House Amendment 1118

PAG LIN

1 1 Amend Senate File 137, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 3, by striking lines 3 through 18 and
1 4 inserting the following:
1 5 <Sec. ___. Section 216.15, subsection 8, paragraph
1 6 a, Code 2009, is amended by adding the following new
1 7 subparagraph:
1 8 NEW SUBPARAGRAPH. (9) For an unfair or
1 9 discriminatory practice relating to wage
1 10 discrimination pursuant to section 216.6A, payment to
1 11 the complainant of damages for an injury caused by the
1 12 discriminatory or unfair practice which damages shall
1 13 include but are not limited to court costs, reasonable
1 14 attorney fees, and either of the following:
1 15 (a) An amount equal to two times the wage
1 16 differential paid to another employee compared to the
1 17 complainant for the period of time for which the
1 18 complainant has been discriminated against.
1 19 (b) In instances of willful and wanton violation,
1 20 an amount equal to three times the wage differential
1 21 paid to another employee as compared to the
1 22 complainant for the period of time for which the
1 23 complainant has been discriminated against.>
1 24 #2. By renumbering as necessary.
1 25
1 26
1 27
1 28 COMMITTEE ON STATE GOVERNMENT
1 29 MASCHER of Johnson, Chairperson
1 30 SF 137.201 83
1 31 ec/rj/22265
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House Amendment 1119

PAG LIN

1 1 Amend House File 257 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 321.236, subsection 1,
1 5 unnumbered paragraph 1, Code 2009, is amended to read
1 6 as follows:
1 7 Regulating the standing or parking of vehicles
1 8 except as provided in section 321L.10.>
1 9 #2. Page 1, by inserting after line 31 the
1 10 following:
1 11 <Sec. ___. NEW SECTION. 321L.10 METERED PARKING
1 12 EXEMPTION.
1 13 If a motor vehicle has a persons with disabilities
1 14 parking permit properly displayed as a placard,
1 15 sticker, or plate in or on such a vehicle, the
1 16 operator of such vehicle does not commit a parking
1 17 meter violation if the vehicle is operated by a person
1 18 with a disability or a person with a disability is a
1 19 passenger in the vehicle.>
1 20 #3. By renumbering as necessary.
1 21
1 22
1 23
1 24 LUKAN of Dubuque
1 25 HF 257.301 83
1 26 jm/rj/22421
1 27
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House Amendment 1120

PAG LIN

1 1 Amend Senate File 118, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. Section 321.236, subsection 1,
1 6 unnumbered paragraph 1, Code 2009, is amended to read
1 7 as follows:
1 8 Regulating the standing or parking of vehicles
1 9 except as provided in section 321L.10.>
1 10 #2. Page 1, by inserting after line 31 the
1 11 following:
1 12 <Sec. ___. NEW SECTION. 321L.10 METERED PARKING
1 13 EXEMPTION.
1 14 If a motor vehicle has a persons with disabilities
1 15 parking permit properly displayed as a placard,
1 16 sticker, or plate in or on such a vehicle, the
1 17 operator of such vehicle does not commit a parking
1 18 meter violation if the vehicle is operated by a person
1 19 with a disability or a person with a disability is a
1 20 passenger in the vehicle.>
1 21 #3. By renumbering as necessary.
1 22
1 23
1 24
1 25 LUKAN of Dubuque
1 26 SF 118.301 83
1 27 jm/rj/22419
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House Amendment 1121

PAG LIN

1 1 Amend House File 571 as follows:
1 2 #1. Page 1, by striking lines 1 through 13 and
1 3 inserting the following: <Section 1. Section 21.3,
1 4 Code 2009, is amended to read as follows:
1 5 21.3 MEETINGS OF GOVERNMENTAL BODIES.
1 6 1. Meetings of governmental bodies shall be
1 7 preceded by public notice as provided in section 21.4
1 8 and shall be held in open session unless closed
1 9 sessions are expressly permitted by law. Except as
1 10 provided in section 21.5, all actions and discussions
1 11 at meetings of governmental bodies, whether formal or
1 12 informal, shall be conducted and executed in open
1 13 session.
1 14 2. Each governmental body shall keep minutes of
1 15 all its meetings showing the date, time and place, the
1 16 members present, and the action taken at each meeting.
1 17 The minutes shall show the results of each vote taken
1 18 and information sufficient to indicate the vote of
1 19 each member present. The vote of each member present
1 20 shall be made public at the open session. The minutes
1 21 shall be public records open to public inspection.
1 22 3. Each governmental body shall provide to all
1 23 persons in attendance at a meeting of a governmental
1 24 body copies of all material distributed in connection
1 25 with the meeting at the time the meeting is held, if
1 26 practicable, or within three days after the meeting is
1 27 held by posting such material on the internet site of
1 28 the governmental body or, upon request, by sending
1 29 such material to a requester by regular mail or
1 30 electronic mail.
1 31 4. Each governmental body shall schedule at least
1 32 fifty percent of the governmental body's meetings in
1 33 the evening hours.
1 34 Sec. 2. Section 21.4, subsections 1 and 2, Code
1 35 2009, are amended to read as follows:
1 36 1. A governmental body~~, except township trustees,~~
1 37 shall give notice of the time, date, and place of each
1 38 meeting, and its tentative agenda, in a manner
1 39 reasonably calculated to apprise the public of that
1 40 information. Reasonable notice shall include advising
1 41 the news media who have filed a request for notice
1 42 with the governmental body and posting the notice on a
1 43 bulletin board or other prominent place which is
1 44 easily accessible to the public and clearly designated
1 45 for that purpose at the principal office of the body
1 46 holding the meeting, or if no such office exists, at
1 47 the building in which the meeting is to be held. A
1 48 meeting notice shall be posted at a designated
1 49 location at the principal place of business of the
1 50 governmental body holding the meeting or at the

House Amendment 1121 continued

2 1 building in which the meeting is to be held.
2 2 2. a. ~~Notice~~ Unless otherwise provided by law,
2 3 notice conforming with all of the requirements of
2 4 subsection 1 ~~of this section~~ shall be given at least
2 5 ~~twenty=four~~ seventy=two hours prior to the
2 6 commencement of any meeting of a governmental body
2 7 unless for good cause such notice is impossible or
2 8 impractical, in which case as much notice as is
2 9 reasonably possible shall be given. Each meeting
2 10 shall be held at a place reasonably accessible to the
2 11 public, and at a time reasonably convenient to the
2 12 public, unless for good cause such a place or time is
2 13 impossible or impractical. Special access to the
2 14 meeting may be granted to persons with disabilities.
2 15 b. ~~When~~ Unless otherwise provided by law, when it
2 16 is necessary to hold a meeting on less than
2 17 ~~twenty=four~~ seventy=two hours' notice, or at a place
2 18 that is not reasonably accessible to the public, or at
2 19 a time that is not reasonably convenient to the
2 20 public, the nature of the good cause justifying that
2 21 departure from the normal requirements shall be stated
2 22 in the minutes.
2 23 Sec. 3. Section 28E.6, Code 2009, is amended by
2 24 adding the following new subsection:
2 25 NEW SUBSECTION. 4. Each joint board of the entity
2 26 created in the agreement shall provide to all persons
2 27 in attendance at a meeting of the joint board copies
2 28 of all material distributed in connection with the
2 29 meeting at the time the meeting is held, if
2 30 practicable, or within three days after the meeting is
2 31 held by posting such material on the internet site of
2 32 the joint board or, upon request, by sending such
2 33 material to a requester by regular mail or electronic
2 34 mail.>
2 35 #2. Title page, line 1, by inserting after the
2 36 word <relating> the following: <to certain open
2 37 meeting requirements and>.
2 38 #3. By renumbering as necessary.
2 39
2 40
2 41
2 42 TYMESON of Madison
2 43 HF 571.201 83
2 44 md/sc/22427

House Amendment 1122

PAG LIN

1 1 Amend House File 380 as follows:
1 2 #1. Page 2, by striking lines 24 through 34 and
1 3 inserting the following:
1 4 <Sec. ___. Section 153.13, Code 2009, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 3. Persons who offer to perform,
1 7 perform, or assist with any phase of any operation
1 8 incident to tooth whitening, including the instruction
1 9 or application of tooth whitening materials or
1 10 procedures at any geographic location. For purposes
1 11 of this subsection, "tooth whitening" means any
1 12 process to whiten or lighten the appearance of human
1 13 teeth by the application of chemicals, whether or not
1 14 in conjunction with a light source.>
1 15 #2. Page 5, by inserting after line 26 the
1 16 following:
1 17 <Sec. ___. EFFECTIVE DATE. The section of this
1 18 Act amending section 153.13, being deemed of immediate
1 19 importance, takes effect upon enactment.>
1 20 #3. Title page, line 3, by inserting after the
1 21 word <penalty> the following: <and providing an
1 22 effective date>.
1 23 #4. By renumbering as necessary.
1 24
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1 26
1 27 T. OLSON of Linn
1 28 HF 380.502 83
1 29 jr/rj/22429
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House Amendment 1123

PAG LIN

1 1 Amend House File 571 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 21.2, subsection 1, Code 2009,
1 5 is amended by adding the following new paragraph:
1 6 NEW PARAGRAPH. i. An advisory board, advisory
1 7 commission, advisory committee, task force, or other
1 8 body created by an entity organized under chapter 28E,
1 9 or by the administrator or joint board specified in a
1 10 chapter 28E agreement, to develop and make
1 11 recommendations on public policy issues.>
1 12 #2. Title page, line 1, by inserting after the
1 13 words <relating to> the following: <open meetings by
1 14 applying the open meetings law to advisory bodies
1 15 created by joint governmental entities and by
1 16 modifying>.
1 17 #3. By renumbering as necessary.
1 18
1 19
1 20
1 21 TYMESON of Madison
1 22 HF 571.501 83
1 23 md/sc/22428
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House Amendment 1124

PAG LIN

1 1 Amend House File 589 as follows:
1 2 #1. Page 2, by inserting after line 23 the
1 3 following:
1 4 <Sec. ___. Section 260C.14, subsection 3, Code
1 5 2009, is amended to read as follows:
1 6 3. Have the powers and duties with respect to
1 7 community colleges, not otherwise provided in this
1 8 chapter, which are prescribed for boards of directors
1 9 of local school districts by chapter 279 except that
1 10 the board of directors is not required to prohibit the
1 11 use of tobacco and the use or possession of alcoholic
1 12 liquor or beer by any student of legal age under the
1 13 provisions of section 279.9. The fall semester
1 14 established by the board of directors for arts and
1 15 sciences and vocational=technical coursework shall
1 16 begin no sooner than the fourth Monday in August.>
1 17 #2. Title page, line 1, by inserting after the
1 18 word <dates> the following: <for school districts and
1 19 to the fall semester start date for community
1 20 colleges>.
1 21 #3. By renumbering as necessary.
1 22
1 23
1 24
1 25 RAECKER of Polk
1 26 HF 589.201 83
1 27 kh/rj/21727
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House Amendment 1125

PAG LIN

1 1 Amend House File 589 as follows:
1 2 #1. Page 2, by inserting after line 23 the
1 3 following:
1 4 <Sec. ___. Section 280.13, Code 2009, is amended
1 5 to read as follows:
1 6 280.13 REQUIREMENTS FOR INTERSCHOLASTIC ATHLETIC
1 7 CONTESTS AND COMPETITIONS AND EXTRACURRICULAR
1 8 ACTIVITIES.
1 9 1. A public school shall not participate in or
1 10 allow students representing a public school to
1 11 participate in any extracurricular interscholastic
1 12 athletic contest or competition which is sponsored or
1 13 administered by an organization as defined in this
1 14 section, unless the organization is registered with
1 15 the department of education, files financial
1 16 statements with the department in the form and at the
1 17 intervals prescribed by the director of the department
1 18 of education, and is in compliance with rules which
1 19 the state board of education adopts for the proper
1 20 administration, supervision, operation, adoption of
1 21 eligibility requirements, and scheduling of
1 22 extracurricular interscholastic athletic contests and
1 23 competitions and the organizations.
1 24 2. Public and nonpublic schools shall not
1 25 participate in or allow students representing the
1 26 schools to participate in any interscholastic athletic
1 27 contest or competition or extracurricular activity
1 28 which is sponsored or administered by the public
1 29 school or nonpublic school or an organization as
1 30 defined in this section prior to the earliest school
1 31 start date established pursuant to section 279.10,
1 32 subsection 1.
1 33 3. For the purposes of this section "organization"
1 34 means a corporation, association, or organization
1 35 which has as one of its primary purposes the
1 36 sponsoring or administration of extracurricular
1 37 interscholastic athletic contests or competitions, but
1 38 does not include an agency of this state, a public or
1 39 private school or school board, or an athletic
1 40 conference or other association whose interscholastic
1 41 contests or competitions do not include more than
1 42 twenty=four schools.>
1 43 #2. Title page, line 1, by inserting after the
1 44 word <dates> the following: <, and start dates for
1 45 interscholastic athletic contests and competitions and
1 46 extracurricular activities,>.
1 47 #3. By renumbering as necessary.
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House Amendment 1125 continued

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2  1 RAECKER of Polk
2  2 HF 589.501 83
2  3 kh/rj/22033
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House Amendment 1126

PAG LIN

1 1 Amend House File 589 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 256F.4, subsection 5, Code
1 5 2009, is amended to read as follows:
1 6 5. A charter school shall provide instruction for
1 7 at least the number of ~~days~~ hours required by section
1 8 279.10, subsection 1~~, or shall provide at least the~~
~~1 9 equivalent number of total hours~~.>
1 10 #2. Page 1, by striking lines 8 through 14 and
1 11 inserting the following: <section 279.10, subsection
1 12 1, unless the school district maintains a year around
1 13 school calendar. ~~However, this section does not apply~~
~~1 14 to a school district that has received approval from~~
~~1 15 the director of the department of education under~~
~~1 16 section 279.10, subsection 4, to commence classes for~~
~~1 17 regularly established elementary and secondary schools~~
~~1 18 in advance of the starting date established in section~~
~~1 19 279.10, subsection 1.~~>
1 20 #3. Page 1, line 17, by striking the figure <1.>
1 21 and inserting the following: <~~1.~~>
1 22 #4. Page 1, by striking lines 24 through 30 and
1 23 inserting the following: <~~immediately precedes the~~
~~1 24 first day of September~~. ~~School shall continue for at~~
~~1 25 least one hundred eighty days, except as provided in~~
~~1 26 subsection 3, and may be maintained during the entire~~
~~1 27 calendar year.~~ The minimum hours of instructional
1 28 school time in a school year shall be nine hundred
1 29 ninety hours. ~~However, if~~ If the board of directors
1 30 of a district>.
1 31 #5. Page 2, by striking lines 7 through 11 and
1 32 inserting the following:
1 33 <Sec. ___. Section 279.10, subsections 2, 3, and
1 34 4, Code 2009, are amended by striking the
1 35 subsections.>
1 36 #6. Page 2, by inserting after line 23 the
1 37 following:
1 38 <Sec. ___. Section 299.1, unnumbered paragraph 1,
1 39 Code 2009, is amended to read as follows:
1 40 Except as provided in section 299.2, the parent,
1 41 guardian, or legal or actual custodian of a child who
1 42 is of compulsory attendance age, shall cause the child
1 43 to attend some public school, an accredited nonpublic
1 44 school, or competent private instruction in accordance
1 45 with the provisions of chapter 299A, during a school
1 46 year, as defined under section 279.10. The board of
1 47 directors of a public school district or the governing
1 48 body of an accredited nonpublic school shall set the
1 49 number of ~~days~~ hours of required attendance for the
1 50 schools under its control.

House Amendment 1126 continued

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2  1 #7.  By renumbering as necessary.
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2  3
2  4
2  5 RAECKER of Polk
2  6 HF 589.202 83
2  7 kh/rj/21729
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House Amendment 1127

PAG LIN

1 1 Amend House File 589 as follows:
1 2 #1. Page 2, by inserting after line 23 the
1 3 following:
1 4 <Sec. ___. Section 262.9, subsection 26, Code
1 5 2009, is amended to read as follows:
1 6 26. Explore, in conjunction with the department of
1 7 education, the need for coordination between school
1 8 districts, area education agencies, state board of
1 9 regents institutions, and community colleges for
1 10 purposes of delivery of courses, use of
1 11 telecommunications, transportation, and other similar
1 12 issues. Coordination may include, but is not limited
1 13 to, coordination of calendars, programs, schedules, or
1 14 telecommunications emissions. The state board shall
1 15 develop recommendations as necessary, which shall be
1 16 submitted in a report to the general assembly on a
1 17 timely basis. In order to coordinate with the school
1 18 calendars established by school districts and
1 19 accredited nonpublic schools in accordance with
1 20 earliest school start date established pursuant to
1 21 section 279.10, subsection 1, the fall semester
1 22 established for the institutions of higher learning
1 23 governed by the state board, and the school calendars
1 24 established for the Iowa braille and sight saving
1 25 school and the state school for the deaf shall begin
1 26 no sooner than the fourth Monday in August.>
1 27 #2. Title page, line 1, by inserting after the
1 28 word <dates> the following: <for school districts,
1 29 the fall semester start date for regents universities,
1 30 and the school calendar start date for the Iowa
1 31 braille and sight saving school and the state school
1 32 for the deaf,>.
1 33 #3. By renumbering as necessary.
1 34
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1 37 RAECKER of Polk
1 38 HF 589.301 83
1 39 kh/rj/21728
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House Amendment 1128

PAG LIN

1 1 Amend House File 216 as follows:
1 2 #1. Page 1, by inserting after line 9 the
1 3 following:
1 4 <Sec. ___. Section 523I.316, Code 2009, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 7. ADVERSE POSSESSION. A
1 7 cemetery or a pioneer cemetery is exempt from seizure,
1 8 appropriation, or acquisition of title under any claim
1 9 of adverse possession, unless it is shown that all
1 10 remains in the cemetery or pioneer cemetery have been
1 11 disinterred and removed to another location.>
1 12 #2. Title page, line 1, by inserting after the
1 13 word <to> the following: <cemeteries, including>.
1 14 #3. Title page, line 1, by inserting after the
1 15 word <cemetery> the following: <and claims of adverse
1 16 possession concerning cemeteries or pioneer
1 17 cemeteries>.
1 18 #4. By renumbering as necessary.
1 19
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1 21
1 22 BURT of Black Hawk
1 23 HF 216.501 83
1 24 av/nh/22277
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House File 604 - Introduced

HOUSE FILE
BY WAGNER

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act reducing the individual and corporate income tax rates and including an effective and applicability date provision.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1790YH 83
tw/mg:sc/8

House File 604 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.5, subsection 1, paragraphs a
1 2 through i, Code 2009, are amended to read as follows:
1 3 a. On all taxable income from zero through one thousand
1 4 dollars, ~~thirty=six~~ thirty=two hundredths of one percent.
1 5 b. On all taxable income exceeding one thousand dollars
1 6 but not exceeding two thousand dollars, ~~seventy=two~~ sixty=five
1 7 hundredths of one percent.
1 8 c. On all taxable income exceeding two thousand dollars
1 9 but not exceeding four thousand dollars, two and ~~forty=three~~
1 10 nineteen hundredths percent.
1 11 d. On all taxable income exceeding four thousand dollars
1 12 but not exceeding nine thousand dollars, four and ~~one=half~~
1 13 five hundredths percent.
1 14 e. On all taxable income exceeding nine thousand dollars
1 15 but not exceeding fifteen thousand dollars, ~~six~~ five and
1 16 ~~twelve~~ fifty=one hundredths percent.
1 17 f. On all taxable income exceeding fifteen thousand
1 18 dollars but not exceeding twenty thousand dollars, ~~six~~ five
1 19 and ~~forty=eight~~ eighty=three hundredths percent.
1 20 g. On all taxable income exceeding twenty thousand dollars
1 21 but not exceeding thirty thousand dollars, six and
1 22 ~~eight=tenths~~ twelve hundredths percent.
1 23 h. On all taxable income exceeding thirty thousand dollars
1 24 but not exceeding forty=five thousand dollars, seven and
1 25 ~~ninety=two~~ thirteen hundredths percent.
1 26 i. On all taxable income exceeding forty=five thousand
1 27 dollars, eight and ~~ninety=eight~~ eight hundredths percent.
1 28 Sec. 2. Section 422.33, subsection 1, Code 2009, is
1 29 amended to read as follows:
1 30 1. a. A tax is imposed annually upon each corporation
1 31 doing business in this state, or deriving income from sources
1 32 within this state, in an amount computed by applying the
1 33 following rates of taxation to the net income received by the
1 34 corporation during the income year:
1 35 ~~a.~~ (1) On the first twenty=five thousand dollars of

House File 604 - Introduced continued

2 1 taxable income, or any part thereof, the rate of ~~six~~ five and
2 2 four=tenths percent.
2 3 ~~b.~~ (2) On taxable income between twenty=five thousand
2 4 dollars and one hundred thousand dollars or any part thereof,
2 5 the rate of ~~eight~~ seven and two=tenths percent.
2 6 ~~c.~~ (3) On taxable income between one hundred thousand
2 7 dollars and two hundred fifty thousand dollars or any part
2 8 thereof, the rate of ~~ten~~ nine percent.
2 9 ~~d.~~ (4) On taxable income of two hundred fifty thousand
2 10 dollars or more, the rate of ~~twelve~~ ten and eight=tenths
2 11 percent.
2 12 b. ~~"Income~~ For purposes of this section, "income from
2 13 sources within this state" means income from real, tangible,
2 14 or intangible property located or having a situs in this
2 15 state.
2 16 Sec. 3. EFFECTIVE AND APPLICABILITY DATE. This Act takes
2 17 effect January 1, 2010, and applies to tax years beginning on
2 18 or after that date.
2 19 EXPLANATION
2 20 This bill reduces by approximately 10 percent the tax rate
2 21 for each of the nine tax brackets of the individual income tax
2 22 and for each of the four brackets of the corporate income tax.
2 23 The current individual income tax rates range from a low of
2 24 .36 percent to a high of 8.98 percent. The bill changes these
2 25 rates to a low of .32 percent to a high of 8.08 percent.
2 26 The current corporate income tax rates range from a low of
2 27 6 percent to a high of 12 percent. The bill changes these
2 28 rates to a low of 5.4 percent to a high of 10.8 percent.
2 29 The bill takes effect January 1, 2010, and applies to tax
2 30 years beginning on or after that date.
2 31 LSB 1790YH 83
2 32 tw/mg:sc/8.1

House File 605 - Introduced

HOUSE FILE
BY WAGNER

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act making the services of certain executive search agencies and private employment agencies exempt from the sales tax and including effective and retroactive applicability date provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2323YH 83
tw/mg:sc/5

House File 605 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.2, subsection 6, Code 2009, is
1 2 amended to read as follows:
1 3 6. a. The sales price of any of the following enumerated
1 4 services is subject to the tax imposed by subsection 5:
1 5 alteration and garment repair; armored car; vehicle repair;
1 6 battery, tire, and allied; investment counseling; service
1 7 charges of all financial institutions; barber and beauty; boat
1 8 repair; vehicle wash and wax; campgrounds; carpentry; roof,
1 9 shingle, and glass repair; dance schools and dance studios;
1 10 dating services; dry cleaning, pressing, dyeing, and
1 11 laundering; electrical and electronic repair and installation;
1 12 excavating and grading; farm implement repair of all kinds;
1 13 flying service; furniture, rug, carpet, and upholstery repair
1 14 and cleaning; fur storage and repair; golf and country clubs
1 15 and all commercial recreation; gun and camera repair; house
1 16 and building moving; household appliance, television, and
1 17 radio repair; janitorial and building maintenance or cleaning;
1 18 jewelry and watch repair; lawn care, landscaping, and tree
1 19 trimming and removal; limousine service, including driver;
1 20 machine operator; machine repair of all kinds; motor repair;
1 21 motorcycle, scooter, and bicycle repair; oilers and
1 22 lubricators; office and business machine repair; painting,
1 23 papering, and interior decorating; parking facilities; pay
1 24 television; pet grooming; pipe fitting and plumbing; wood
1 25 preparation; ~~executive search agencies; private employment~~
~~1 26 agencies, excluding services for placing a person in~~
~~1 27 employment where the principal place of employment of that~~
~~1 28 person is to be located outside of the state;~~ reflexology;
1 29 security and detective services; sewage services for
1 30 nonresidential commercial operations; sewing and stitching;
1 31 shoe repair and shoeshine; sign construction and installation;
1 32 storage of household goods, mini=storage, and warehousing of
1 33 raw agricultural products; swimming pool cleaning and
1 34 maintenance; tanning beds or salons; taxidermy services;
1 35 telephone answering service; test laboratories, including

House File 605 - Introduced continued

2 1 mobile testing laboratories and field testing by testing
2 2 laboratories, and excluding tests on humans or animals;
2 3 termite, bug, roach, and pest eradicators; tin and sheet metal
2 4 repair; transportation service consisting of the rental of
2 5 recreational vehicles or recreational boats, or the rental of
2 6 motor vehicles subject to registration which are registered
2 7 for a gross weight of thirteen tons or less for a period of
2 8 sixty days or less, or the rental of aircraft for a period of
2 9 sixty days or less; Turkish baths, massage, and reducing
2 10 salons, excluding services provided by massage therapists
2 11 licensed under chapter 152C; water conditioning and softening;
2 12 weighing; welding; well drilling; wrapping, packing, and
2 13 packaging of merchandise other than processed meat, fish,
2 14 fowl, and vegetables; wrecking service; wrecker and towing.
2 15 b. For the purposes of this subsection, "financial
2 16 institutions" means all national banks, federally chartered
2 17 savings and loan associations, federally chartered savings
2 18 banks, federally chartered credit unions, banks organized
2 19 under chapter 524, savings and loan associations and savings
2 20 banks organized under chapter 534, credit unions organized
2 21 under chapter 533, and all banks, savings banks, credit
2 22 unions, and savings and loan associations chartered or
2 23 otherwise created under the laws of any state and doing
2 24 business in Iowa.
2 25 Sec. 2. REFUNDS. Refunds of taxes, interest, or penalties
2 26 which arise from claims resulting from the amendment of
2 27 section 423.2, subsection 6, in this Act, for the exemption of
2 28 sales of executive search agencies and private employment
2 29 agencies occurring between January 1, 2002, and the effective
2 30 date of this Act, shall be limited to fifty thousand dollars
2 31 in the aggregate and shall not be allowed unless refund claims
2 32 are filed prior to October 1, 2009, notwithstanding any other
2 33 provision of law. If the amount of claims totals more than
2 34 fifty thousand dollars in the aggregate, the department of
2 35 revenue shall prorate the fifty thousand dollars among all

House File 605 - Introduced continued

3 1 claimants in relation to the amounts of the claimants' valid
3 2 claims. Claimants shall not be entitled to interest on any
3 3 refunds.
3 4 Sec. 3. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
3 5 This Act takes effect upon enactment and applies retroactively
3 6 to January 1, 2002.
3 7 EXPLANATION
3 8 This bill relates to the imposition of the sales tax on
3 9 certain enumerated services.
3 10 Currently, the sales tax is imposed on the services
3 11 provided by executive search agencies and private employment
3 12 agencies. The bill exempts such agencies' services from the
3 13 list of enumerated services upon which the sales tax is
3 14 imposed.
3 15 Because the exemptions are retroactive to January 1, 2002,
3 16 the bill provides for refunds of taxes, interest, or penalties
3 17 which arise from claims resulting from the change to exemption
3 18 from taxation of these services. These refunds are limited to
3 19 $50,000 in the aggregate. Claims for refund must be filed by
3 20 October 1, 2009.
3 21 The bill takes effect upon enactment and applies
3 22 retroactively to January 1, 2002.
3 23 LSB 2323YH 83
3 24 tw/mg:sc/5

House File 606 - Introduced

HOUSE FILE
BY D. OLSON, DE BOEF, and MERTZ

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to administrative costs to support the watershed improvement review board.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2512HH 83
tm/nh/5

House File 606 - Introduced continued

PAG LIN

1 1 Section 1. Section 466A.5, Code 2009, is amended to read
1 2 as follows:
1 3 466A.5 ADMINISTRATION.
1 4 The soil conservation division of the department of
1 5 agriculture and land stewardship shall provide administrative
1 6 support to the board. Not more than one percent of the total
1 7 moneys deposited in the watershed improvement fund on July 1
1 8 of a fiscal year or fifty thousand dollars, whichever is less,
1 9 is appropriated each fiscal year to the division for the
1 10 purposes of assisting the watershed improvement review board
1 11 in administering this chapter. In addition, the board may
1 12 authorize the division's use of interest earned on moneys in
1 13 the fund for providing administrative support to the board.
1 14 EXPLANATION
1 15 This bill relates to administrative costs to support the
1 16 watershed improvement review board.
1 17 The bill allows the watershed improvement review board to
1 18 authorize interest earned on moneys in the watershed
1 19 improvement fund to be used by the soil conservation division
1 20 of the department of agriculture and land stewardship for
1 21 purposes of providing administrative support to the board.
1 22 LSB 2512HH 83
1 23 tm/nh/5

House File 607 - Introduced

HOUSE FILE
BY HEATON

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act requiring a study concerning the provision of child abuse information to juvenile court services.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2604YH 83
jp/nh/5

House File 607 - Introduced continued

PAG LIN

1 1 Section 1. STUDY CONCERNING PROVISION OF CHILD ABUSE
1 2 INFORMATION TO JUVENILE COURT SERVICES. The department of
1 3 human services shall work jointly with the juvenile court and
1 4 juvenile court services in studying the provision of child
1 5 abuse information to juvenile court services concerning
1 6 children under the supervision of juvenile court services,
1 7 barriers to timely provision of the information, and how the
1 8 provision of the information can be improved. A final report
1 9 with findings and recommendations shall be submitted to the
1 10 governor, supreme court, and general assembly, on or before
1 11 December 15, 2009.
1 12 EXPLANATION
1 13 This bill requires the department of human services to work
1 14 jointly with the juvenile court and juvenile court services in
1 15 studying the provision of child abuse information to juvenile
1 16 court services concerning children under the supervision of
1 17 juvenile court services. The study is required to address
1 18 barriers to timely provision of the information and how the
1 19 provision of the information can be improved. The study final
1 20 report is required to be submitted to the governor, supreme
1 21 court, and general assembly, on or before December 15, 2009.
1 22 LSB 2604YH 83
1 23 jp/nh/5

House File 608 - Introduced

HOUSE FILE
BY WINDSCHITL

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to air quality testing.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1792YH 83
tm/nh/5

House File 608 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 455B.133C AIR QUALITY TESTING.
1 2 1. The department shall not establish an emission limit or
1 3 standard, or make a compliance determination for particulate
1 4 matter of two and one=half micrometers in aerodynamic diameter
1 5 or less, that is not based on a test method approved and
1 6 promulgated as final by the United States environmental
1 7 protection agency in federal regulations.
1 8 2. By February 1 of each year, the department shall submit
1 9 a written report to the governor and the general assembly
1 10 identifying the location and purpose of each ambient air
1 11 quality monitor located in the state. The report shall
1 12 identify the specific air quality monitors required to meet
1 13 the minimum monitoring requirements stated in federal
1 14 regulations. For any ambient air quality monitor that exceeds
1 15 the minimum monitoring requirements provided in federal
1 16 regulations, the department shall provide a justification as
1 17 to the purpose of the monitor, the extent of the monitor's
1 18 coverage in terms of the percent of the population of the
1 19 state of Iowa, the five=year projected cost of owning and
1 20 operating each such monitor, and the justification or benefits
1 21 of continuing to operate each such monitor. The report shall
1 22 also include proof of public notice, comment, and
1 23 responsiveness. The report shall be provided prior to any
1 24 agreement between the department and the United States
1 25 environmental protection agency on the monitoring network plan
1 26 for the state.
1 27 3. a. The department shall not consider the results of
1 28 air dispersion modeling for purposes of issuing new source
1 29 review minor source or minor modification preconstruction air
1 30 quality permits.
1 31 b. The department shall not make the issuance of a new
1 32 source review preconstruction permit contingent upon air
1 33 dispersion modeling when such modeling is not required by
1 34 federal regulations.
1 35 4. The department shall not establish, in any permit, a

House File 608 - Introduced continued

2 1 limitation on visible emissions or opacity which is not
2 2 codified under federal or state regulations or the result of a
2 3 best available control technology determination for a major
2 4 new source review permit action.
2 5 5. The department shall not establish an emission limit or
2 6 standard, make a compliance determination, or make a
2 7 permitting decision which is not based on specific rules
2 8 adopted by the commission.
2 9 EXPLANATION
2 10 This bill relates to air quality testing.
2 11 The bill prohibits the department of natural resources from
2 12 establishing an emission limit or standard, or making a
2 13 compliance determination for particulate matter of two and
2 14 one=half micrometers in aerodynamic diameter or less, that is
2 15 not based on a test method approved and promulgated as final
2 16 by the United States environmental protection agency in
2 17 federal regulations.
2 18 The bill provides that, by February 1 of each year, the
2 19 department shall submit a written report to the governor and
2 20 the general assembly identifying the location and purpose of
2 21 each ambient air quality monitor located in the state.
2 22 The bill prohibits the department from considering the
2 23 results of air dispersion modeling for purposes of issuing new
2 24 source review minor source or minor modification
2 25 preconstruction air quality permits. The bill also prohibits
2 26 the department from making the issuance of a new source review
2 27 preconstruction permit contingent upon air dispersion modeling
2 28 when such modeling is not required by federal regulations.
2 29 The bill prohibits the department from establishing, in any
2 30 permit, a limitation on visible emissions or opacity which is
2 31 not codified under federal or state regulations or the result
2 32 of a best available control technology determination for a
2 33 major new source review permit action.
2 34 The bill prohibits the department from establishing an
2 35 emission limit or standard, making a compliance determination,

House File 608 - Introduced continued

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  3  1 or making a permitting decision which is not based on specific
  3  2 rules adopted by the environmental protection commission.
  3  3 LSB 1792YH 83
  3  4 tm/nh/5.2
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House File 609 - Introduced

HOUSE FILE
BY ALONS, MAY, FORRISTALL, DOLECHECK, SWEENEY, KOESTER, L. MILLER, TYMESON, and SCHULTE

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act making changes to the healthy kids Act and providing an effective date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2371YH 83
kh/nh/5

House File 609 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.7, subsection 29, Code 2009, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 256.9, subsections 59 and 60, Code 2009,
1 4 are amended by striking the subsections.
1 5 Sec. 3. 2008 Iowa Acts, chapter 1187, section 145, is
1 6 amended to read as follows:
1 7 SEC. 145. EFFECTIVE DATE. The section of this division of
1 8 this Act that amends section 256.11, subsection 6, takes
1 9 effect July 1, ~~2009~~ 2010.
1 10 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
1 11 immediate importance, takes effect upon enactment.
1 12 EXPLANATION
1 13 This bill eliminates provisions that direct the state board
1 14 of education and the director of the department of education
1 15 to take actions to establish, monitor, and ensure compliance
1 16 with nutritional content standards for foods and beverages
1 17 sold or provided on the school grounds during the school day
1 18 in school districts and accredited nonpublic schools; and
1 19 delays until July 1, 2010, provisions requiring certain
1 20 amounts of physical activity by students in kindergarten
1 21 through grade 12, and completion of a certification course for
1 22 cardiopulmonary resuscitation by the end of grade 12.
1 23 As enacted in 2008, the provisions relating to physical
1 24 activity and cardiopulmonary certification courses take effect
1 25 July 1, 2009, and amend the educational standards to require
1 26 all students in kindergarten through grade five who are
1 27 physically able, unless a student's parent or guardian files
1 28 for a religious exemption, to engage in physical activity for
1 29 a minimum of 30 minutes per school day; and every student in
1 30 grades six through 12 who is physically able, to engage in
1 31 physical activity for a minimum of 120 minutes per week. The
1 32 department is directed to collaborate with stakeholders when
1 33 developing models that describe ways schools may incorporate
1 34 the physical activity requirement into the educational
1 35 program.

House File 609 - Introduced continued

The bill also strikes a provision requiring the director to convene, every five years, a nutrition advisory panel to review research in pediatric nutrition and recommend nutritional standards to the state board of education.

The bill takes effect upon enactment.

LSB 2371YH 83
kh/nh/5

House File 610 - Introduced

HOUSE FILE
BY KAUFMANN

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the delivery of certain notices provided by the department of transportation and authorizing the department to collect fees for the cost of providing certain notices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1024YH 83
md/nh/24

House File 610 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.16, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. a. ~~When~~ Except as provided under paragraph "b", when
1 4 the department is authorized or required to give notice under
1 5 this chapter or any other law regulating the operation of
1 6 vehicles, unless a different method of giving notice is
1 7 expressly prescribed, notice shall be given either by personal
1 8 delivery to the person to be so notified or by personal
1 9 service in the manner of original notice by rule of civil
1 10 procedure 1.305(1), or by first class mail addressed to the
1 11 person at the address shown in the records of the department,
1 12 notwithstanding chapter 17A. The department shall adopt rules
1 13 regarding the giving of notice by first class mail, the
1 14 updating of addresses in department records, and the
1 15 development of affidavits verifying the mailing of notices
1 16 under this chapter and chapter 321J. A person's refusal to
1 17 accept or a claim of failure to receive a notice of
1 18 revocation, suspension, or bar mailed by first class mail to
1 19 the person's last known address shall not be a defense to a
1 20 charge of driving while suspended, revoked, denied, or barred.
1 21 b. When the department is authorized or required to give
1 22 notice of a revocation or suspension of a driver's license or
1 23 permit, or disqualification from operating a commercial motor
1 24 vehicle, under this chapter or any other law regulating the
1 25 operation of vehicles, unless a different method of notice is
1 26 expressly prescribed, notice shall be given by certified mail
1 27 addressed to the person at the address shown in the records of
1 28 the department, notwithstanding chapter 17A. If the
1 29 department provides notice of a revocation, suspension, or
1 30 disqualification by certified mail, the department may collect
1 31 a fee from the person to whom the license or permit was issued
1 32 totaling not more than the cost of the certified mail postage.
1 33 Sec. 2. Section 321.180A, subsection 3, Code 2009, is
1 34 amended to read as follows:
1 35 3. The permittee may apply for a driver's license if

House File 610 - Introduced continued

2 1 thirty days have elapsed since issuance of the special
2 2 instruction permit. The department shall issue a driver's
2 3 license if the permittee is qualified, passes all required
2 4 tests, including a driving test, and pays the required fees.
2 5 If the person has not obtained a driver's license before
2 6 expiration of the person's special instruction permit, the
2 7 person's former denial or suspension under section 321.177,
2 8 subsection 6 or 7, or section 321.210, subsection 1, paragraph
2 9 "c", upon ~~service of~~ notice provided pursuant to section
2 10 321.16, subsection 1, paragraph "b" by the department, shall
2 11 be reinstated. A permit shall be reissued for one additional
2 12 six=month period if a permittee continues to meet the
2 13 qualifications of subsection 1 and has incurred no motor
2 14 vehicle violations.
2 15 Sec. 3. Section 321.191, subsection 8, Code 2009, is
2 16 amended to read as follows:
2 17 8. DRIVER'S LICENSE REINSTATEMENTS. The fee for
2 18 reinstatement of a driver's license shall be twenty dollars
2 19 for a license which is, after notice provided pursuant to
2 20 section 321.16, subsection 1, paragraph "b" and opportunity
2 21 for hearing, canceled, suspended, revoked, or barred.
2 22 However, reinstatement of the privilege suspended under
2 23 section 321.210, subsection 1, paragraph "c", shall be without
2 24 fee. The fee for reinstatement of the privilege to operate a
2 25 commercial motor vehicle after a period of disqualification
2 26 shall be twenty dollars.
2 27 Sec. 4. Section 321.208, subsections 11 through 13, Code
2 28 2009, are amended to read as follows:
2 29 11. Upon receiving a record of a person's disqualifying
2 30 conviction, administrative decision, suspension, or
2 31 revocation, the department shall, by rule, without preliminary
2 32 hearing and upon thirty days' advance notice provided pursuant
2 33 to section 321.16, subsection 1, paragraph "b", disqualify the
2 34 person from operating a commercial motor vehicle upon a
2 35 highway.

