment of taxes, with moneys in the special fund.~~ The amount of loans, advances, indebtedness, or bonds shall be listed in the aggregate for each city reporting. The city finance committee, in consultation with the department of management and the legislative services agency, shall determine reporting criteria and shall prepare a form for reports filed with the department pursuant to this section. The department shall make the information available by electronic means.

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

Sec. 128. Section 384.54, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 129. Section 384.54, subsection 1, Code 2009, is amended by striking the subsection.

Sec. 130. Section 384.54, subsection 15, Code 2009, is amended to read as follows:

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

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

Sec. 131. Section 400.28, Code 2009, is amended to read as follows:

400.28 Employees — number diminished.

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

~~1.~~ *a.* Abolish the office and remove the employee from the employee's classification or grade thereunder~~, or~~.

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

2. In case it thus becomes necessary to so remove or suspend any such employees, the persons so removed or suspended shall be those having seniority of the shortest duration in the classifications or grades affected, and such seniority shall be computed as provided in section 400.12 for all persons holding seniority in the classification or grade affected, regardless of their seniority in any other classification or grade, but any such employee so removed from any classification or grade shall revert to the employee's seniority in the

next lower grade or classification; if such seniority is equal, then the one less efficient and competent as determined by the person or body having the appointing power shall be the one affected.

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

Sec. 132. Section 403.6, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 133. Section 403.6, subsection 19, Code 2009, is amended to read as follows:

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

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

b. This assessment agreement with the certification of the assessor and a copy of this subsection shall be filed in the office of the county recorder of the county where the property is located. Upon completion of the improvements, the assessor shall value the property as required by law, except that the actual value shall not be less than the minimum actual value contained in the assessment agreement. This subsection does not prohibit the assessor from assigning a higher actual value to the property or prohibit the owner from seeking administrative or legal remedies to reduce the actual value assigned except that the actual value shall not be reduced below the minimum actual value contained in the assessment agreement. An assessor, county auditor, board of review, director of revenue, or court of this state shall not reduce or order the reduction of the actual value below the minimum actual value in the agreement during the term of the agreement regardless of the actual value which may result from the incomplete construction of improvements, destruction or diminution by any cause, insured or uninsured, except in the case of acquisition or reacquisition of the property by a public entity. Recording of an assessment agreement complying with this subsection constitutes notice of the assessment agreement to a subsequent purchaser or encumbrancer of the land or any part of it, whether voluntary or involuntary, and is binding upon a subsequent purchaser or encumbrancer.

Sec. 134. Section 403.6, unnumbered paragraph 2, Code 2009, is amended by striking the unnumbered paragraph.

Sec. 135. Section 410.6, Code 2009, is amended to read as follows:

410.6 Who entitled to pension — conditions.

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

2. Upon the adoption of any increase in pension benefits effective subsequent to the date of a member's retirement, the amount payable to each member as regular pension shall be increased by an amount equal to sixty percent of any increase in the pension benefits for the rank at which the member retired.

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

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

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

~~3.~~ *c.* The adjustment of pensions required by this section shall recognize the retired or deceased member's position on the salary scale within the member's rank at the time of retirement or death. In the event that the rank or position held by the retired or deceased member at the time of retirement or death is subsequently abolished, adjustments in the pensions of the member or of the member's spouse or children shall be computed by the board of trustees as though such rank or position had not been abolished and salary increases had been granted to such rank or position on the same basis as that granted to other ranks and positions in the department.

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

Sec. 136. Section 410.10, Code 2009, is amended to read as follows:

410.10 Pensions — surviving spouse — children — dependents.

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

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

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

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

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

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

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

b. "*Spouse*" means a surviving spouse of a marriage contracted prior to retirement of a deceased member from active service, or of a marriage of a retired member contracted prior to March 2, 1934.

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

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

Sec. 137. Section 411.38, subsection 1, Code 2009, is amended to read as follows:

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

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

b. (1) Transfer from each terminated city fire or police retirement system to the statewide system amounts sufficient to cover the accrued liabilities of that terminated system as determined by the actuary of the statewide system. The actuary of the statewide system shall redetermine the accrued liabilities of the terminated systems as necessary to take into account additional amounts payable by the city which are attributable to errors or omissions which occurred prior to January 1, 1992, or to matters pending as of January 1, 1992. If the actuary of the statewide system determines that the assets transferred by a terminated system are insufficient to fully fund the accrued liabilities of the terminated system as determined by the actuary as of January 1, 1992, the participating city shall pay to the statewide system an amount equal to the unfunded liability plus interest for the period beginning January 1, 1992, and ending with the date of payment or the date of entry into an amortization agreement pursuant to this section. Interest on the unfunded liability shall be computed at a rate equal to the greater of the actuarial interest rate assumption on investments of the moneys in the fund or the actual investment earnings of the fund for the applicable calendar year. The participating city may enter into an agreement with the statewide system to make additional annual contributions sufficient to amortize the unfunded accrued liability of the terminated system. The terms of an amortization agreement shall be based upon the recommendation of the actuary of the statewide system, and the agreement shall do each of the following:

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

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

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

(2) In the alternative, a city may treat the city's accrued unfunded liability for the terminated system as legal indebtedness to the statewide system for the purposes of section 384.24, subsection 3, paragraph "*f*".

c. Contribute additional amounts necessary to ensure sufficient financial support for the statewide fire and police retirement system, as determined by the board of trustees based on information provided by the actuary of the statewide system.