House File 610 - Introduced continued

3 1 12. a. A person is disqualified from operating a
3 2 commercial motor vehicle if the person either refuses to
3 3 submit to chemical testing required under chapter 321J or
3 4 submits to chemical testing and the results show an alcohol
3 5 concentration as defined in section 321J.1 of 0.04 or more.
3 6 The department, upon receipt of the peace officer's
3 7 certification, subject to penalty for perjury, that the peace
3 8 officer had reasonable grounds to believe the person to have
3 9 been operating a commercial motor vehicle with an alcohol
3 10 concentration of 0.04 or more and that the person refused to
3 11 submit to the chemical testing or submitted to chemical
3 12 testing and the results show an alcohol concentration as
3 13 defined in section 321J.1 of 0.04 or more, shall, without
3 14 preliminary hearing and upon thirty days' advance notice
3 15 provided pursuant to section 321.16, subsection 1, paragraph
3 16 "b", disqualify the person from operating a commercial motor
3 17 vehicle upon a highway.
3 18 b. The effective date of disqualification shall be thirty
3 19 days after notification. Immediate notice of disqualification
3 20 may be served on a person operating a commercial motor vehicle
3 21 who refused to submit to a test or whose test results indicate
3 22 an alcohol concentration of 0.04 or more by the peace officer
3 23 administering the chemical test or, notwithstanding chapter
3 24 17A, the department may notify the person ~~by first class mail~~
3 25 pursuant to section 321.16, subsection 1, paragraph "b". If
3 26 immediate notice is served, the peace officer shall take the
3 27 commercial driver's license or permit of the driver, if issued
3 28 within the state, and issue a temporary commercial driver's
3 29 license effective for only thirty days. The peace officer
3 30 shall immediately send the person's commercial driver's
3 31 license to the department in addition to the officer's
3 32 certification required by this subsection.
3 33 13. Upon notice provided pursuant to section 321.16,
3 34 subsection 1, paragraph "b", the disqualified person shall
3 35 surrender the person's commercial driver's license to the

House File 610 - Introduced continued

4 1 department and the department may issue a driver's license
4 2 valid only to operate a noncommercial motor vehicle upon
4 3 payment of a one dollar fee. The department shall notify the
4 4 commercial driver's license information system of the
4 5 disqualification if required to do so under section 321.204.
4 6 Sec. 5. Section 321.209, unnumbered paragraph 1, Code
4 7 2009, is amended to read as follows:
4 8 The department, upon thirty days' notice provided pursuant
4 9 to section 321.16, subsection 1, paragraph "b", and without
4 10 preliminary hearing, shall revoke the license or operating
4 11 privilege of an operator upon receiving a record of the
4 12 operator's conviction for any of the following offenses, when
4 13 such conviction has become final:
4 14 Sec. 6. Section 321.210, subsection 1, unnumbered
4 15 paragraph 1, Code 2009, is amended to read as follows:
4 16 The department is authorized to establish rules providing
4 17 for the suspension of the license of an operator upon thirty
4 18 days' notice provided pursuant to section 321.16, subsection
4 19 1, paragraph "b", and without preliminary hearing upon a
4 20 showing by its records or other sufficient evidence that the
4 21 licensee:
4 22 Sec. 7. Section 321.210, subsection 1, unnumbered
4 23 paragraph 2, Code 2009, is amended to read as follows:
4 24 Prior to a suspension taking effect under paragraph "a",
4 25 "b", "c", "d", "e", or "f", the licensee shall have received
4 26 thirty days' advance notice, pursuant to section 321.16,
4 27 subsection 1, paragraph "b", of the effective date of the
4 28 suspension. Notwithstanding the terms of the Iowa
4 29 administrative procedure Act, chapter 17A, the filing of a
4 30 petition for judicial review shall, except for suspensions
4 31 under paragraph "c", operate to stay the suspension pending
4 32 the determination by the district court.
4 33 Sec. 8. Section 321.210D, subsection 2, Code 2009, is
4 34 amended to read as follows:
4 35 2. Upon receiving notice from the clerk of the district

House File 610 - Introduced continued

5 1 court that an indictment or information has been filed
5 2 charging an operator with homicide by vehicle under section
5 3 707.6A, subsection 1 or 2, the department shall notify the
5 4 person pursuant to section 321.16, subsection 1, paragraph "b"
5 5 that the person's driver's license will be suspended effective
5 6 ten days from the date of issuance of the notice. The
5 7 department shall adopt rules relating to the suspension of the
5 8 license of an operator pursuant to this section which shall
5 9 include, but are not limited to, procedures for the surrender
5 10 of the person's license to the department upon the effective
5 11 date of the suspension.
5 12 Sec. 9. Section 321.211, unnumbered paragraph 1, Code
5 13 2009, is amended to read as follows:
5 14 Upon suspending the license of a person as authorized, the
5 15 department shall immediately notify the licensee ~~in writing~~
5 16 pursuant to section 321.16, subsection 1, paragraph "b", and
5 17 upon the licensee's request shall afford the licensee an
5 18 opportunity for a hearing before the department of inspections
5 19 and appeals as early as practical within thirty days after
5 20 receipt of the request. The hearing shall be held by
5 21 telephone conference unless the licensee and the department of
5 22 inspections and appeals agree to hold the hearing in the
5 23 county in which the licensee resides or in some other county.
5 24 Upon the hearing the department of inspections and appeals may
5 25 administer oaths and issue subpoenas for the attendance of
5 26 witnesses and the production of relevant books and papers and
5 27 may require a re=examination of the licensee. Upon the
5 28 hearing and issuance of a recommendation by the department of
5 29 inspections and appeals, the state department of
5 30 transportation shall either rescind its order of suspension or
5 31 for good cause may extend the suspension of the license or
5 32 revoke the license. This section does not preclude the
5 33 director from attempting to effect an informal settlement
5 34 under chapter 17A.
5 35 Sec. 10. Section 321.211A, Code 2009, is amended to read

House File 610 - Introduced continued

6 1 as follows:
6 2 321.211A APPEAL OF EXTENDED SUSPENSION OR REVOCATION.
6 3 Notwithstanding any provision of law to the contrary, if a
6 4 person was not served with notice of a suspension or
6 5 revocation under section 321.16, ~~or section 321J.9, subsection~~
~~6 6 4, or section 321J.12, subsection 3~~ subsection 1, paragraph
6 7 "b", the person may appeal to the department an extension of
6 8 the period of suspension or revocation based upon a conviction
6 9 under section 321.218 or 321J.21. At the hearing on the
6 10 appeal, the sole issue shall be whether the department failed
6 11 to send notice of the underlying suspension or revocation to
6 12 the person pursuant to section 321.16, subsection 1, paragraph
6 13 "b" at the address contained in the department's records. If
6 14 the department determines it failed to send such notice, the
6 15 department shall rescind the extended suspension or revocation
6 16 resulting from the conviction and send notice of the
6 17 department's determination to the court that rendered the
6 18 conviction. Upon receipt of the notice, the court shall enter
6 19 an order exonerating the person of the conviction and ordering
6 20 that the record of the conviction be expunged by the clerk of
6 21 the district court.
6 22 Sec. 11. Section 321J.9, subsection 4, Code 2009, is
6 23 amended to read as follows:
6 24 4. The effective date of revocation shall be ten days
6 25 after the department has mailed notice of revocation to the
6 26 person ~~by first class mail~~ pursuant to section 321.16,
6 27 subsection 1, paragraph "b", notwithstanding chapter 17A. The
6 28 peace officer who requested or directed the administration of
6 29 a chemical test may, on behalf of the department, serve
6 30 immediate notice of intention to revoke and of revocation on a
6 31 person who refuses to permit chemical testing. If the peace
6 32 officer serves immediate notice, the peace officer shall take
6 33 the Iowa license or permit of the driver, if any, and issue a
6 34 temporary license effective for ten days. The peace officer
6 35 shall immediately send the person's license to the department

House File 610 - Introduced continued

7 1 along with the officer's certificate indicating the person's
7 2 refusal to submit to chemical testing.
7 3 Sec. 12. Section 321J.12, subsection 3, Code 2009, is
7 4 amended to read as follows:
7 5 3. The effective date of the revocation shall be ten days
7 6 after the department has mailed notice of revocation to the
7 7 person ~~by first class mail~~ pursuant to section 321.16,
7 8 subsection 1, paragraph "b", notwithstanding chapter 17A. The
7 9 peace officer who requested or directed the administration of
7 10 the chemical test may, on behalf of the department, serve
7 11 immediate notice of revocation on a person whose test results
7 12 indicated the presence of a controlled substance or other
7 13 drug, or an alcohol concentration equal to or in excess of the
7 14 level prohibited by section 321J.2, or a combination of
7 15 alcohol and another controlled substance or drug in violation
7 16 of section 321J.2.
7 17 EXPLANATION
7 18 This bill requires that when the department of
7 19 transportation is authorized or required to give notice of a
7 20 revocation or suspension of a driver's license or permit, or
7 21 disqualification from operating a commercial motor vehicle,
7 22 such notice shall be given by certified mail addressed to the
7 23 person at the address shown in the records of the department.
7 24 The bill authorizes the department of transportation to
7 25 collect a fee from the person to whom the license or permit
7 26 was issued totaling not more than the cost of the certified
7 27 mail postage.
7 28 LSB 1024YH 83
7 29 md/nh/24.1

House File 611 - Introduced

HOUSE FILE
BY SCHULTE, DE BOEF, SORENSON, HORBACH, ARNOLD, HEATON, BAUDLER, SODERBERG, ALONS, ANDERSON, SWEENEY, COWNIE, WAGNER, L. MILLER, HELLAND, GRASSLEY, DEYOE, and PETTENGILL

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act modifying certain provisions relating to recounts of public offices and public measures.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2053YH 83
sc/nh/14

House File 611 - Introduced continued

PAG LIN

1 1 Section 1. Section 50.48, subsection 3, paragraph a, Code
1 2 2009, is amended by adding the following new subparagraph:
1 3 NEW SUBPARAGRAPH. (4) Two persons, one from each
1 4 political party, chosen by the commissioner from the election
1 5 board panel drawn up as provided in section 49.15.
1 6 Sec. 2. Section 50.48, subsection 3, paragraph b, Code
1 7 2009, is amended to read as follows:
1 8 b. The commissioner shall convene the persons designated
1 9 under paragraph "a", subparagraphs (1) and (2), not later than
1 10 9:00 a.m. on the seventh day following the county board's
1 11 canvass of the election in question. If those two members
1 12 cannot agree on the ~~third~~ member designated under paragraph
1 13 "a", subparagraph (3) by 8:00 a.m. on the ninth day following
1 14 the canvass, they shall immediately so notify the chief judge
1 15 of the judicial district in which the canvass is occurring,
1 16 who shall appoint ~~the third~~ such member not later than 5:00
1 17 p.m. on the eleventh day following the canvass.
1 18 Sec. 3. Section 50.48, subsection 4, Code 2009, is amended
1 19 to read as follows:
1 20 4. a. When all members of the recount board have been
1 21 selected, the board shall undertake and complete the required
1 22 recount as expeditiously as reasonably possible. The
1 23 commissioner or the commissioner's designee shall supervise
1 24 the handling of ballots ~~or voting machine documents~~ to ensure
1 25 that the ballots ~~and other documents~~ are protected from
1 26 alteration or damage. The board shall open only the sealed
1 27 ballot containers from the precincts specified to be recounted
1 28 in the request or by the recount board. The board shall
1 29 recount only the ballots which were voted and counted for the
1 30 office in question, including any disputed ballots returned as
1 31 required in section 50.5. If ~~an electronic~~ automatic
1 32 tabulating ~~system~~ equipment was used to count the ballots, the
1 33 recount board ~~may request~~ shall direct the commissioner to
1 34 retabulate the ballots using the ~~electronic~~ automatic
1 35 tabulating ~~system~~ equipment. The same program used for

House File 611 - Introduced continued

2 1 tabulating the votes on election day shall be used at the
2 2 recount unless the program is believed or known to be flawed
2 3 and the suspected or known flaw would affect the retabulation
2 4 of votes for the office that is the subject of the recount.
2 5 ~~If a voting machine was used, the paper record required in~~
2 6 ~~section 52.7, subsection 2, shall be the official record used~~
2 7 ~~in the recount. However, if the commissioner believes or~~
2 8 ~~knows that the paper records produced from a machine have been~~
2 9 ~~compromised due to damage, mischief, malfunction, or other~~
2 10 ~~cause, the printed ballot images produced from the internal~~
2 11 ~~audit log for that machine shall be the official record used~~
2 12 ~~in the recount.~~
2 13 b. ~~Any member of~~ Upon the affirmative vote of at least
2 14 three members of the recount board, the recount board may at
2 15 any time during the recount proceedings extend the recount of
2 16 votes cast for the office or nomination in question to any
2 17 other precinct or precincts in the same county, or from which
2 18 the returns were reported to the commissioner responsible for
2 19 conducting the election, without the necessity of posting
2 20 additional bond.
2 21 c. The ballots ~~or voting machine documents~~ shall be
2 22 resealed by the recount board before adjournment and shall be
2 23 preserved as required by section 50.12. At the conclusion of
2 24 the recount, the recount board shall make and file with the
2 25 commissioner a written report of its findings, which shall be
2 26 signed by at least ~~two~~ three members of the recount board.
2 27 The recount board shall complete the recount and file its
2 28 report not later than the eighteenth day following the county
2 29 board's canvass of the election in question.
2 30 Sec. 4. Section 50.49, subsection 2, Code 2009, is amended
2 31 by adding the following new paragraph:
2 32 NEW PARAGRAPH. d. Two persons, one from each political
2 33 party, chosen by the commissioner from the election board
2 34 panel drawn up as provided in section 49.15.
2 35 Sec. 5. Section 50.49, subsection 3, Code 2009, is amended

House File 611 - Introduced continued

3 1 to read as follows:
3 2 3. The commissioner shall convene the persons designated
3 3 under subsection 2, paragraphs "a" and "b", not later than
3 4 9:00 a.m. on the seventh day following the canvass of the
3 5 election in question. If those two members cannot agree on
3 6 the ~~third~~ member designated under subsection 2, paragraph "c",
3 7 by 8:00 a.m. on the ninth day following the canvass, they
3 8 shall immediately notify the chief judge of the judicial
3 9 district in which the canvass is occurring, who shall appoint
3 10 ~~the third~~ such member not later than 5:00 p.m. on the eleventh
3 11 day following the canvass.
3 12 EXPLANATION
3 13 This bill makes changes relating to the recount provisions
3 14 for public offices and, by operation of law, for public
3 15 measures.
3 16 The bill adds two members to the recount board. The two
3 17 members are persons, one from each political party, chosen by
3 18 the commissioner from the same election board panel from which
3 19 precinct election officials are selected.
3 20 The bill provides that if automatic tabulating equipment
3 21 was used to count the ballots in an election, the recount
3 22 board shall direct, rather than may request, the county
3 23 commissioner of elections to retabulate the ballots using the
3 24 automatic tabulating equipment. Current law provides that the
3 25 same program for tabulating that was used in the tabulating
3 26 equipment on election day shall be used in the recount unless
3 27 the program is believed or known to be flawed. The bill
3 28 provides that the suspected or known flaw must be one that
3 29 would affect the retabulation of votes for the office that is
3 30 the subject of the recount.
3 31 Current law provides that any member of the recount board,
3 32 at any time during the recount proceedings, may extend the
3 33 recount of votes to any other precinct in the county. The
3 34 bill provides that the recount of votes may be extended to any
3 35 other precinct in the county only upon the affirmative vote of

House File 611 - Introduced continued

4 1 at least three members of the recount board.
4 2 Finally, the bill strikes references to voting machines,
4 3 which are no longer allowed for use in Iowa.
4 4 LSB 2053YH 83
4 5 sc/nh/14

House File 612 - Introduced

HOUSE FILE
BY HEATON

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act prohibiting transfers of appropriations made for preschool foundation aid and including effective and retroactive applicability date provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2519YH 83
jp/rj/14

House File 612 - Introduced continued

PAG LIN

1 1 Section 1. Section 256C.6, subsection 2, paragraph b, Code
1 2 2009, is amended to read as follows:
1 3 b. Notwithstanding section 8.33, moneys appropriated in
1 4 this subsection that remain unencumbered or unobligated at the
1 5 close of the fiscal year shall not revert but shall remain
1 6 available for expenditure for the purposes designated until
1 7 the close of the succeeding fiscal year. Notwithstanding
1 8 section 8.39, moneys appropriated in this subsection are not
1 9 subject to transfer.
1 10 Sec. 2. EFFECTIVE DATE == RETROACTIVE APPLICABILITY. This
1 11 Act, being deemed of immediate importance, takes effect upon
1 12 enactment and is retroactively applicable to July 1, 2008.
1 13 EXPLANATION
1 14 This bill prohibits transfers within or between departments
1 15 of the standing limited appropriations made to the department
1 16 of education for preschool foundation aid payments in Code
1 17 section 256C.6 for fiscal years 2008=2009, 2009=2010, and
1 18 2010=2011.
1 19 The bill takes effect upon enactment and is retroactively
1 20 applicable to July 1, 2008.
1 21 LSB 2519YH 83
1 22 jp/rj/14

House File 613 - Introduced

HOUSE FILE
BY TYMESON

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to property valuation for property tax purposes by modifying the definition of market value, requiring personal notice of certain equalization orders, and modifying the timeline of the property assessment protest process and including an applicability date.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1522HH 83
md/sc/8

House File 613 - Introduced continued

PAG LIN

1 1 Section 1. Section 441.17, subsection 7, Code 2009, is
1 2 amended to read as follows:
1 3 7. Submit on or before ~~May~~ June 1 of each year completed
1 4 assessment rolls to the board of review.
1 5 Sec. 2. Section 441.17, Code 2009, is amended by adding
1 6 the following new subsection:
1 7 NEW SUBSECTION. 12. Cooperate with and assist the auditor
1 8 in the preparation of property owner or taxpayer notices
1 9 pursuant to section 441.49.
1 10 Sec. 3. Section 441.21, subsection 1, paragraph b,
1 11 unnumbered paragraph 1, Code 2009, is amended to read as
1 12 follows:
1 13 The actual value of all property subject to assessment and
1 14 taxation shall be the fair and reasonable market value of such
1 15 property except as otherwise provided in this section.
1 16 "Market value" is defined as the fair and reasonable exchange
1 17 in the year in which the property is listed and valued between
1 18 a willing buyer and a willing seller, neither being under any
1 19 compulsion to buy or sell and each being familiar with all the
1 20 facts relating to the particular property. Sale prices of the
1 21 property or comparable property in normal transactions
1 22 reflecting market value, and the probable availability or
1 23 unavailability of persons interested in purchasing the
1 24 property, shall be taken into consideration in arriving at its
1 25 market value. In arriving at market value, sale prices of
1 26 property in abnormal transactions not reflecting market value
1 27 shall not be taken into account, or shall be adjusted to
1 28 eliminate the effect of factors which distort market value,
1 29 including but not limited to sales to immediate family of the
1 30 seller, foreclosure or other forced sales, contract sales,
1 31 discounted purchase transactions or purchase of adjoining land
1 32 or other land to be operated as a unit. In arriving at market
1 33 value, the advertised price of property that is for sale at
1 34 the time the assessment is made, or was previously for sale
1 35 but remains unsold at the time the assessment is made, shall

House File 613 - Introduced continued

2 1 not be taken into account.
2 2 Sec. 4. Section 441.26, unnumbered paragraphs 2 and 3,
2 3 Code 2009, are amended to read as follows:
2 4 If you are not satisfied that the foregoing assessment is
2 5 correct, you may file a protest against such assessment with
2 6 the board of review on or after April 16, to and including ~~May~~
2 7 June 5, of the year of the assessment, such protest to be
2 8 confined to the grounds specified in section 441.37.
2 9 Dated: .... day of ..... (month), ... (year)
2 10 .....
2 11 County/City Assessor.
2 12 The notice in 1981 and each odd=numbered year thereafter
2 13 shall contain a statement that the assessments are subject to
2 14 equalization pursuant to an order issued by the director of
2 15 revenue, that the county auditor shall give notice on or
2 16 before October 15 by publication in an official newspaper of
2 17 general circulation to any class of property affected by the
2 18 equalization order, and written notice mailed to each property
2 19 owner or taxpayer whose valuation will increase as a result of
2 20 the equalization order, and that the board of review shall be
2 21 in session from October 15 to November 15 to hear protests of
2 22 affected property owners or taxpayers whose valuations have
2 23 been adjusted by the equalization order.
2 24 Sec. 5. Section 441.33, unnumbered paragraph 1, Code 2009,
2 25 is amended to read as follows:
2 26 The board of review shall be in session from ~~May~~ June 1
2 27 through the period of time necessary to act on all protests
2 28 filed under section 441.37 but not later than ~~May 31~~ July 1
2 29 each year and for an additional period as required under
2 30 section 441.37 and shall hold as many meetings as are
2 31 necessary to discharge its duties. On or before ~~May 31~~ July 1
2 32 in those years in which a session has not been extended as
2 33 required under section 441.37, the board shall return all
2 34 books, records, and papers to the assessor except undisposed
2 35 of protests and records pertaining to those protests. If it

House File 613 - Introduced continued

3 1 has not completed its work by ~~May 31~~ July 1, in those years in
3 2 which the session has not been extended under section 441.37,
3 3 the director of revenue may authorize the board of review to
3 4 continue in session for a period necessary to complete its
3 5 work, but the director of revenue shall not approve a
3 6 continuance extending beyond ~~July~~ August 15. On or before ~~May~~
3 7 ~~31~~ July 1 or on the final day of any extended session required
3 8 under section 441.37 or authorized by the director of revenue,
3 9 the board of review shall adjourn until ~~May~~ June 1 of the
3 10 following year. It shall adopt its own rules of procedure,
3 11 elect its own chairperson from its membership, and keep
3 12 minutes of its meetings. The board shall appoint a clerk who
3 13 may be a member of the board or any other qualified person,
3 14 except the assessor or any member of the assessor's staff. It
3 15 may be reconvened by the director of revenue. All undisposed
3 16 protests in its hands on ~~July~~ August 15 shall be automatically
3 17 overruled and returned to the assessor together with its other
3 18 records.
3 19 Sec. 6. Section 441.37, subsection 1, unnumbered paragraph
3 20 1, Code 2009, is amended to read as follows:
3 21 Any property owner or aggrieved taxpayer who is
3 22 dissatisfied with the owner's or taxpayer's assessment may
3 23 file a protest against such assessment with the board of
3 24 review on or after April 16, to and including ~~May~~ June 5, of
3 25 the year of the assessment. In any county which has been
3 26 declared to be a disaster area by proper federal authorities
3 27 after March 1 and prior to ~~May~~ June 20 of said year of
3 28 assessment, the board of review shall be authorized to remain
3 29 in session until ~~June~~ July 15 and the time for filing a
3 30 protest shall be extended to and include the period from ~~May~~
3 31 June 25 to ~~June~~ July 5 of such year. ~~Said~~ The protest shall
3 32 be in writing and signed by the one protesting or by the
3 33 protester's duly authorized agent. The taxpayer may have an
3 34 oral hearing ~~thereon~~ on the protest if request ~~therefor in~~
3 35 ~~writing~~ for an oral hearing is made in writing at the time of

House File 613 - Introduced continued

filing the protest. ~~Said~~ The protest must be confined to one or more of the following grounds:

Sec. 7. Section 441.38, subsection 1, Code 2009, is amended to read as follows:

1. Appeals may be taken from the action of the local board of review with reference to protests of assessment, to the district court of the county in which the board holds its sessions within twenty days after its adjournment or ~~May 31~~ July 1, whichever date is later. Appeals may be taken from the action of the property assessment appeal board to the district court of the county where the property which is the subject of the appeal is located within twenty days after the letter of disposition of the appeal by the property assessment appeal board is postmarked to the appellant. No new grounds in addition to those set out in the protest to the local board of review as provided in section 441.37, or in addition to those set out in the appeal to the property assessment appeal board, if applicable, can be pleaded. Additional evidence to sustain those grounds may be introduced in an appeal from the local board of review to the district court. However, no new evidence to sustain those grounds may be introduced in an appeal from the property assessment appeal board to the district court. The assessor shall have the same right to appeal and in the same manner as an individual taxpayer, public body, or other public officer as provided in section 441.42. Appeals shall be taken by filing a written notice of appeal with the clerk of district court. Filing of the written notice of appeal shall preserve all rights of appeal of the appellant.

Sec. 8. Section 441.45, Code 2009, is amended to read as follows:

441.45 ABSTRACT TO STATE DEPARTMENT OF REVENUE.

1. The county assessor of each county and each city assessor shall, on or before ~~July~~ August 1 of each year, make out and transmit to the department of revenue an abstract of

House File 613 - Introduced continued

the real property in the assessor's county or city, as the case may be, and file a copy of the abstract with the county auditor, in which the assessor shall set forth:

~~1.~~ a. The number of acres of land and the aggregate taxable values of the land, exclusive of city lots, returned by the assessors, as corrected by the board of review.

~~2.~~ b. The aggregate taxable values of real estate by class in each township and city in the county, returned as corrected by the board of review.

~~3.~~ c. Other facts required by the director of revenue.

2. If a board of review continues in session beyond ~~June~~ July 1, under sections 441.33 and 441.37, the abstract of the real property shall be made out and transmitted to the department of revenue within fifteen days after the date of final adjournment by the board.

Sec. 9. Section 441.49, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 3:

NEW UNNUMBERED PARAGRAPH. On or before October 15, the county auditor, with cooperation and assistance of the county assessor and the city assessor, if applicable, shall in writing notify each property owner or taxpayer whose valuation will be increased as a result of the equalization order. The notice shall include the statement required to be published pursuant to this section and shall state the percentage increase that will be applied to the property, the property owner's or taxpayer's right to protest the increase, and the dates that protests will be heard by the board of review.

Sec. 10. APPLICABILITY DATE. This Act applies to assessment years beginning on or after January 1, 2010.

EXPLANATION

This bill makes changes relating to the valuation of property for property tax purposes.

The bill provides that an assessor shall not take into account the advertised price of property that is for sale at

House File 613 - Introduced continued

the time the assessment is made, or was previously for sale but remains unsold at the time the assessment is made, when determining a property's market value.

The bill provides property owners or taxpayers wishing to appeal an assessment to the local board of review an additional 30 days in which to appeal the assessment. All corresponding dates relating to the appeal process are moved back 30 days.

The bill requires the county auditor, with the assistance and cooperation of the city or county assessor, to provide the property owner or taxpayer written notice of an increase in valuation due to an equalization order.

The bill applies to assessment years beginning on or after January 1, 2010.

LSB 1522HH 83
md/sc/8

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HOUSE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 206)

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1760HV 83
md/sc/5

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PAG LIN

1 1 Section 1. Section 10A.108, subsections 4 through 6, Code
1 2 2009, are amended to read as follows:
1 3 4. The county recorder of each county shall prepare and
1 4 maintain in the recorder's office an index of liens of debts
1 5 established based upon benefits or provider payments
1 6 inappropriately obtained from and owed the department of human
1 7 services, ~~which provides~~ containing the applicable entries
1 8 specified in sections 558.49 and 558.52, and providing
1 9 appropriate columns for all of the following data, under the
1 10 names of debtors, arranged alphabetically:
1 11 a. The name of the debtor.
1 12 b. "State of Iowa, Department of Human Services" as
1 13 claimant.
1 14 c. The time that the notice of the lien was ~~received~~ filed
1 15 for recording.
1 16 d. The date of notice.
1 17 e. The amount of the lien currently due.
1 18 f. The date of the assessment.
1 19 g. The date of satisfaction of the debt.
1 20 h. Any extension of the time period for application of the
1 21 lien and the date that the notice for extension was filed.
1 22 5. The recorder shall endorse on each notice of lien the
1 23 day and time ~~received~~ filed for recording and the document
1 24 reference number, and shall preserve the notice. The recorder
1 25 shall index the notice and shall record the lien in the manner
1 26 provided for recording real estate mortgages. The lien ~~shall~~
1 27 ~~be~~ is effective from the time of the indexing.
1 28 6. The department shall pay, from moneys appropriated to
1 29 the department for this purpose, ~~a~~ recording ~~fee~~ fees as
1 30 provided in section 331.604, for the recording of the lien, or
1 31 for satisfaction of the lien.
1 32 Sec. 2. Section 96.14, subsection 3, paragraphs c through
1 33 e, Code 2009, are amended to read as follows:
1 34 c. The county recorder of each county shall prepare and
1 35 keep in the recorder's office an index ~~to show~~ containing the

House File 614 - Introduced continued

2 1 applicable entries specified in sections 558.49 and 558.52 and
2 2 showing the following data, under the names of employers,
2 3 arranged alphabetically:
2 4 (1) The name of the employer.
2 5 (2) The name "State of Iowa" as claimant.
2 6 (3) Time notice of lien was ~~received~~ filed for recording.
2 7 (4) Date of notice.
2 8 (5) Amount of lien then due.
2 9 (6) When satisfied.
2 10 d. The recorder shall endorse on each notice of lien the
2 11 day, hour, and minute when ~~received~~ filed for recording and
2 12 the document reference number, ~~and~~ shall index the notice in
2 13 the index and shall record the lien in the manner provided for
2 14 recording real estate mortgages~~, and the~~. The lien ~~shall be~~
2 15 is effective from the time of the indexing of the lien.
2 16 e. The department shall pay ~~a~~ recording ~~fee~~ fees as
2 17 provided in section 331.604, for the recording of the lien, or
2 18 for its satisfaction.
2 19 Sec. 3. Section 124C.4, subsection 3, Code 2009, is
2 20 amended to read as follows:
2 21 3. Each notice of lien shall be endorsed with the day,
2 22 hour, and minute when the notice was ~~received~~ filed for
2 23 recording and the document reference number, and the notice
2 24 shall be preserved, indexed, and recorded in the manner
2 25 provided for recording real estate mortgages. The lien ~~shall~~
2 26 ~~be~~ is effective from the time of its indexing. The department
2 27 shall pay ~~a~~ recording ~~fee~~ fees as provided by section 331.604
2 28 for the recording of the lien or for its satisfaction.
2 29 Sec. 4. Section 331.602, subsections 8 and 37, Code 2009,
2 30 are amended to read as follows:
2 31 8. Endorse on each notice of an unemployment contribution
2 32 lien the day, hour, and minute that the lien is ~~received from~~
2 33 ~~the department of workforce development~~ filed for recording
2 34 and the document reference number, index the notice of lien,
2 35 and record the lien as provided in section 96.14, subsection

House File 614 - Introduced continued

3 1 3.
3 2 37. Carry out duties relating to the indexing of name
3 3 changes, and the recorder shall charge ~~a fee~~ fees for indexing
3 4 as provided in section 331.604.
3 5 Sec. 5. Section 331.603, subsection 4, Code 2009, is
3 6 amended to read as follows:
3 7 4. The recorder may, in lieu of maintaining separate index
3 8 books ~~as required by law~~, prepare and maintain a combined
3 9 index record or system which shall contain the same data and
3 10 information as required to be kept in the separate index
3 11 books.
3 12 Sec. 6. Section 331.604, Code 2009, is amended to read as
3 13 follows:
3 14 331.604 ~~GENERAL~~ RECORDING AND FILING ~~FEE~~ FEES.
3 15 1. Except as otherwise provided by state law, subsection ~~2~~
3 16 4, or section 331.605, the recorder shall collect a fee of
3 17 five dollars for each page or fraction of a page of an
3 18 instrument which is filed or recorded in the recorder's
3 19 office. If a page or fraction of a page contains more than
3 20 one transaction, the recorder shall collect the fee for each
3 21 transaction.
3 22 2. a. The recorder shall also collect a fee of one dollar
3 23 for each recorded transaction for which a fee is paid pursuant
3 24 to subsection 1 to be used exclusively for the purpose of
3 25 preserving and maintaining public records. The treasurer, on
3 26 behalf of the recorder, shall establish and maintain a county
3 27 recorder's records management fund into which all moneys
3 28 collected pursuant to this subsection shall be deposited.
3 29 Interest earned on moneys deposited in the fund shall be
3 30 credited to the county recorder's records management fund.
3 31 The recorder shall use the moneys deposited in the fund to
3 32 produce and maintain public records that meet archival
3 33 standards, and to enhance the technological storage,
3 34 retrieval, and transmission capabilities related to archival
3 35 quality records. The recorder may cooperate with other

House File 614 - Introduced continued

4 1 entities, boards, and agencies to establish methods of records
4 2 management, and participate in other joint ventures which
4 3 further the purposes of this subsection.
4 4 b. Fees collected pursuant to this subsection shall be
4 5 used to accomplish the following purposes:
4 6 (1) Preserve and maintain public records.
4 7 (2) Assist counties in reducing record preservation costs.
4 8 (3) Encourage and foster maximum access to public records
4 9 maintained by county recorders at locations throughout the
4 10 state.
4 11 (4) Establish plans for anticipated and possible future
4 12 needs, including the handling and preservation of vital
4 13 statistics.
4 14 3. a. The county recorder shall also collect a fee of one
4 15 dollar for each recorded transaction, regardless of the number
4 16 of pages, for which a fee is paid pursuant to subsection 1 to
4 17 be used for the purpose set forth in paragraph "c".
4 18 b. The county treasurer, on behalf of the recorder, shall
4 19 establish and maintain a county recorder's electronic
4 20 transaction fund into which all moneys collected pursuant to
4 21 paragraph "a" shall be deposited. Interest earned on moneys
4 22 deposited in this fund shall be computed based on the average
4 23 monthly balance in the fund and shall be credited to the
4 24 county recorder's electronic transaction fund.
4 25 c. The local government electronic transaction fund is
4 26 established in the office of the treasurer of state under the
4 27 control of the treasurer of state. Moneys deposited into the
4 28 fund are not subject to section 8.33. Notwithstanding section
4 29 12C.7, interest or earnings on moneys in the local government
4 30 electronic transaction fund shall be credited to the fund.
4 31 Moneys in the local government electronic transaction fund are
4 32 not subject to transfer, appropriation, or reversion to any
4 33 other fund, or any other use except as provided in this
4 34 paragraph "c". On a monthly basis, the county treasurer shall
4 35 pay each fee collected pursuant to paragraph "a" to the

House File 614 - Introduced continued

5 1 treasurer of state for deposit into the local government
5 2 electronic transaction fund. Moneys credited to the local
5 3 government electronic transaction fund are appropriated to the
5 4 treasurer of state for the payment of claims approved by the
5 5 governing board of the county land record information system.
5 6 Expenditures from the fund shall be for the purpose of
5 7 planning and implementing electronic recording and electronic
5 8 transactions in each county and developing county and
5 9 statewide internet websites to provide electronic access to
5 10 records and information and to pay the ongoing costs of
5 11 integrating and maintaining the statewide internet website.
5 12 d. The recorder shall make available any information
5 13 required by the county auditor or auditor of state concerning
5 14 the fees collected under this subsection for the purposes of
5 15 determining the amount of fees collected and the uses for
5 16 which such fees are expended.
5 17 ~~2.~~ 4. A county shall not be required to pay a fee to the
5 18 recorder for filing or recording instruments. However, a
5 19 county treasurer is required to pay recording fees pursuant to
5 20 section 437A.11.
5 21 Sec. 7. Section 331.605B, subsection 1, Code 2009, is
5 22 amended to read as follows:
5 23 1. The recorder shall make available any information
5 24 required by the county or state auditor concerning the fees
5 25 collected under section ~~331.605A~~ 331.604, subsection 2, for
5 26 the purposes of determining the amount of fees collected and
5 27 the uses for which such fees are expended.
5 28 Sec. 8. Section 331.606B, subsection 2, paragraph b, Code
5 29 2009, is amended to read as follows:
5 30 b. ~~The~~ For any instrument of conveyance, the name of the
5 31 taxpayer and a complete mailing address ~~for any document or~~
5 32 ~~instrument of conveyance~~.
5 33 Sec. 9. Section 331.606B, subsection 6, Code 2009, is
5 34 amended to read as follows:
5 35 6. a. On and after July 1, 2005, a document or instrument

House File 614 - Introduced continued

that does not conform to the format standards specified in subsections 1 through 3 shall not be ~~recorded~~ accepted for recording except upon payment of an additional recording fee of ten dollars per document or instrument. The requirement applies only to documents or instruments dated on or after July 1, 2005, and does not apply to those documents or instruments specifically exempted in subsection 4.

b. On and after July 1, 2009, a document or instrument that does not conform to the format standards specified in subsection 1, paragraphs "c" and "e", or subsection 2, paragraph "b", shall not be accepted for recording. This paragraph applies only to documents or instruments dated on or after July 1, 2009, and does not apply to those documents or instruments specifically exempted in subsection 4.

Sec. 10. Section 331.607, subsection 5, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

5. An index for records of private drainage systems as provided in section 468.623.

Sec. 11. Section 331.609, subsection 4, Code 2009, is amended to read as follows:

4. The ~~fee~~ fees for filing or recording, and indexing each notice of lien or certificate or notice affecting the lien shall be as provided in section 331.604. The officer shall bill the internal revenue service or any other appropriate federal agency on a monthly basis for fees for documents filed or recorded by it.

Sec. 12. Section 359A.10, Code 2009, is amended to read as follows:

359A.10 ENTRY AND RECORD OF ORDERS.

Such orders, decisions, notices, and returns shall be entered of record at length by the township clerk, and a copy thereof certified by the township clerk to the county recorder, who shall record the same in the recorder's office in a book kept for that purpose, and index such record in the

House File 614 - Introduced continued

7 1 name of each adjoining owner as grantor to the other. The
7 2 county recorder shall collect fees specified in section
7 3 331.604.
7 4 Sec. 13. Section 359A.12, Code 2009, is amended to read as
7 5 follows:
7 6 359A.12 DIVISION BY AGREEMENT == RECORD.
7 7 The several owners may, in writing, agree upon the portion
7 8 of partition fences between their lands which shall be erected
7 9 and maintained by each, which writing shall describe the lands
7 10 and the parts of the fences so assigned, be signed and
7 11 acknowledged by them, and filed and recorded in the office of
7 12 the recorder of deeds of the county or counties in which they
7 13 are situated. The county recorder shall collect fees
7 14 specified in section 331.604.
7 15 Sec. 14. Section 422.26, subsections 4 and 5, Code 2009,
7 16 are amended to read as follows:
7 17 4. The county recorder of each county shall keep in the
7 18 recorder's office an index ~~and record to show~~ containing the
7 19 applicable entries in sections 558.49 and 558.52 and showing
7 20 the following data, under the names of taxpayers, arranged
7 21 alphabetically:
7 22 a. The name of the taxpayer.
7 23 b. The name "State of Iowa" as claimant.
7 24 c. Time notice of lien was ~~received~~ filed for recording.
7 25 d. Date of notice.
7 26 e. Amount of lien then due.
7 27 f. Date of assessment.
7 28 g. When satisfied.
7 29 The recorder shall endorse on each notice of lien the day,
7 30 hour, and minute when ~~received and~~ filed for recording and the
7 31 document reference number, shall preserve the same, and shall
7 32 index the notice in the index and shall record the lien in the
7 33 manner provided for recording real estate mortgages~~, and the~~.
7 34 The lien ~~shall be~~ is effective from the time of the indexing
7 35 of the lien.

House File 614 - Introduced continued

8 1 5. The department shall pay ~~a~~ recording ~~fee~~ fees as
8 2 provided in section 331.604, for the recording of the lien, or
8 3 for its satisfaction.
8 4 Sec. 15. Section 424.11, unnumbered paragraphs 4 and 5,
8 5 Code 2009, are amended to read as follows:
8 6 The recorder shall endorse on each notice of lien the day,
8 7 hour, and minute when ~~received~~ filed for recording and the
8 8 document reference number, and shall preserve the notice~~, and~~.
8 9 The recorder shall also immediately index the notice and
8 10 record the lien in the manner provided for recording real
8 11 estate mortgages~~, and the~~. The lien ~~shall be~~ is effective
8 12 from the time of its indexing.
8 13 The department shall pay ~~a~~ recording ~~fee~~ fees as provided
8 14 in section 331.604, for the recording of the lien, or for its
8 15 satisfaction.
8 16 Sec. 16. Section 428A.4, unnumbered paragraph 2, Code
8 17 2009, is amended to read as follows:
8 18 The county recorder shall refuse to record any deed,
8 19 instrument, or writing by which any real property in this
8 20 state shall be granted, assigned, transferred, or otherwise
8 21 conveyed, except those transfers exempt from tax under section
8 22 428A.2, subsections 2 ~~to~~ through 5, ~~and~~ 7 ~~to~~ through 13, and
8 23 16 through 21, or under section 428A.2, subsection 6, except
8 24 in the case of a federal agency or instrumentality, until the
8 25 declaration of value has been submitted to the county
8 26 recorder. A declaration of value shall not be required with a
8 27 deed given in fulfillment of a recorded real estate contract
8 28 provided the deed has a notation that it is given in
8 29 fulfillment of a contract.
8 30 Sec. 17. Section 428A.5, Code 2009, is amended to read as
8 31 follows:
8 32 428A.5 DOCUMENTATION OF PAYMENT.
8 33 The amount of tax imposed by this chapter shall be paid to
8 34 the county recorder in the county where the real property is
8 35 located and the amount received ~~and the initials of the county~~

~~House File 614 - Introduced continued~~

~~recorder~~ shall appear on the face of the document or instrument. The method of documentation of a transfer tax shall be approved by the department of revenue.

Sec. 18. Section 437A.11, unnumbered paragraph 2, Code 2009, is amended to read as follows:

The county recorder of each county shall ~~prepare and keep in the recorder's office an~~ index each lien showing the applicable entries specified in sections 558.49 and 558.52 and ~~record to show~~ showing, under the names of taxpayers arranged alphabetically, all of the following:

Sec. 19. Section 437A.11, subsection 3, Code 2009, is amended to read as follows:

3. Time the notice of lien was ~~received~~ filed for recording.

Sec. 20. Section 437A.11, unnumbered paragraphs 3 through 5, Code 2009, are amended to read as follows:

The recorder shall endorse on each notice of lien the day, hour, and minute when ~~received and preserve such notice, and~~ filed for recording and the document reference number, shall preserve such notice, shall index the notice in the index, 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.

The county treasurer or chief financial officer of the city shall pay ~~a~~ recording ~~fee~~ fees as provided in section 331.604, for the recording of the lien, or for its satisfaction.

Upon the payment of the replacement tax as to which a county treasurer or chief financial officer of a city has filed notice with a county recorder, the county treasurer or chief financial officer of the city shall promptly file with the recorder a satisfaction of the replacement tax. The recorder shall ~~enter the satisfaction on the~~ record the notice ~~on file in the recorder's office and indicate that fact on the index~~ of satisfaction showing the applicable entries specified in sections 558.49 and 558.52.

House File 614 - Introduced continued

10 1 Sec. 21. Section 437A.22, unnumbered paragraph 3, Code
10 2 2009, is amended to read as follows:
10 3 The county recorder of each county shall ~~prepare and keep~~
~~10 4 in the recorder's office an~~ index each lien showing the
10 5 applicable entries specified in sections 558.49 and 558.52 and
10 6 ~~record to show~~ showing, under the names of taxpayers arranged
10 7 alphabetically, all of the following:
10 8 Sec. 22. Section 437A.22, subsection 3, Code 2009, is
10 9 amended to read as follows:
10 10 3. Time the notice of lien was ~~received~~ filed for
10 11 recording.
10 12 Sec. 23. Section 437A.22, unnumbered paragraphs 4 and 5,
10 13 Code 2009, are amended to read as follows:
10 14 The recorder shall endorse on each notice of lien the day,
10 15 hour, and minute when ~~received and~~ filed for recording and the
10 16 document reference, shall preserve such notice, and shall
10 17 promptly record the lien in the manner provided for recording
10 18 real estate mortgages. The lien is effective from the time of
10 19 the indexing of the lien.
10 20 The director, from moneys appropriated to the department of
10 21 revenue for this purpose, shall pay ~~a~~ recording ~~fee~~ fees as
10 22 provided in section 331.604 for the recording of the lien, or
10 23 for its satisfaction.
10 24 Sec. 24. Section 468.623, Code 2009, is amended to read as
10 25 follows:
10 26 468.623 PRIVATE DRAINAGE SYSTEM == RECORD.
10 27 1. Any person who has provided a system of drainage on
10 28 land owned by the person may have the same made a matter of
10 29 record in the office of the county recorder of the county in
10 30 which the drainage system is located, provided any drainage
10 31 system constructed after July 1, 1969, shall be made a matter
10 32 of record, ~~as is hereinafter provided~~. The record shall
10 33 contain the applicable entries specified in sections 558.49
10 34 and 558.52.
10 35 2. Records under subsection 1 may be used to give the

House File 614 - Introduced continued

11 1 owner's name, description of tracts of land drained, stating
11 2 the time when the drainage system was established, the kind,
11 3 quality, and brand of tile used, the name and place of the
11 4 manufacturing plant, the name of contractors who laid the
11 5 tile, the name of the engineer in charge of the survey and
11 6 installation, the cost of tile, delivery, installation, and
11 7 engineering expense, depths, grades, outlets, connections,
11 8 contracts for agreements with adjoining landowners as to
11 9 connections, and any other matters or information that may be
11 10 considered of value, and such information may be furnished by
11 11 the landowner or the engineer having charge of the
11 12 installation and certified to under oath.
11 13 Sec. 25. Section 468.626, Code 2009, is amended to read as
11 14 follows:
11 15 468.626 ORIGINAL PLAT FILED.
11 16 In lieu of making the record as herein provided any
11 17 landowner may file with the county recorder the original plat
11 18 used in the establishment of ~~said~~ the drainage system, or a
11 19 copy ~~thereof~~ of the plat, which shall be certified by the
11 20 engineer having made the same. If practicable, a plat filed
11 21 under this section shall be made a matter of record and shall
11 22 contain the applicable entries specified in sections 558.49
11 23 and 558.52.
11 24 Sec. 26. Section 468.628, Code 2009, is amended to read as
11 25 follows:
11 26 468.628 FEES FOR ~~RECORD AND COPIES~~ RECORDING.
11 27 ~~The county~~ When information is filed with the county
11 28 recorder pursuant to section 468.623 or 468.626, the recorder
11 29 shall ~~be entitled to~~ collect recording fees ~~for the filing and~~
~~11 30 information heretofore provided for, and for the making of~~
~~11 31 copies of such records the same as is provided for other work~~
~~11 32 of a similar nature~~ in the amounts specified in section
11 33 331.604.
11 34 Sec. 27. Section 499A.1, unnumbered paragraph 1, Code
11 35 2009, is amended to read as follows:

House File 614 - Introduced continued

12 1 Any two or more persons of full age, a majority of whom are
12 2 citizens of the state, may organize themselves for the
12 3 following or similar purposes: Ownership of residential,
12 4 business property on a cooperative basis. A corporation is a
12 5 person within the meaning of this chapter. The organizers
12 6 shall adopt, and sign and acknowledge the articles of
12 7 incorporation, stating the name by which the cooperative shall
12 8 be known, the location of its principal place of business, its
12 9 business or objects, the number of directors to conduct the
12 10 cooperative's business or objects, the names of the directors
12 11 for the first year, the time of the cooperative's annual
12 12 meeting, the time of the annual meeting of its directors, and
12 13 the manner in which the articles may be amended. The articles
12 14 of incorporation shall be filed with the secretary of state
12 15 who shall, if the secretary approves the articles, endorse the
12 16 secretary of state's approval on the articles, record the
12 17 articles, and forward the articles to the county recorder of
12 18 the county where the principal place of business is to be
12 19 located, and there the articles shall be recorded, and upon
12 20 recording be returned to the cooperative. The articles shall
12 21 not be filed by the secretary of state until a filing fee of
12 22 five dollars together with a recording fee of fifty cents per
12 23 page is paid, and upon the payment of the fees and the
12 24 approval of the articles by the secretary of state, the
12 25 secretary shall issue to the cooperative a certificate of
12 26 incorporation as a cooperative not for pecuniary profit. The
12 27 county recorder shall collect recording fees pursuant to
12 28 section 331.604 for articles forwarded for recording under
12 29 this section.
12 30 Sec. 28. Section 499B.3, unnumbered paragraph 1, Code
12 31 2009, is amended to read as follows:
12 32 When the sole owner or all of the owners, or the sole
12 33 lessee or all of the lessees of a lease desire to submit a
12 34 parcel of real property upon which a building is located or to
12 35 be constructed to the horizontal property regime established

House File 614 - Introduced continued

13 1 by this chapter, a declaration to that effect shall be
13 2 executed and acknowledged by the sole owner or lessee or all
13 3 of such owners or lessees and shall be recorded in the office
13 4 of the county recorder of the county in which such property
13 5 lies. The county recorder shall collect recording fees
13 6 pursuant to section 331.604.
13 7 Sec. 29. Section 499B.5, subsection 1, Code 2009, is
13 8 amended to read as follows:
13 9 1. Description of land as provided in section 499B.4,
13 10 including the ~~book, page~~ document reference number and date of
13 11 recording of the declaration.
13 12 Sec. 30. Section 501.105, subsection 6, Code 2009, is
13 13 amended to read as follows:
13 14 6. The secretary of state shall forward for recording a
13 15 copy of each original, amended, and restated articles,
13 16 articles of merger, articles of consolidation, and articles of
13 17 dissolution to the recorder of the county in which the
13 18 cooperative has its principal place of business, or in the
13 19 case of a merger or consolidation, to the recorders of each of
13 20 the counties in which the merging or consolidating
13 21 cooperatives have their principal offices. The county
13 22 recorder shall collect recording fees pursuant to section
13 23 331.604 for documents forwarded for recording under this
13 24 subsection.
13 25 Sec. 31. Section 547.3, Code 2009, is amended to read as
13 26 follows:
13 27 547.3 FEE FOR RECORDING.
13 28 The county recorder shall ~~charge and receive a fee~~ collect
13 29 fees in the amount specified in section 331.604 for each
13 30 verified statement recorded under this chapter. The recorder
13 31 may return the original instrument to the sender or dispose of
13 32 the instrument if the sender does not wish to have the
13 33 instrument returned. An instrument filed in the recorder's
13 34 office before July 1, 1990, may be returned to the sender or
13 35 disposed of if the sender does not wish to have the instrument

House File 614 - Introduced continued

14 1 returned and if there is an official copy of the instrument in
14 2 the recorder's office.
14 3 Sec. 32. Section 557.24, Code 2009, is amended to read as
14 4 follows:
14 5 557.24 FEE.
14 6 A person having the name of the person's farm recorded as
14 7 provided in section 557.22 shall first pay to the county
14 8 recorder ~~a fee in the amount~~ the fees specified in section
14 9 331.604, which ~~fee~~ shall be paid to the county treasurer as
14 10 other fees are paid to the county treasurer by the recorder.
14 11 Sec. 33. Section 557.26, Code 2009, is amended to read as
14 12 follows:
14 13 557.26 CANCELLATION == FEE.
14 14 If the owner of a registered farm desires to cancel the
14 15 registered name of the farm, the owner shall acknowledge
14 16 cancellation of the name by execution of an instrument in
14 17 writing referring to the farm name, and shall record the
14 18 instrument. For the latter service the county recorder shall
14 19 ~~charge a fee in~~ collect the ~~amount~~ fees specified in section
14 20 331.604, which shall be paid to the county treasurer as other
14 21 fees are paid to the county treasurer by the recorder.
14 22 Sec. 34. Section 558.55, Code 2009, is amended to read as
14 23 follows:
14 24 558.55 FILING AND INDEXING == CONSTRUCTIVE NOTICE.
14 25 The recorder must endorse upon every instrument properly
14 26 filed for ~~record~~ recording in the recorder's office, the day,
14 27 hour, and minute ~~of the filing~~ when filed for recording and
14 28 the document reference number, and enter in the index the
14 29 entries required to be entered pursuant to sections 558.49 and
14 30 558.52~~, and the filing~~. The recording and indexing shall
14 31 constitute constructive notice to all persons of the rights of
14 32 the grantees conferred by the instruments.
14 33 Sec. 35. Section 558.66, unnumbered paragraph 1, Code
14 34 2009, is amended to read as follows:
14 35 Upon receipt of a certificate issued by the clerk of the

House File 614 - Introduced continued

15 1 district court or clerk of the supreme court indicating that
15 2 the title to real estate has been finally established in any
15 3 named person by judgment or decree or by will or by affidavit
15 4 of or on behalf of a surviving spouse that has been recorded
15 5 by the recorder, the auditor shall enter the information in
15 6 the certificate upon the transfer books, upon payment of a fee
15 7 in the amount specified in section 331.507, subsection 2,
15 8 paragraph "a". In the case of the affidavit filed with the
15 9 recorder, the fee set forth in section 331.507, subsection 2,
15 10 paragraph "a", and the ~~fee~~ fees set forth in section 331.604,
15 11 shall be collected by the recorder and paid to the treasurer
15 12 as provided in section 331.902, subsection 3.
15 13 Sec. 36. Section 598.21, subsection 2, Code 2009, is
15 14 amended to read as follows:
15 15 2. DUTIES OF COUNTY RECORDER. The county recorder shall
15 16 record each quitclaim deed or change of title and shall
15 17 collect the ~~fee~~ fees specified in section 331.507, subsection
15 18 2, paragraph "a", and the fee specified in section 331.604~~,~~
~~15 19 subsection 1~~.
15 20 Sec. 37. Section 633.481, Code 2009, is amended to read as
15 21 follows:
15 22 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES
15 23 WITHOUT ADMINISTRATION.
15 24 When an inventory or report is filed under section 450.22,
15 25 without administration of the estate of the decedent, the heir
15 26 or heir's attorney shall prepare and deliver to the county
15 27 recorder of the county in which the real estate is situated a
15 28 certificate pertaining to each parcel of real estate described
15 29 in the inventory or report. Any fees for certificates or
15 30 recording fees required by this section or section 633.480
15 31 shall be assessed as costs of administration. The ~~fee~~ fees
15 32 for recording and indexing the instrument shall be as provided
15 33 in section 331.604. The county recorder shall deliver the
15 34 certificates to the county auditor as provided in section
15 35 558.58.

House File 614 - Introduced continued

Sec. 38. Section 674.14, Code 2009, is amended to read as follows:

674.14 INDEXING IN REAL PROPERTY RECORD.

The county recorder and county auditor of each county in which the petitioner owns real property shall ~~charge~~ collect fees in the amounts specified in sections 331.604 and 331.507, subsection 2, paragraph "b", for indexing a change of name for each parcel of real estate.

Sec. 39. Sections 331.605A, 331.605C, 468.624, and 468.625, Code 2009, are repealed.

EXPLANATION

This bill makes changes relating to the office of county recorder.

The bill makes changes relating to certain documents filed with the county recorder and specifies that the county recorder must endorse upon each document or instrument, in addition to other information, the document reference number.

The bill incorporates the document management fee in Code section 331.605A and the electronic transaction fee in Code section 331.605C into the other existing recording and filing fee provisions under Code section 331.604.

The bill requires certain indexes under the control of the county recorder to include applicable entries required to be made for conveyances of property. The bill repeals Code sections 468.624 and 468.625 pertaining to private drainage system plat books and record books and directs those records to be maintained in accordance with the index requirements of other indexes maintained by the county recorder.

The bill allows a county recorder to refuse to record a document or instrument that does not conform to the format standards pertaining to legibility, signatures, and the printing of names on the document or instrument.

The bill exempts certain documents relating to conveying property from the county recorder's duty to refuse to record such documents until a declaration of value has been

House File 614 - Introduced continued

17 1 submitted.
17 2 The bill provides that a county recorder shall collect
17 3 recording fees for recording a declaration of a horizontal
17 4 property regime and shall collect recording fees upon the
17 5 recording of certain articles of incorporation.
17 6 The bill allows a county recorder to collect recording fees
17 7 for orders, decisions, and notices made by a fence viewer and
17 8 written agreements between adjoining landowners.
17 9 LSB 1760HV 83
17 10 md/sc/5

House File 615 - Introduced

HOUSE FILE
BY ISENHART

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act concerning labor management committees.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2432HH 83
ec/rj/8

House File 615 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 84A.11 LABOR MANAGEMENT
1 2 COMMITTEES.
1 3 1. For purposes of this section, unless the context
1 4 otherwise requires, "labor management committee" means a
1 5 consortium of a least three employers and three employee
1 6 organizations with collective bargaining agreements covering
1 7 employees in this state in which the employers and the
1 8 employee organizations are from the same area or industry and
1 9 meet all of the following requirements:
1 10 a. The committee is organized for the purpose of promoting
1 11 the public interest by improving labor management relations
1 12 and engaging in economic, community, or workforce development
1 13 through joint activities.
1 14 b. The committee is directed by a board with equal
1 15 representation from employers and employee organizations,
1 16 where the employer members have been elected or appointed by
1 17 employers and the labor members have been elected or appointed
1 18 by the applicable employee organization.
1 19 c. The committee is capable of acting without ratification
1 20 or veto by another body or entity.
1 21 2. The department of workforce development may enter into
1 22 contracts with or provide grant funding to labor management
1 23 committees for the purpose of promoting the public interest by
1 24 improving labor management relations and engaging in economic,
1 25 community, or workforce development through joint activities.
1 26 If financial assistance is provided through a grant, the labor
1 27 management committee shall provide a match for such funding in
1 28 an amount at least equal to any state funding provided.
1 29 EXPLANATION
1 30 This bill authorizes the department of workforce
1 31 development to enter in contracts or provide grant funding to
1 32 labor management committees. The bill defines labor
1 33 management committee as a consortium of a least three
1 34 employers and three employee organizations from the same area
1 35 or industry. The bill further requires the committees to be

House File 615 - Introduced continued

2 1 organized for the purpose of improving labor management
2 2 relations, be directed by a board with equal employer and
2 3 employee organization representation, and be capable of acting
2 4 without ratification or veto by another body or entity. The
2 5 bill further provides that if grant money is provided by the
2 6 department to a labor management committee, the committee
2 7 shall provide a match for such funding in an amount at least
2 8 equal to any state funding provided.
2 9 LSB 2432HH 83
2 10 ec/rj/8

House File 616 - Introduced

HOUSE FILE
BY HEDDENS, WESSEL=KROESCHELL,
and DEYOE

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to certain witness information in the minutes of evidence filed with a trial information or indictment and providing an effective date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1569YH 83
rh/rj/8

House File 616 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 813.3A TRIAL INFORMATION OR
1 2 INDICTMENT == MINUTES OF EVIDENCE.
1 3 A prosecuting attorney shall, at the time of filing a trial
1 4 information or indictment, also file the minutes of evidence
1 5 of the witnesses which shall consist of a notice in writing
1 6 stating the name, place of employment, and occupation of each
1 7 witness upon whose expected testimony the information is
1 8 based, or upon whose grand jury testimony the indictment is
1 9 based, and a full and fair statement of the witness' expected
1 10 testimony. Such notice shall not contain the residential
1 11 address of any witness.
1 12 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 13 immediate importance, takes effect upon enactment.
1 14 EXPLANATION
1 15 This bill provides that a prosecuting attorney shall, at
1 16 the time of filing a trial information or indictment, also
1 17 file the minutes of evidence of the witnesses which shall
1 18 consist of a notice in writing stating the name, place of
1 19 employment, and occupation of each witness upon whose expected
1 20 testimony the information is based, or upon whose grand jury
1 21 testimony the indictment is based, and a full and fair
1 22 statement of the witness' expected testimony. Such notice
1 23 shall not contain the residential address of any witness.
1 24 The bill takes effect upon enactment.
1 25 LSB 1569YH 83
1 26 rh/rj/8

House File 617 - Introduced

HOUSE FILE
BY PETTENGILL and COWNIE

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the providing of income tax, franchise tax, premium tax, and moneys and credits tax credits for employers paying part of their employees' student loans and including a retroactive applicability date provision.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1513YH 83
mg/rj/5

House File 617 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 261.130 DEFINITIONS.
1 2 As used in this division, unless the context otherwise
1 3 requires:
1 4 1. "Accredited higher education institution" means an
1 5 institution of higher education as defined in section 261.92.
1 6 2. "Commission" means the college student aid commission
1 7 created in section 261.1.
1 8 3. "Qualified undergraduate loan" means a federally
1 9 guaranteed student loan authorized under the federal Higher
1 10 Education Act of 1965, 20 U.S.C. } 1071 et seq., or a loan
1 11 originated by banks, savings and loans, or credit unions
1 12 located in Iowa for purposes of attending an accredited higher
1 13 education institution.
1 14 Sec. 2. NEW SECTION. 261.131 STUDENT LOAN REPAYMENT TAX
1 15 CREDIT PROGRAM.
1 16 1. The commission shall establish a student loan repayment
1 17 tax credit program for employers who repay qualified
1 18 undergraduate loans of students employed in this state by the
1 19 employer. Under the program eligible employers shall be
1 20 entitled to a tax credit to be allowed against the taxes
1 21 imposed under chapter 422, division II, III, or V, or chapter
1 22 432, or against the moneys and credits tax imposed in section
1 23 533.329.
1 24 2. An eligible employer shall receive a credit equal to
1 25 thirty percent of the amount of the qualified undergraduate
1 26 loan repaid by the employer for an employee in the tax year.
1 27 However, in computing the amount of the tax credit only the
1 28 following repayment amount shall be used in the computation:
1 29 a. For the first tax year, not more than fifteen percent
1 30 of the maximum qualified undergraduate loan.
1 31 b. For the second tax year, not more than fifteen percent
1 32 of the maximum qualified undergraduate loan.
1 33 c. For the third tax year, not more than twenty percent of
1 34 the maximum qualified undergraduate loan.
1 35 d. For the fourth tax year, not more than twenty=five

House File 617 - Introduced continued

2 1 percent of the maximum qualified undergraduate loan.
2 2 e. For the fifth tax year, not more than twenty=five
2 3 percent of the maximum qualified undergraduate loan.
2 4 For purposes of the computation of the tax credit pursuant
2 5 to this subsection, "maximum qualified undergraduate loan"
2 6 equals twenty=five thousand dollars.
2 7 3. To qualify as an eligible employer for purposes of the
2 8 tax credit under subsection 2, an employer shall meet all of
2 9 the following:
2 10 a. Pay the employee for whom the loan repayment is to be
2 11 made an annualized salary or wage of at least twenty=five
2 12 thousand dollars.
2 13 b. Employ the individual primarily in this state.
2 14 c. Begin repayment of the qualified undergraduate loan
2 15 within six months of the initial hiring date of the employee.
2 16 For purposes of this paragraph, an employee who is already
2 17 employed by the employer as of July 1, 2009, shall be
2 18 considered to be initially hired as of that date.
2 19 4. If the employer is a partnership, S corporation,
2 20 limited liability company, estate, or trust electing to have
2 21 the income taxed directly to the individual, an individual may
2 22 claim the tax credit allowed. The amount claimed by the
2 23 individual shall be based upon the pro rata share of the
2 24 individual's earnings of the partnership, S corporation,
2 25 limited liability company, estate, or trust.
2 26 5. Any credit in excess of the tax liability for the tax
2 27 year shall be refunded with interest computed under section
2 28 422.25. In lieu of claiming a refund, a taxpayer may elect to
2 29 have the overpayment shown on its final, completed return
2 30 credited to the tax liability for the following tax year.
2 31 Sec. 3. NEW SECTION. 261.132 TAX CREDIT CERTIFICATE
2 32 PROCEDURE.
2 33 1. An employer seeking the student loan repayment tax
2 34 credit under this division shall apply to the commission on
2 35 the form prescribed by the commission, provide verification

House File 617 - Introduced continued

3 1 that the employer is eligible as required under section
3 2 261.131, subsection 3, and any other information required by
3 3 the commission or the department of revenue.
3 4 2. After verifying the eligibility for the tax credit, the
3 5 commission, in consultation with the department of revenue,
3 6 shall issue a student loan repayment tax credit certificate to
3 7 be attached to the person's tax return. The tax credit
3 8 certificate shall contain the taxpayer's name, address, tax
3 9 identification number, the dates of loan repayment, the amount
3 10 of credit, and other information required by the department of
3 11 revenue.
3 12 Sec. 4. NEW SECTION. 422.11X STUDENT LOAN REPAYMENT TAX
3 13 CREDIT.
3 14 The taxes imposed under this division, less the credits
3 15 allowed under section 422.12, shall be reduced by a student
3 16 loan repayment tax credit authorized pursuant to sections
3 17 261.130 through 261.132.
3 18 Sec. 5. Section 422.33, Code 2009, is amended by adding
3 19 the following new subsection:
3 20 NEW SUBSECTION. 27. The taxes imposed under this division
3 21 shall be reduced by a student loan repayment tax credit
3 22 authorized pursuant to sections 261.130 through 261.132.
3 23 Sec. 6. Section 422.60, Code 2009, is amended by adding
3 24 the following new subsection:
3 25 NEW SUBSECTION. 15. The taxes imposed under this division
3 26 shall be reduced by a student loan repayment tax credit
3 27 authorized pursuant to sections 261.130 through 261.132.
3 28 Sec. 7. NEW SECTION. 432.12M STUDENT LOAN REPAYMENT TAX
3 29 CREDIT.
3 30 The taxes imposed under this chapter shall be reduced by a
3 31 student loan repayment tax credit authorized pursuant to
3 32 sections 261.130 through 261.132.
3 33 Sec. 8. Section 533.329, subsection 2, Code 2009, is
3 34 amended by adding the following new paragraph:
3 35 NEW PARAGRAPH. n. The moneys and credits tax imposed

House File 617 - Introduced continued

4 1 under this section shall be reduced by a student loan
4 2 repayment tax credit authorized pursuant to sections 261.130
4 3 through 261.132.
4 4 Sec. 9. RETROACTIVE APPLICABILITY DATE. This Act applies
4 5 retroactively to January 1, 2009, for tax years beginning on
4 6 or after that date.
4 7 EXPLANATION
4 8 This bill provides a tax credit for an employer who repays
4 9 any portion of an employee's undergraduate student loan. The
4 10 tax credits are allowable under the individual and corporate
4 11 income taxes, franchise tax, insurance premiums tax, and
4 12 moneys and credits tax of credit unions.
4 13 To be eligible for the tax credit the employer must pay an
4 14 annualized salary or wage of at least $25,000, employ the
4 15 person in this state, and begin repayment of the student loan
4 16 within six months of the hiring date. However, the bill
4 17 provides that the hiring date for an employee already employed
4 18 as of July 1, 2009, shall be considered July 1, 2009.
4 19 The amount of the tax credit equals 30 percent of the
4 20 amount of the loan repaid not to exceed a certain percentage
4 21 of the first $25,000 of the student loan. This percentage may
4 22 be claimed over a five=year period, 15 percent for the first
4 23 and second tax years, 20 percent for the third tax year, and
4 24 25 percent for the fourth and fifth tax years.
4 25 The bill applies retroactively to January 1, 2009, for tax
4 26 years beginning on or after that date.
4 27 LSB 1513YH 83
4 28 mg/rj/5

House File 618 - Introduced

HOUSE FILE
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 63)

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, and providing penalties.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1409HV 83
ak/rj/8

House File 618 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 WAGE PAYMENT COLLECTION PENALTIES
1 3 Section 1. Section 91A.12, subsection 1, Code 2009, is
1 4 amended to read as follows:
1 5 1. Any employer who violates the provisions of this
1 6 chapter or the rules promulgated under it shall be subject to
1 7 a civil money penalty of not more than ~~one~~ five hundred
1 8 dollars per pay period for each violation. The commissioner
1 9 may recover such civil money penalty according to the
1 10 provisions of subsections 2 to 5. Any civil money penalty
1 11 recovered shall be deposited in the general fund of the state.
1 12 DIVISION II
1 13 CHILD LABOR VIOLATION PENALTIES
1 14 Sec. 2. Section 92.11, subsection 2, paragraph c, Code
1 15 2009, is amended to read as follows:
1 16 c. ~~In~~ For cases where ~~none of~~ the ~~above=named~~ proofs
1 17 designated in paragraphs "a" and "b" are not obtainable,
1 18 documentation issued by the federal government that is deemed
1 19 by the commissioner to be sufficient evidence of age, or an
1 20 affidavit signed by a licensed ~~a certificate, signed by the~~
~~1 21 local medical inspector of schools, or if there be no such~~
~~1 22 inspector, then by a~~ physician ~~appointed by the local board of~~
~~1 23 education,~~ certifying that in the ~~inspector's or~~ physician's
1 24 opinion the applicant for the work permit is fourteen years of
1 25 age or more.
1 26 Sec. 3. Section 92.19, Code 2009, is amended to read as
1 27 follows:
1 28 92.19 VIOLATIONS BY PARENT OR GUARDIAN.
1 29 1. No parent, guardian, or other person, having under the
1 30 parent's, guardian's, or other person's control any person
1 31 under eighteen years of age, shall ~~willfully~~ negligently
1 32 permit said person to work or be employed in violation of the
1 33 provisions of this chapter.
1 34 2. No person shall ~~willfully~~ negligently make, certify to,
1 35 or cause to be made or certified any statement, certificate,

House File 618 - Introduced continued

2 1 or other paper for the purpose of procuring the employment of
2 2 any person in violation of this chapter.
2 3 3. No person shall make, file, execute, or deliver any
2 4 statement, certificate, or other paper containing false
2 5 statements for the purpose of procuring employment of any
2 6 person in violation of this chapter.
2 7 4. No person, firm, or corporation, or any agent thereof
2 8 shall ~~willfully~~ negligently conceal or permit a person to be
2 9 employed in violation of this chapter.
2 10 5. No person, firm, or corporation shall refuse to allow
2 11 any authorized persons to inspect the place of business or
2 12 provide information necessary to the enforcement of this
2 13 chapter.
2 14 Sec. 4. Section 92.20, Code 2009, is amended to read as
2 15 follows:
2 16 92.20 PENALTY.
2 17 1. The parent, guardian, or person in charge of any
2 18 migratory worker or of any child who ~~shall engage~~ engages in
2 19 any street occupation in violation of any of the provisions of
2 20 this chapter shall be guilty of a ~~simple~~ serious misdemeanor.
2 21 2. Any person who furnishes or sells to any minor child
2 22 any article of any description ~~when~~ which the person knows or
2 23 should have known ~~that said~~ the minor intends to sell in
2 24 violation of the provisions of this chapter, shall be guilty
2 25 of a ~~simple~~ serious misdemeanor.
2 26 3. Any other violation of this chapter for which a penalty
2 27 is not specifically provided~~, shall be guilty of~~ constitutes a
2 28 ~~simple~~ serious misdemeanor.
2 29 4. Every day during which any violation of this chapter
2 30 continues ~~shall constitute~~ constitutes a separate and distinct
2 31 offense, and the employment of any person in violation of this
2 32 chapter ~~shall~~, with respect to each person so employed,
2 33 ~~constitute~~ constitutes a separate and distinct offense.
2 34 Sec. 5. Section 92.21, Code 2009, is amended to read as
2 35 follows:

House File 618 - Introduced continued

3 1 92.21 RULES AND ORDERS OF LABOR COMMISSIONER.
3 2 1. The labor commissioner may adopt rules to more
3 3 specifically define the occupations and equipment permitted or
3 4 prohibited in this chapter, to determine occupations for which
3 5 work permits are required, and to issue general and special
3 6 orders prohibiting or allowing the employment of persons under
3 7 eighteen years of age in any place of employment defined in
3 8 this chapter as hazardous to the health, safety, and welfare
3 9 of the persons.
3 10 2. The labor commissioner shall adopt rules specifically
3 11 defining the civil penalty amount to be assessed for
3 12 violations of this chapter.
3 13 Sec. 6. Section 92.22, Code 2009, is amended to read as
3 14 follows:
3 15 92.22 LABOR COMMISSIONER TO ENFORCE.
3 16 1. The labor commissioner shall enforce this chapter. An
3 17 employer who violates this chapter or the rules adopted
3 18 pursuant to this chapter is subject to a civil penalty of not
3 19 more than ten thousand dollars for each violation.
3 20 2. The commissioner shall notify the employer of a
3 21 proposed civil penalty by service in the same manner as an
3 22 original notice or by certified mail. If, within fifteen
3 23 working days from the receipt of the notice, the employer
3 24 fails to file a notice of contest in accordance with rules
3 25 adopted by the commissioner pursuant to chapter 17A, the
3 26 penalty, as proposed, shall be deemed final agency action for
3 27 purposes of judicial review.
3 28 3. The commissioner shall notify the department of revenue
3 29 upon final agency action regarding the assessment of a penalty
3 30 against an employer. Interest shall be calculated from the
3 31 date of final agency action.
3 32 4. Judicial review of final agency action pursuant to this
3 33 section may be sought in accordance with the terms of section
3 34 17A.19. If no petition for judicial review is filed within
3 35 sixty days after service of the final agency action of the

House File 618 - Introduced continued

4 1 commissioner, the commissioner's findings of fact and final
4 2 agency action shall be conclusive in connection with any
4 3 petition for enforcement which is filed by the commissioner
4 4 after the expiration of the sixty=day period. In any such
4 5 case, the clerk of court, unless otherwise ordered by the
4 6 court, shall forthwith enter a decree enforcing the final
4 7 agency action and shall transmit a copy of the decree to the
4 8 commissioner and the employer named in the petition.
4 9 5. Any penalties recovered pursuant to this section shall
4 10 be remitted by the commissioner to the treasurer of state for
4 11 deposit in the general fund of the state.
4 12 6. Mayors and police officers, sheriffs, school
4 13 superintendents, and school truant and attendance officers,
4 14 within their several jurisdictions, shall ~~co=operate~~ cooperate
4 15 in the enforcement of this chapter and furnish the
4 16 commissioner and the commissioner's designees with all
4 17 information coming to their knowledge regarding violations of
4 18 this chapter. All such officers and any person authorized in
4 19 writing by a court of record shall have the authority to
4 20 enter, for the purpose of investigation, any of the
4 21 establishments and places mentioned in this chapter and to
4 22 freely question any person therein as to any violations of
4 23 this chapter.
4 24 7. County attorneys shall investigate all complaints made
4 25 to them of violations of this chapter, and prosecute all such
4 26 cases of violation within their respective counties.
4 27 EXPLANATION
4 28 Division I of this bill increases the monetary civil
4 29 penalty for a violation of the wage payment collection law
4 30 from $100 to $500 for each violation. The bill also specifies
4 31 that the monetary civil penalty shall be assessed per pay
4 32 period for each violation.
4 33 Division II of the bill makes several changes relating to
4 34 child labor laws in Code chapter 92. In Code section
4 35 92.11(2)(c), the bill allows the labor commissioner to

House File 618 - Introduced continued

5 1 consider federal documents for a child to verify the child's
5 2 age in order to obtain a child labor permit. The bill strikes
5 3 references to "local medical inspector of schools" as a source
5 4 for verifying a child's age.
5 5 In Code section 92.19, the level of liability for a
5 6 violation is changed from willful to negligent violation.
5 7 The penalties for a criminal child labor violation are
5 8 increased from a simple misdemeanor to a serious misdemeanor
5 9 in Code section 92.20. A serious misdemeanor is punishable by
5 10 confinement for no more than one year and a fine of at least
5 11 $315 but not more than $1,875. In Code section 92.21, the
5 12 bill requires the commissioner to define civil penalty amounts
5 13 by rule.
5 14 In Code section 92.22, the bill authorizes the commissioner
5 15 to assess a civil penalty of up to $10,000 for each violation
5 16 of Code chapter 92 or any rules adopted pursuant to the
5 17 chapter. The bill also establishes administrative procedures,
5 18 including notice, in accordance with Code chapter 17A. The
5 19 commissioner's decision shall be considered final agency
5 20 action for purposes of judicial review. The commissioner must
5 21 notify the department of revenue of any penalties assessed
5 22 against the employer. Interest is calculated from the date of
5 23 the final penalty determination. Judicial review of the final
5 24 agency action may be sought following procedures according to
5 25 Code section 17A.19.
5 26 Any penalties that the commissioner receives under Code
5 27 chapter 92 shall be remitted by the commissioner for deposit
5 28 in the general fund of the state.
5 29 LSB 1409HV 83
5 30 ak/rj/8

House File 619 - Introduced

HOUSE FILE
BY FORD

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to urban renewal and tax increment financing, and including effective date and applicability date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2336HH 83
md/sc/14

House File 619 - Introduced continued

PAG LIN

1 1 Section 1. Section 368.26, unnumbered paragraph 3, Code
1 2 2009, is amended to read as follows:
1 3 For the purposes of this section, "protected farmland"
1 4 means land that is part of a century farm ~~as that term is~~
~~1 5 defined in section 403.17, subsection 10~~. For the purposes of
1 6 this section, "century farm" means a farm in which at least
1 7 forty acres of such farm have been held in continuous
1 8 ownership by the same family for one hundred years or more.
1 9 For the purposes of this section, "county legislation" means
1 10 any ordinance, motion, resolution, or amendment adopted by a
1 11 county pursuant to section 331.302.
1 12 Sec. 2. Section 403.2, subsection 3, Code 2009, is amended
1 13 by striking the subsection.
1 14 Sec. 3. Section 403.4, subsections 1 and 2, Code 2009, are
1 15 amended to read as follows:
1 16 1. One or more slum~~,~~ or blighted ~~or economic development~~
1 17 areas exist in the municipality.
1 18 2. The rehabilitation, conservation, redevelopment,
1 19 ~~development,~~ or a combination thereof, of the area is
1 20 necessary in the interest of the public health, safety, or
1 21 welfare of the residents of the municipality.
1 22 Sec. 4. Section 403.5, subsection 1, Code 2009, is amended
1 23 to read as follows:
1 24 1. A municipality shall not approve an urban renewal
1 25 project for an urban renewal area unless the governing body
1 26 has, by resolution, determined the area to be a slum area,
1 27 blighted area, ~~economic development area~~ or a combination of
1 28 those areas, and designated the area as appropriate for an
1 29 urban renewal project. The local governing body shall not
1 30 approve an urban renewal plan until a general plan for the
1 31 municipality has been prepared. For this purpose and other
1 32 municipal purposes, authority is vested in every municipality
1 33 to prepare, to adopt and to revise from time to time, a
1 34 general plan for the physical development of the municipality
1 35 as a whole, giving due regard to the environs and metropolitan

House File 619 - Introduced continued

2 1 surroundings. A municipality shall not acquire real property
2 2 for an urban renewal project unless the local governing body
2 3 has approved the urban renewal project in accordance with
2 4 subsection 4.
2 5 Sec. 5. Section 403.5, subsection 4, paragraph b,
2 6 subparagraph (1), subparagraph divisions (c) and (d), Code
2 7 2009, are amended by striking the subparagraph divisions.
2 8 Sec. 6. Section 403.5, subsection 7, Code 2009, is amended
2 9 to read as follows:
2 10 7. Notwithstanding any other provisions of this chapter,
2 11 where the local governing body certifies that an area is in
2 12 need of redevelopment or rehabilitation as a result of a
2 13 flood, fire, hurricane, earthquake, storm, or other
2 14 catastrophe respecting which the governor of the state has
2 15 certified the need for disaster assistance under ~~Pub. L. No.~~
~~2 16 81=875, Eighty=first Congress, 64 Stat. 1109, codified at~~ 42
2 17 U.S.C. } ~~1855==1855g~~ 5121 et seq. or other federal law, the
2 18 local governing body may approve an urban renewal plan and an
2 19 urban renewal project with respect to such area without regard
2 20 to the provisions of subsection 4 and without regard to
2 21 provisions of this section requiring notification and
2 22 consultation, a general plan for the municipality, and a
2 23 public hearing on the urban renewal plan or project.
2 24 Sec. 7. Section 403.6, subsection 7, Code 2009, is amended
2 25 to read as follows:
2 26 7. To plan for the relocation of persons, including
2 27 families, business concerns and others, displaced by an urban
2 28 renewal project, and to make relocation payments to or with
2 29 respect to such persons for moving expenses and losses of
2 30 property for which reimbursement or compensation is not
2 31 otherwise made, including the making of such payments financed
2 32 by the federal government. Other provisions of the Code
2 33 notwithstanding, in making such payments on projects not
2 34 federally funded, the municipality may pay relocation
2 35 assistance benefits in the amounts authorized by ~~the Uniform~~