Sec. 138. Section 419.2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

A municipality shall not have the power to operate any project financed under this chapter, as a business or in any manner except as specifically provided in this chapter. In addition to any other powers which it may now have, each municipality shall have the following powers:

Sec. 139. Section 419.2, unnumbered paragraph 2, Code 2009, is amended by striking the unnumbered paragraph.

Sec. 140. REPEAL. Section 321.33, Code 2009, is repealed.

DIVISION III
CORRECTION OF INTERNAL REFERENCES

Sec. 141. Section 9E.6A, subsection 1, Code 2009, is amended to read as follows:

1. Each person performing a notarial act pursuant to section 9E.10 must acquire and use a stamp or seal as provided in this chapter. However, this section shall not apply to a notarial act performed by a judicial officer as defined in section 602.1101, if the notarial act is performed in accordance with state or federal statutory authority, and shall not apply to a certification by a chief officer or a chief officer's designee of a peace officer's verification of a uniform citation and complaint pursuant to section 805.6, subsection ~~5~~ 3, paragraph "*c*".

Sec. 142. Section 321.34, subsection 11B, paragraph c, Code 2009, is amended to read as follows:

c. The special fee for letter-number designated motorcycle rider education plates is thirty-five dollars. The fee for personalized motorcycle rider education plates is twenty-five dollars, which shall be paid in addition to the special motorcycle rider education fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department for use in accordance with section ~~321.180B, subsection 6~~ 321.179, the amount of the special fees collected in the previous month for the motorcycle rider education plates.

Sec. 143. Section 321.46, subsection 3, paragraph f, Code 2009, is amended to read as follows:

f. If the credit allowed exceeds the amount of the annual registration fee for the vehicle acquired, the owner may claim a refund under section 321.126, subsection ~~6~~ 1, paragraph "*f*", for the balance of the credit.

Sec. 144. Section 321.145, subsection 2, paragraph b, subparagraph (2), Code Supplement 2009, is amended to read as follows:

(2) An amount equal to two dollars per year of license validity for each issued or renewed driver's license which is valid for the operation of a motorcycle shall be credited to the motorcycle rider education fund established under section ~~321.180B~~ 321.179.

Sec. 145. Section 419.11, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Any municipality acquiring, purchasing, constructing, reconstructing, improving, or extending any industrial buildings, buildings used as headquarters facilities or pollution control facilities, as provided in this chapter, shall annually pay out of the revenue from such industrial buildings, buildings used as headquarters facilities or pollution control facilities to the state of Iowa and to the city, school district and any other political subdivision, authorized to levy taxes, a sum equal to the amount of tax, determined by applying the tax rate of the taxing district to the assessed value of the property, which the state, county, city, school district, or other political subdivision would receive if the property were owned by any private person or corporation, any other statute to the contrary notwithstanding. For purposes of arriving at such tax equivalent, the property shall be valued and assessed by

the assessor in whose jurisdiction the property is located, in accordance with chapter 441, but the municipality, the lessee on behalf of the municipality, and such other persons as are authorized by chapter 441 shall be entitled to protest any assessment and take appeals in the same manner as any taxpayer. Such valuations shall be included in any summation of valuations in the taxing district for all purposes known to the law. Income from this source shall be considered under the provisions of section 384.16, subsection 1, paragraph ~~"b"~~ "a", subparagraph (2).

Sec. 146. Section 809A.3, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. A second or subsequent violation of section 321J.4B, subsection 2, paragraph ~~"b"~~ "a", subparagraph (2).

DIVISION IV
EFFECTIVE DATE

Sec. 147. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY.

1. The section of this Act repealing section 294A.22, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2009.

2. The section of this Act amending section 435.2, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2009.

3. The section of this Act adding a section to 2009 Iowa Acts, chapter 133, takes effect upon enactment and applies retroactively to July 1, 2009.

Approved March 19, 2010

CHAPTER 1070

ECONOMIC DEVELOPMENT AND TARGETED INDUSTRIES — INNOVATION COUNCIL

H.F. 2076

AN ACT relating to economic development by establishing an Iowa innovation council in the department of economic development and by providing for certain reports on innovation and commercialization within certain targeted industries.

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

Section 1. Section 15.102, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. *"Targeted industries"* means the same as defined in section 15.411, subsection 1.

Sec. 2. Section 15.104, subsection 8, paragraph l, Code Supplement 2009, is amended to read as follows:

l. Targeted industries development — ~~financial assistance~~ innovation and commercialization. A report of the expenditures of moneys appropriated and allocated to the department for certain programs authorized pursuant to ~~section~~ sections 15.411 and 15.412 relating to the development and commercialization of businesses in the targeted industry areas of advanced manufacturing, bioscience, and information technology, including a summary of the activities of the technology commercialization committee created pursuant to section 15.116 and the Iowa innovation council established pursuant to section 15.117A and including copies of any documents, reports, or plans produced by the council.