~~House File 619 - Introduced continued~~

~~3 1 Relocation Assistance and Real Property Acquisition Policies~~
~~3 2 Act of 1970, Pub. L. No. 91=646, as amended by the Uniform~~
~~3 3 Relocation Act Amendments of 1987, Title IV, Pub. L. No.~~
~~3 4 100=17~~ 42 U.S.C. } 4601 et seq.
3 5 Sec. 8. Section 403.7, subsection 1, unnumbered paragraph
3 6 1, Code 2009, is amended to read as follows:
3 7 A municipality shall have the right to acquire by
3 8 condemnation any interest in real property, including a fee
3 9 simple title thereto, which it may deem necessary for or in
3 10 connection with an urban renewal project under this chapter,
3 11 subject to the limitations on eminent domain authority in
3 12 chapter 6A. However, a municipality shall not condemn
3 13 agricultural land included within an ~~economic development~~
3 14 urban renewal area for any use unless the owner of the
3 15 agricultural land consents to condemnation or unless the
3 16 municipality determines that the land is necessary or useful
3 17 for any of the following:
3 18 Sec. 9. Section 403.17, subsections 10, 12, and 14, Code
3 19 2009, are amended by striking the subsections.
3 20 Sec. 10. Section 403.17, subsection 23, Code 2009, is
3 21 amended to read as follows:
3 22 23. "Urban renewal area" means a slum area, blighted area,
3 23 ~~economic development area,~~ or combination of the areas, which
3 24 the local governing body designates as appropriate for an
3 25 urban renewal project.
3 26 Sec. 11. Section 403.17, subsection 25, unnumbered
3 27 paragraph 1, Code 2009, is amended to read as follows:
3 28 "Urban renewal project" may include undertakings and
3 29 activities of a municipality in an urban renewal area for the
3 30 elimination and for the prevention of the development or
3 31 spread of slums and blight, ~~may include the designation and~~
~~3 32 development of an economic development area in an urban~~
~~3 33 renewal area,~~ and may involve slum clearance and redevelopment
3 34 in an urban renewal area, or rehabilitation or conservation in
3 35 an urban renewal area, or any combination or part thereof in

House File 619 - Introduced continued

4 1 accordance with an urban renewal program. The undertakings
4 2 and activities may include:
4 3 Sec. 12. Section 403.17, subsection 25, paragraph a, Code
4 4 2009, is amended to read as follows:
4 5 a. Acquisition of a slum area, blighted area, ~~economic~~
~~4 6 development area,~~ or portion of the areas;
4 7 Sec. 13. Section 403.19, subsection 2, Code 2009, is
4 8 amended to read as follows:
4 9 2. That portion of the taxes each year in excess of such
4 10 amount shall be allocated to and when collected be paid into a
4 11 special fund of the municipality to pay the principal of and
4 12 interest on loans, moneys advanced to, or indebtedness,
4 13 whether funded, refunded, assumed, or otherwise, including
4 14 bonds issued under the authority of section 403.9, subsection
4 15 1, incurred by the municipality to finance or refinance, in
4 16 whole or in part, an urban renewal project within the area,
4 17 ~~and to provide assistance for low and moderate income family~~
~~4 18 housing as provided in section 403.22,~~ except that taxes for
4 19 the regular and voter=approved physical plant and equipment
4 20 levy of a school district imposed pursuant to section 298.2
4 21 and taxes for the payment of bonds and interest of each taxing
4 22 district must be collected against all taxable property within
4 23 the taxing district without limitation by the provisions of
4 24 this subsection. However, all or a portion of the taxes for
4 25 the physical plant and equipment levy shall be paid by the
4 26 school district to the municipality if the auditor certifies
4 27 to the school district by July 1 the amount of such levy that
4 28 is necessary to pay the principal and interest on bonds issued
4 29 by the municipality to finance an urban renewal project, which
4 30 bonds were issued before July 1, 2001. Indebtedness incurred
4 31 to refund bonds issued prior to July 1, 2001, shall not be
4 32 included in the certification. Such school district shall pay
4 33 over the amount certified by November 1 and May 1 of the
4 34 fiscal year following certification to the school district.
4 35 Unless and until the total assessed valuation of the taxable

House File 619 - Introduced continued

5 1 property in an urban renewal area exceeds the total assessed
5 2 value of the taxable property in such area as shown by the
5 3 last equalized assessment roll referred to in subsection 1,
5 4 all of the taxes levied and collected upon the taxable
5 5 property in the urban renewal area shall be paid into the
5 6 funds for the respective taxing districts as taxes by or for
5 7 the taxing districts in the same manner as all other property
5 8 taxes. When such loans, advances, indebtedness, and bonds, if
5 9 any, and interest thereon, have been paid, all moneys
5 10 thereafter received from taxes upon the taxable property in
5 11 such urban renewal area shall be paid into the funds for the
5 12 respective taxing districts in the same manner as taxes on all
5 13 other property. In those instances where a school district
5 14 has entered into an agreement pursuant to section 279.64 for
5 15 sharing of school district taxes levied and collected from
5 16 valuation described in this subsection and released to the
5 17 school district, the school district shall transfer the taxes
5 18 as provided in the agreement.
5 19 Sec. 14. Section 404.1, subsection 4, Code 2009, is
5 20 amended by striking the subsection.
5 21 Sec. 15. Section 403.22, Code 2009, is repealed.
5 22 Sec. 16. EFFECTIVE AND APPLICABILITY DATES. This Act,
5 23 being deemed of immediate importance, takes effect upon
5 24 enactment and applies to urban renewal areas, urban renewal
5 25 plans and amendments to urban renewal plans, and urban renewal
5 26 projects established, approved, or adopted on or after the
5 27 effective date of this Act.
5 28 EXPLANATION
5 29 This bill makes changes to the law relating to urban
5 30 renewal and tax increment financing. Current Code chapter 403
5 31 authorizes economic development as a purpose for approval of
5 32 an urban renewal plan and urban renewal projects within the
5 33 urban renewal area. The bill eliminates economic development
5 34 as an authorized purpose under Code chapter 403. The bill
5 35 also makes corresponding changes to other sections of the Code

House File 619 - Introduced continued

to reflect changes made to Code chapter 403.
The bill takes effect upon enactment and applies to urban renewal areas, urban renewal plans and amendments to plans, and urban renewal projects established, approved, or adopted on or after the effective date of the bill.
LSB 2336HH 83
md/sc/14

House File 620 - Introduced

HOUSE FILE
BY FORD

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act establishing market factor teacher incentives for school district attendance centers located in areas that have high rates of crime and making an appropriation.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2520HH 83
kh/nh/5

House File 620 - Introduced continued

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1 1 Section 1. NEW SECTION. 284.11 MARKET FACTOR TEACHER
1 2 INCENTIVES == LEGISLATIVE INTENT.
1 3 1. The general assembly finds that Iowa school districts
1 4 need to be more competitive in recruiting and retaining
1 5 talented professionals into the teaching profession. To
1 6 ensure that school districts with attendance centers located
1 7 in areas that have high rates of crime have the ability to
1 8 attract highly qualified teachers, it is the intent of the
1 9 general assembly to encourage school districts to provide
1 10 incentives for these hard=to=staff attendance centers. If
1 11 moneys are appropriated for such purpose, this section
1 12 provides for state assistance to allow school districts to add
1 13 a market factor incentive paid by the school districts.
1 14 2. A school district with one or more attendance centers
1 15 that the department, in collaboration with the division of
1 16 criminal and juvenile justice and planning of the department
1 17 of human rights, has determined are located in an area or
1 18 areas that have high rates of crime shall be paid annually, if
1 19 the general assembly appropriates moneys for purposes of
1 20 market factor incentives, an amount of state assistance to
1 21 create market factor incentives for classroom teachers in the
1 22 school district. Market factor incentives may include but are
1 23 not limited to salaries, educational opportunities and
1 24 support, moving expenses, and housing expenses for the
1 25 recruitment and retention needs of the school district in the
1 26 hard=to=staff attendance centers, improving the racial or
1 27 ethnic diversity on local teaching staffs, funding to prepare
1 28 a teacher to attain a license or endorsement in a shortage
1 29 area, or funds to support educational support personnel in
1 30 pursuing a license in a shortage area. The teacher quality
1 31 committee established pursuant to section 284.4, subsection 1,
1 32 paragraph "c", shall make recommendations to the school board
1 33 and the certified bargaining representative regarding the
1 34 awarding of market factor incentives.
1 35 3. The allocations to a school district shall be made in

House File 620 - Introduced continued

2 1 one payment on or about October 15 of the fiscal year for
2 2 which the appropriation is made, taking into consideration the
2 3 relative budget and cash position of the state resources.
2 4 Moneys received under this section shall not be commingled
2 5 with state aid payments made under section 257.16 to a school
2 6 district and shall be accounted for by the local school
2 7 district separately from state aid payments. Payments made to
2 8 school districts under this section are miscellaneous income
2 9 for purposes of chapter 257. A school district shall maintain
2 10 a separate listing within its budget for payments received and
2 11 expenditures made pursuant to this section. A school district
2 12 shall certify to the department of education how the school
2 13 district allocated the funds and how the moneys received under
2 14 this section were used.
2 15 4. The department shall include market factor incentives
2 16 when reporting in the annual condition of education report on
2 17 the use of funds allocated for purposes of this section. The
2 18 department shall review the use and effectiveness of the use
2 19 of funds allocated for purposes of this section and shall
2 20 submit its findings and recommendations in a report to the
2 21 general assembly by January 15, 2011, and each succeeding
2 22 fiscal year following a fiscal year in which funds were
2 23 appropriated for purposes of this section. It is the intent
2 24 of the general assembly to appropriate funds in future fiscal
2 25 years for purposes of this section based upon the department's
2 26 findings and recommendations.
2 27 Sec. 2. MARKET FACTOR TEACHER INCENTIVES. There is
2 28 appropriated from the general fund of the state to the
2 29 department of education for the fiscal year beginning July 1,
2 30 2009, and ending June 30, 2010, the following amount, or so
2 31 much thereof as is necessary, to be used for the purposes
2 32 designated:
2 33 For purposes of market factor teacher incentives pursuant
2 34 to section 284.11, as enacted by this Act:
2 35 ..... $ 5,000,000

House File 620 - Introduced continued

EXPLANATION

This bill establishes market factor teacher incentives for school district attendance centers located in areas that have high rates of crime and appropriates $5 million from the state general fund to the department of education for fiscal year 2009=2010 to provide for state assistance to allow school districts to add a market factor to teacher salaries paid by the school districts to teachers in those hard=to=staff attendance centers. Incentives may include educational opportunities and support, moving expenses, and housing expenses; and funding to prepare education personnel to attain a license or endorsement in a shortage area.

The bill requires the teacher quality committee to make recommendations to the school board and collective bargaining representative regarding the awarding of market factor incentives. The bill also requires the department to submit a report on the use and effectiveness of the funds allocated for incentives, and states a legislative intent to reevaluate future appropriations for the incentives based on the report.

LSB 2520HH 83
kh/nh/5.1

House File 621 - Introduced

HOUSE FILE
BY SCHULTE

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act allowing the court to order a person charged with or convicted of a violation of a no=contact order or a protective order in domestic abuse cases to be supervised by an electronic tracking and monitoring system.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2207YH 83
rh/rj/5

House File 621 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 664A.7A ELECTRONIC MONITORING.
1 2 A person charged with or convicted of a violation of a
1 3 no=contact order entered for the offense or alleged offense of
1 4 domestic abuse assault in violation of section 708.2A, or of a
1 5 violation of a protective order issued pursuant to chapter
1 6 236, may be ordered by the court, as a condition of bail,
1 7 probation, parole, or work release, to be supervised by an
1 8 electronic tracking and monitoring system that does all of the
1 9 following:
1 10 1. Immediately notifies law enforcement or other monitors
1 11 of any breach of a court=ordered restriction to remain within
1 12 certain physical boundaries.
1 13 2. Notifies the victim in near=real time of any breach.
1 14 3. Allows monitors to speak to the offender through a
1 15 cellular telephone implanted in the bracelet device.
1 16 4. Has a loud alarm that can be activated to warn the
1 17 potential victim of the person's presence in a forbidden area.
1 18 EXPLANATION
1 19 This bill provides that a person charged with or convicted
1 20 of a violation of a no=contact order entered for the offense
1 21 or alleged offense of domestic abuse assault in violation of
1 22 Code section 708.2A, or of a violation of a protective order
1 23 issued pursuant to Code chapter 236, may be ordered by the
1 24 court, as a condition of bail, probation, parole, or work
1 25 release, to be supervised by an electronic tracking and
1 26 monitoring system that immediately notifies law enforcement or
1 27 other monitors of any breach of a court=ordered restriction to
1 28 remain within certain physical boundaries, notifies the victim
1 29 in near=real time of any breach, allows monitors to speak to
1 30 the offender through a cellular telephone implanted in the
1 31 bracelet device, and that has a loud alarm that can be
1 32 activated to warn the potential victim of the person's
1 33 presence in a forbidden area.
1 34 LSB 2207YH 83
1 35 rh/rj/5

House File 622 - Introduced

HOUSE FILE
BY FORD

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the confidentiality of patient prescription information and providing for a penalty.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2568HH 83
jr/nh/14

House File 622 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 155A.35A PRESCRIPTION
1 2 INFORMATION == CONFIDENTIAL.
1 3 1. a. Records relative to prescription information
1 4 containing patient=identifiable and prescriber=identifiable
1 5 data shall not be licensed, transferred, used, or sold by any
1 6 pharmacy benefits manager; insurance company; electronic
1 7 transmission intermediary; or retail, mail order, or internet
1 8 pharmacy or other similar entity, for any commercial purpose.
1 9 b. For purposes of this section, "commercial purpose"
1 10 includes but is not limited to advertising, marketing,
1 11 promotion, or any activity that could be used to influence
1 12 sales or market share of a pharmaceutical product, influence
1 13 or evaluate the prescribing behavior of an individual health
1 14 care professional, or evaluate the effectiveness of a
1 15 professional pharmaceutical detailing sales force.
1 16 2. The records described in subsection 1 may be
1 17 transferred or used for the limited purposes of pharmacy
1 18 reimbursement; formulary compliance; care management;
1 19 utilization review by a health care provider, the patient's
1 20 insurance provider, or the agent of either; health care
1 21 research; or as otherwise provided by law.
1 22 3. Nothing in this section shall prohibit the dispensing
1 23 of prescription medications to a patient or to the patient's
1 24 authorized representative; the transmission of prescription
1 25 information between an authorized prescriber and a licensed
1 26 pharmacy; the transfer of prescription information between
1 27 licensed pharmacies; the transfer of prescription records that
1 28 may occur in the event a pharmacy ownership is changed or
1 29 transferred; or care management educational communications
1 30 provided to a patient about the patient's health condition,
1 31 adherence to a prescribed course of therapy or other
1 32 information about the drug being dispensed, treatment options,
1 33 or clinical trials. Nothing in this section shall prohibit
1 34 the collection, use, transfer, or sale of patient or
1 35 prescriber de=identified data by zip code, geographic region,

House File 622 - Introduced continued

2 1 or medical specialty for commercial purposes. In addition to
2 2 any other penalty under this chapter, a violation of this
2 3 section is an unfair or deceptive act or practice within the
2 4 meaning of section 507B.6.
2 5 EXPLANATION
2 6 This bill prohibits any pharmacy, insurance=type entity, or
2 7 intermediary from selling, transferring, or using
2 8 patient=identifiable and prescriber=identifiable data.
2 9 Exceptions are provided for pharmacy reimbursement; formulary
2 10 compliance; care management; utilization review by a health
2 11 care provider, the patient's insurance provider, or the agent
2 12 of either; health care research; or as otherwise provided by
2 13 law.
2 14 Licensed pharmacists who violate these provisions are
2 15 subject to licensee discipline pursuant to Code chapter 272C.
2 16 Additionally, a violation of this provision is an unfair or
2 17 deceptive act or practice and persons regulated by the
2 18 insurance division are subject to a civil penalty of not more
2 19 than $1,000 for each act or violation and suspension or
2 20 revocation of any license held by the person.
2 21 LSB 2568HH 83
2 22 jr/nh/14

House File 623 - Introduced

HOUSE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO HSB 183)

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including an appropriation and effective and applicability dates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1434HV 83
ak/rj/14

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1 1 Section 1. Section 96.3, subsection 5, Code 2009, is
1 2 amended to read as follows:
1 3 5. a. DURATION OF BENEFITS. The maximum total amount of
1 4 benefits payable to an eligible individual during a benefit
1 5 year shall not exceed the total of the wage credits accrued to
1 6 the individual's account during the individual's base period,
1 7 or twenty=six times the individual's weekly benefit amount,
1 8 whichever is the lesser. The director shall maintain a
1 9 separate account for each individual who earns wages in
1 10 insured work. The director shall compute wage credits for
1 11 each individual by crediting the individual's account with
1 12 one=third of the wages for insured work paid to the individual
1 13 during the individual's base period. However, the director
1 14 shall recompute wage credits for an individual who is laid off
1 15 due to the individual's employer going out of business at the
1 16 factory, establishment, or other premises at which the
1 17 individual was last employed, by crediting the individual's
1 18 account with one=half, instead of one=third, of the wages for
1 19 insured work paid to the individual during the individual's
1 20 base period. Benefits paid to an eligible individual shall be
1 21 charged against the base period wage credits in the
1 22 individual's account which have not been previously charged,
1 23 in the inverse chronological order as the wages on which the
1 24 wage credits are based were paid. However if the state "off
1 25 indicator" is in effect and if the individual is laid off due
1 26 to the individual's employer going out of business at the
1 27 factory, establishment, or other premises at which the
1 28 individual was last employed, the maximum benefits payable
1 29 shall be extended to thirty=nine times the individual's weekly
1 30 benefit amount, but not to exceed the total of the wage
1 31 credits accrued to the individual's account.
1 32 b. TRAINING EXTENSION BENEFITS.
1 33 (1) An individual who has been separated from a declining
1 34 occupation or who has been involuntarily separated from
1 35 employment as a result of a permanent reduction of operations

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2 1 at the last place of employment and who is in training with
2 2 the approval of the director or in a job training program
2 3 pursuant to the Workforce Investment Act of 1998, Pub. L. No.
2 4 105=220, at the time regular benefits are exhausted, may be
2 5 eligible for training extension benefits.
2 6 (2) A declining occupation is one in which there is a lack
2 7 of sufficient current demand in the individual's labor market
2 8 area for the occupational skills for which the individual is
2 9 fitted by training and experience or current physical or
2 10 mental capacity, and the lack of employment opportunities is
2 11 expected to continue for an extended period of time, or the
2 12 individual's occupation is one for which there is a seasonal
2 13 variation in demand in the labor market and the individual has
2 14 no other skill for which there is current demand.
2 15 (3) The training extension benefit amount shall be
2 16 twenty=six times the individual's weekly benefit amount and
2 17 the weekly benefit amount shall be equal to the individual's
2 18 weekly benefit amount for the claim in which benefits were
2 19 exhausted while in training.
2 20 (4) An individual who is receiving training extension
2 21 benefits shall not be denied benefits due to application of
2 22 section 96.4, subsection 3, or section 96.5, subsection 3.
2 23 However, an employer's account shall not be charged with
2 24 benefits so paid. Relief of charges under this paragraph "b"
2 25 applies to both contributory and reimbursable employers,
2 26 notwithstanding section 96.8, subsection 5.
2 27 (5) In order for the individual to be eligible for
2 28 training extension benefits, all of the following criteria
2 29 must be met:
2 30 (a) The training must be for a high=demand occupation or
2 31 high=technology occupation, including the fields of life
2 32 sciences, advanced manufacturing, biotechnology, alternative
2 33 fuels, insurance, and environmental technology. "High=demand
2 34 occupation" means an occupation in a labor market area in
2 35 which the department determines work opportunities are

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3 1 available and there is a lack of qualified applicants.
3 2 (b) The individual must file any unemployment insurance
3 3 claim to which the individual becomes entitled under state or
3 4 federal law, and must draw any unemployment insurance benefits
3 5 on that claim until the claim has expired or has been
3 6 exhausted, in order to maintain the individual's eligibility
3 7 under this paragraph "b". Training extension benefits end
3 8 upon completion of the training even though a portion of the
3 9 training extension benefit amount may remain.
3 10 (c) The individual must be enrolled and making
3 11 satisfactory progress to complete the training.
3 12 Sec. 2. Section 96.3, subsection 6, paragraph b, Code
3 13 2009, is amended to read as follows:
3 14 b. The director shall prescribe fair and reasonable
3 15 general rules applicable to part=time workers, for determining
3 16 their full=time weekly wage, and the total wages in employment
3 17 by employers required to qualify such workers for benefits.
3 18 An individual is a part=time worker if a majority of the weeks
3 19 of work in such individual's base period includes part=time
3 20 work. Part=time workers are not required to be available for,
3 21 seek, or accept full=time employment.
3 22 Sec. 3. Section 96.4, subsection 4, Code 2009, is amended
3 23 to read as follows:
3 24 4. a. The individual has been paid wages for insured work
3 25 during the individual's base period in an amount at least one
3 26 and one=quarter times the wages paid to the individual during
3 27 that quarter of the individual's base period in which the
3 28 individual's wages were highest; provided that the individual
3 29 has been paid wages for insured work totaling at least three
3 30 and five=tenths percent of the statewide average annual wage
3 31 for insured work, computed for the preceding calendar year if
3 32 the individual's benefit year begins on or after the first
3 33 full week in July and computed for the second preceding
3 34 calendar year if the individual's benefit year begins before
3 35 the first full week in July, in that calendar quarter in the

House File 623 - Introduced continued

4 1 individual's base period in which the individual's wages were
4 2 highest, and the individual has been paid wages for insured
4 3 work totaling at least one=half of the amount of wages
4 4 required under this ~~subsection~~ paragraph in the calendar
4 5 quarter of the base period in which the individual's wages
4 6 were highest, in a calendar quarter in the individual's base
4 7 period other than the calendar quarter in which the
4 8 individual's wages were highest. The calendar quarter wage
4 9 requirements shall be rounded to the nearest multiple of ten
4 10 dollars.
4 11 b. For an individual who does not have sufficient wages in
4 12 the base period, as defined in section 96.19, to otherwise
4 13 qualify for benefits pursuant to this subsection, the
4 14 individual's base period shall be the last four completed
4 15 calendar quarters immediately preceding the first day of the
4 16 individual's benefit year if such period qualifies the
4 17 individual for benefits under this subsection.
4 18 (1) Wages that fall within the alternative base period
4 19 established under this paragraph "b" are not available for
4 20 qualifying benefits in any subsequent benefit year.
4 21 (2) Employers shall be charged in the manner provided in
4 22 this chapter for benefits paid based upon quarters used in the
4 23 alternative base period.
4 24 c. If the individual has drawn benefits in any benefit
4 25 year, the individual must during or subsequent to that year,
4 26 work in and be paid wages for insured work totaling at least
4 27 two hundred fifty dollars, as a condition to receive benefits
4 28 in the next benefit year.
4 29 Sec. 4. Section 96.7, subsection 2, paragraph a,
4 30 subparagraph (2), Code 2009, is amended by adding the
4 31 following new subparagraph division:
4 32 NEW SUBPARAGRAPH DIVISION. (e) The account of an employer
4 33 shall not be charged with benefits paid to an individual who
4 34 is laid off if the benefits are paid as the result of the
4 35 return to work of a permanent employee who is one of the

House File 623 - Introduced continued

5 1 following:
5 2 (i) A member of the national guard or organized reserves
5 3 of the armed forces of the United States ordered to temporary
5 4 duty, as defined in section 29A.1, subsection 3, 11, or 12,
5 5 for any purpose, who has completed the duty as evidenced in
5 6 accordance with section 29A.43.
5 7 (ii) A member of the civil air patrol performing duty
5 8 pursuant to section 29A.3A, who has completed the duty as
5 9 evidenced in accordance with section 29A.43.
5 10 Sec. 5. Section 96.20, subsection 2, Code 2009, is amended
5 11 to read as follows:
5 12 2. The department may enter into arrangements with the
5 13 appropriate agencies of other states, or a contiguous country
5 14 with which the United States has an agreement with respect to
5 15 unemployment compensation or of the federal government (a)
5 16 whereby wages or services, upon the basis of which an
5 17 individual may become entitled to benefits under the
5 18 unemployment compensation law of another state or of the
5 19 federal government, shall be deemed to be wages for employment
5 20 by employers for the purposes of section 96.3 and section
5 21 96.4, subsection 5; provided such other state agency or agency
5 22 of the federal government has agreed to reimburse the fund for
5 23 such portion of benefits paid under this chapter upon the
5 24 basis of such wages or services as the department finds will
5 25 be fair and reasonable as to all affected interests, and (b)
5 26 whereby the department will reimburse other state or federal
5 27 agencies charged with the administration of unemployment
5 28 compensation laws with such reasonable portion of benefits,
5 29 paid under the law of any such other states or of the federal
5 30 government upon the basis of employment or wages for
5 31 employment by employers, as the department finds will be fair
5 32 and reasonable as to all affected interests. Reimbursements
5 33 so payable shall be deemed to be benefits for the purposes of
5 34 section 96.3, subsection 5, paragraph "a", and section 96.9,
5 35 but no reimbursement so payable shall be charged against any

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6 1 employer's account for the purposes of section 96.7, unless
6 2 wages so transferred are sufficient to establish a valid claim
6 3 in Iowa, and that such charges shall not exceed the amount
6 4 that would have been charged on the basis of a valid claim.
6 5 The department is hereby authorized to make to other state or
6 6 federal agencies and receive from such other state or federal
6 7 agencies, reimbursements from or to the fund, in accordance
6 8 with arrangements pursuant to this section. The department
6 9 shall participate in any arrangements for the payment of
6 10 compensation on the basis of combining an individual's wages
6 11 and employment covered under this Act with the individual's
6 12 wages and employment covered under the unemployment
6 13 compensation laws of other states which are approved by the
6 14 United States secretary of labor in consultation with the
6 15 state unemployment compensation agencies as reasonably
6 16 calculated to assure the prompt and full payment of
6 17 compensation in such situations and which include provisions
6 18 for: Applying the base period of a single state law to a
6 19 claim involving the combining of an individual's wages and
6 20 employment covered under two or more state unemployment
6 21 compensation laws, and avoiding the duplication use of wages
6 22 and employment by reason of such combining.
6 23 Sec. 6. Section 96.23, subsection 1, paragraph b, Code
6 24 2009, is amended to read as follows:
6 25 b. The individual did not receive wages from insured work
6 26 for two calendar quarters and did not receive wages from
6 27 insured work for another calendar quarter equal to or greater
6 28 than the amount required for a calendar quarter, other than
6 29 the calendar quarter in which the individual's wages were
6 30 highest, under section 96.4, subsection 4, paragraph "a".
6 31 Sec. 7. Section 96.40, subsection 8, Code 2009, is amended
6 32 to read as follows:
6 33 8. An individual shall not be entitled to receive shared
6 34 work benefits and regular unemployment compensation benefits
6 35 in an aggregate amount which exceeds the maximum total amount

House File 623 - Introduced continued

of benefits payable to that individual in a benefit year as provided under section 96.3, subsection 5, paragraph "a". Notwithstanding any other provisions of this chapter, an individual shall not be eligible to receive shared work benefits for more than twenty=six calendar weeks during the individual's benefit year.

Sec. 8. FUTURE APPROPRIATION OF FEDERAL FUNDS. Any funds received by this state from the federal government pursuant to section 903 of the federal Social Security Act as a result of the enactment of this Act are appropriated by the general assembly to the department of workforce development to be placed in the unemployment compensation trust fund. The computation date provided in section 96.19, subsection 8, shall be delayed until the funds pursuant to section 903 of the federal Social Security Act are received by the state but the computation date shall be no later than September 5, 2009, if the funds are not received on or before that date. The contribution rate table calculation shall use data as of July 1, 2009, except for inclusion in the unemployment compensation trust fund balance of funds received pursuant to section 903 of the Social Security Act.

Sec. 9. APPLICABILITY AND EFFECTIVE DATES. The section of this Act amending section 96.3 applies to any week of unemployment benefits beginning on or after July 5, 2009. The section of this Act amending section 96.4 applies to any new claim of unemployment benefits with an effective date on or after July 5, 2009.

EXPLANATION

This bill relates to unemployment insurance benefits and brings Iowa into compliance with federal law in order to receive additional federal funds.

The bill establishes a benefits extension for individuals enrolled in a training program. Regular benefits must be exhausted and the benefit amount shall be no more than 26 times the individual's weekly benefit amount. The individual

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8 1 who qualifies must have been separated from a declining
8 2 occupation or laid off. Declining occupation is defined in
8 3 the bill. In order to qualify for the training extension
8 4 benefits, the following criteria must be met: the benefits
8 5 end when training is completed; the individual must be
8 6 enrolled, participating, and making satisfactory progress in
8 7 the training; and the training must be for a high=demand or
8 8 high=technology occupation, which are explained in the bill.
8 9 An employer is relieved of charges of unemployment benefits
8 10 paid due to claims for training extension benefits.
8 11 The bill amends the part=time workers section such that an
8 12 individual who was a part=time worker a majority of the time
8 13 in the base period shall not be required to be a full=time
8 14 worker to qualify for benefits or to seek full=time work.
8 15 An alternate method of calculating the base period, to
8 16 determine the monetary attachment=to=the=workforce eligibility
8 17 of individuals for unemployment benefits, is included for
8 18 cases where the current method of calculation makes an
8 19 individual ineligible for unemployment benefits. The bill
8 20 moves the base period closer, by one quarter, to the benefit
8 21 claim filing date so that the base period would consist of the
8 22 first four calendar quarters immediately preceding the
8 23 calendar quarter in which the claim for unemployment benefits
8 24 is filed if doing so would qualify the individual for
8 25 benefits.
8 26 The bill waives employer charges for unemployment claims
8 27 stemming from temporary workers who have replaced active=duty
8 28 military employees. The bill prevents the account of an
8 29 employer from being charged if benefits are paid to an
8 30 individual who is laid off as the result of the return to work
8 31 of a permanent employee who is a member of the national guard
8 32 of the United States armed forces reserves ordered to
8 33 temporary duty, as defined in Code section 29A.1, subsection
8 34 3, 11, or 12, for any purpose and who has completed the duty,
8 35 or who is a member of the civil air patrol performing duty

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9 1 pursuant to Code section 29A.3A and who has completed the
9 2 duty.
9 3 Any possible future funds received from the federal
9 4 government due to the bill's enactment are appropriated to the
9 5 department to be placed in the unemployment compensation trust
9 6 fund. The computation date shall be delayed until funds
9 7 pursuant to section 903 of the federal Social Security Act are
9 8 received by the state, but no later than September 5, 2009.
9 9 The amendment in the bill to Code section 96.3 applies to
9 10 any week of unemployment benefits that begins on or after July
9 11 5, 2009. The amendment in the bill to Code section 96.4
9 12 applies to any new claim with an effective date on or after
9 13 July 5, 2009.
9 14 LSB 1434HV 83
9 15 ak/rj/14

House Study Bill 263

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

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

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 and applicability date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2130HC 83
lh/rj/8

House Study Bill 263 continued

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1 1 DIVISION I
1 2 MISCELLANEOUS PROVISIONS
1 3 Section 1. Section 6B.14, subsection 1, Code 2009, is
1 4 amended to read as follows:
1 5 1. The commissioners shall, at the time fixed in the
1 6 ~~aforesaid~~ notices required under section 6B.8, view the land
1 7 sought to be condemned and assess the damages which the owner
1 8 will sustain by reason of the appropriation. The commission
1 9 shall file its written report, signed by all commissioners,
1 10 with the sheriff. At the request of the condemner or the
1 11 condemnee, the commission shall divide the damages into parts
1 12 to indicate the value of any dwelling, the value of the land
1 13 and improvements other than a dwelling, and the value of any
1 14 additional damages. The appraisement and return may be in
1 15 parcels larger than forty acres belonging to one person and
1 16 lying in one tract, unless the agent or attorney of the
1 17 applicant, or the commissioners, have actual knowledge that
1 18 the tract does not belong wholly to the person in whose name
1 19 it appears of record; and in case of such knowledge, the
1 20 appraisement shall be made of the different portions as they
1 21 are known to be owned.
1 22 Sec. 2. Section 9D.1, Code 2009, is amended to read as
1 23 follows:
1 24 9D.1 DEFINITIONS.
1 25 As used in this chapter, unless the context otherwise
1 26 requires:
1 27 1. "Applicant" means a person applying for registration
1 28 under this chapter.
1 29 2. "Customer" means a person who is offered or who
1 30 purchases travel services.
1 31 3. "Doing business" in this state means any of the
1 32 following:
1 33 a. Offering to sell or selling travel services, if the
1 34 offer is made or received within the state.
1 35 b. Offering to arrange or arranging travel services for a

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2 1 fee or commission, direct or indirect, if the offer is made or
2 2 received in this state.
2 3 c. Offering to award or awarding travel services as a
2 4 prize or award, if the offer or award is made in or received
2 5 in this state.
2 6 ~~3.~~ 4. "Registrant" means a person registered pursuant to
2 7 this chapter.
2 8 ~~4.~~ 5. "Secretary" means the secretary of state.
2 9 ~~5.~~ 6. "Solicitation" means contact by a travel agency or
2 10 travel agent of a customer for the purpose of selling or
2 11 offering to sell travel services.
2 12 ~~6.~~ 7. "Travel agency" means a person who represents,
2 13 directly or indirectly, that the person is offering or
2 14 undertaking by any means or method, to provide travel services
2 15 for a fee, commission, or other valuable consideration, direct
2 16 or indirect.
2 17 ~~7.~~ 8. "Travel agent" means a person employed by a travel
2 18 agency whose principal duties include consulting with and
2 19 advising persons concerning travel arrangements or
2 20 accommodations.
2 21 ~~8.~~ 9. "Travel services" means arranging or booking
2 22 vacation or travel packages, travel reservations or
2 23 accommodations, tickets for domestic or foreign travel by air,
2 24 rail, ship, bus, or other medium of transportation, or hotel
2 25 or other lodging accommodations. Travel services include
2 26 travel related prizes or awards for which the customer must
2 27 pay a fee or, in connection with the prize or award, expend
2 28 moneys for the direct or indirect monetary benefit of the
2 29 person making the award, in order for the customer to collect
2 30 or enjoy the benefits of the prize or award.
2 31 Sec. 3. Section 9D.2, subsections 4 through 9, Code 2009,
2 32 are amended to read as follows:
2 33 ~~4. "Doing business" in this state, for purposes of this~~
~~2 34 chapter, means any of the following:~~
2 35 ~~a. Offering to sell or selling travel services, if the~~

~~House Study Bill 263 continued~~

~~3 1 offer is made or received within the state.~~
3 2 ~~b. Offering to arrange, or arranging, travel services for~~
~~3 3 a fee or commission, direct or indirect, if the offer is made~~
~~3 4 or received in this state.~~
3 5 ~~c. Offering to, or awarding travel services as a prize or~~
~~3 6 award, if the offer or award is made in or received in this~~
~~3 7 state.~~
3 8 ~~5.~~ 4. An applicant shall complete an application for
3 9 registration form provided by the secretary. The application
3 10 form must be accompanied by the required bond or evidence of
3 11 financial responsibility and the registration fee. The
3 12 application form shall include all of the following
3 13 information:
3 14 a. The name and signature of an officer or partner of a
3 15 business entity or the names and signatures of the principal
3 16 owner and operator if the agency is a sole proprietorship.
3 17 b. The name, address, and telephone number of the
3 18 applicant and the name of all travel agents employed by the
3 19 applicant travel agency.
3 20 c. The name, address, and telephone number of any person
3 21 who owns or controls, directly or indirectly, ten percent or
3 22 more of the applicant.
3 23 d. If the applicant is a foreign corporation or business,
3 24 the name and address of the corporation's agent in this state
3 25 for service of process.
3 26 e. Any additional information required by rule adopted by
3 27 the secretary pursuant to chapter 17A.
3 28 ~~6.~~ 5. The application form shall be accompanied by a
3 29 written irrevocable consent to service of process. The
3 30 consent must provide that actions in connection with doing
3 31 business in this state may be commenced against the registrant
3 32 in the proper jurisdiction in this state in which the cause of
3 33 action may arise, or in which the plaintiff may reside, by
3 34 service of process on the secretary as the registrant's agent
3 35 and stipulating and agreeing that such service of process

House Study Bill 263 continued

4 1 shall be taken and held in all courts to be as valid and
4 2 binding as if service of process had been made upon the person
4 3 according to the laws of this or any other state. The consent
4 4 to service of process shall be in such form and supported by
4 5 such additional information as the secretary may by rule
4 6 require.
4 7 ~~7.~~ 6. An annual registration fee as established by the
4 8 secretary by rule is required at the time the application for
4 9 registration form is filed with the secretary, and on or
4 10 before the anniversary date of the effective date of
4 11 registration for each subsequent year. The registration fee
4 12 shall be established at a rate deemed reasonably necessary by
4 13 the secretary to support the administration of this chapter,
4 14 but not to exceed fifteen dollars per year per agency. If an
4 15 applicant or a registrant fails to pay the annual registration
4 16 fee, the application for registration or registration lapses
4 17 and becomes ineffective.
4 18 ~~8.~~ 7. A registrant shall submit to the secretary
4 19 corrections to the information supplied in the registration
4 20 form within a reasonable time after a change in circumstances,
4 21 which circumstances would be required to be reported in an
4 22 application for registration form, except travel agents' names
4 23 as required in subsection ~~5~~ 4, paragraph "b". The names of
4 24 travel agents shall be updated at the time of annual
4 25 registration.
4 26 ~~9.~~ 8. The secretary may revoke or suspend a registration
4 27 for cause subject to the contested case provisions of chapter
4 28 17A.
4 29 Sec. 4. Section 10.1, subsections 9 and 17, Code 2009, are
4 30 amended to read as follows:
4 31 9. "Farmers cooperative limited liability company" means a
4 32 limited liability company organized under chapter 489 or 490A,
4 33 if cooperative associations hold one hundred percent of all
4 34 membership interests in the limited liability company.
4 35 Farmers cooperative associations must hold at least seventy

House Study Bill 263 continued

5 1 percent of all membership interests in the limited liability
5 2 company. If more than one type of membership interest is
5 3 established, including any series as provided in section
5 4 489.1201 or 490A.305 or any class or group as provided in
5 5 section 489.1201 or 490A.307, farmers cooperative associations
5 6 must hold at least seventy percent of all membership interests
5 7 of ~~that~~ each type.
5 8 17. "Networking farmers limited liability company" means a
5 9 limited liability company, other than a family farm limited
5 10 liability company as defined in section 9H.1, organized under
5 11 chapter 489 or 490A if all of the following conditions are
5 12 satisfied:
5 13 a. Qualified farmers must hold at least fifty=one percent
5 14 of all membership interests in the limited liability company.
5 15 If more than one type of membership interest is established,
5 16 including any series as provided in section 489.1201 or
5 17 490A.305 or any class or group as provided in section 489.1201
5 18 or 490A.307, qualified farmers must hold at least fifty=one
5 19 percent of all membership interests of ~~that~~ each type.
5 20 b. Qualified persons must hold at least seventy percent of
5 21 all membership interests in the limited liability company. If
5 22 more than one type of membership interest is established,
5 23 including any series as provided in section 489.1201 or
5 24 490A.305 or any class or group as provided in section 489.1201
5 25 or 490A.307, qualified persons must hold at least seventy
5 26 percent of all membership interests of ~~that~~ each type.
5 27 Sec. 5. Section 15.103, subsection 1, paragraph b,
5 28 unnumbered paragraph 1, Code 2009, is amended to read as
5 29 follows:
5 30 Each of the following areas of expertise shall be
5 31 represented by at least one voting member of the board who has
5 32 professional experience in that area of expertise:
5 33 Sec. 6. Section 15.103, subsection 1, paragraph c, Code
5 34 2009, is amended to read as follows:
5 35 c. At least nine of the voting members of the board shall

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be actively employed in the private, for=profit sector of the economy.

Sec. 7. Section 15.247, subsection 2, Code 2009, is amended to read as follows:

2. A "targeted small business financial assistance ~~program account"~~ program" is established within the department. A targeted small business financial assistance program account is established within the strategic investment fund created in section 15.313, to allow the department to provide for loans, loan guarantees, or grants to eligible targeted small businesses.

a. A targeted small business in any year shall receive under this program not more than fifty thousand dollars in a loan, grant, or guarantee, or a combination of loans, grants, or guarantees. A grant shall only be awarded when additional financing is secured by the applicant. In order to receive a grant, the applicant must demonstrate a minimum of ten percent cash investment in the project. A targeted small business shall not receive a grant, loan, or guarantee, or a combination of grants, loans, or guarantees under the program that provide more than ninety percent funding of a project.

b. The program shall provide guarantees not to exceed eighty percent for loans of up to seven years made by qualified lenders. The department shall establish a financial assistance reserve account from funds allocated to the program account, from which any default on a guaranteed loan under this section shall be paid. In administering the program the department shall not guarantee loan values in excess of the amount credited to the reserve account and only moneys set aside in the loan reserve account may be used for the payment of a default.

c. The department shall maintain records of all financial assistance approved pursuant to this section and information regarding the effectiveness of the financial assistance in establishing or expanding small business ventures.

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7 1 Sec. 8. Section 16.1, subsection 1, paragraph ac, Code
7 2 2009, is amended to read as follows:
7 3 ac. "Powers" means all of the general and specific powers
7 4 of the authority as provided in this chapter ~~and~~ which shall
7 5 be broadly and liberally interpreted to authorize the
7 6 authority to act in accordance with the goals of the authority
7 7 and in a manner consistent with the legislative findings and
7 8 guiding principles ~~which are reasonably necessary~~.
7 9 Sec. 9. Section 24.20, Code 2009, is amended to read as
7 10 follows:
7 11 24.20 TAX RATES FINAL.
7 12 The several tax rates and levies of ~~the municipalities thus~~
7 13 a municipality that are determined and certified in the manner
7 14 provided in sections 24.1 through 24.19, except such tax rates
7 15 and levies as are authorized by a vote of the people, shall
7 16 stand as the tax rates and levies of said municipality for the
7 17 ensuing fiscal year for the purposes set out in the budget.
7 18 Sec. 10. Section 26.14, subsection 3, paragraph c, Code
7 19 2009, is amended to read as follows:
7 20 c. If a public improvement may be performed by an employee
7 21 of the governmental entity, the amount of estimated sales and
7 22 fuel tax and the premium cost for the performance and payment
7 23 bond which a contractor identifies in its quotation shall be
7 24 deducted from the contractor's price for determining the
7 25 lowest responsive, responsible quotation. If no quotations
7 26 are received to perform the work, or if the governmental
7 27 entity's estimated cost to do the work with its employee is
7 28 less than the lowest responsive, responsible quotation
7 29 received, the governmental entity may authorize its employee
7 30 or employees to perform the work.
7 31 Sec. 11. Section 42.3, subsection 1, paragraph b, Code
7 32 2009, is amended to read as follows:
7 33 b. ~~However~~ Notwithstanding the time period specified in
7 34 paragraph "a", if the population data for legislative
7 35 districting which the United States census bureau is required

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8 1 to provide this state under Pub. L. No. 94=171 and, if used by
8 2 the legislative services agency, the corresponding
8 3 topologically integrated geographic encoding and referencing
8 4 data file for that population data are not available to the
8 5 legislative services agency on or before February 15 of the
8 6 year ending in one, the dates set forth in ~~this subsection~~
8 7 paragraph "a" shall be extended by a number of days equal to
8 8 the number of days after February 15 of the year ending in one
8 9 that the federal census population data and the topologically
8 10 integrated geographic encoding and referencing data file for
8 11 legislative districting become available.
8 12 Sec. 12. Section 42.3, subsection 2, Code 2009, is amended
8 13 to read as follows:
8 14 2. If the bill embodying the plan submitted by the
8 15 legislative services agency under subsection 1 fails to be
8 16 enacted, the legislative services agency shall prepare a bill
8 17 embodying a second plan of legislative and congressional
8 18 districting. The bill shall be prepared in accordance with
8 19 section 42.4, and, insofar as it is possible to do so within
8 20 the requirements of section 42.4, with the reasons cited by
8 21 the senate or house of representatives by resolution, or the
8 22 governor by veto message, for the failure to approve the plan.
8 23 If a second plan is required under this subsection, the bill
8 24 embodying it shall be delivered to the secretary of the senate
8 25 and the chief clerk of the house of representatives not later
8 26 than thirty=five days after the date of the vote by which the
8 27 senate or the house of representatives fails to approve the
8 28 bill submitted under subsection 1, or the date the governor
8 29 vetoes or fails to approve the bill. If it is necessary to
8 30 submit a bill under this subsection, the bill shall be brought
8 31 to a vote not less than seven days after the bill is submitted
8 32 and made available to the members of the general assembly,
8 33 under a procedure or rule permitting no amendments except
8 34 those of a purely corrective nature. It is further the intent
8 35 of this chapter that if the bill is approved by the first

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9 1 house in which it is considered, it shall expeditiously be
9 2 brought to a vote in the second house under a similar
9 3 procedure or rule. If the bill embodying the plan submitted
9 4 by the legislative services agency under this subsection fails
9 5 to be approved by a constitutional majority in either the
9 6 senate or the house of representatives, the secretary of the
9 7 senate or the chief clerk of the house, as the case may be,
9 8 shall transmit to the legislative services agency in the same
9 9 manner as described in subsection 1, information which the
9 10 senate or house may direct by resolution regarding reasons why
9 11 the plan was not approved ~~in the same manner as described in~~
~~9 12 subsection 1~~.
9 13 Sec. 13. Section 46.2A, subsections 1 and 8, Code 2009,
9 14 are amended to read as follows:
9 15 1. As used in this section, "congressional district" means
9 16 those districts established following the 2010 federal
9 17 decennial census and described in chapter ~~42~~ 40.
9 18 8. If the number of congressional districts established
9 19 following the 2010 federal decennial census and described in
9 20 chapter ~~42~~ 40 is not equal to four, then the procedures set
9 21 out in this section are void and this section is repealed
9 22 effective June 30, 2012.
9 23 Sec. 14. Section 49.36, Code 2009, is amended to read as
9 24 follows:
9 25 49.36 CANDIDATES OF NONPARTY ORGANIZATION.
9 26 The term "group of petitioners" as used in ~~the foregoing~~
9 27 sections 49.32 and 49.35 shall embrace an organization which
9 28 is not a political party as defined by law.
9 29 Sec. 15. Section 52.25, subsection 2, Code 2009, is
9 30 amended to read as follows:
9 31 2. The question, amendment, or measure, ~~and~~ or summaries
9 32 thereof, shall be printed on the ~~special paper~~ ballots ~~or on~~
~~9 33 the inserts used in the voting machines~~. In no case shall the
9 34 font size be less than ten point type.
9 35 Sec. 16. Section 62.1A, Code 2009, is amended to read as

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10 1 follows:
10 2 62.1A CONTEST COURT ESTABLISHED.
10 3 The court for the trial of contested county elections shall
10 4 consist of one ~~person~~ member named by the contestant and one
10 5 ~~person~~ member named by the incumbent. If the incumbent fails
10 6 to name a ~~judge~~ member, the chief judge of the judicial
10 7 district shall be notified of the failure to appoint. The
10 8 chief judge shall designate the second ~~judge~~ member within one
10 9 week after the chief judge is notified. These two ~~judges~~
10 10 members shall meet within three days and select a third ~~person~~
10 11 member to serve as the presiding ~~officer~~ member of the court.
10 12 If they cannot agree on the third member of the court within
10 13 three days after their initial meeting, the chief judge of the
10 14 judicial district shall be notified of the failure to agree.
10 15 The chief judge shall designate the presiding ~~judge~~ member
10 16 within one week after the chief judge is notified.
10 17 Sec. 17. Section 62.2, Code 2009, is amended to read as
10 18 follows:
10 19 62.2 ~~JUDGES~~ CONTEST COURT MEMBERS SWORN.
10 20 ~~Judges~~ Members of the contest court shall be sworn in the
10 21 same manner and form as trial jurors are sworn in trials of
10 22 civil actions. When a ~~judge~~ member fails to appear on the day
10 23 of trial, that ~~judge's~~ member's place may be filled by ~~another~~
10 24 the appointment of another member under the same rule.
10 25 Sec. 18. Section 68B.22, subsection 4, paragraph e, Code
10 26 2009, is amended to read as follows:
10 27 e. Anything available or distributed free of charge to
10 28 members of the general public without regard to the official
10 29 status of the recipient. This paragraph shall not apply to
10 30 ~~receptions~~ functions described under paragraph "s".
10 31 Sec. 19. Section 73.16, subsection 2, paragraph b, Code
10 32 2009, is amended to read as follows:
10 33 b. The director of an agency or department of state
10 34 government that has established a procurement goal as required
10 35 under this subsection shall provide a report within fifteen

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11 1 business days following the end of each calendar quarter to
11 2 the targeted small business marketing and compliance manager
11 3 of the department of economic development, providing the total
11 4 dollar amount of certified purchases from certified targeted
11 5 small businesses during the previous calendar quarter. The
11 6 required report shall be made in a form approved by the
11 7 targeted small business marketing and compliance manager. ~~The~~
~~11 8 first quarterly report shall be for the calendar quarter~~
~~11 9 ending September 30, 2007.~~
11 10 Sec. 20. Section 75.1, subsection 1, paragraph b, Code
11 11 2009, is amended to read as follows:
11 12 b. ~~All ballots~~ Ballots cast ~~and~~ but not counted as a vote
11 13 for or against the proposition shall not be used in computing
11 14 the total vote cast for and against said proposition.
11 15 Sec. 21. Section 85.59, Code 2009, is amended to read as
11 16 follows:
11 17 85.59 BENEFITS FOR INMATES AND OFFENDERS.
11 18 1. For the purposes of this section~~, the term "inmate"~~:
11 19 a. "Inmate" includes ~~a~~:
11 20 (1) A person confined in a reformatory, state
11 21 penitentiary, release center, or other state penal or
11 22 correctional institution while that person works in connection
11 23 with the maintenance of the institution, in an industry
11 24 maintained in the institution, or in an industry referred to
11 25 in section 904.809, or while on detail to perform services on
11 26 a public works project.
11 27 (2) ~~For purposes of this section, "inmate" includes a~~ A
11 28 person who is performing unpaid community service under the
11 29 direction of the district court, board of parole, or judicial
11 30 district department of correctional services, or an inmate
11 31 providing services pursuant to a chapter 28E agreement entered
11 32 into pursuant to section 904.703, or who is performing a work
11 33 assignment of value to the state or to the public under
11 34 chapter 232. ~~For purposes of this section, "unpaid~~
11 35 b. "Unpaid community service under the direction of the

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12 1 district court" includes but is not limited to community
12 2 service ordered and performed pursuant to section 598.23A.
12 3 2. For purposes of this section, an inmate on a work
12 4 assignment under section 904.703 working in construction or
12 5 maintenance at a public or charitable facility, or under
12 6 assignment to another agency of state, county, or local
12 7 government, shall be considered an employee of the state.
12 8 3. a. If an inmate is permanently incapacitated by injury
12 9 in the performance of the inmate's work in connection with the
12 10 maintenance of the institution, in an industry maintained in
12 11 the institution, or in an industry referred to in section
12 12 904.809, while on detail to perform services on a public works
12 13 project, or while performing services authorized pursuant to
12 14 section 904.809, or is permanently or temporarily
12 15 incapacitated in connection with the performance of unpaid
12 16 community service under the direction of the district court,
12 17 board of parole, or judicial district department of
12 18 correctional services, or in connection with the provision of
12 19 services pursuant to a chapter 28E agreement entered into
12 20 pursuant to section 904.703, or who is performing a work
12 21 assignment of value to the state or to the public under
12 22 chapter 232, that inmate shall be awarded only the benefits
12 23 provided in section 85.27 and section 85.34, subsections 2 and
12 24 3. The weekly rate for such permanent disability is equal to
12 25 the minimum rate as provided in this chapter.
12 26 b. Weekly compensation benefits under this section may be
12 27 determined prior to the inmate's release from the institution,
12 28 but payment of benefits to an inmate shall commence as of the
12 29 time of the inmate's release from the institution either upon
12 30 parole or final discharge. However, if the inmate is awarded
12 31 benefits for an injury incurred in connection with the
12 32 performance of unpaid community service under the direction of
12 33 the district court, board of parole, or judicial district
12 34 department of correctional services, or in connection with the
12 35 provision of services pursuant to a chapter 28E agreement

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13 1 entered into pursuant to section 904.703, or who is performing
13 2 a work assignment of value to the state or to the public under
13 3 chapter 232, weekly compensation benefits under this section
13 4 shall be determined and paid as in other workers' compensation
13 5 cases.
13 6 c. If an inmate is receiving benefits under the provisions
13 7 of this section and is recommitted to an institution covered
13 8 by this section, the benefits shall immediately cease. If
13 9 benefits cease because of the inmate's recommitment, the
13 10 benefits shall resume upon subsequent release from the
13 11 institution.
13 12 d. If death results from the injury, death benefits shall
13 13 be awarded and paid to the dependents of the inmate as in
13 14 other workers' compensation cases except that the weekly rate
13 15 shall be equal to sixty=six and two=thirds percent of the
13 16 state average weekly wage paid employees as determined by the
13 17 department of workforce development under section 96.19,
13 18 subsection 36, and in effect at the time of the injury.
13 19 4. Payment under this section shall be made promptly out
13 20 of appropriations which have been made for that purpose, if
13 21 any. An amount or part thereof which cannot be paid promptly
13 22 from the appropriation shall be paid promptly out of money in
13 23 the state treasury not otherwise appropriated.
13 24 5. The time limit for commencing an original proceeding to
13 25 determine entitlement to benefits under this section is the
13 26 same as set forth in section 85.26. If an injury occurs to an
13 27 inmate so as to qualify the inmate for benefits under this
13 28 section, notwithstanding the fact that payments of weekly
13 29 benefits are not commenced, an acknowledgment of
13 30 compensability shall be filed with the workers' compensation
13 31 commissioner within thirty days of the time the responsible
13 32 authority receives notice or knowledge of the injury as
13 33 required by section 85.23.
13 34 6. If a dispute arises as to the extent of disability when
13 35 an acknowledgment of compensability is on file or when an

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14 1 award determining liability has been made, an action to
14 2 determine the extent of disability must be commenced within
14 3 one year of the time of the release of the inmate from the
14 4 institution. This does not bar the right to reopen the claim
14 5 as provided by section 85.26, subsection 2.
14 6 7. Responsibility for the filings required by chapter 86
14 7 for injuries resulting in permanent disability or death and as
14 8 modified by this section shall be made in the same manner as
14 9 for other employees of the institution.
14 10 Sec. 22. Section 85.66, Code 2009, is amended to read as
14 11 follows:
14 12 85.66 SECOND INJURY FUND == CREATION == CUSTODIAN.
14 13 1. The ~~"Second Injury Fund"~~ second injury fund is hereby
14 14 established under the custody of the treasurer of state and
14 15 shall consist of payments to the fund as provided by this
14 16 division and any accumulated interest and earnings on moneys
14 17 in the second injury fund.
14 18 2. The treasurer of state is charged with the conservation
14 19 of the assets of the second injury fund. Moneys collected in
14 20 the second injury fund shall be disbursed only for the
14 21 purposes stated in this division, and shall not at any time be
14 22 appropriated or diverted to any other use or purpose. ~~The~~
~~14 23 treasurer of state shall invest any surplus moneys of the fund~~
~~14 24 in securities which constitute legal investments for state~~
~~14 25 funds under the laws of this state, and may sell any of the~~
~~14 26 securities in which the fund is invested, if necessary, for~~
~~14 27 the proper administration or in the best interests of the~~
~~14 28 fund. Disbursements~~ Except for reimbursements to the attorney
14 29 general provided for in section 85.67, disbursements from the
14 30 fund shall be paid by the treasurer of state only upon the
14 31 written order of the workers' compensation commissioner. ~~The~~
~~14 32 attorney general shall be reimbursed up to one hundred fifty~~
~~14 33 thousand dollars annually from the fund for services provided~~
~~14 34 related to the fund.~~ The treasurer of state shall invest any
14 35 surplus moneys of the fund in securities which constitute

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15 1 legal investments for state funds under the laws of this
15 2 state, and may sell any of the securities in which the fund is
15 3 invested, if necessary, for the proper administration or in
15 4 the best interests of the fund.
15 5 3. The treasurer of state shall quarterly prepare a
15 6 statement of the fund, setting forth the balance of moneys in
15 7 the fund, the income of the fund, specifying the source of all
15 8 income, the payments out of the fund, specifying the various
15 9 items of payments, and setting forth the balance of the fund
15 10 remaining to its credit. The statement shall be open to
15 11 public inspection in the office of the treasurer of state.
15 12 Sec. 23. Section 89.11, Code 2009, is amended to read as
15 13 follows:
15 14 89.11 INJUNCTION.
15 15 1. In addition to all other remedies, if any owner, user,
15 16 or person in charge of any equipment covered by this chapter
15 17 continues to use any equipment covered by this chapter, after
15 18 receiving an inspection report identifying defects and
15 19 exhausting appeal rights as provided by this chapter without
15 20 first correcting the defects or making replacements, the
15 21 commissioner may apply to the district court by petition in
15 22 equity, in an action brought in the name of the state, for a
15 23 writ of injunction to restrain the use of the alleged
15 24 defective equipment.
15 25 2. ~~However, if~~ If the commissioner believes that the
15 26 continued operation of equipment constitutes an imminent
15 27 danger that could seriously injure or cause death to any
15 28 person, in addition to all other remedies, the commissioner
15 29 may apply to the district court in the county in which the
15 30 imminently dangerous condition exists for a temporary order to
15 31 enjoin the owner, user, or person in charge from operating the
15 32 equipment before ~~exhausting~~ the owner's, user's, or person's
15 33 rights to administrative appeals have been exhausted.
15 34 Sec. 24. Section 96.19, subsection 17, Code 2009, is
15 35 amended to read as follows:

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16 1 17. "Employing unit" means any individual or type of
16 2 organization, including this state and its political
16 3 subdivisions, state agencies, boards, commissions, and
16 4 instrumentalities thereof, any partnership, association,
16 5 trust, estate, joint stock company, insurance company or
16 6 corporation, whether domestic or foreign, or the receiver,
16 7 trustee in bankruptcy, trustee or successor thereof, or the
16 8 legal representative of a deceased person, which has or
16 9 subsequent to January 1, 1936, had in its employ one or more
16 10 individuals performing services for it within this state. All
16 11 individuals performing services within this state for any
16 12 employing unit which maintains two or more separate
16 13 establishments within this state shall be deemed to be
16 14 employed by a single employing unit for all the purposes of
16 15 this chapter. Whenever any employing unit contracts with or
16 16 has under it any contractor or subcontractor for any work
16 17 which is part of its usual trade, occupation, profession, or
16 18 business, unless the employing unit as well as each such
16 19 contractor or subcontractor is an employer by reason of
16 20 subsection 16 or section 96.8, subsection 3, the employing
16 21 unit shall for all the purposes of this chapter be deemed to
16 22 employ each individual in the employ of each such contractor
16 23 or subcontractor for each day during which such individual is
16 24 engaged in performing such work; except that each such
16 25 contractor or subcontractor who is an employer by reason of
16 26 subsection 16 or section 96.8, subsection 3, shall alone be
16 27 liable for the contributions measured by wages payable to
16 28 individuals in the contractor's or subcontractor's employ, and
16 29 except that any employing unit who shall become liable for and
16 30 pay contributions with respect to individuals in the employ of
16 31 any such contractor or subcontractor who is not an employer by
16 32 reason of subsection 16 or section 96.8, subsection 3, may
16 33 recover the same from such contractor or subcontractor, except
16 34 as any contractor or subcontractor who would in the absence of
16 35 ~~the foregoing provisions~~ subsection 16 or section 96.8,

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17 1 subsection 3, be liable to pay said contributions, accepts
17 2 exclusive liability for said contributions under an agreement
17 3 with such employer made pursuant to general rules of the
17 4 department. Each individual employed to perform or to assist
17 5 in performing the work of any agent or employee of an
17 6 employing unit shall be deemed to be employed by such
17 7 employing unit for all the purposes of this chapter, whether
17 8 such individual was hired or paid directly by such employing
17 9 unit or by such agent or employee, provided the employing unit
17 10 had actual or constructive knowledge of such work, and
17 11 provided, further, that such employment was for a total of not
17 12 less than eight hours in any one calendar week.
17 13 Sec. 25. Section 100B.1, subsection 1, paragraph a,
17 14 subparagraph (3), Code 2009, is amended to read as follows:
17 15 (3) The tenth and eleventh voting members of the council
17 16 shall be members of the general public appointed by the
17 17 governor.
17 18 Sec. 26. Section 100C.3, subsection 2, Code 2009, is
17 19 amended to read as follows:
17 20 2. An applicant for certification as an alarm system
17 21 contractor or an alarm system installer shall be subject to a
17 22 national criminal history check through the federal bureau of
17 23 investigation. The applicant shall provide fingerprints to
17 24 the department of public safety for submission through the
17 25 state criminal history repository to the federal bureau of
17 26 investigation. Fees for the national criminal history check
17 27 shall be paid by the applicant or the applicant's employer.
17 28 The results of a criminal history check conducted pursuant to
17 29 this subsection shall ~~not~~ be considered a ~~public~~ confidential
17 30 record under chapter 22.
17 31 Sec. 27. Section 103.15, subsection 2, paragraph a, Code
17 32 2009, is amended to read as follows:
17 33 a. A person shall be licensed as an unclassified person by
17 34 the board to perform electrical work if the work is performed
17 35 under the personal supervision of a person actually licensed

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18 1 to perform such work and the licensed and unclassified persons
18 2 are employed by the same employer. A person shall not be
18 3 employed continuously for more than one hundred days as an
18 4 unclassified person without having obtained a current license
18 5 from the board. For the purposes of determining whether a
18 6 person has been "employed continuously" for more than one
18 7 hundred days under this subsection, ~~"one hundred continuous~~
~~18 8 days of employment" includes~~ employment shall include any days
18 9 not worked due to illness, holidays, weekend days, and other
18 10 absences that do not constitute separation from or termination
18 11 of employment. Any period of employment as a nonlicensed
18 12 unclassified person shall not be credited to any applicable
18 13 experiential requirement of an apprenticeship training program
18 14 registered by the bureau of apprenticeship and training of the
18 15 United States department of labor.
18 16 Sec. 28. Section 103.30, Code 2009, is amended to read as
18 17 follows:
18 18 103.30 INSPECTIONS NOT REQUIRED.
18 19 Nothing in this chapter shall be construed to require the
18 20 work of employees of municipal utilities, railroads, electric
18 21 membership or cooperative associations, investor=owned
18 22 utilities, rural water associations or districts, or
18 23 telecommunications systems to be inspected while the employees
18 24 are acting within the scope of their employment.
18 25 Sec. 29. Section 125.86, subsection 3, paragraph a, Code
18 26 2009, is amended to read as follows:
18 27 a. A psychiatric advanced registered nurse practitioner
18 28 treating a ~~patient~~ respondent previously ~~hospitalized~~
18 29 committed under this chapter may complete periodic reports
18 30 pursuant to this section on the ~~patient~~ respondent if the
18 31 ~~patient~~ respondent has been recommended for treatment on an
18 32 outpatient or other appropriate basis pursuant to section
18 33 125.84, subsection 3, and if a psychiatrist licensed pursuant
18 34 to chapter 148~~, 150, or 150A~~ personally evaluates the ~~patient~~
18 35 respondent on at least an annual basis.

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19 1 Sec. 30. Section 135.1, subsection 4, Code 2009, is
19 2 amended to read as follows:
19 3 4. "Physician" means a person licensed to practice
19 4 medicine and surgery, osteopathic medicine and surgery,
19 5 chiropractic, podiatry, or optometry under the laws of this
19 6 state; but a person licensed as a physician and surgeon shall
19 7 be designated as a "physician" or "surgeon", a person licensed
19 8 as an osteopathic physician and surgeon shall be designated as
19 9 an "osteopathic physician" or "osteopathic surgeon", ~~a person~~
~~19 10 licensed as an osteopath shall be designated as an~~
~~19 11 "osteopathic physician",~~ a person licensed as a chiropractor
19 12 shall be designated as a "chiropractor", a person licensed as
19 13 a podiatrist shall be designated as a "podiatric physician",
19 14 and a person licensed as an optometrist shall be designated as
19 15 an "optometrist". A definition or designation contained in
19 16 this subsection shall not be interpreted to expand the scope
19 17 of practice of such licensees.
19 18 Sec. 31. Section 135.17, subsection 1, paragraph a, Code
19 19 2009, is amended to read as follows:
19 20 a. Except as provided in paragraphs "c" and "d", the
19 21 parent or guardian of a child enrolled in elementary school
19 22 shall provide evidence to the school district or accredited
19 23 nonpublic elementary school in which the child is enrolled of
19 24 the child having, no earlier than three years of age but prior
19 25 to reaching six years of age, at a minimum, a dental screening
19 26 performed by a licensed physician as defined in chapter 148 ~~or~~
~~19 27 150~~, a nurse licensed under chapter 152, a licensed physician
19 28 assistant as defined in section 148C.1, or a licensed dental
19 29 hygienist or dentist as defined in chapter 153. Except as
19 30 provided in paragraphs "c" and "d", the parent or guardian of
19 31 a child enrolled in high school shall provide evidence to the
19 32 school district or accredited nonpublic high school in which
19 33 the child is enrolled of the child having, at a minimum, a
19 34 dental screening performed within the prior year by a licensed
19 35 dental hygienist or dentist as defined in chapter 153. A

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20 1 school district or accredited nonpublic school shall provide
20 2 access to a process to complete the screenings described in
20 3 this paragraph as appropriate.
20 4 Sec. 32. Section 135.24, subsection 6, paragraph d, Code
20 5 2009, is amended to read as follows:
20 6 d. "Health care provider" means a physician licensed under
20 7 chapter 148, a chiropractor licensed under chapter 151, a
20 8 physical therapist licensed pursuant to chapter 148A, an
20 9 occupational therapist licensed pursuant to chapter 148B, a
20 10 podiatrist licensed pursuant to chapter 149, a physician
20 11 assistant licensed and practicing under a supervising
20 12 physician pursuant to chapter 148C, a licensed practical
20 13 nurse, a registered nurse, or an advanced registered nurse
20 14 practitioner licensed pursuant to chapter 152 or 152E, a
20 15 respiratory therapist licensed pursuant to chapter 152B, a
20 16 dentist, dental hygienist, or dental assistant registered or
20 17 licensed to practice under chapter 153, an optometrist
20 18 licensed pursuant to chapter 154, a psychologist licensed
20 19 pursuant to chapter 154B, a social worker licensed pursuant to
20 20 chapter 154C, a mental health counselor or a marital and
20 21 family therapist licensed pursuant to chapter 154D, a speech
20 22 pathologist or audiologist licensed pursuant to chapter 154F,
20 23 a pharmacist licensed pursuant to chapter 155A, or an
20 24 emergency medical care provider certified pursuant to chapter
20 25 147A.
20 26 Sec. 33. Section 135.37, subsection 6, Code 2009, is
20 27 amended to read as follows:
20 28 6. As necessary to avoid duplication and promote
20 29 coordination of public health inspection and enforcement
20 30 activities, the department may enter into agreements with
20 31 local boards of health to provide for inspection ~~and~~
~~20 32 enforcement~~ of tattooing establishments and enforcement
20 33 activities in accordance with the rules and criteria
20 34 implemented under this section.
20 35 Sec. 34. Section 135.159, subsection 2, paragraph a,

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21 1 subparagraph (6), Code 2009, is amended to read as follows:
21 2 (6) A physician and an osteopathic physician licensed
21 3 pursuant to chapter 148 ~~and a physician licensed pursuant to~~
~~21 4 chapter 150~~ who are family physicians and members of the Iowa
21 5 academy of family physicians.
21 6 Sec. 35. Section 135B.20, subsection 1, Code 2009, is
21 7 amended to read as follows:
21 8 1. "Doctor" shall mean any person licensed to practice
21 9 medicine and surgery or ~~osteopathy~~ osteopathic medicine and
21 10 surgery in this state.
21 11 Sec. 36. Section 135C.33, subsection 5, paragraph a,
21 12 subparagraph (1), Code 2009, is amended to read as follows:
21 13 (1) An employee of a ~~homemaker, home=health~~ homemaker=home
21 14 health aide, home care aide, adult day services, or other
21 15 provider of in=home services if the employee provides direct
21 16 services to consumers.
21 17 Sec. 37. Section 136C.1, subsection 4, Code 2009, is
21 18 amended to read as follows:
21 19 4. "Licensed professional" means a person licensed or
21 20 otherwise authorized by law to practice medicine, ~~osteopathy~~
21 21 osteopathic medicine, podiatry, chiropractic, dentistry,
21 22 dental hygiene, or veterinary medicine.
21 23 Sec. 38. Section 136C.3, subsection 2, paragraph a, Code
21 24 2009, is amended to read as follows:
21 25 a. Establish minimum training standards including
21 26 continuing education requirements, and administer examinations
21 27 and disciplinary procedures for operators of radiation
21 28 machines and users of radioactive materials. A state of Iowa
21 29 license to practice medicine, ~~osteopathy~~ osteopathic medicine,
21 30 chiropractic, podiatry, dentistry, dental hygiene, or
21 31 veterinary medicine, or licensure as a physician assistant
21 32 pursuant to chapter 148C, or certification by the dental board
21 33 in dental radiography, or by the board of podiatry in
21 34 podiatric radiography, or enrollment in a program or course of
21 35 study approved by the Iowa department of public health which

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22 1 includes the application of radiation to humans satisfies the
22 2 minimum training standards for operation of radiation machines
22 3 only.
22 4 Sec. 39. Section 137F.3A, subsection 1, Code 2009, is
22 5 amended to read as follows:
22 6 1. a. ~~If a~~ The department of inspections and appeals may
22 7 employ additional full=time equivalent positions to enforce
22 8 the provisions of this chapter and chapters 137C and 137D,
22 9 with the approval of the department of management, if either
22 10 of the following apply:
22 11 (1) A municipal corporation operating pursuant to a
22 12 chapter 28E agreement with the department of inspections and
22 13 appeals to enforce ~~this chapter and chapters 137C and 137D~~ the
22 14 chapters either fails to renew the agreement effective after
22 15 April 1, 2007, or discontinues, after April 1, 2007,
22 16 enforcement activities in one or more jurisdictions during the
22 17 agreement time frame~~, or the~~.
22 18 (2) The department of inspections and appeals cancels an
22 19 agreement after April 1, 2007, due to noncompliance with the
22 20 terms of the agreement~~, the department of inspections and~~
~~22 21 appeals may employ additional full=time equivalent positions~~
~~22 22 to enforce the provisions of the chapters, with the approval~~
~~22 23 of the department of management~~.
22 24 b. Before approval ~~is~~ may be given, the director of the
22 25 department of management ~~shall determine~~ must have determined
22 26 that the expenses exceed the funds budgeted by the general
22 27 assembly for food inspections to the department of inspections
22 28 and appeals. The department of inspections and appeals may
22 29 hire no more than one full=time equivalent position for each
22 30 six hundred inspections required pursuant to this chapter and
22 31 chapters 137C and 137D.
22 32 Sec. 40. Section 137F.6, subsection 1, paragraph h, Code
22 33 2009, is amended to read as follows:
22 34 h. ~~A~~ For a food establishment covered by paragraphs "d"
22 35 and "e" ~~shall be assessed~~ the license fees assessed shall be

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23 1 an amount not to exceed seventy=five percent of the total fees
23 2 applicable under both paragraphs.
23 3 Sec. 41. Section 142.1, Code 2009, is amended to read as
23 4 follows:
23 5 142.1 DELIVERY OF BODIES.
23 6 The body of every person dying in a public asylum,
23 7 hospital, county care facility, penitentiary, or reformatory
23 8 in this state, or found dead within the state, or which is to
23 9 be buried at public expense in this state, except those buried
23 10 under the provisions of chapter 144C or 249, and which is
23 11 suitable for scientific purposes, shall be delivered to the
23 12 medical college of the state university, or some osteopathic
23 13 or chiropractic college or school located in this state, which
23 14 has been approved under the law regulating the practice of
23 15 ~~osteopathy~~ osteopathic medicine or chiropractic; but no such
23 16 body shall be delivered to any such college or school if the
23 17 deceased person expressed a desire during the person's last
23 18 illness that the person's body should be buried or cremated,
23 19 nor if such is the desire of the person's relatives. Such
23 20 bodies shall be equitably distributed among said colleges and
23 21 schools according to their needs for teaching anatomy in
23 22 accordance with such rules as may be adopted by the Iowa
23 23 department of public health. The expense of transporting said
23 24 bodies to such college or school shall be paid by the college
23 25 or school receiving the same. If the deceased person has not
23 26 expressed a desire during the person's last illness that the
23 27 person's body should be buried or cremated and no person
23 28 authorized to control the deceased person's remains under
23 29 section 144C.5 requests the person's body for burial or
23 30 cremation, and if a friend objects to the use of the deceased
23 31 person's body for scientific purposes, said deceased person's
23 32 body shall be forthwith delivered to such friend for burial or
23 33 cremation at no expense to the state or county. Unless such
23 34 friend provides for burial and burial expenses within five
23 35 days, the body shall be used for scientific purposes under

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24 1 this chapter.
24 2 Sec. 42. Section 142A.3, subsections 3 through 10, Code
24 3 2009, are amended to read as follows:
24 4 3. The membership of the commission shall ~~consist of~~
24 5 include the following voting members who shall serve
24 6 three=year, staggered terms:
24 7 a. Members, at least one of whom is a member of a racial
24 8 minority, to be appointed by the governor, subject to
24 9 confirmation by the senate pursuant to sections 2.32 and
24 10 69.19, and consisting of the following:
24 11 (1) Three members who are active with nonprofit health
24 12 organizations that emphasize tobacco use prevention or who are
24 13 active as health services providers, at the local level.
24 14 ~~b.~~ (2) One member who is a retailer.
24 15 ~~c.~~ (3) Three members who are active with health promotion
24 16 activities at the local level in youth education, law
24 17 enforcement, nonprofit services, or other activities relating
24 18 to tobacco use prevention and control.
24 19 ~~The members appointed under this subsection shall be~~
~~24 20 appointed by the governor, subject to confirmation by the~~
~~24 21 senate, pursuant to sections 2.32 and 69.19. At least one~~
~~24 22 member appointed under this subsection shall be a member of a~~
~~24 23 racial minority.~~
24 24 ~~4.~~ b. ~~In addition to the members described in subsection~~
~~24 25 3, the membership of the commission shall include three~~ Three
24 26 voting members ~~who are~~, to be selected by the participants in
24 27 the annual statewide youth summit of the initiative's youth
24 28 program~~. The youth membership appointments are~~, who shall not
24 29 be subject to section 69.16 or 69.16A. However, the selection
24 30 process shall provide for diversity among the members and at
24 31 least one of the youth members shall be a female. ~~These~~
~~24 32 members shall also serve three=year staggered terms.~~
24 33 ~~5.~~ 4. The commission shall also include the following ex
24 34 officio, nonvoting members:
24 35 a. Four members of the general assembly, with not more

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25 1 than one member from each chamber being from the same
25 2 political party. The majority leader of the senate and the
25 3 minority leader of the senate shall each appoint one of the
25 4 senate members. The majority leader of the house and the
25 5 minority leader of the house of representatives shall each
25 6 appoint one of the house members.
25 7 b. The presiding officer of the statewide youth executive
25 8 body, selected by the delegates to the statewide youth summit.
25 9 ~~6.~~ 5. In addition to the members of the ~~council~~
25 10 commission, the following agencies, organizations, and persons
25 11 shall each assign a single liaison to the commission to
25 12 provide assistance to the commission in the discharge of the
25 13 commission's duties:
25 14 a. The department of education.
25 15 b. The drug policy coordinator.
25 16 c. The department of justice, office of the attorney
25 17 general.
25 18 d. The department of human services.
25 19 e. The alcoholic beverages division of the department of
25 20 commerce.
25 21 ~~7.~~ 6. Citizen members shall be reimbursed for actual and
25 22 necessary expenses incurred in performance of their duties.
25 23 Citizen members shall be paid a per diem as specified in
25 24 section 7E.6. Legislative members are eligible for per diem
25 25 and expenses as provided in section 2.10.
25 26 ~~8.~~ 7. A member of the commission who is convicted of a
25 27 crime relating to tobacco, alcohol, or controlled substances
25 28 is subject to removal from the commission.
25 29 ~~9. The commission may designate an advisory council. The~~
~~25 30 commission shall determine the membership and representation~~
~~25 31 of the advisory council and members of the council shall serve~~
~~25 32 at the pleasure of the commission. The advisory council may~~
~~25 33 include representatives of health care provider groups, parent~~
~~25 34 groups, antitobacco advocacy programs and organizations,~~
~~25 35 tobacco retailers, research and evaluation experts, and youth~~

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~~26 1 organizers.~~
26 2 ~~10.~~ 8. A vacancy on the commission other than for the
26 3 youth members shall be filled in the same manner as the
26 4 original appointment for the balance of the unexpired term. A
26 5 youth member vacancy shall be filled by the presiding officer
26 6 of the statewide executive body as selected by the delegates
26 7 to the statewide youth summit.
26 8 9. The commission shall elect a chairperson from among its
26 9 voting members and may select other officers from among its
26 10 voting members, as determined necessary by the commission.
26 11 The commission shall meet regularly as determined by the
26 12 commission, upon the call of the chairperson, or upon the call
26 13 of a majority of the voting members.
26 14 10. The commission may designate an advisory council. The
26 15 commission shall determine the membership and representation
26 16 of the advisory council and members of the council shall serve
26 17 at the pleasure of the commission. The advisory council may
26 18 include representatives of health care provider groups, parent
26 19 groups, antitobacco advocacy programs and organizations,
26 20 tobacco retailers, research and evaluation experts, and youth
26 21 organizers.
26 22 Sec. 43. Section 142C.2, subsection 25, Code 2009, is
26 23 amended to read as follows:
26 24 25. "Physician" means an individual authorized to practice
26 25 medicine and surgery or ~~osteopathy~~ osteopathic medicine and
26 26 surgery under the laws of any state.
26 27 Sec. 44. Section 144.14, Code 2009, is amended to read as
26 28 follows:
26 29 144.14 FOUNDLINGS.
26 30 1. A person who assumes the custody of a living infant of
26 31 unknown parentage shall report on a form and in the manner
26 32 prescribed by the state registrar within five days to the
26 33 county registrar of the county in which the child was found,
26 34 the following information:
26 35 ~~1.~~ a. The date and place ~~of finding~~ the child was found.

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27 1 ~~2.~~ b. The sex, color or race, and approximate age of the
27 2 child.
27 3 ~~3.~~ c. The name and address of the person or institution
27 4 which has assumed custody of the child.
27 5 ~~4.~~ d. The name given to the child by the custodian.
27 6 ~~5.~~ e. Other data required by the state registrar.
27 7 2. The place where the child was found shall be entered as
27 8 the place of birth and the date of birth shall be determined
27 9 by approximation. A report registered under this section
27 10 shall constitute the certificate of birth for the infant.
27 11 3. If the child is identified and a certificate of birth
27 12 is found or obtained, any report registered under this section
27 13 shall be sealed and filed and may be opened only by order of a
27 14 court of competent jurisdiction or as provided by regulation.
27 15 Sec. 45. Section 144C.2, subsection 3, Code 2009, is
27 16 amended to read as follows:
27 17 3. "Assisted living ~~program facility~~" program" means an
27 18 assisted living program ~~facility as defined in section 231C.2~~
27 19 under chapter 231C.
27 20 Sec. 46. Section 144C.3, subsection 4, Code 2009, is
27 21 amended to read as follows:
27 22 4. A funeral director, an attorney, or any agent, owner,
27 23 or employee of a funeral establishment, cremation
27 24 establishment, cemetery, elder group home, assisted living
27 25 program ~~facility~~, adult day services program, or licensed
27 26 hospice program shall not serve as a designee unless related
27 27 to the declarant within the third degree of consanguinity.
27 28 Sec. 47. Section 147.14, subsection 1, paragraph w, Code
27 29 2009, is amended to read as follows:
27 30 w. For nursing home administrators, a total of nine
27 31 members, four who are licensed nursing home administrators,
27 32 one of whom is the administrator of a nonproprietary nursing
27 33 home; three licensed members of any profession concerned with
27 34 the care and treatment of chronically ill or elderly patients
27 35 who are not nursing home administrators or nursing home

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28 1 owners; and two members of the general public who are not
28 2 licensed under ~~this~~ chapter 155, have no financial interest in
28 3 any nursing home, and who shall represent the general public.
28 4 Sec. 48. Section 147.55, unnumbered paragraph 1, Code
28 5 2009, is amended to read as follows:
28 6 A licensee's license to practice a profession shall be
28 7 revoked~~,~~ or suspended, or the licensee otherwise disciplined
28 8 by the board for that profession, when the licensee is guilty
28 9 of any of the following acts or offenses:
28 10 Sec. 49. Section 147.80, subsection 1, paragraphs f, g,
28 11 and i, Code 2009, are amended to read as follows:
28 12 f. Issuance of a certified statement that a ~~licensee~~
28 13 person is licensed, registered, or has been issued a
28 14 certificate to practice in this state.
28 15 g. Issuance of a duplicate license, registration, or
28 16 certificate, which shall be so designated on its face. A
28 17 board may require satisfactory proof that the original
28 18 license, registration, or certificate issued by the board has
28 19 been lost or destroyed.
28 20 i. Verification of licensure, registration, or
28 21 certification.
28 22 Sec. 50. Section 147.85, Code 2009, is amended to read as
28 23 follows:
28 24 147.85 FRAUD.
28 25 Any person who presents to a board a diploma or certificate
28 26 of which the person is not the rightful owner, for the purpose
28 27 of procuring a license, or who falsely ~~personates~~ impersonates
28 28 anyone to whom a license has been issued by the board shall be
28 29 guilty of a serious misdemeanor.
28 30 Sec. 51. Section 147.135, subsection 3, paragraph a, Code
28 31 2009, is amended to read as follows:
28 32 a. A full and confidential report concerning any final
28 33 hospital disciplinary action approved by a hospital board of
28 34 trustees that results in a limitation, suspension, or
28 35 revocation of a physician's privilege to practice for reasons

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29 1 relating to the physician's professional competence or
29 2 concerning any voluntary surrender or limitation of privileges
29 3 for reasons relating to professional competence shall be made
29 4 to the board of medicine by the hospital administrator or
29 5 chief of medical staff within ten days of such action. The
29 6 board of medicine shall investigate the report and take
29 7 appropriate action. These reports shall be privileged and
29 8 confidential as though included in and subject to the
29 9 requirements for peer review committee information in
29 10 subsection 2. Persons making these reports and persons
29 11 participating in resulting proceedings related to these
29 12 reports shall be immune from civil liability with respect to
29 13 the making of the report or participation in resulting
29 14 proceedings. As used in this subsection, "physician" means a
29 15 person licensed pursuant to chapter 148~~, chapter 150, or~~
~~29 16 chapter 150A~~.
29 17 Sec. 52. Section 148.2A, subsection 2, paragraph e,
29 18 subparagraph (4), Code 2009, is amended to read as follows:
29 19 (4) The majority of a hearing panel containing alternate
29 20 members shall be ~~members~~ licensed to practice under this
29 21 chapter.
29 22 Sec. 53. Section 148.3, subsection 2, Code 2009, is
29 23 amended to read as follows:
29 24 2. An application for a license shall be made to the board
29 25 of medicine. All license and renewal fees shall be paid to
29 26 ~~and collected by the board and transmitted to~~ the board.
29 27 Sec. 54. Section 148.6, subsection 2, paragraph h, Code
29 28 2009, is amended to read as follows:
29 29 h. ~~(1)~~ Inability to practice medicine and surgery or
29 30 osteopathic medicine and surgery with reasonable skill and
29 31 safety by reason of illness, drunkenness, excessive use of
29 32 drugs, narcotics, chemicals, or other type of material or as a
29 33 result of a mental or physical condition.
29 34 (1) The board may, upon probable cause, compel a physician
29 35 to submit to a mental or physical examination by designated

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30 1 physicians or to submit to alcohol or drug screening within a
30 2 time specified by the board.
30 3 (2) A person licensed to practice medicine and surgery or
30 4 osteopathic medicine and surgery who makes application for the
30 5 renewal of a license, as required by section 147.10, gives
30 6 consent to submit to a mental or physical examination as
30 7 provided by this paragraph "h" when directed in writing by the
30 8 board. All objections shall be waived as to the admissibility
30 9 of ~~the~~ an examining physicians' testimony or examination
30 10 reports on the grounds that they constitute privileged
30 11 communication. The medical testimony or examination reports
30 12 shall not be used against a physician in another proceeding
30 13 and shall be confidential, except for other actions filed
30 14 against a physician to revoke or suspend a license.
30 15 Sec. 55. Section 148.14, Code 2009, is amended to read as
30 16 follows:
30 17 148.14 BOARD OF MEDICINE INVESTIGATORS.
30 18 The board of medicine may appoint investigators, who shall
30 19 not be members of the board, and whose compensation shall be
30 20 determined pursuant to chapter 8A, subchapter IV.
30 21 Investigators appointed by the board have the powers and
30 22 status of peace officers when enforcing this chapter, chapter
30 23 147, and chapter 272C.
30 24 Sec. 56. Section 148A.7, Code 2009, is amended to read as
30 25 follows:
30 26 148A.7 FALSE USE OF TITLES PROHIBITED.
30 27 1. A person or business entity, including the employees,
30 28 agents, or representatives of the business entity, shall not
30 29 use in connection with that person's or business entity's
30 30 business activity the words "physical therapy", "physical
30 31 therapist", "licensed physical therapist", "registered
30 32 physical therapist", "doctor of physical therapy", "physical
30 33 therapist assistant", "licensed physical therapist assistant",
30 34 "registered physical therapist assistant", or the letters
30 35 "P.T.", "L.P.T.", "R.P.T.", "D.P.T.", "P.T.A.", "L.P.T.A.",

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31 1 "R.P.T.A.", or any other words, abbreviations, or insignia
31 2 indicating or implying that physical therapy is provided or
31 3 supplied, unless such services are provided by or under the
31 4 direction and supervision of a physical therapist licensed
31 5 pursuant to this chapter.
31 6 2. Notwithstanding section 147.74, a person or the owner,
31 7 officer, or agent of an entity that violates this section is
31 8 guilty of a serious misdemeanor, and a license to practice
31 9 shall be revoked or suspended pursuant to section 147.55.
31 10 3. This section shall not apply to the use of the term
31 11 "physiotherapy" by a provider licensed under this chapter,
31 12 chapter 151, or by an individual under the direction and
31 13 supervision of a provider licensed under this chapter or
31 14 chapter 151.
31 15 Sec. 57. Section 153.14, subsection 2, Code 2009, is
31 16 amended to read as follows:
31 17 2. Licensed "physicians and surgeons" or licensed
31 18 ~~"osteopaths~~ "osteopathic physicians and surgeons" who extract
31 19 teeth or treat diseases of the oral cavity, gums, teeth, or
31 20 maxillary bones as an incident to the general practice of
31 21 their profession.
31 22 Sec. 58. Section 154A.6, Code 2009, is amended to read as
31 23 follows:
31 24 154A.6 DISCLOSURE OF CONFIDENTIAL INFORMATION.
31 25 1. A member of the board shall not disclose information
31 26 relating to the following:
31 27 ~~1.~~ a. Criminal history or prior misconduct of the
31 28 applicant.
31 29 ~~2.~~ b. Information relating to the contents of the
31 30 examination.
31 31 ~~3.~~ c. Information relating to the examination results
31 32 other than final score except for information about the
31 33 results of an examination which is given to the person who
31 34 took the examination.
31 35 2. A member of the board who willfully communicates or

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32 1 seeks to communicate ~~such~~ information in violation of
32 2 subsection 1, and any person who willfully requests, obtains,
32 3 or seeks to obtain such information, is guilty of a simple
32 4 misdemeanor.
32 5 Sec. 59. Section 154B.5, Code 2009, is amended to read as
32 6 follows:
32 7 154B.5 SCOPE OF CHAPTER.
32 8 Nothing in this chapter shall be construed to prevent
32 9 qualified members of other professional groups such as
32 10 physicians, ~~osteopaths~~ osteopathic physicians, optometrists,
32 11 chiropractors, members of the clergy, authorized Christian
32 12 Science practitioners, attorneys at law, social workers or
32 13 guidance counselors from performing functions of a
32 14 psychological nature consistent with the accepted standards of
32 15 their respective professions, if they do not use any title or
32 16 description stating or implying that they are psychologists or
32 17 are certified to practice psychology.
32 18 Sec. 60. Section 154C.3, subsection 1, paragraph c,
32 19 subparagraph (5), Code 2009, is amended to read as follows:
32 20 (5) (a) Supervision shall be provided in any of the
32 21 following manners:
32 22 ~~(a)~~ (i) By a social worker licensed at least at the level
32 23 of the social worker being supervised and qualified under this
32 24 section to practice without supervision.
32 25 ~~(b)~~ (ii) By another qualified professional, if the board
32 26 determines that supervision by a social worker as defined in
32 27 subparagraph subdivision ~~(a)~~ (i) is unobtainable or in other
32 28 situations considered appropriate by the board.
32 29 (b) Additional standards for supervision shall be
32 30 determined by the board.
32 31 Sec. 61. Section 154F.2, subsection 1, paragraph a, Code
32 32 2009, is amended to read as follows:
32 33 a. Licensed physicians and surgeons, licensed osteopathic
32 34 physicians and surgeons, licensed physician assistants and
32 35 registered nurses acting under the supervision of a physician

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33 1 or osteopathic physician, persons conducting hearing tests
33 2 under the direct supervision of a licensed physician and
33 3 surgeon~~,~~ or licensed osteopathic physician and surgeon, or
33 4 students of medicine or surgery or osteopathic medicine and
33 5 surgery pursuing a course of study in a medical school or
33 6 college of osteopathic medicine and surgery approved by the
33 7 board of medicine while performing functions incidental to
33 8 their course of study.
33 9 Sec. 62. Section 155.2, subsection 1, paragraph c, Code
33 10 2009, is amended to read as follows:
33 11 c. Two members who are not licensed nursing home
33 12 administrators or are not licensed persons under this chapter
33 13 and chapter 147 and who shall represent the general public.
33 14 The members shall be interested in the problems of elderly
33 15 patients and nursing home care, but shall have no financial
33 16 interest in any nursing home.
33 17 Sec. 63. Section 155.17, Code 2009, is amended to read as
33 18 follows:
33 19 155.17 DISCLOSURE OF CONFIDENTIAL INFORMATION.
33 20 1. A member of the board shall not disclose information
33 21 relating to the following:
33 22 ~~1.~~ a. Criminal history or prior misconduct of the
33 23 applicant.
33 24 ~~2.~~ b. Information relating to the contents of the
33 25 examination.
33 26 ~~3.~~ c. Information relating to the examination results
33 27 other than final score except for information about the
33 28 results of an examination which is given to the person who
33 29 took the examination.
33 30 2. A member of the board who willfully communicates or
33 31 seeks to communicate ~~such~~ information in violation of
33 32 subsection 1, and any person who willfully requests, obtains
33 33 or seeks to obtain such information, is guilty of a simple
33 34 misdemeanor.
33 35 Sec. 64. Section 155A.15, subsection 2, paragraph d, Code

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34 1 2009, is amended to read as follows:
34 2 d. Delivered without legal authorization prescription
34 3 drugs or devices to a person other than one of the following:
34 4 (1) A pharmacy licensed by the board.
34 5 (2) A practitioner.
34 6 (3) A person who procures prescription drugs or devices
34 7 for the purpose of lawful research, teaching, or testing, and
34 8 not for resale.
34 9 (4) A manufacturer or wholesaler licensed by the board.
34 10 (5) ~~However, this chapter does not prohibit a pharmacy~~
~~34 11 from furnishing a prescription drug or device to a~~ A licensed
34 12 health care facility which is furnished the drug or device by
34 13 a pharmacy for storage in secured emergency pharmaceutical
34 14 supplies containers maintained within the facility in
34 15 accordance with rules of the department of inspections and
34 16 appeals and rules of the board.
34 17 Sec. 65. Section 158.1, subsection 1, Code 2009, is
34 18 amended to read as follows:
34 19 1. "Barbering" means the practices listed in this
34 20 subsection performed with or without compensation. ~~The~~
~~34 21 practices include~~ "Barbering" includes but ~~are~~ is not limited
34 22 to the following practices performed upon the upper part of
34 23 the human body of any person for cosmetic purposes and not for
34 24 the treatment of disease or physical or mental ailments:
34 25 a. Shaving or trimming the beard or cutting the hair.
34 26 b. Giving facial and scalp massages or treatments with
34 27 oils, creams, lotions, or other preparations either by hand,
34 28 or by electrical or mechanical appliances.
34 29 c. Singeing, shampooing, hair body processing, arranging,
34 30 dressing, curling, blow waving, hair relaxing, bleaching or
34 31 coloring the hair, or applying hair tonics.
34 32 d. Applying cosmetic preparations, antiseptics, powders,
34 33 oils, clays, or lotions to scalp, face, or neck.
34 34 e. Styling, cutting or shampooing hairpieces or wigs when
34 35 done in conjunction with haircutting or hairstyling.

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35 1 ~~Barbers shall not represent themselves to the public as~~
~~35 2 being primarily engaged in practices other than haircutting~~
~~35 3 unless the functions are in fact their primary function or~~
~~35 4 specialty.~~
35 5 Sec. 66. Section 158.2, unnumbered paragraph 1, Code 2009,
35 6 is amended to read as follows:
35 7 ~~It is unlawful for a~~ A person ~~to~~ shall not practice
35 8 barbering with or without compensation unless the person
35 9 possesses a license issued under the provisions of section
35 10 158.3. A person licensed under section 158.3 shall not
35 11 represent to the public that the person is primarily engaged
35 12 in practices other than haircutting unless the functions are
35 13 in fact the person's primary function or specialty. Practices
35 14 listed in section 158.1 when performed by the following
35 15 persons ~~are not defined as practicing~~ do not constitute
35 16 barbering:
35 17 Sec. 67. Section 159A.4, Code 2009, is amended to read as
35 18 follows:
35 19 159A.4 ADVISORY COMMITTEE.
35 20 1. A renewable fuels and coproducts advisory committee is
35 21 established within the department.
35 22 2. The committee shall ~~be composed of~~ include the
35 23 following ~~persons~~ voting members:
35 24 a. The following department representatives:
35 25 ~~a.~~ (1) The secretary, or a person designated by the
35 26 secretary, representing the department of agriculture and land
35 27 stewardship, who shall be the chairperson of the committee.
35 28 ~~b.~~ (2) The director of the Iowa department of economic
35 29 development, or a person designated by the director,
35 30 representing the Iowa department of economic development.
35 31 ~~c.~~ (3) The director of the state department of
35 32 transportation, or a person designated by the director,
35 33 representing the state department of transportation.
35 34 ~~d.~~ (4) The director of the department of natural
35 35 resources, or a person designated by the director,

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36 1 representing the department of natural resources.
36 2 b. The following persons, who shall be appointed by the
36 3 governor from lists of candidates provided by the
36 4 organizations represented:
36 5 ~~e.~~ (1) A person representing retail dealers as defined in
36 6 section 214A.1 who shall be actively engaged in the business
36 7 of selling motor fuel on a retail basis.
36 8 ~~f.~~ (2) A person representing refiners of petroleum
36 9 products who shall be actively engaged in the business of
36 10 refining petroleum into motor fuel for the purpose of sale
36 11 within the state.
36 12 ~~g.~~ (3) A person representing an organization serving
36 13 livestock producers in this state.
36 14 ~~h.~~ (4) A person representing the Iowa corn growers
36 15 association.
36 16 ~~i.~~ (5) A person representing the Iowa soybean
36 17 association.
36 18 ~~j.~~ (6) A person actively engaged in farming, as defined
36 19 in section 9H.1.
36 20 ~~k.~~ (7) A person representing the renewable fuels industry
36 21 in this state.
36 22 c. ~~The governor shall appoint persons who~~ Members
36 23 appointed by the governor shall be confirmed by the senate,
36 24 pursuant to section 2.32, ~~to serve as voting members of the~~
~~36 25 committee. However, the secretary of agriculture shall~~
~~36 26 appoint the person representing the department of agriculture~~
~~36 27 and land stewardship, the director of the Iowa department of~~
~~36 28 economic development shall appoint the person representing~~
~~36 29 that department, the director of the state department of~~
~~36 30 transportation shall appoint the person representing that~~
~~36 31 department, and the director of the department of natural~~
~~36 32 resources shall appoint the person representing that~~
~~36 33 department. The governor may make appointments of persons~~
~~36 34 representing organizations listed under paragraphs "g" through~~
~~36 35 "i" from a list of candidates which shall be provided by the~~

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~~37 1 organization upon request by the governor.~~
37 2 ~~2. The members appointed pursuant to subsection 1,~~
~~37 3 paragraphs "e" through "k",~~ and shall serve three=year terms
37 4 beginning and ending as provided in section 69.19. However,
37 5 the governor shall appoint initial members to serve for less
37 6 than three years to ensure members serve staggered terms. ~~A~~
~~37 7 member is eligible for reappointment. A vacancy on the~~
~~37 8 committee shall be filled for the unexpired portion of the~~
~~37 9 regular term in the same manner as regular appointments are~~
~~37 10 made.~~
37 11 3. The committee shall also include four ex officio
37 12 nonvoting members who shall be legislative members. The
37 13 legislative members are two state senators, one appointed by
37 14 the president of the senate, after consultation with the
37 15 majority leader of the senate, and one appointed by the
37 16 minority leader of the senate, after consultation with the
37 17 president of the senate, from their respective parties; and
37 18 two state representatives, one appointed by the speaker of the
37 19 house of representatives, after consultation with the majority
37 20 leader of the house of representatives, and one appointed by
37 21 the minority leader of the house of representatives, from
37 22 their respective parties.
37 23 4. A member is eligible for reappointment. A vacancy on
37 24 the committee shall be filled for the unexpired portion of the
37 25 regular term in the same manner as regular appointments are
37 26 made. A vacancy in the membership of the committee does not
37 27 impair the ability of the committee to carry out committee
37 28 duties.
37 29 ~~4.~~ 5. The committee shall meet on a regular basis and at
37 30 the call of the chairperson or upon the written request to the
37 31 chairperson of two or more voting members.
37 32 ~~5. The members other than those enumerated in subsection~~
~~37 33 1, paragraphs "a" through "d", are entitled to receive~~
~~37 34 compensation as provided in section 7E.6.~~
37 35 6. Five voting members constitute a quorum and the

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38 1 affirmative vote of a majority of the voting members present
38 2 is necessary for any substantive action to be taken by the
38 3 committee. The majority shall not include any member who has
38 4 a conflict of interest and a statement by a member that the
38 5 member has a conflict of interest is conclusive for this
38 6 purpose. ~~A vacancy in the membership does not impair the~~
~~38 7 duties of the committee.~~
38 8 7. The members other than those enumerated in subsection
38 9 2, paragraph "a", are entitled to receive compensation as
38 10 provided in section 7E.6.
38 11 ~~7.~~ 8. The committee shall be staffed by the agricultural
38 12 marketing division of the department. The coordinator shall
38 13 serve as secretary to the committee.
38 14 Sec. 68. Section 161.1, Code 2009, is amended to read as
38 15 follows:
38 16 161.1 TITLE.
38 17 This ~~section~~ chapter shall be known and may be cited as the
38 18 "Iowa Agrichemical Remediation Act".
38 19 Sec. 69. Section 161F.6, Code 2009, is amended to read as
38 20 follows:
38 21 161F.6 CHAPTERS MADE APPLICABLE.
38 22 1. In the organization, operation, and financing of
38 23 districts established under this chapter, the provisions of
38 24 chapter 468 shall apply and any procedure provided under
38 25 chapter 468 in connection with the organization, financing,
38 26 and operation of any drainage district shall apply to the
38 27 organization, financing, and operation of districts organized
38 28 under this chapter.
38 29 2. ~~Wherever any of the provisions of said chapters refer~~
~~38 30 to the word "drainage", the word~~ As used in this chapter or
38 31 chapter 468:
38 32 a. "Drainage" shall be deemed to include in its meaning
38 33 soil erosion and flood control or any combination of drainage,
38 34 flood control, and soil erosion control. ~~The term "drainage~~
~~38 35 district" shall be considered to include districts having as~~

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~~39 1 their purpose soil conservancy or flood control or any~~
~~39 2 combination thereof, and the words "drainage certificates"~~
39 3 b. "Drainage certificates" or "drainage bonds" shall be
39 4 deemed to include certificates or bonds issued in behalf of
39 5 any district organized under the provisions of this chapter~~;~~
~~39 6 and any procedure provided by these chapters in connection~~
~~39 7 with the organization, financing and operation of any drainage~~
~~39 8 district shall be applicable to the organization, financing~~
~~39 9 and operation of districts organized under this chapter~~.
39 10 c. "Drainage district" shall be considered to include
39 11 districts having as their purpose soil conservancy or flood
39 12 control or any combination thereof.
39 13 Sec. 70. Section 162.2, subsection 16, Code 2009, is
39 14 amended to read as follows:
39 15 16. "Research facility" means any school or college of
39 16 medicine, veterinary medicine, pharmacy, dentistry, or
39 17 ~~osteopathy~~ osteopathic medicine, or hospital, diagnostic or
39 18 research laboratories, or other educational or scientific
39 19 establishment situated in this state concerned with the
39 20 investigation of, or instruction concerning the structure or
39 21 function of living organisms, the cause, prevention, control
39 22 or cure of diseases or abnormal conditions of human beings or
39 23 animals.
39 24 Sec. 71. Section 166D.10, Code 2009, is amended to read as
39 25 follows:
39 26 166D.10 MOVEMENT OF SWINE.
39 27 1. ~~A~~ Except as otherwise provided in this section, a
39 28 person shall not sell, lease, exhibit, loan, move, or relocate
39 29 swine within the state unless the swine are accompanied by a
39 30 certificate of inspection in the same manner as provided for a
39 31 certificate of veterinary inspection as provided in section
39 32 163.30. The department may combine the certificate of
39 33 inspection with a certificate of veterinary inspection.
39 34 2. A certificate of inspection is not required if any of
39 35 the following apply:

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40 1 a. The swine are moved to slaughter.
40 2 b. The swine are relocated, ~~if~~ and all of the following
40 3 apply:
40 4 (1) A transportation certificate accompanies the relocated
40 5 swine.
40 6 (2) The swine's owner maintains information regarding the
40 7 relocation in relocation records. The department may adopt
40 8 rules excusing a person from maintaining relocation records,
40 9 if the department determines that the purposes of the chapter
40 10 as provided in section 166D.1 are not furthered by the
40 11 requirement.
40 12 (3) A certificate of inspection, or a certificate of
40 13 veterinary inspection as provided in section 163.30, has been
40 14 issued for the swine within thirty days prior to the date of
40 15 relocation. The department may adopt rules excusing a person
40 16 from complying with this subparagraph if the department
40 17 determines that the purposes of the chapter as provided in
40 18 section 166D.1 are not furthered by the requirement.
40 19 (4) The swine have a current negative pseudorabies status.
40 20 ~~The department shall adopt rules required to administer~~
~~40 21 this paragraph "b". A transportation certificate accompanying~~
~~40 22 relocated swine shall cite the relevant relocation record and~~
~~40 23 certificate of inspection, or certificate of veterinary~~
~~40 24 inspection. The department may provide for the examination of~~
~~40 25 the relocation records on the owner's premises during normal~~
~~40 26 business hours, or may require that reports containing~~
~~40 27 relevant information contained in relocation records and~~
~~40 28 certificates of inspection, or certificates of veterinary~~
~~40 29 inspection, be periodically submitted to the department. For~~
~~40 30 purposes of this section, swine production information~~
~~40 31 contained in relocation records is a trade secret as provided~~
~~40 32 in section 22.7, unless otherwise provided by rules adopted by~~
~~40 33 the department. The department shall provide for the~~
~~40 34 disclosure of confidential information only to the extent~~
~~40 35 required for enforcement of this chapter, the detection and~~

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~~41 1 prosecution of public offenses, or to comply with a subpoena~~
~~41 2 or court order.~~
41 3 c. A person transfers ownership of all or part of a herd,
41 4 if the herd remains on the same premises. However, the herd
41 5 must be tested by statistical sampling. If any part of the
41 6 herd is subsequently moved or relocated, the swine must be
41 7 moved or relocated in accordance with this section and
41 8 sections 166D.7, 166D.8, and 166D.10A.
41 9 3. A transportation certificate accompanying swine which
41 10 are relocated as provided in subsection 2, paragraph "b",
41 11 shall cite the relevant relocation record and certificate of
41 12 inspection, or certificate of veterinary inspection. The
41 13 department may provide for the examination of the relocation
41 14 records on the owner's premises during normal business hours,
41 15 or may require that reports containing relevant information
41 16 contained in relocation records and certificates of
41 17 inspection, or certificates of veterinary inspection, be
41 18 periodically submitted to the department. For purposes of
41 19 this section, swine production information contained in
41 20 relocation records is a trade secret as provided in section
41 21 22.7, unless otherwise provided by rules adopted by the
41 22 department. The department shall provide for the disclosure
41 23 of confidential information only to the extent required for
41 24 enforcement of this chapter, the detection and prosecution of
41 25 public offenses, or to comply with a subpoena or court order.
41 26 The department shall adopt rules required to administer
41 27 subsection 2, paragraph "b", and this subsection.
41 28 ~~2.~~ 4. a. ~~Swine~~ Except as provided in paragraph "b",
41 29 swine that are moved shall be individually identified as
41 30 provided in section 163.30, which may include requirements for
41 31 affixing ear tags to swine.
41 32 b. (1) ~~However, native~~ Native Iowa feeder pigs moved from
41 33 farm to farm within the state shall be exempted from the
41 34 identification requirements of this subsection if the owner
41 35 transferring possession of the feeder pigs executes a written

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42 1 agreement with the person taking possession of the feeder
42 2 pigs.
42 3 (a) The agreement shall provide that the feeder pigs shall
42 4 not be commingled with other swine for a period of thirty
42 5 days.
42 6 (b) The owner transferring possession shall be responsible
42 7 for making certain that the agreement is executed and for
42 8 providing a copy of the agreement to the person taking
42 9 possession.
42 10 (2) Native Iowa feeder pigs that are moved shall be
42 11 accompanied by a certificate of inspection, or a certificate
42 12 of veterinary inspection as provided in section 163.30, unless
42 13 swine are otherwise exempted from this requirement by this
42 14 section.
42 15 (3) As used in this ~~subsection~~ paragraph "b", "farm to
42 16 farm within the state" does not include the movement or
42 17 relocation of native Iowa feeder pigs to the possession of a
42 18 dealer licensed pursuant to section 163.30. ~~Native Iowa~~
~~42 19 feeder pigs that are moved shall be accompanied by a~~
~~42 20 certificate of inspection, or a certificate of veterinary~~
~~42 21 inspection as provided in section 163.30, unless swine are~~
~~42 22 otherwise exempted from this requirement by this section.~~
42 23 ~~3.~~ 5. Swine from a herd located within this state must be
42 24 moved or relocated in compliance with this section. If the
42 25 swine is moved or relocated from a herd located within a
42 26 county which is designated by the department as in stage II of
42 27 the national pseudorabies eradication program, the swine shall
42 28 not be moved or relocated unless in compliance with section
42 29 166D.11. Regardless of whether the swine is from a herd
42 30 located in a stage II county, the following shall govern the
42 31 movement or relocation of swine within this state:
42 32 a. For swine from a noninfected herd, a person shall not
42 33 move swine for breeding purposes, unless one of the following
42 34 applies:
42 35 (1) The swine is moved from a qualified negative herd or

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43 1 qualified differentiable negative herd.
43 2 (2) The swine reacts negatively to a differentiable test
43 3 within thirty days prior to moving the swine.
43 4 b. For swine which is exposed, a person shall not move or
43 5 relocate the swine, unless one of the following applies:
43 6 (1) The swine reacts negatively to a differentiable test
43 7 within thirty days prior to moving or relocating the swine.
43 8 (2) The swine moves by restricted movement to either a
43 9 fixed concentration point or slaughtering establishment.
43 10 c. For swine from a herd of unknown status, a person shall
43 11 not move or relocate the swine, unless one of the following
43 12 applies:
43 13 (1) The swine reacts negatively to a differentiable test
43 14 within thirty days prior to moving or relocating the swine.
43 15 (2) The swine moves by restricted movement to either a
43 16 fixed concentration point or slaughtering establishment.
43 17 However, the swine is not required to move by restricted
43 18 movement if the swine is moved from a fixed concentration
43 19 point directly to another fixed concentration point or to a
43 20 slaughtering establishment.
43 21 d. For swine which is from an infected herd, a person
43 22 shall not move or relocate the swine, unless one of the
43 23 following applies:
43 24 (1) If the swine is part of a cleanup plan, the following
43 25 shall apply:
43 26 (a) For swine, other than feeder pigs or cull swine, which
43 27 are part of a herd subject to a cleanup plan, a person shall
43 28 only move swine by restricted movement to either a fixed
43 29 concentration point or slaughtering establishment. A person
43 30 shall not relocate the swine.
43 31 (b) For a feeder pig or cull swine which is part of a herd
43 32 subject to a herd cleanup plan, a person shall only move the
43 33 feeder pig or cull swine by restricted movement to either a
43 34 fixed concentration point or slaughtering establishment or
43 35 relocate the feeder pig or cull swine by restricted movement

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44 1 to an approved premises. For a feeder pig or cull swine which
44 2 is part of a feeder pig cooperator herd cleanup plan, a person
44 3 shall only move the feeder pig or cull swine by restricted
44 4 movement to either a fixed concentration point or slaughtering
44 5 establishment or move or relocate the feeder pig or cull swine
44 6 by restricted movement to an approved premises. However, a
44 7 person shall not move or relocate a feeder pig or cull swine
44 8 to an approved premises, unless the approved premises is
44 9 identified in a cleanup plan as provided in section 166D.8, or
44 10 the department approves the move or relocation to another
44 11 approved premises. A person shall not move or relocate a cull
44 12 swine to an approved premises, unless the cull swine reacts
44 13 negatively to a test and is vaccinated with a differentiable
44 14 vaccine. The test and vaccine must be administered within
44 15 thirty days prior to the movement or relocation to the
44 16 approved premises. A noninfected feeder pig is not required
44 17 to be tested or vaccinated prior to movement or relocation to
44 18 an approved premises, if the feeder pig is vaccinated upon
44 19 arrival at the approved premises.
44 20 (c) For swine from a herd kept on an approved premises, a
44 21 person shall only move or relocate the swine by restricted
44 22 movement as provided in the cleanup plan governing the herd
44 23 and terms and conditions of the certification required for the
44 24 approved premises as provided in section 166D.10B.
44 25 (2) If the swine is not part of a herd that is subject to
44 26 a cleanup plan because the herd is quarantined, a person shall
44 27 only move the swine by restricted movement to either a fixed
44 28 concentration point or slaughtering establishment.
44 29 ~~4.~~ 6. Swine from a herd located outside this state must
44 30 be moved into and maintained in this state in compliance with
44 31 this section. A person shall not move swine into this state,
44 32 except as follows:
44 33 a. For swine from a herd, other than a noninfected herd,
44 34 the swine must be moved either to a fixed concentration point
44 35 or slaughtering establishment.

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45 1 b. For swine from a noninfected herd, the swine may be
45 2 moved to a concentration point or slaughtering establishment.
45 3 If the swine is not moved to a concentration point or
45 4 slaughtering establishment, the following shall apply:
45 5 (1) Unless the person moves the swine into a county
45 6 designated by the department as in stage II of the national
45 7 pseudorabies eradication program, the following shall apply:
45 8 (a) A person shall not move swine into this state for
45 9 breeding purposes, unless one of the following applies:
45 10 (i) The swine is moved from a qualified negative herd or
45 11 qualified differentiable negative herd.
45 12 (ii) The swine reacts negatively to a differentiable test,
45 13 within thirty days prior to moving the swine.
45 14 (b) A person shall not move a feeder swine which is moved
45 15 into this state, unless the feeder swine reacts negatively to
45 16 a differentiable test within thirty days prior to movement
45 17 from a herd in this state.
45 18 (2) If a person moves the swine into a county which is
45 19 designated by the department as in stage II of the national
45 20 pseudorabies eradication program, the following shall apply:
45 21 (a) Except as provided in this subparagraph, the owner of
45 22 swine shall vaccinate the swine with a modified=live
45 23 differentiable vaccine, prior to moving swine into the stage
45 24 II county. A person is not required to vaccinate swine prior
45 25 to moving swine into the stage II county if one of the
45 26 following applies:
45 27 (i) The swine is part of a herd that cannot be vaccinated
45 28 under the law of the state or country in which the herd is
45 29 kept immediately prior to being moved into the stage II
45 30 county.
45 31 (ii) The swine is an isowean feeder pig.
45 32 (iii) The swine is moved either to a fixed concentration
45 33 point or slaughtering establishment.
45 34 (b) For swine which are not vaccinated before being moved
45 35 into a stage II county as provided in this paragraph, the

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46 1 following shall apply:
46 2 (i) For swine other than swine moved into a herd within a
46 3 stage II county as an isowean feeder pig, the swine must be
46 4 immediately vaccinated with a differentiable vaccine, as
46 5 provided in section 166D.11. The swine shall be considered as
46 6 part of a herd of unknown status, until tested negative and
46 7 vaccinated.
46 8 (ii) For swine moved into a herd within a stage II county
46 9 as an isowean feeder pig, the swine moved into the herd must
46 10 be immediately vaccinated with a differentiable vaccine, as
46 11 provided in section 166D.11. The department may require that
46 12 the swine be revaccinated with a differentiable vaccine at a
46 13 later date. The swine shall be considered as part of a herd
46 14 of unknown status, until tested negative and vaccinated.
46 15 ~~5.~~ 7. A person shall not move a swine within this state,
46 16 other than to a fixed concentration point or slaughtering
46 17 establishment, if the swine is vaccinated with a vaccine other
46 18 than a differentiable vaccine approved by the department
46 19 pursuant to section 166D.14.
46 20 ~~6.~~ 8. Known infected swine moved through a fixed
46 21 concentration point shall only be moved by restricted movement
46 22 to a slaughtering establishment.
46 23 ~~7.~~ 9. Swine moved under this section to a slaughtering
46 24 establishment shall be for the exclusive purpose of
46 25 slaughtering the swine. Swine moved under this section to a
46 26 fixed concentration point shall be for the exclusive purpose
46 27 of immediately moving the swine to a slaughtering
46 28 establishment. Swine moved or relocated under this section to
46 29 an approved premises shall be for the exclusive purpose of
46 30 feeding the swine prior to movement or relocation to another
46 31 approved premises, or movement to either a fixed concentration
46 32 point or a slaughtering establishment.
46 33 Sec. 72. Section 169.5, Code 2009, is amended to read as
46 34 follows:
46 35 169.5 BOARD OF VETERINARY MEDICINE.

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1. a. The governor shall appoint, subject to confirmation by the senate pursuant to section 2.32, a board of five individuals, three of whom shall be licensed veterinarians and two of whom shall not be licensed veterinarians~~, but shall be knowledgeable in the area of animal husbandry~~ and ~~who~~ shall represent the general public. ~~The representatives of the general public shall not prepare, grade or otherwise administer examinations to applicants for license to practice veterinary medicine.~~ The board shall be known as the Iowa board of veterinary medicine.

b. Each licensed veterinarian board member shall be actively engaged in veterinary medicine and shall have been so engaged for a period of five years immediately preceding appointment, the last two of which shall have been in Iowa. The representatives of the general public shall be knowledgeable in the area of animal husbandry. A member of the board shall not be employed by or have any material or financial interest in any wholesale or jobbing house dealing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine.

~~A member of the board shall not be employed by or have any material or financial interest in any wholesale or jobbing house dealing in supplies, equipment or instruments used or useful in the practice of veterinary medicine. The person designated as the state veterinarian shall serve as secretary of the board.~~

c. Professional associations or societies composed of licensed veterinarians may recommend the names of potential board members to the governor, but the governor is not bound by the recommendations.

2. The members of the board shall be appointed for a term of three years except the terms of the members of the initial board shall be rotated in such a manner that at least one member shall retire each year and a successor be appointed. The term of each member shall commence and end as provided by

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48 1 section 69.19. Members shall serve no more than three terms
48 2 or nine years total, whichever is less. Any vacancy in the
48 3 membership of the board caused by death, resignation, removal,
48 4 or otherwise, shall be filled for the period of the unexpired
48 5 term in the same manner as original appointments.
48 6 ~~3. Any vacancy in the membership of the board caused by~~
~~48 7 death, resignation, removal, or otherwise, shall be filled for~~
~~48 8 the period of the unexpired term in the same manner as~~
~~48 9 original appointments.~~
48 10 ~~4. Members of the board shall, in addition to necessary~~
~~48 11 traveling and other expenses, set their own per diem~~
~~48 12 compensation at a rate not exceeding the per diem specified in~~
~~48 13 section 7E.6 for each day actually engaged in the discharge of~~
~~48 14 their duties including compensation for the time spent~~
~~48 15 traveling to and from the place of conducting the examination~~
~~48 16 and for a reasonable number of days for the preparation of~~
~~48 17 examination and the reading of papers, in addition to the time~~
~~48 18 actually spent in conducting examinations, within the limits~~
~~48 19 of funds appropriated to the board.~~
48 20 ~~5. The department shall furnish the board with all~~
~~48 21 articles and supplies required for the public use and~~
~~48 22 necessary to enable the board to perform the duties imposed~~
~~48 23 upon it by law. Such articles and supplies shall be obtained~~
~~48 24 by the department in the same manner in which the regular~~
~~48 25 supplies for the department are obtained, and the department~~
~~48 26 shall assess the costs to the board for such articles and~~
~~48 27 supplies. The board shall also reimburse the department for~~
~~48 28 direct and indirect administrative costs incurred in issuing~~
~~48 29 and renewing the licenses.~~
48 30 ~~6.~~ 3. The board shall meet at least once each year as
48 31 determined by the board. Other necessary meetings may be
48 32 called by the president of the board by giving proper notice.
48 33 Except as provided, a majority of the board constitutes a
48 34 quorum. Meetings shall be open and public except that the
48 35 board may meet in closed session to prepare, approve,

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49 1 administer, or grade examinations, or to deliberate the
49 2 qualifications of an applicant for license or the disposition
49 3 of a proceeding to discipline a licensed veterinarian.
49 4 ~~7.~~ 4. At its annual meeting, the board shall organize by
49 5 electing a president and such other officers as may be
49 6 necessary. Officers of the board serve for terms of one year
49 7 and until a successor is elected, without limitation on the
49 8 number of terms an officer may serve. The president shall
49 9 serve as chairperson of board meetings. The person designated
49 10 as the state veterinarian shall serve as secretary of the
49 11 board.
49 12 5. The duties of the board shall include carrying on the
49 13 correspondence of the board, keeping permanent accounts and
49 14 records of all receipts and disbursements by the board and of
49 15 all board proceedings, including the disposition of all
49 16 applications for a license, and keeping a register of all
49 17 persons currently licensed by the board. The representatives
49 18 of the general public shall not prepare, grade, or otherwise
49 19 administer examinations to applicants for a license to
49 20 practice veterinary medicine. All board records shall be open
49 21 to public inspection during regular office hours.
49 22 6. Members of the board shall set their own per diem
49 23 compensation, at a rate not exceeding the per diem specified
49 24 in section 7E.6 for each day actually engaged in the discharge
49 25 of their duties, as well as compensation for necessary
49 26 traveling and other expenses. Compensation for veterinarian
49 27 members of the board shall include compensation for the time
49 28 spent traveling to and from the place of conducting the
49 29 examination and for a reasonable number of days for the
49 30 preparation of examination and the reading of papers, in
49 31 addition to the time actually spent in conducting
49 32 examinations, within the limits of funds appropriated to the
49 33 board.
49 34 ~~8. The board shall set the fees by rule for a license to~~
~~49 35 practice veterinary medicine issued upon the basis of the~~

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~~50 1 examination. It shall also set the fees by rule for a license~~
~~50 2 granted on the basis of reciprocity, a renewal of a license to~~
~~50 3 practice veterinary medicine, a certified statement that a~~
~~50 4 licensee is licensed to practice in this state, and an~~
~~50 5 issuance of a duplicate license when the original is lost or~~
~~50 6 destroyed. The fee shall be based upon the administrative~~
~~50 7 costs of sustaining the board and shall include, but shall not~~
~~50 8 be limited to, the following:~~
50 9 ~~a. Per diem, expenses, and travel of board members.~~
50 10 ~~b. Costs to the department for administration of this~~
~~50 11 chapter.~~
50 12 ~~9.~~ 7. Upon a three=fifths vote, the board may:
50 13 a. Examine and determine the qualifications and fitness of
50 14 applicants for a license to practice veterinary medicine in
50 15 the state.
50 16 b. Issue, renew, or deny issuance or renewal of licenses
50 17 and temporary permits to practice veterinary medicine in this
50 18 state.
50 19 c. Establish and publish annually a schedule of fees for
50 20 licensing and registration of veterinarians. The fees shall
50 21 be set by rule and shall include fees for a license to
50 22 practice veterinary medicine issued upon the basis of the
50 23 examination, a license granted on the basis of reciprocity, a
50 24 renewal of a license to practice veterinary medicine, a
50 25 certified statement that a licensee is licensed to practice in
50 26 this state, and an issuance of a duplicate license when the
50 27 original is lost or destroyed. The fee schedule shall be
50 28 based on the board's anticipated financial requirements for
50 29 the year, which shall include but not be limited to the
50 30 following:
50 31 (1) Per diem, expenses, and travel of board members.
50 32 (2) Costs to the department for administration of this
50 33 chapter.
50 34 d. Conduct investigations for the purpose of discovering
50 35 violations of this chapter or grounds for disciplining

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51 1 licensed veterinarians.
51 2 e. Hold hearings on all matters properly brought before
51 3 the board and administer oaths, receive evidence, make the
51 4 necessary determinations, and enter orders consistent with the
51 5 findings. The board may require by subpoena the attendance
51 6 and testimony of witnesses and the production of papers,
51 7 records, or other documentary evidence and commission
51 8 depositions. An administrative law judge may be appointed
51 9 pursuant to section 17A.11 to perform those functions which
51 10 properly repose in an administrative law judge.
51 11 f. Employ full=time or part=time personnel, professional,
51 12 clerical, or special, as are necessary to effectuate the
51 13 provisions of this chapter.
51 14 g. Appoint from its own membership one or more members to
51 15 act as representatives of the board at any meeting within or
51 16 without the state where such representation is deemed
51 17 desirable.
51 18 h. Bring proceedings in the courts for the enforcement of
51 19 this chapter or any regulations made pursuant to this chapter.
51 20 i. Adopt, amend, or repeal rules relating to the standards
51 21 of conduct for, testing of, and revocation or suspension of
51 22 certificates issued to veterinary assistants. However, a
51 23 certificate shall not be suspended or revoked by less than a
51 24 two=thirds vote of the entire board in a proceeding conducted
51 25 in compliance with section 17A.12.
51 26 j. Adopt, amend, or repeal all rules necessary for its
51 27 government and all regulations necessary to carry into effect
51 28 the provision of this chapter, including the establishment and
51 29 publication of standards of professional conduct for the
51 30 practice of veterinary medicine.
51 31 8. The powers enumerated ~~above~~ in subsection 7 are granted
51 32 for the purpose of enabling the board to effectively supervise
51 33 the practice of veterinary medicine and are to be construed
51 34 liberally to accomplish this objective.
51 35 ~~10.~~ 9. A person who provides veterinary medical services,

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52 1 owns a veterinary clinic, or practices in this state shall
52 2 obtain a certificate from the board and be subject to the same
52 3 standards of conduct, as provided in this chapter and rules
52 4 adopted by the board, as apply to a licensed veterinarian,
52 5 unless the board determines that the same standards of conduct
52 6 are inapplicable. The board shall issue, renew, or deny a
52 7 certificate; adopt rules relating to the standards of conduct;
52 8 and take disciplinary action against the person, including
52 9 suspension or revocation of a certificate, in accordance with
52 10 the procedures established in section 169.14. Certification
52 11 fees shall be established by the board pursuant to subsection
52 12 ~~9~~ 7, paragraph "j". Fees shall be established in an amount
52 13 sufficient to fully offset the costs of certification pursuant
52 14 to this subsection. For the fiscal year beginning July 1,
52 15 2001, and ending June 30, 2002, the department shall retain
52 16 fees collected to administer the program of certifying
52 17 veterinary clinics and the fees retained are appropriated to
52 18 the department for the purposes of this subsection. For the
52 19 fiscal year beginning July 1, 2001, and ending June 30, 2002,
52 20 notwithstanding section 8.33, fees which remain unexpended at
52 21 the end of the fiscal year shall not revert to the general
52 22 fund of the state but shall be available for use for the
52 23 following fiscal year to administer the program. For the
52 24 fiscal year beginning July 1, 2002, and succeeding fiscal
52 25 years, certification fees shall be deposited in the general
52 26 fund of the state and are appropriated to the department to
52 27 administer the certification provisions of this subsection.
52 28 This subsection shall not apply to an animal shelter, as
52 29 defined in section 162.2, that provides veterinary medical
52 30 services to animals in the custody of the shelter.
52 31 10. The department shall furnish the board with all
52 32 articles and supplies required for the public use and
52 33 necessary to enable the board to perform the duties imposed
52 34 upon it by law. Such articles and supplies shall be obtained
52 35 by the department in the same manner in which the regular

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53 1 supplies for the department are obtained, and the department
53 2 shall assess the costs to the board for such articles and
53 3 supplies. The board shall also reimburse the department for
53 4 direct and indirect administrative costs incurred in issuing
53 5 and renewing the licenses.
53 6 Sec. 73. Section 175B.4, Code 2009, is amended to read as
53 7 follows:
53 8 175B.4 OTHER PROGRAMS.
53 9 Nothing in this chapter restricts the department from
53 10 providing for other programs which promote the purposes of the
53 11 federal programs.
53 12 Sec. 74. Section 190.12, Code 2009, is amended to read as
53 13 follows:
53 14 190.12 STANDARDS FOR FROZEN DESSERTS.
53 15 1. Frozen desserts and the pasteurized dairy ingredients
53 16 used in the manufacture thereof, shall comply with the
53 17 following standards:
53 18
53 19 Milk, cream, and fluid Temperature Storage at 45 degrees F.
53 20 dairy ingredient Bacterial limit 50,000 per milliliter
53 21 Coliform limit 10 per milliliter
53 22
53 23 Frozen dessert mixes, Temperature Storage at 45 degrees F.
53 24 frozen desserts (plain) Bacterial limit 50,000 per gram
53 25 Coliform limit 10 per gram
53 26
53 27 Dry dairy ingredient Extra grade or better as defined by
53 28 U.S. Standards for grades for the
53 29 particular product.
53 30
53 31 Dry powder mix Bacterial limit 50,000 per gram
53 32 Coliform limit 10 per gram
53 33
53 34 2. The bacteria count and coliform determination shall not
53 35 exceed ~~this standard~~ these standards in three out of the last

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54 1 five consecutive samples taken by the regulatory agency.
54 2 3. This section shall not preclude holding mix at a higher
54 3 temperature for a short period of time immediately prior to
54 4 freezing where applicable to the particular manufacturing or
54 5 processing practices.
54 6 4. This section shall not apply to sterilized mix in
54 7 hermetically sealed containers.
54 8 5. The coliform determination for bulky flavored frozen
54 9 desserts shall not be more than twenty per gram.
54 10 Sec. 75. Section 191.6, Code 2009, is amended to read as
54 11 follows:
54 12 191.6 STANDARDS FOR OLEOMARGARINE.
54 13 The department may prescribe and establish standards for
54 14 oleo, oleomargarine, or margarine manufactured or sold in this
54 15 state and may adopt the standards set up by ~~now existing~~
54 16 regulations of the ~~federal security administration or agency~~
~~54 17 as found in 1949, Code of Federal Regulations, Title 21, Part~~
~~54 18 45, } 45.0~~ food and drug administration of the United States
54 19 department of health and human services, 21 C.F.R. } 166.110,
54 20 or any amendments thereto. Any standards so established shall
54 21 not be contrary to or inconsistent with the provisions of
54 22 section 190.1, subsection 6, entitled "Oleomargarine".
54 23 Sec. 76. Section 200.14, Code 2009, is amended to read as
54 24 follows:
54 25 200.14 RULES.
54 26 1. The secretary is authorized, after public hearing,
54 27 following due notice, to adopt rules setting forth minimum
54 28 general safety standards for the design, construction,
54 29 location, installation and operation of equipment for storage,
54 30 handling, transportation by tank truck or tank trailer, and
54 31 utilization of anhydrous ammonia.
54 32 a. The rules shall be such as are reasonably necessary for
54 33 the protection and safety of the public and persons using
54 34 anhydrous ammonia, and shall be in substantial conformity with
54 35 the generally accepted standards of safety.

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55 1 b. ~~It is hereby declared that rules~~ Rules that are in
55 2 substantial conformity with the published standards of the
55 3 agricultural ammonia institute for the design, installation
55 4 and construction of containers and pertinent equipment for the
55 5 storage and handling of anhydrous ammonia, shall be deemed to
55 6 be in substantial conformity with the generally accepted
55 7 standards of safety.
55 8 2. Anhydrous ammonia equipment shall be installed and
55 9 maintained in a safe operating condition and in conformity
55 10 with rules adopted by the secretary.
55 11 3. The secretary ~~is hereby charged with the enforcement of~~
55 12 shall enforce this chapter~~,~~ and, after due publicity and due
55 13 public hearing, ~~is empowered to~~ may promulgate and adopt such
55 14 reasonable rules as may be necessary in order to carry into
55 15 effect the purpose and intent and to secure the efficient
55 16 administration of this chapter ~~or to secure the efficient~~
~~55 17 administration thereof~~.
55 18 4. ~~Nothing in this~~ This chapter ~~shall~~ does not prohibit
55 19 the use of storage tanks smaller than transporting tanks nor
55 20 the transfer of all kinds of fertilizer including anhydrous
55 21 ammonia directly from transporting tanks to implements of
55 22 husbandry, if proper safety precautions are observed.
55 23 Sec. 77. Section 203C.18, subsection 1, paragraph c, Code
55 24 2009, is amended to read as follows:
55 25 c. A statement that the receipt is issued subject to the
55 26 Iowa warehouse Act and the rules and regulations prescribed
55 27 pursuant to ~~the Act~~ this chapter.
55 28 Sec. 78. Section 203D.1, Code 2009, is amended by adding
55 29 the following new subsection:
55 30 NEW SUBSECTION. 10A. "Purchased grain" means grain which
55 31 is entered in the company owned paid position as evidenced on
55 32 the grain dealer's daily position record.
55 33 Sec. 79. Section 203D.3, subsection 2, paragraph a,
55 34 unnumbered paragraph 1, Code 2009, is amended to read as
55 35 follows:

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A per=bushel fee shall be assessed on all purchased grain. ~~As used in this chapter, "purchased grain" means grain which is entered in the company owned paid position as evidenced on the grain dealer's daily position record.~~ However, if the grain dealer provides documentation regarding the transaction satisfactory to the department, the following transactions shall be excluded from the fee:

Sec. 80. Section 206.6, subsection 5, Code 2009, is amended to read as follows:

5. Issue commercial applicator license.

a. The secretary shall approve an application and issue a commercial applicator license to the applicant as follows:

(1) The applicant is qualified as found by the secretary to apply pesticides in the classifications for which the applicant has applied.

(2) The applicant must furnish to the department evidence of financial responsibility as required under section 206.13.

(3) An applicant applying for a license to engage in aerial application of pesticides must meet all of the requirements of the federal aviation administration, the United States department of transportation, and any other applicable federal or state laws or regulations to operate the equipment described in the application.

b. The secretary shall adopt by rule, additional requirements for issuing a license to a person who is a nonresident of this state engaged in the aerial application of pesticides, which may include but is not limited to conditions for the operation of the aircraft and the application of the pesticides under the supervision of a person who is a resident of this state and licensed as a commercial applicator under this section or as a pesticide dealer under section 206.8. The secretary shall not adopt rules concerning the operation of aircraft when a nonresident person is not engaged in the commercial application of pesticides.

~~b.~~ c. The secretary shall issue a commercial applicator

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57 1 license limited to the classifications for which the applicant
57 2 is qualified, which shall expire at the end of the calendar
57 3 year of issue unless it has been revoked or suspended by the
57 4 secretary for cause. The secretary may limit the license of
57 5 the applicant to the use of certain pesticides, or to certain
57 6 areas, or to certain types of equipment if the applicant is
57 7 only so qualified. If a license is not issued as applied for,
57 8 the secretary shall inform the applicant in writing of the
57 9 reasons.
57 10 Sec. 81. Section 207.15, subsections 1, 2, and 5, Code
57 11 2009, are amended to read as follows:
57 12 1. a. (1) A person who violates a permit condition, a
57 13 provision of this chapter, or a rule or order issued under
57 14 this chapter is subject to a civil penalty not to exceed five
57 15 thousand dollars per day for each day of violation.
57 16 (2) If a violation results in the issuance of a cessation
57 17 order, a civil penalty shall be imposed. The penalty shall
57 18 not exceed five thousand dollars for each day of violation.
57 19 b. In determining the amount of the penalty, consideration
57 20 shall be given to the operator's history of previous
57 21 violations at the particular mining operation, the seriousness
57 22 of the violation, including any irreparable harm to the
57 23 environment and any hazard to the health or safety of the
57 24 public, whether the operator was negligent, and the
57 25 demonstrated good faith of the operator charged in attempting
57 26 to achieve rapid compliance after notification of the
57 27 violation.
57 28 c. An operator who fails to correct a violation for which
57 29 a notice or order has been issued within the period permitted
57 30 for its correction shall be required to pay a civil penalty of
57 31 not less than seven hundred fifty dollars for each day during
57 32 which the failure or violations continue.
57 33 2. a. If a notice or order has been issued, the division
57 34 may assess a recommended penalty in accordance with a schedule
57 35 established by rule. The person to whom the notice or order

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58 1 was issued may submit written information within fifteen days
58 2 of the notice or order to be considered by the division. The
58 3 division shall serve the assessment by certified mail, return
58 4 receipt requested, within thirty days of issuance of the
58 5 notice or order. The division may reassess any penalty if
58 6 necessary to ~~consider~~ account for facts not reasonably
58 7 available on the date of issuance of the assessment. A person
58 8 may consent to a penalty assessment by paying the penalty
58 9 without resort to judicial proceedings.
58 10 b. If a violation results in the issuance of a cessation
58 11 order pursuant to section 207.14 the division shall assess a
58 12 penalty.
58 13 5. If a violation results in a cessation order pursuant to
58 14 section 207.14, the attorney general, at the request of the
58 15 division, shall institute a civil action in district court for
58 16 injunctive relief.
58 17 5A. Notwithstanding section 17A.20, an appeal bond shall
58 18 be required for an appeal of a judgment assessing a civil
58 19 penalty.
58 20 Sec. 82. Section 216.8A, subsection 3, paragraph c,
58 21 subparagraph (1), Code 2009, is amended to read as follows:
58 22 (1) A refusal to permit, at the expense of the person with
58 23 a disability, reasonable modifications of existing premises
58 24 occupied or to be occupied by the person if the modifications
58 25 are necessary to afford the person full enjoyment of the
58 26 premises. However, it is not discrimination for a landlord,
58 27 ~~In~~ in the case of a rental~~, a landlord may,~~ and where
58 28 reasonable to do so, to condition permission for a
58 29 modification on the renter's agreement to restore the interior
58 30 of the premises to the condition that existed before the
58 31 modification, reasonable wear and tear excepted.
58 32 Sec. 83. Section 216.16, Code 2009, is amended to read as
58 33 follows:
58 34 216.16 SIXTY=DAY ADMINISTRATIVE RELEASE.
58 35 1. A person claiming to be aggrieved by an unfair or

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59 1 discriminatory practice must initially seek an administrative
59 2 relief by filing a complaint with the commission in accordance
59 3 with section 216.15. This provision also applies to persons
59 4 claiming to be aggrieved by an unfair or discriminatory
59 5 practice committed by the state or an agency or political
59 6 subdivision of the state, notwithstanding the terms of the
59 7 Iowa administrative procedure Act, chapter 17A. ~~A complainant~~
~~59 8 after~~
59 9 2. After the proper filing of a complaint with the
59 10 commission, a complainant may subsequently commence an action
59 11 for relief in the district court if all of the following
59 12 conditions have been satisfied:
59 13 a. The complainant has timely filed the complaint with the
59 14 commission as provided in section 216.15, subsection 12~~; and~~.
59 15 b. The complaint has been on file with the commission for
59 16 at least sixty days and the commission has issued a release to
59 17 the complainant pursuant to subsection ~~2 of this section~~ 3.
59 18 ~~2.~~ 3. a. Upon a request by the complainant, and after
59 19 the expiration of sixty days from the timely filing of a
59 20 complaint with the commission, the commission shall issue to
59 21 the complainant a release stating that the complainant has a
59 22 right to commence an action in the district court. A release
59 23 under this subsection shall not be issued if ~~a~~ any of the
59 24 following apply:
59 25 (1) A finding of no probable cause has been made on the
59 26 complaint by the administrative law judge charged with that
59 27 duty under section 216.15, subsection 3~~, a~~.
59 28 (2) A conciliation agreement has been executed under
59 29 section 216.15~~, the~~.
59 30 (3) The commission has served notice of hearing upon the
59 31 respondent pursuant to section 216.15, subsection 5~~, or the~~.
59 32 (4) The complaint is closed as an administrative closure
59 33 and two years have elapsed since the issuance date of the
59 34 closure.
59 35 b. Notwithstanding section 216.15, subsection 4, a party

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60 1 may obtain a copy of all documents contained in a case file
60 2 where the commission has issued a release to the complainant
60 3 pursuant to this subsection.
60 4 ~~3.~~ 4. An action authorized under this section is barred
60 5 unless commenced within ninety days after issuance by the
60 6 commission of a release under subsection ~~2 of this section~~ 3.
60 7 If a complainant obtains a release from the commission under
60 8 subsection ~~2 of this section~~ 3, the commission is barred from
60 9 further action on that complaint.
60 10 ~~4.~~ 5. Venue for an action under this section shall be in
60 11 the county in which the respondent resides or has its
60 12 principal place of business, or in the county in which the
60 13 alleged unfair or discriminatory practice occurred.
60 14 ~~5.~~ 6. The district court may grant any relief in an
60 15 action under this section which is authorized by section
60 16 216.15, subsection 8 to be issued by the commission. The
60 17 district court may also award the respondent reasonable
60 18 attorney's fees and court costs when the court finds that the
60 19 complainant's action was frivolous.
60 20 ~~6.~~ 7. It is the legislative intent of this chapter that
60 21 every complaint be at least preliminarily screened during the
60 22 first one hundred twenty days.
60 23 8. This section does not authorize administrative closures
60 24 if an investigation is warranted.
60 25 Sec. 84. Section 216E.7, Code 2009, is amended to read as
60 26 follows:
60 27 216E.7 EXEMPTIONS.
60 28 This chapter does not apply to a hearing aid sold, leased,
60 29 or transferred to a consumer by an audiologist licensed under
60 30 chapter ~~147~~ 154F, or a hearing aid dispenser licensed under
60 31 chapter 154A, if the audiologist or dispenser provides either
60 32 an express warranty for the hearing aid or provides for
60 33 service and replacement of the hearing aid.
60 34 Sec. 85. Section 229.15, subsection 3, paragraph a, Code
60 35 2009, is amended to read as follows:

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61 1 a. A psychiatric advanced registered nurse practitioner
61 2 treating a patient previously hospitalized under this chapter
61 3 may complete periodic reports pursuant to this section on the
61 4 patient if the patient has been recommended for treatment on
61 5 an outpatient or other appropriate basis pursuant to section
61 6 229.14, subsection 1, paragraph "c", and if a psychiatrist
61 7 licensed pursuant to chapter 148~~, 150, or 150A~~ personally
61 8 evaluates the patient on at least an annual basis.
61 9 Sec. 86. Section 235.1, Code 2009, is amended to read as
61 10 follows:
61 11 235.1 DEFINITIONS.
61 12 As used in this chapter, unless the context otherwise
61 13 requires:
61 14 1. ~~The terms "state division", "administrator", and~~
~~61 15 "child" are used in this chapter and chapter 238 as the terms~~
~~61 16 are~~ "Administrator" means the same as defined in section
61 17 234.1.
61 18 2. "Child" means the same as defined in section 234.1.
61 19 3. "Child welfare services" means social welfare services
61 20 for the protection and care of children who are homeless,
61 21 dependent or neglected, or in danger of becoming delinquent,
61 22 or who have a mental illness or mental retardation or other
61 23 developmental disability, including, when necessary, care and
61 24 maintenance in a foster care facility. Child welfare services
61 25 are designed to serve a child in the child's home whenever
61 26 possible. If not possible, and the child is placed outside
61 27 the child's home, the placement should be in the least
61 28 restrictive setting available and in close proximity to the
61 29 child's home.
61 30 4. "State division" means the same as defined in section
61 31 234.1.
61 32 Sec. 87. Section 235B.3A, subsection 3, unnumbered
61 33 paragraph 1, Code 2009, is amended to read as follows:
61 34 Providing a dependent adult with immediate and adequate
61 35 notice of the dependent adult's rights. The notice shall

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62 1 consist of handing the dependent adult a document that
62 2 includes the telephone numbers of shelters, support groups,
62 3 and crisis lines operating in the area and contains a copy of
62 4 the following written statement~~,~~; requesting the dependent
62 5 adult to read the card; and asking the dependent adult whether
62 6 the dependent adult understands the rights:
62 7 Sec. 88. Section 235B.3A, subsection 3, unnumbered
62 8 paragraph 2, Code 2009, is amended by striking the paragraph.
62 9 Sec. 89. Section 235E.2, subsection 13, paragraph a,
62 10 subparagraphs (2) and (3), Code 2009, are amended to read as
62 11 follows:
62 12 (2) The alleged dependent adult abuser requests the
62 13 presence of ~~a~~ an employee organization or union
62 14 representative.
62 15 (3) The employee organization or union representative
62 16 maintains the confidentiality of all information from the
62 17 interview subject to the penalties provided in section 235B.12
62 18 if such confidentiality is breached.
62 19 Sec. 90. Section 235E.3, subsection 3, paragraph a,
62 20 unnumbered paragraph 1, Code 2009, is amended to read as
62 21 follows:
62 22 Providing a dependent adult with immediate and adequate
62 23 notice of the dependent adult's rights. The notice shall
62 24 consist of handing the dependent adult a document that
62 25 includes the telephone numbers of shelters, support groups,
62 26 and crisis lines operating in the area and contains a copy of
62 27 the following written statement~~,~~; requesting the dependent
62 28 adult to read the card; and asking the dependent adult whether
62 29 the dependent adult understands the rights:
62 30 Sec. 91. Section 235E.3, subsection 3, paragraph b, Code
62 31 2009, is amended by striking the paragraph.
62 32 Sec. 92. Section 235E.4, Code 2009, is amended to read as
62 33 follows:
62 34 235E.4 CHAPTER 235B APPLICATION.
62 35 Sections 235B.4 through 235B.20, where not inconsistent

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with this chapter, shall apply to this chapter.

Sec. 93. Section 236.12, subsection 1, paragraph c, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelter, support groups, and crisis lines operating in the area and contains a copy of the following statement written in English and Spanish~~,~~; asking the person to read the card; and asking whether the person understands the rights:

Sec. 94. Section 236.12, subsection 1, paragraph c, unnumbered paragraph 8, Code 2009, is amended by striking the unnumbered paragraph.

Sec. 95. Section 238.1, Code 2009, is amended to read as follows:

238.1 DEFINITIONS.

~~1.~~ For the purpose of this chapter ~~the word "administrator"~~ unless the context otherwise requires:

1. "Administrator" means the administrator of the division of child and family services of the department of human services.

2. "Child" means the same as defined in section 234.1.

3. "Child=placing agency" means any agency, whether public, semipublic, or private, which represents that the agency places children permanently or temporarily in private family homes or receives children for placement in private family homes, or which actually engages for gain or otherwise in the placement of children in private family homes.

~~2.~~ 4. ~~The word "person"~~ "Person" or "agency" ~~where used in this chapter~~ shall include individuals, institutions, partnerships, voluntary associations, and corporations, other than institutions under the management or control of any division or any administrator of the department of human services ~~or any administrator thereof~~.

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5. "State division" means the same as defined in section 234.1.

Sec. 96. Section 249A.6, subsection 1, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) Cooperate with the department in obtaining payments described in ~~paragraph "a"~~ subparagraph (1).

Sec. 97. Section 252B.5, subsection 8, Code 2009, is amended to read as follows:

8. a. At the request of either parent who is subject to the order of support or upon its own initiation, review the amount of the support award in accordance with the guidelines established pursuant to section 598.21B, and Title IV=D of the federal Social Security Act, as amended, and take action to initiate modification proceedings if the criteria established pursuant to this section are met. However, a review of a support award is not required if the child support recovery unit determines that such a review would not be in the best interest of the child and neither parent has requested such review.

b. The department shall adopt rules ~~no later than October 13, 1990,~~ setting forth the process for review of requests for modification of support obligations and the criteria and process for taking action to initiate modification proceedings.

Sec. 98. Section 256D.2A, Code 2009, is amended to read as follows:

256D.2A PROGRAM FUNDING.

~~Beginning~~ For the budget year beginning July 1, 2009, and each succeeding budget year, a school district shall expend funds received pursuant to section 257.10, subsection 11, at the kindergarten through grade three levels to reduce class sizes to the state goal of seventeen students for every one teacher and to achieve a higher level of student success in the basic skills, especially reading. In order to support these efforts, school districts may expend funds received

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65 1 pursuant to section 257.10, subsection 11, at the kindergarten
65 2 through grade three level on programs, instructional support,
65 3 and materials that include but are not limited to the
65 4 following: additional licensed instructional staff;
65 5 additional support for students, such as before and after
65 6 school programs, tutoring, and intensive summer programs; the
65 7 acquisition and administration of diagnostic reading
65 8 assessments; the implementation of research=based
65 9 instructional intervention programs for students needing
65 10 additional support; the implementation of all=day, everyday
65 11 kindergarten programs; and the provision of classroom teachers
65 12 with intensive training programs to improve reading
65 13 instruction and professional development in best practices
65 14 including but not limited to training programs related to
65 15 instruction to increase students' phonemic awareness, reading
65 16 abilities, and comprehension skills.
65 17 Sec. 99. Section 256D.4A, Code 2009, is amended to read as
65 18 follows:
65 19 256D.4A PROGRAM REQUIREMENTS.
65 20 A school district shall maintain a separate listing within
65 21 its budget for payments received and expenditures made
65 22 pursuant to this ~~section~~ chapter. A school district shall
65 23 certify to the department of education that moneys received
65 24 under this ~~section~~ chapter were used to supplement, not
65 25 supplant, moneys otherwise received and used by the school
65 26 district.
65 27 Sec. 100. Section 257.11, subsection 3, paragraph b,
65 28 unnumbered paragraph 1, Code 2009, is amended to read as
65 29 follows:
65 30 If the school budget review committee certifies to the
65 31 department of management that the class would not otherwise be
65 32 implemented without the assignment of additional weighting,
65 33 pupils attending a community college=offered class or
65 34 attending a class taught by a community college=employed
65 35 instructor are assigned a weighting of the percentage of the

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66 1 pupil's school day during which the pupil attends class in the
66 2 community college or attends a class taught by a community
66 3 college=employed instructor ~~of~~ times seventy hundredths for
66 4 career and technical courses ~~and~~ or forty=six hundredths for
66 5 liberal arts and sciences courses. The following requirements
66 6 shall be met for the purposes of assigning an additional
66 7 weighting for classes offered through a sharing agreement
66 8 between a school district and community college. The class
66 9 must be:
66 10 Sec. 101. Section 260C.14, subsection 22, paragraph a,
66 11 subparagraphs (1), (3), and (5), Code 2009, are amended to
66 12 read as follows:
66 13 (1) Total revenue received from each local school district
66 14 as a result of high school students enrolled in community
66 15 college courses under the postsecondary enrollment options ~~Act~~
66 16 program.
66 17 (3) Unduplicated headcount of high school students
66 18 enrolled in community college courses under the postsecondary
66 19 enrollment options ~~Act~~ program.
66 20 (5) Total credits earned by high school students enrolled
66 21 in community college courses under the postsecondary
66 22 enrollment options ~~Act~~ program, broken down by
66 23 vocational=technical or career program and arts and sciences
66 24 program.
66 25 Sec. 102. Section 262.9, subsection 4, Code 2009, is
66 26 amended to read as follows:
66 27 4. Manage and control the property, both real and
66 28 personal, belonging to the institutions.
66 29 4A. ~~The board shall purchase~~ Purchase or require the
66 30 purchase of, when the price is reasonably competitive and the
66 31 quality as intended, soybean=based inks. All inks purchased
66 32 that are used internally or are contracted for by the board
66 33 shall be soybean=based to the extent formulations for such
66 34 inks are available.
66 35 a. The department of natural resources shall review the

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67 1 procurement specifications currently used by the board to
67 2 eliminate, wherever possible, discrimination against the
67 3 procurement of products manufactured with soybean=based inks.
67 4 b. The department of natural resources shall assist the
67 5 board in locating suppliers of recycled content products and
67 6 soybean=based inks and collecting data on recycled content and
67 7 soybean=based ink purchases.
67 8 c. The board, in conjunction with the department of
67 9 natural resources, shall adopt rules to carry out the
67 10 provisions of this ~~section~~ subsection.
67 11 d. The department of natural resources shall cooperate
67 12 with the board in all phases of implementing this ~~section~~
67 13 subsection.
67 14 Sec. 103. Section 279.13, subsection 1, paragraph b,
67 15 subparagraph (1), Code 2009, is amended to read as follows:
67 16 (1) Prior to entering into an initial contract with a
67 17 teacher who holds a license other than an initial license
67 18 issued by the board of educational examiners under chapter
67 19 272, the school district shall initiate a state criminal
67 20 history record check of the applicant through the division of
67 21 criminal investigation of the department of public safety,
67 22 submit the applicant's fingerprints to the division for
67 23 submission to the federal bureau of investigation for a
67 24 national criminal history record check, and review the sex
67 25 offender registry information under section 692A.13, the
67 26 central registry for child abuse information established under
67 27 section 235A.14, and the central registry for dependent adult
67 28 abuse information established under section 235B.5 for
67 29 information regarding ~~applicants~~ the applicant for employment
67 30 as a teacher.
67 31 Sec. 104. Section 282.18, Code 2009, is amended to read as
67 32 follows:
67 33 282.18 OPEN ENROLLMENT.
67 34 1. a. It is the goal of the general assembly to permit a
67 35 wide range of educational choices for children enrolled in

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68 1 schools in this state and to maximize ability to use those
68 2 choices. It is therefore the intent that this section be
68 3 construed broadly to maximize parental choice and access to
68 4 educational opportunities which are not available to children
68 5 because of where they live.
68 6 b. For the school year commencing July 1, 1989, and each
68 7 succeeding school year, a parent or guardian residing in a
68 8 school district may enroll the parent's or guardian's child in
68 9 a public school in another school district in the manner
68 10 provided in this section.
68 11 2. a. By March 1 of the preceding school year for
68 12 students entering grades one through twelve, or by September 1
68 13 of the current school year for students entering kindergarten,
68 14 the parent or guardian shall send notification to the district
68 15 of residence and the receiving district, on forms prescribed
68 16 by the department of education, that the parent or guardian
68 17 intends to enroll the parent's or guardian's child in a public
68 18 school in another school district. If a parent or guardian
68 19 fails to file a notification that the parent intends to enroll
68 20 the parent's or guardian's child in a public school in another
68 21 district by the deadline specified in this subsection, the
68 22 procedures of subsection 4 apply.
68 23 b. The board of the receiving district shall enroll the
68 24 pupil in a school in the receiving district for the following
68 25 school year unless the receiving district does not have
68 26 classroom space for the pupil. The board of directors of a
68 27 receiving district may adopt a policy granting the
68 28 superintendent of the school district authority to approve
68 29 open enrollment applications. If the request is granted, the
68 30 board shall transmit a copy of the form to the parent or
68 31 guardian and the school district of residence within five days
68 32 after board action, but not later than June 1 of the preceding
68 33 school year. The parent or guardian may withdraw the request
68 34 at any time prior to the start of the school year. A denial
68 35 of a request by the board of a receiving district is not

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69 1 subject to appeal.
69 2 c. Every school district shall adopt a policy which
69 3 defines the term "insufficient classroom space" for that
69 4 district.
69 5 3. a. The superintendent of a district subject to a
69 6 voluntary diversity or court=ordered desegregation plan, as
69 7 recognized by rule of the state board of education, may deny a
69 8 request for transfer under this section if the superintendent
69 9 finds that enrollment or release of a pupil will adversely
69 10 affect the district's implementation of the desegregation
69 11 order or diversity plan, unless the transfer is requested by a
69 12 pupil whose sibling is already participating in open
69 13 enrollment to another district, or unless the request for
69 14 transfer is submitted to the district in a timely manner as
69 15 required under subsection 2 prior to the adoption of a
69 16 desegregation plan by the district. If a transfer request
69 17 would facilitate a voluntary diversity or court=ordered
69 18 desegregation plan, the district shall give priority to
69 19 granting the request over other requests.
69 20 b. A parent or guardian, whose request has been denied
69 21 because of a desegregation order or diversity plan, may appeal
69 22 the decision of the superintendent to the board of the
69 23 district in which the request was denied. The board may
69 24 either uphold or overturn the superintendent's decision. A
69 25 decision of the board to uphold the denial of the request is
69 26 subject to appeal to the district court in the county in which
69 27 the primary business office of the district is located. The
69 28 state board of education shall adopt rules establishing
69 29 definitions, guidelines, and a review process for school
69 30 districts that adopt voluntary diversity plans. The
69 31 guidelines shall include criteria and standards that school
69 32 districts must follow when developing a voluntary diversity
69 33 plan. The department of education shall provide technical
69 34 assistance to a school district that is seeking to adopt a
69 35 voluntary diversity plan. A school district implementing a

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70 1 voluntary diversity plan prior to July 1, 2008, shall have
70 2 until July 1, 2009, to comply with guidelines adopted by the
70 3 state board pursuant to this section.
70 4 c. The board of directors of a school district subject to
70 5 voluntary diversity or court=ordered desegregation shall
70 6 develop a policy for implementation of open enrollment in the
70 7 district. The policy shall contain objective criteria for
70 8 determining when a request would adversely impact the
70 9 desegregation order or voluntary diversity plan and criteria
70 10 for prioritizing requests that do not have an adverse impact
70 11 on the order or plan.
70 12 4. a. After March 1 of the preceding school year and
70 13 until the date specified in section 257.6, subsection 1, the
70 14 parent or guardian shall send notification to the district of
70 15 residence and the receiving district, on forms prescribed by
70 16 the department of education, that good cause, as defined in
70 17 paragraph "b", exists for failure to meet the March 1
70 18 deadline. The board of directors of a receiving school
70 19 district may adopt a policy granting the superintendent of the
70 20 school district authority to approve open enrollment
70 21 applications submitted after the March 1 deadline. The board
70 22 of the receiving district shall take action to approve the
70 23 request if good cause exists. If the request is granted, the
70 24 board shall transmit a copy of the form to the parent or
70 25 guardian and the school district of residence within five days
70 26 after board action. A denial of a request by the board of a
70 27 receiving district is not subject to appeal.
70 28 b. For purposes of this section, "good cause" means a
70 29 change in a child's residence due to a change in family
70 30 residence, a change in the state in which the family residence
70 31 is located, a change in a child's parents' marital status, a
70 32 guardianship or custody proceeding, placement in foster care,
70 33 adoption, participation in a foreign exchange program, or
70 34 participation in a substance abuse or mental health treatment
70 35 program, a change in the status of a child's resident district

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71 1 such as removal of accreditation by the state board, surrender
71 2 of accreditation, or permanent closure of a nonpublic school,
71 3 revocation of a charter school contract as provided in section
71 4 256F.8, the failure of negotiations for a whole grade sharing,
71 5 reorganization, dissolution agreement or the rejection of a
71 6 current whole grade sharing agreement, or reorganization plan.
71 7 If the good cause relates to a change in status of a child's
71 8 school district of residence, however, action by a parent or
71 9 guardian must be taken to file the notification within
71 10 forty=five days of the last board action or within thirty days
71 11 of the certification of the election, whichever is applicable
71 12 to the circumstances.
71 13 c. If a resident district believes that a receiving
71 14 district is violating this subsection, the resident district
71 15 may, within fifteen days after board action by the receiving
71 16 district, submit an appeal to the director of the department
71 17 of education.
71 18 d. The director, or the director's designee, shall attempt
71 19 to mediate the dispute to reach approval by both boards as
71 20 provided in subsection ~~16~~ 14. If approval is not reached
71 21 under mediation, the director or the director's designee shall
71 22 conduct a hearing and shall hear testimony from both boards.
71 23 Within ten days following the hearing, the director shall
71 24 render a decision upholding or reversing the decision by the
71 25 board of the receiving district. Within five days of the
71 26 director's decision, the board may appeal the decision of the
71 27 director to the state board of education under the procedures
71 28 set forth in chapter 290.
71 29 5. Open enrollment applications filed after March 1 of the
71 30 preceding school year that do not qualify for good cause as
71 31 provided in subsection 4 shall be subject to the approval of
71 32 the board of the resident district and the board of the
71 33 receiving district. The parent or guardian shall send
71 34 notification to the district of residence and the receiving
71 35 district that the parent or guardian seeks to enroll the

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72 1 parent's or guardian's child in the receiving district. A
72 2 decision of either board to deny an application filed under
72 3 this subsection involving repeated acts of harassment of the
72 4 student or serious health condition of the student that the
72 5 resident district cannot adequately address is subject to
72 6 appeal under section 290.1. The state board shall exercise
72 7 broad discretion to achieve just and equitable results that
72 8 are in the best interest of the affected child or children.
72 9 6. A request under this section is for a period of not
72 10 less than one year. If the request is for more than one year
72 11 and the parent or guardian desires to have the pupil enroll in
72 12 a different district, the parent or guardian may petition the
72 13 current receiving district by March 1 of the previous school
72 14 year for permission to enroll the pupil in a different
72 15 district for a period of not less than one year. Upon receipt
72 16 of such a request, the current receiving district board may
72 17 act on the request to transfer to the other school district at
72 18 the next regularly scheduled board meeting after the receipt
72 19 of the request. The new receiving district shall enroll the
72 20 pupil in a school in the district unless there is insufficient
72 21 classroom space in the district or unless enrollment of the
72 22 pupil would adversely affect the court=ordered or voluntary
72 23 desegregation plan of the district. A denial of a request to
72 24 change district enrollment within the approved period is not
72 25 subject to appeal. However, a pupil who has been in
72 26 attendance in another district under this section may return
72 27 to the district of residence and enroll at any time, once the
72 28 parent or guardian has notified the district of residence and
72 29 the receiving district in writing of the decision to enroll
72 30 the pupil in the district of residence.
72 31 7. A pupil participating in open enrollment shall be
72 32 counted, for state school foundation aid purposes, in the
72 33 pupil's district of residence. A pupil's residence, for
72 34 purposes of this section, means a residence under section
72 35 282.1. The board of directors of the district of residence

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73 1 shall pay to the receiving district the state cost per pupil
73 2 for the previous school year, plus any moneys received for the
73 3 pupil as a result of the non=English speaking weighting under
73 4 section 280.4, subsection 3, for the previous school year
73 5 multiplied by the state cost per pupil for the previous year.
73 6 If the pupil participating in open enrollment is also an
73 7 eligible pupil under section 261E.6, the receiving district
73 8 shall pay the tuition reimbursement amount to an eligible
73 9 postsecondary institution as provided in section 261E.7.
73 10 8. If a request filed under this section is for a child
73 11 requiring special education under chapter 256B, the request to
73 12 transfer to the other district shall only be granted if the
73 13 receiving district maintains a special education instructional
73 14 program which is appropriate to meet the child's educational
73 15 needs and the enrollment of the child in the receiving
73 16 district's program would not cause the size of the class in
73 17 that special education instructional program in the receiving
73 18 district to exceed the maximum class size in rules adopted by
73 19 the state board of education for that program. For children
73 20 requiring special education, the board of directors of the
73 21 district of residence shall pay to the receiving district the
73 22 actual costs incurred in providing the appropriate special
73 23 education.
73 24 9. a. If a parent or guardian of a child, who is
73 25 participating in open enrollment under this section, moves to
73 26 a different school district during the course of either
73 27 district's academic year, the child's first district of
73 28 residence shall be responsible for payment of the cost per
73 29 pupil plus weightings or special education costs to the
73 30 receiving school district for the balance of the school year
73 31 in which the move took place. The new district of residence
73 32 shall be responsible for the payments during succeeding years.
73 33 b. If a request to transfer is due to a change in family
73 34 residence, change in the state in which the family residence
73 35 is located, a change in a child's parents' marital status, a

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74 1 guardianship proceeding, placement in foster care, adoption,
74 2 participation in a foreign exchange program, or participation
74 3 in a substance abuse or mental health treatment program, and
74 4 the child who is the subject of the request is enrolled in any
74 5 grade from kindergarten through grade twelve at the time of
74 6 the request and is not currently using any provision of open
74 7 enrollment, the parent or guardian of the child shall have the
74 8 option to have the child remain in the child's original
74 9 district of residence under open enrollment with no
74 10 interruption in the child's kindergarten through grade twelve
74 11 educational program. If a parent or guardian exercises this
74 12 option, the child's new district of residence is not required
74 13 to pay the amount calculated in subsection 7 until the start
74 14 of the first full year of enrollment of the child.
74 15 c. Quarterly payments shall be made to the receiving
74 16 district.
74 17 d. If the transfer of a pupil from one district to another
74 18 results in a transfer from one area education agency to
74 19 another, the sending district shall forward a copy of the
74 20 request to the sending district's area education agency. The
74 21 receiving district shall forward a copy of the request to the
74 22 receiving district's area education agency. Any moneys
74 23 received by the area education agency of the sending district
74 24 for the pupil who is the subject of the request shall be
74 25 forwarded to the receiving district's area education agency.
74 26 e. A district of residence may apply to the school budget
74 27 review committee if a student was not included in the resident
74 28 district's enrollment count during the fall of the year
74 29 preceding the student's transfer under open enrollment.
74 30 10. Notwithstanding section 285.1 relating to
74 31 transportation of nonresident pupils, the parent or guardian
74 32 is responsible for transporting the pupil without
74 33 reimbursement to and from a point on a regular school bus
74 34 route of the receiving district. However, a receiving
74 35 district may send school vehicles into the district of

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75 1 residence of the pupil using the open enrollment option under
75 2 this section, for the purpose of transporting the pupil to and
75 3 from school in the receiving district, if the boards of both
75 4 the sending and receiving districts agree to this arrangement.
75 5 If the pupil meets the economic eligibility requirements
75 6 established by the department and state board of education,
75 7 the sending district is responsible for providing
75 8 transportation or paying the pro rata cost of the
75 9 transportation to a parent or guardian for transporting the
75 10 pupil to and from a point on a regular school bus route of a
75 11 contiguous receiving district unless the cost of providing
75 12 transportation or the pro rata cost of the transportation to a
75 13 parent or guardian exceeds the average transportation cost per
75 14 pupil transported for the previous school year in the
75 15 district. If the cost exceeds the average transportation cost
75 16 per pupil transported for the previous school year, the
75 17 sending district shall only be responsible for that average
75 18 per pupil amount. A sending district which provides
75 19 transportation for a pupil to a contiguous receiving district
75 20 under this subsection may withhold from the district cost per
75 21 pupil amount, that is to be paid to the receiving district, an
75 22 amount which represents the average or pro rata cost per pupil
75 23 for transportation, whichever is less.
75 24 ~~11. Every school district shall adopt a policy which~~
~~75 25 defines the term "insufficient classroom space" for that~~
~~75 26 district.~~
75 27 ~~12. The board of directors of a school district subject to~~
~~75 28 voluntary or court=ordered desegregation shall develop a~~
~~75 29 policy for implementation of open enrollment in the district.~~
~~75 30 The policy shall contain objective criteria for determining~~
~~75 31 when a request would adversely impact the desegregation order~~
~~75 32 or plan and criteria for prioritizing requests that do not~~
~~75 33 have an adverse impact on the order or plan.~~
75 34 ~~13.~~ 11. A pupil who participates in open enrollment for
75 35 purposes of attending a grade in grades nine through twelve in

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76 1 a school district other than the district of residence is
76 2 ineligible to participate in varsity interscholastic athletic
76 3 contests and athletic competitions during the pupil's first
76 4 ninety school days of enrollment in the district except that
76 5 the pupil may participate immediately in a varsity
76 6 interscholastic sport if the pupil is entering grade nine for
76 7 the first time and did not participate in an interscholastic
76 8 athletic competition for another school or school district
76 9 during the summer immediately following eighth grade, if the
76 10 district of residence and the other school district jointly
76 11 participate in the sport, if the sport in which the pupil
76 12 wishes to participate is not offered in the district of
76 13 residence, if the pupil chooses to use open enrollment to
76 14 attend school in another school district because the district
76 15 in which the student previously attended school was dissolved
76 16 and merged with one or more contiguous school districts under
76 17 section 256.11, subsection 12, if the pupil participates in
76 18 open enrollment because the pupil's district of residence has
76 19 entered into a whole grade sharing agreement with another
76 20 district for the pupil's grade, or if the parent or guardian
76 21 of the pupil participating in open enrollment is an active
76 22 member of the armed forces and resides in permanent housing on
76 23 government property provided by a branch of the armed
76 24 services. A pupil who has paid tuition and attended school,
76 25 or has attended school pursuant to a mutual agreement between
76 26 the two districts, in a district other than the pupil's
76 27 district of residence for at least one school year is also
76 28 eligible to participate immediately in interscholastic
76 29 athletic contests and athletic competitions under this
76 30 section, but only as a member of a team from the district that
76 31 pupil had attended. For purposes of this subsection, "school
76 32 days of enrollment" does not include enrollment in summer
76 33 school. For purposes of this subsection, "varsity" means the
76 34 same as defined in section 256.46.
76 35 ~~14.~~ 12. If a pupil, for whom a request to transfer has

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77 1 been filed with a district, has been suspended or expelled in
77 2 the district, the pupil shall not be permitted to transfer
77 3 until the pupil has been reinstated in the sending district.
77 4 Once the pupil has been reinstated, however, the pupil shall
77 5 be permitted to transfer in the same manner as if the pupil
77 6 had not been suspended or expelled by the sending district.
77 7 If a pupil, for whom a request to transfer has been filed with
77 8 a district, is expelled in the district, the pupil shall be
77 9 permitted to transfer to a receiving district under this
77 10 section if the pupil applies for and is reinstated in the
77 11 sending district. However, if the pupil applies for
77 12 reinstatement but is not reinstated in the sending district,
77 13 the receiving district may deny the request to transfer. The
77 14 decision of the receiving district is not subject to appeal.
77 15 ~~15.~~ 13. If a request under this section is for transfer
77 16 to a laboratory school, as described in chapter 265, the
77 17 student, who is the subject of the request, shall not be
77 18 included in the basic enrollment of the student's district of
77 19 residence, and the laboratory school shall report the
77 20 enrollment of the student directly to the department of
77 21 education, unless the number of students from the district
77 22 attending the laboratory school during the current school
77 23 year, as a result of open enrollment under this section,
77 24 exceeds the number of students enrolled in the laboratory
77 25 school from that district during the 1989=1990 school year.
77 26 If the number of students enrolled in the laboratory school
77 27 from a district during the current year exceeds the number of
77 28 students enrolled from that district during the 1989=1990
77 29 school year, those students who represent the difference
77 30 between the current and the 1988=1989 school year enrollment
77 31 figures shall be included in the basic enrollment of the
77 32 students' districts of residence and the districts shall
77 33 retain any moneys received as a result of the inclusion of the
77 34 student in the district enrollment. The total number of
77 35 students enrolled at a laboratory school during a school year

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78 1 shall not exceed six hundred seventy students. The regents
78 2 institution operating the laboratory school and the board of
78 3 directors of the school district in the community in which the
78 4 regents institution is located shall develop a student
78 5 transfer policy designed to protect and promote the quality
78 6 and integrity of the teacher education program at the
78 7 laboratory school, the viability of the education program of
78 8 the local school district in which the regents institution is
78 9 located, and to indicate the order in which and reasons why
78 10 requests to transfer to a laboratory school shall be
78 11 considered. A laboratory school may deny a request for
78 12 transfer under the policy. A denial of a request to transfer
78 13 under this paragraph is not subject to appeal under section
78 14 290.1.
78 15 ~~16.~~ 14. An application for open enrollment may be granted
78 16 at any time with approval of the resident and receiving
78 17 districts.
78 18 ~~17.~~ 15. The director of the department of education shall
78 19 recommend rules to the state board of education for the
78 20 orderly implementation of this section. The state board shall
78 21 adopt rules as needed for the implementation of this section.
78 22 Sec. 105. Section 282.26, Code 2009, is amended to read as
78 23 follows:
78 24 282.26 HIGH SCHOOL STUDENTS ATTENDING ADVANCED COURSES.
78 25 1. The board of any community college may, by mutual
78 26 agreement with any college or university, permit any specially
78 27 qualified high school student to attend advanced courses of
78 28 academic instruction at the college or university.
78 29 2. The state board of regents and the state board of
78 30 education may by rule permit such students to attend any
78 31 institution of higher learning under their jurisdiction.
78 32 Credit earned in any such course at a college or university
78 33 may be applied toward credit for high school graduation.
78 34 Public school funds shall not be expended for payment of
78 35 tuition or other costs for such attendance at a college or

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79 1 university, unless the payment is expressly permitted or
79 2 required by law.
79 3 3. ~~The foregoing provisions~~ Subsections 1 and 2 shall also
79 4 apply to colleges and universities in adjacent states when the
79 5 institutions are located nearer to the homes or schools of the
79 6 school district than the closest college or university within
79 7 the state.
79 8 Sec. 106. Section 294A.9, subsection 9, Code 2009, is
79 9 amended to read as follows:
79 10 9. Subsections 2, 3, 4, ~~and~~ 7, and this subsection are
79 11 repealed June 30, 2009.
79 12 Sec. 107. Section 294A.25, subsection 2, Code 2009, is
79 13 amended to read as follows:
79 14 2. For the fiscal year beginning July 1, 2009, and for
79 15 each succeeding fiscal year, there is appropriated from the
79 16 general fund of the state to the department of education an
79 17 amount not to exceed fifteen million six hundred thirty=three
79 18 thousand two hundred forty=five dollars. The moneys shall be
79 19 distributed as provided in this section.
79 20 Sec. 108. Section 297.10, Code 2009, is amended to read as
79 21 follows:
79 22 297.10 COMPENSATION.
79 23 Any compensation for ~~such~~ the use of a schoolhouse and
79 24 schoolhouse grounds shall be paid into the general fund and be
79 25 expended in the upkeep and repair of ~~such school property,~~ and
79 26 in purchasing supplies ~~therefor~~ for that school property.
79 27 Sec. 109. Section 298.3, Code 2009, is amended to read as
79 28 follows:
79 29 298.3 REVENUES FROM THE LEVIES.
79 30 1. The revenue from the regular and voter=approved
79 31 physical plant and equipment levies shall be placed in the
79 32 physical plant and equipment levy fund and expended only for
79 33 the following purposes:
79 34 ~~1.~~ a. The purchase and improvement of grounds. For the
79 35 purpose of this ~~subsection~~ paragraph:

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80 1 ~~a.~~ (1) "Purchase of grounds" includes the legal costs
80 2 relating to the property acquisition, costs of surveys of the
80 3 property, costs of relocation assistance under state and
80 4 federal law, and other costs incidental to the property
80 5 acquisition.
80 6 ~~b.~~ (2) "Improvement of grounds" includes grading,
80 7 landscaping, paving, seeding, and planting of shrubs and
80 8 trees; constructing sidewalks, roadways, retaining walls,
80 9 sewers and storm drains, and installing hydrants; surfacing
80 10 and soil treatment of athletic fields and tennis courts;
80 11 exterior lighting, including athletic fields and tennis
80 12 courts; furnishing and installing flagpoles, gateways, fences,
80 13 and underground storage tanks which are not parts of building
80 14 service systems; demolition work; and special assessments
80 15 against the school district for public improvements, as
80 16 defined in section 384.37.
80 17 ~~2.~~ b. The construction of schoolhouses or buildings and
80 18 opening roads to schoolhouses or buildings.
80 19 ~~3.~~ c. The purchase, lease, or lease=purchase of a single
80 20 unit of equipment or technology exceeding five hundred dollars
80 21 in value per unit.
80 22 ~~4.~~ d. The payment of debts contracted for the erection or
80 23 construction of schoolhouses or buildings, not including
80 24 interest on bonds.
80 25 ~~5.~~ e. Procuring or acquisition of library facilities.
80 26 ~~6.~~ f. Repairing, remodeling, reconstructing, improving,
80 27 or expanding the schoolhouses or buildings and additions to
80 28 existing schoolhouses. For the purpose of this paragraph:
80 29 (1) ~~For the purpose of this subsection, "repairing"~~
80 30 "Repairing" means restoring an existing structure or thing to
80 31 its original condition, as near as may be, after decay, waste,
80 32 injury, or partial destruction, but does not include
80 33 maintenance~~; and "reconstructing"~~.
80 34 (2) "Reconstructing" means rebuilding or restoring as an
80 35 entity a thing which was lost or destroyed.

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81 1 ~~7.~~ g. Expenditures for energy conservation, including
81 2 payments made pursuant to a guarantee furnished by a school
81 3 district entering into a financing agreement for energy
81 4 ~~conservation measures~~ management improvements, limited to
81 5 agreements pursuant to section 473.19, 473.20, or 473.20A.
81 6 ~~8.~~ h. The rental of facilities under chapter 28E.
81 7 ~~9.~~ i. Purchase of transportation equipment for
81 8 transporting students.
81 9 ~~10.~~ j. The purchase of buildings or lease=purchase option
81 10 agreements for school buildings.
81 11 ~~11.~~ k. Equipment purchases for recreational purposes.
81 12 ~~12.~~ l. Payments to a municipality or other entity as
81 13 required under section 403.19, subsection 2.
81 14 2. Interest earned on money in the physical plant and
81 15 equipment levy fund may be expended for a purpose listed in
81 16 this section.
81 17 3. Unencumbered funds collected prior to July 1, 1991,
81 18 from the levy previously authorized under section 297.5, Code
81 19 1991, may be expended for the purposes listed in this section.
81 20 4. Revenue from the regular and voter=approved physical
81 21 plant and equipment levies shall not be expended for school
81 22 district employee salaries or travel expenses, supplies,
81 23 printing costs or media services, or for any other purpose not
81 24 expressly authorized in this section.
81 25 Sec. 110. Section 298.18, Code 2009, is amended to read as
81 26 follows:
81 27 298.18 BOND TAX == ELECTION == LEASING BUILDINGS.
81 28 1. a. The board of each school corporation shall, when
81 29 estimating and certifying the amount of money required for
81 30 general purposes, estimate and certify to the board of
81 31 supervisors of the proper county for the debt service fund the
81 32 amount required to pay interest due or that may become due for
81 33 the fiscal year beginning July 1, thereafter upon lawful
81 34 bonded indebtedness, and in addition thereto such amount as
81 35 the board may deem necessary to apply on the principal.

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82 1 b. The amount estimated and certified to apply on
82 2 principal and interest for any one year shall not exceed two
82 3 dollars and seventy cents per thousand dollars of the assessed
82 4 valuation of the taxable property of the school corporation
82 5 except as ~~hereinafter~~ otherwise provided in this section.
82 6 c. For the sole purpose of computing the amount of bonds
82 7 which may be issued as a result of the application of any
82 8 limitation referred to in this section, all interest on the
82 9 bonds in excess of that accruing in the first twelve months
82 10 may be excluded from the first annual levy of taxes, so that
82 11 the need for including more than one year's interest in the
82 12 first annual levy of taxes to pay the bonds and interest shall
82 13 not operate to further restrict the amount of bonds which may
82 14 be issued, and in certifying the annual levies to the county
82 15 auditor or auditors such first annual levy of taxes shall be
82 16 sufficient to pay all principal of and interest on said bonds
82 17 becoming due prior to the next succeeding annual levy and the
82 18 full amount of such first annual levy shall be entered for
82 19 collection by said auditor or auditors, as provided in chapter
82 20 76.
82 21 d. The amount estimated and certified to apply on
82 22 principal and interest for any one year may exceed two dollars
82 23 and seventy cents per thousand dollars of assessed value by
82 24 the amount approved by the voters of the school corporation,
82 25 but not exceeding four dollars and five cents per thousand of
82 26 the assessed value of the taxable property within any school
82 27 corporation, provided that the registered voters of such
82 28 school corporation have first approved such increased amount
82 29 at an election held on a date specified in section 39.2,
82 30 subsection 4, paragraph "c".
82 31 2. The proposition submitted to the voters at such
82 32 election shall be in substantially the following form:
82 33 Shall the board of directors of the ..... (insert name of
82 34 school corporation) in the County of ....., State of Iowa, be
82 35 authorized to levy annually a tax exceeding two dollars and

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83 1 seventy cents per thousand dollars, but not exceeding ..
83 2 dollars and ... cents per thousand dollars of the assessed
83 3 value of the taxable property within said school corporation
83 4 to pay the principal of and interest on bonded indebtedness of
83 5 said school corporation, it being understood that the approval
83 6 of this proposition shall not limit the source of payment of
83 7 the bonds and interest but shall only operate to restrict the
83 8 amount of bonds which may be issued?
83 9 3. Notice of the election shall be given by the county
83 10 commissioner of elections according to section 49.53. The
83 11 county commissioner of elections shall conduct the election
83 12 pursuant to the provisions of chapters 39 through 53 and
83 13 certify the results to the board of directors. The
83 14 proposition shall not be deemed carried or adopted unless the
83 15 vote in favor of such proposition is equal to at least sixty
83 16 percent of the total vote cast for and against the proposition
83 17 at the election. Whenever such a proposition has been
83 18 approved by the voters of a school corporation as hereinbefore
83 19 provided, no further approval of the voters of such school
83 20 corporation shall be required as a result of any subsequent
83 21 change in the boundaries of such school corporation.
83 22 4. The voted tax levy referred to ~~herein~~ in this section
83 23 shall not limit the source of payment of bonds and interest
83 24 but shall only restrict the amount of bonds which may be
83 25 issued.
83 26 5. a. The ability of a school corporation to exceed two
83 27 dollars and seventy cents per thousand dollars of assessed
83 28 value to service principal and interest payments on bonded
83 29 indebtedness is limited and conferred only to those school
83 30 corporations engaged in the administration of elementary and
83 31 secondary education.
83 32 b. ~~Provided further that if~~ If a school corporation leases
83 33 a building or property, which has been used as a junior
83 34 college by such corporation, to a community college, the
83 35 annual amounts certified as herein provided by such leasing

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84 1 school corporation for payment of interest and principal due
84 2 on lawful bonded indebtedness incurred by such leasing school
84 3 corporation for purchasing, building, furnishing,
84 4 reconstructing, repairing, improving or remodeling the
84 5 building leased or acquiring or adding to the site of such
84 6 property leased, to the extent of the respective annual rent
84 7 the school corporation will receive under such lease, shall
84 8 not be considered as a part of the total amount estimated and
84 9 certified for the purposes of determining if such amount
84 10 exceeds any limitation contained in this section.
84 11 Sec. 111. Section 306C.10, Code 2009, is amended by adding
84 12 the following new subsection:
84 13 NEW SUBSECTION. 17A. "Specific information of interest to
84 14 the traveling public" means only information about public
84 15 places for camping, lodging, eating, and motor fuel and
84 16 associated services, including trade names which have
84 17 telephone facilities available when the public place is open
84 18 for business and businesses engaged in selling motor fuel
84 19 which have free air for tire inflation and restroom facilities
84 20 available when the public place is open for business.
84 21 Sec. 112. Section 306C.11, subsection 5, Code 2009, is
84 22 amended to read as follows:
84 23 5. a. Signs, displays, and devices giving specific
84 24 information of interest to the traveling public, shall be
84 25 erected by the department and maintained within the
84 26 right=of=way in the areas, and at appropriate distances from
84 27 interchanges on the interstate system and freeway primary
84 28 highways as shall conform with the rules adopted by the
84 29 department. The rules shall be consistent with national
84 30 standards promulgated from time to time or as permitted by the
84 31 appropriate authority of the federal government pursuant to 23
84 32 U.S.C. } 131(f) except as provided in this section. The rules
84 33 shall include but are not limited to the following:
84 34 ~~a.~~ (1) Criteria for eligibility for signing.
84 35 ~~b.~~ (2) Criteria for limiting or excluding businesses that

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85 1 maintain advertising devices that do not conform to the
85 2 requirements of chapter 306B, this division, or other statutes
85 3 or administrative rules regulating outdoor advertising.
85 4 ~~c.~~ (3) Provisions for a fee schedule to cover the direct
85 5 and indirect costs of sign erection and maintenance and
85 6 related administrative costs.
85 7 ~~d.~~ (4) Provisions for specifying the maximum distance to
85 8 eligible businesses.
85 9 ~~e.~~ (5) Provisions specifying the maximum number of signs
85 10 permitted per panel and per interchange.
85 11 ~~f.~~ (6) Provisions for determining what businesses are
85 12 signed when there are more applicants than the maximum number
85 13 of signs permitted.
85 14 ~~g.~~ (7) Provisions for removing signs when businesses
85 15 cease to meet minimum requirements for participation and
85 16 related costs.
85 17 ~~For purposes of this division, "specific information of~~
~~85 18 interest to the traveling public" means only information about~~
~~85 19 public places for camping, lodging, eating, and motor fuel and~~
~~85 20 associated services, including trade names which have~~
~~85 21 telephone facilities available when the public place is open~~
~~85 22 for business and businesses engaged in selling motor fuel~~
~~85 23 which have free air for tire inflation and restroom facilities~~
~~85 24 available when the public place is open for business.~~
85 25 b. Business signs supplied to the department by commercial
85 26 vendors shall be on panels, with dimensional and material
85 27 specifications established by the department. A business sign
85 28 included under the provisions of this section shall not be
85 29 posted unless it is in compliance with these specifications.
85 30 The commercial vendor shall pay to the department a fee based
85 31 upon the schedule adopted under this subsection for each
85 32 business sign supplied for posting. Upon furnishing the
85 33 business signs to the department and payment of all fees, the
85 34 department shall post the business signs on eligible specific
85 35 information panels. Faded signs shall be replaced and the

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86 1 commercial vendor charged for the cost of replacement based
86 2 upon the fee schedule adopted. There is created in the office
86 3 of the treasurer of state a fund to be known as the "highway
86 4 beautification fund" and all funds received for the posting on
86 5 specific information panels shall be deposited in the "highway
86 6 beautification fund". Information on motor fuel and
86 7 associated services may include vehicle service and repair
86 8 where the same is available.
86 9 Sec. 113. Section 307.21, Code 2009, is amended to read as
86 10 follows:
86 11 307.21 ADMINISTRATIVE SERVICES.
86 12 1. The department's administrator of administrative
86 13 services shall:
86 14 ~~1.~~ a. Provide for the proper maintenance and protection
86 15 of the grounds, buildings, and equipment of the department, in
86 16 cooperation with the department of administrative services.
86 17 ~~2.~~ b. Establish, supervise, and maintain a system of
86 18 centralized electronic data processing for the department, in
86 19 cooperation with the department of administrative services.
86 20 ~~3.~~ c. Assist the director in preparing the departmental
86 21 budget.
86 22 ~~4. a.~~ d. Provide centralized purchasing services for the
86 23 department, in cooperation with the department of
86 24 administrative services. The administrator shall, when the
86 25 price is reasonably competitive and the quality as intended,
86 26 purchase soybean=based inks and plastic products with recycled
86 27 content, including but not limited to plastic garbage can
86 28 liners, and shall purchase these items in accordance with the
86 29 schedule established in section 8A.315. However, the
86 30 administrator need not purchase garbage can liners in
86 31 accordance with the schedule if the liners are utilized by a
86 32 facility approved by the environmental protection commission
86 33 created under section 455A.6, for purposes of recycling. For
86 34 purposes of this ~~subsection~~ section, "recycled content" means
86 35 that the content of the product contains a minimum of thirty

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87 1 percent postconsumer material.
87 2 e. Assist the director in employing the professional,
87 3 technical, clerical, and secretarial staff for the department
87 4 and maintain employee records, in cooperation with the
87 5 department of administrative services and provide personnel
87 6 services, including but not limited to training, safety
87 7 education, and employee counseling.
87 8 f. Assist the director in coordinating the
87 9 responsibilities and duties of the various divisions within
87 10 the department.
87 11 g. Carry out all other general administrative duties for
87 12 the department.
87 13 h. Perform such other duties and responsibilities as may
87 14 be assigned by the director.
87 15 ~~b.~~ 2. ~~The~~ When performing the duty of providing
87 16 centralized purchasing services under subsection 1, the
87 17 administrator shall do all of the following:
87 18 ~~(1)~~ a. Purchase and use recycled printing and writing
87 19 paper in accordance with the schedule established in section
87 20 8A.315.
87 21 ~~(2)~~ b. Establish a wastepaper recycling program in
87 22 accordance with recommendations made by the department of
87 23 natural resources and the requirements of section 8A.329.
87 24 ~~(3)~~ c. Require in accordance with section 8A.311 product
87 25 content statements and compliance with requirements regarding
87 26 procurement specifications.
87 27 ~~(4)~~ d. Comply with the requirements for the purchase of
87 28 lubricating oils, industrial oils, greases, and hydraulic
87 29 fluids as established pursuant to section 8A.316.
87 30 ~~(5)~~ e. Give preference to purchasing designated biobased
87 31 products in the same manner as provided in section 8A.317.
87 32 ~~c.~~ 3. The department shall report to the general assembly
87 33 by February 1 of each year, the following:
87 34 ~~(1)~~ a. A listing of plastic products which are regularly
87 35 purchased by the board for which recycled content product

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88 1 alternatives are available, including the cost of the plastic
88 2 products purchased and the cost of the recycled content
88 3 product alternatives.
88 4 ~~(2)~~ b. Information relating to soybean=based inks and
88 5 plastic garbage can liners with recycled content regularly
88 6 purchased by the department, including the cost of purchasing
88 7 soybean=based inks and plastic garbage can liners with
88 8 recycled content and the percentages of soybean=based inks and
88 9 plastic garbage can liners with recycled content that have
88 10 been purchased.
88 11 ~~d.~~ 4. A gasoline=powered vehicle purchased by the
88 12 administrator shall not operate on gasoline other than ethanol
88 13 blended gasoline as defined in section 214A.1. A
88 14 diesel=powered motor vehicle purchased by the administrator
88 15 shall not operate on diesel fuel other than biodiesel fuel as
88 16 defined in section 214A.1, if commercially available. A
88 17 state=issued credit card shall not be valid to purchase
88 18 gasoline other than ethanol blended gasoline or to purchase
88 19 diesel fuel other than biodiesel fuel, if commercially
88 20 available. The motor vehicle shall also be affixed with a
88 21 brightly visible sticker which notifies the traveling public
88 22 that the motor vehicle is being operated on ethanol blended
88 23 gasoline or biodiesel fuel, as applicable. However, the
88 24 sticker is not required to be affixed to an unmarked vehicle
88 25 used for purposes of providing law enforcement or security.
88 26 5. a. Of all new passenger vehicles and light pickup
88 27 trucks purchased by the administrator, a minimum of ten
88 28 percent of all such vehicles and trucks purchased shall be
88 29 equipped with engines which utilize alternative methods of
88 30 propulsion, including but not limited to any of the following:
88 31 (1) A flexible fuel which is any of the following:
88 32 (a) E=85 gasoline as provided in section 214A.2.
88 33 (b) B=20 biodiesel blended fuel as provided in section
88 34 214A.2.
88 35 (c) A renewable fuel approved by the office of renewable

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89 1 fuels and coproducts pursuant to section 159A.3.
89 2 (2) Compressed or liquefied natural gas.
89 3 (3) Propane gas.
89 4 (4) Solar energy.
89 5 (5) Electricity.
89 6 b. The provisions of this subsection do not apply to
89 7 vehicles and trucks purchased and directly used for law
89 8 enforcement or off=road maintenance work.
89 9 6. The administrator shall, whenever technically feasible,
89 10 purchase and use degradable loose foam packing material
89 11 manufactured from grain starches or other renewable resources,
89 12 unless the cost of the packing material is more than ten
89 13 percent greater than the cost of packing material made from
89 14 nonrenewable resources. For the purposes of this subsection,
89 15 "packing material" means material, other than an exterior
89 16 packing shell, that is used to stabilize, protect, cushion, or
89 17 brace the contents of a package.
89 18 ~~7. Assist the director in employing the professional,~~
~~89 19 technical, clerical and secretarial staff for the department~~
~~89 20 and maintain employee records, in cooperation with the~~
~~89 21 department of administrative services and provide personnel~~
~~89 22 services, including but not limited to training, safety~~
~~89 23 education, and employee counseling.~~
89 24 ~~8. Assist the director in coordinating the~~
~~89 25 responsibilities and duties of the various divisions within~~
~~89 26 the department.~~
89 27 ~~9. Carry out all other general administrative duties for~~
~~89 28 the department.~~
89 29 ~~10. Perform such other duties and responsibilities as may~~
~~89 30 be assigned by the director.~~
89 31 7. The administrator of administrative services may
89 32 purchase items from the department of administrative services
89 33 and may cooperate with the director of the department of
89 34 administrative services by providing purchasing services for
89 35 the department of administrative services.

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90 1 Sec. 114. Section 312.2, Code 2009, is amended to read as
90 2 follows:
90 3 312.2 ALLOCATIONS FROM FUND.
90 4 1. The treasurer of the state shall, on the first day of
90 5 each month, credit all road use tax funds which have been
90 6 received by the treasurer, to the primary road fund, the
90 7 secondary road fund of the counties, the farm=to=market road
90 8 fund, and the street construction fund of cities in the
90 9 following manner and amounts:
90 10 ~~1.~~ a. To the primary road fund, forty=seven and one=half
90 11 percent.
90 12 ~~2.~~ b. To the secondary road fund of the counties,
90 13 twenty=four and one=half percent.
90 14 ~~3.~~ c. To the farm=to=market road fund, eight percent.
90 15 ~~4.~~ d. To the street construction fund of the cities,
90 16 twenty percent.
90 17 ~~5.~~ 2. The treasurer of state shall before making the
90 18 ~~above~~ allotments in subsection 1 credit annually to the
90 19 highway grade crossing safety fund the sum of seven hundred
90 20 thousand dollars, credit annually from the road use tax fund
90 21 the sum of nine hundred thousand dollars to the highway
90 22 railroad grade crossing surface repair fund, credit monthly to
90 23 the primary road fund the dollars yielded from an allotment of
90 24 sixty=five hundredths of one percent of all road use tax funds
90 25 for the express purpose of carrying out subsection 11 of
90 26 section 307A.2, section 313.4, subsection 2, and section
90 27 307.45, and credit annually to the primary road fund the sum
90 28 of five hundred thousand dollars to be used for paying
90 29 expenses incurred by the state department of transportation
90 30 other than expenses incurred for extensions of primary roads
90 31 in cities. All unobligated funds provided by this subsection,
90 32 except those funds credited to the highway grade crossing
90 33 safety fund, shall at the end of each year revert to the road
90 34 use tax fund. Funds in the highway grade crossing safety fund
90 35 shall not revert to the road use tax fund except to the extent

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91 1 they exceed five hundred thousand dollars at the end of any
91 2 biennium. The cost of each highway railroad grade crossing
91 3 repair project shall be allocated in the following manner:
91 4 a. Twenty percent of the project cost shall be paid by the
91 5 railroad company.
91 6 b. Twenty percent of the project cost shall be paid by the
91 7 highway authority having jurisdiction of the road crossing the
91 8 railroad.
91 9 c. Sixty percent of the project cost shall be paid from
91 10 the highway railroad grade crossing surface repair fund.
91 11 ~~6.~~ 3. The treasurer of state shall before making the
91 12 allotments provided for in this section credit monthly to the
91 13 state department of transportation funds sufficient in amount
91 14 to pay the costs of purchasing certificate of title and
91 15 registration forms, and supplies and materials and for the
91 16 cost of prison labor used in manufacturing motor vehicle
91 17 registration plates, decalcomania emblems, and validation
91 18 stickers at the prison industries.
91 19 ~~7.~~ 4. The treasurer of state, before making the
91 20 allotments provided in this section, shall credit annually to
91 21 the primary road fund from the road use tax fund the sum of
91 22 seven million one hundred thousand dollars.
91 23 ~~8.~~ 5. a. The treasurer of state, before making any
91 24 allotments to counties under this section, shall reduce the
91 25 allotment to a county for the secondary road fund by the
91 26 amount by which the total funds that the county transferred or
91 27 provided during the prior fiscal year under section 331.429,
91 28 subsection 1, paragraphs "a", "b", "d", and "e", are less than
91 29 seventy=five percent of the sum of the following:
91 30 ~~a.~~ (1) From the general fund of the county, the dollar
91 31 equivalent of a tax of sixteen and seven=eighths cents per
91 32 thousand dollars of assessed value on all taxable property in
91 33 the county.
91 34 ~~b.~~ (2) From the rural services fund of the county, the
91 35 dollar equivalent of a tax of three dollars and three=eighths

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92 1 of a cent per thousand dollars of assessed value on all
92 2 taxable property not located within the corporate limits of a
92 3 city in the county.
92 4 b. Funds remaining in the secondary road fund of the
92 5 counties due to a reduction of allocations to counties for
92 6 failure to maintain a minimum local tax effort shall be
92 7 reallocated to counties that are not reduced under this
92 8 subsection pursuant to the allocation provisions of section
92 9 312.3, subsection 1, based upon the needs and area of the
92 10 county. Information necessary to make allocations under this
92 11 subsection shall be provided by the state department of
92 12 transportation or the director of the department of management
92 13 upon request by the treasurer of state.
92 14 ~~9.~~ 6. The treasurer of state, before making the
92 15 allotments provided for in this section, shall credit annually
92 16 to the living roadway trust fund created under section 314.21
92 17 one hundred fifty thousand dollars from the road use tax fund.
92 18 ~~10.~~ 7. The treasurer of state, before making the other
92 19 allotments provided for in this section, shall credit annually
92 20 to the primary road fund from the road use tax fund the sum of
92 21 four million four hundred thousand dollars and to the
92 22 farm=to=market road fund from the road use tax fund the sum of
92 23 one million five hundred thousand dollars for partial
92 24 compensation of allowing trucks to operate on the roads of
92 25 this state as provided in section 321.463.
92 26 ~~11.~~ 8. The treasurer of state, before making the
92 27 allotments provided for in this section, shall credit annually
92 28 to the living roadway trust fund created under section 314.21
92 29 one hundred thousand dollars from the road use tax fund.
92 30 ~~12.~~ 9. The treasurer of state, before making the
92 31 allotments provided for in this section, shall credit monthly
92 32 from the road use tax fund to the revitalize Iowa's sound
92 33 economy fund, created under section 315.2, the revenue
92 34 accruing to the road use tax fund in the amount equal to the
92 35 revenues collected under each of the following:

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93 1 a. From the excise tax on motor fuel and special fuel
93 2 imposed under the tax rate of section 452A.3 except aviation
93 3 gasoline, the amount of excise tax collected from one and
93 4 three=fourths cents per gallon.
93 5 b. From the excise tax on special fuel for diesel engines,
93 6 the amount of excise tax collected from one and three=fourths
93 7 cents per gallon.
93 8 ~~13.~~ 10. The treasurer of state, before making the
93 9 allotments provided for in this section, shall credit monthly
93 10 from the road use tax fund to the secondary road fund the
93 11 revenue accruing to the road use tax fund in the amount equal
93 12 to the revenues collected under each of the following:
93 13 a. From the excise tax on motor fuel and special fuel
93 14 imposed under the tax rate of section 452A.3, except aviation
93 15 gasoline, the amount of excise tax collected from one=fourth
93 16 cent per gallon.
93 17 b. From the excise tax on special fuel for diesel engines,
93 18 the amount of excise tax collected from one=fourth cent per
93 19 gallon.
93 20 ~~14.~~ 11. The treasurer of state, before making the
93 21 allotments provided for in this section, shall credit monthly
93 22 from the road use tax fund to the state department of
93 23 transportation for county, city, and state traffic safety
93 24 improvement projects an amount equal to one=half of one
93 25 percent of moneys credited to the road use tax fund.
93 26 ~~15.~~ 12. a. The treasurer of state, before making the
93 27 allotments provided for in this section, for the fiscal year
93 28 beginning July 1, 1990, and each succeeding fiscal year, shall
93 29 credit from the road use tax fund two million dollars to the
93 30 county bridge construction fund, which is hereby created.
93 31 Moneys credited to the county bridge construction fund shall
93 32 be allocated to counties by the department for bridge
93 33 construction, reconstruction, replacement, or realignment
93 34 based on needs in accordance with rules adopted by the
93 35 department.

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94 1 b. The treasurer of state, before making the allotments
94 2 provided for in this section, for the fiscal year beginning
94 3 July 1, 1990, and each succeeding fiscal year, shall credit
94 4 from the road use tax fund five hundred thousand dollars to
94 5 the city bridge construction fund, which is hereby created.
94 6 Moneys credited to the city bridge construction fund shall be
94 7 allocated to cities by the department for bridge construction
94 8 and reconstruction based on needs in accordance with rules
94 9 adopted by the department.
94 10 ~~16.~~ 13. The treasurer of state, before making the
94 11 allotments provided for in this section, shall credit annually
94 12 from the road use tax fund to the state department of
94 13 transportation the sum of six hundred fifty thousand dollars
94 14 for the purpose of providing county treasurers with automation
94 15 and telecommunications equipment and support for vehicle
94 16 registration and titling and driver licensing.
94 17 Notwithstanding section 8.33, unobligated funds credited under
94 18 this subsection remaining on June 30 of the fiscal year shall
94 19 not revert but shall remain available for expenditure for
94 20 purposes of this subsection in subsequent fiscal years.
94 21 ~~17.~~ 14. The treasurer of state, before making the
94 22 allotments provided for in this section, shall credit monthly
94 23 from the road use tax fund to the primary road fund an amount
94 24 equal to ten percent of the revenues collected from the
94 25 operation of section 321.105A, subsection 2, to be used for
94 26 the commercial and industrial highway network.
94 27 ~~18.~~ 15. a. The treasurer of state, before making the
94 28 allotments provided for in this section, shall credit monthly
94 29 to the TIME=21 fund created in section 312A.2, an amount equal
94 30 to ten dollars from each fee for issuance of a certificate of
94 31 title collected pursuant to sections 321.20; 321.20A; 321.23;
94 32 321.42; 321.46, other than a title issued for a returned
94 33 vehicle under section 322G.12; section 321.47; and section
94 34 321.109 and an amount equal to eight dollars from each fee
94 35 collected for issuance of a certificate of title pursuant to

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95 1 section 321.46 for a returned vehicle under section 322G.12
95 2 and from each fee collected for issuance of a salvage
95 3 certificate of title pursuant to section 321.52.
95 4 b. This subsection is repealed June 30, 2028.
95 5 ~~19.~~ 16. a. The treasurer of state, before making the
95 6 allotments provided for in this section, shall credit monthly
95 7 to the TIME=21 fund created in section 312A.2 an amount equal
95 8 to ten dollars from each trailer registration fee collected
95 9 pursuant to section 321.123, subsection 1, paragraph "a",
95 10 subparagraph (1), twenty dollars from each trailer
95 11 registration fee collected pursuant to section 321.123,
95 12 subsection 1, paragraph "a", subparagraph (2), and one=third
95 13 of the amount collected from trailer registration fees
95 14 pursuant to section 321.123, subsection 2.
95 15 b. This subsection is repealed June 30, 2028.
95 16 ~~20.~~ 17. a. The treasurer of state, before making the
95 17 allotments provided for in this section, shall credit annually
95 18 to the TIME=21 fund created in section 312A.2, the revenue
95 19 accruing to the road use tax fund from annual motor vehicle
95 20 registration fees for passenger cars, multipurpose vehicles,
95 21 and motor trucks in excess of three hundred ninety=two million
95 22 dollars annually.
95 23 b. This subsection is repealed June 30, 2028.
95 24 Sec. 115. Section 314.2, Code 2009, is amended to read as
95 25 follows:
95 26 314.2 INTEREST IN CONTRACT PROHIBITED.
95 27 No state or county official or employee, elective or
95 28 appointive shall be directly or indirectly interested in any
95 29 contract for the construction, reconstruction, improvement or
95 30 maintenance of any highway, bridge or culvert, or the
95 31 furnishing of materials therefor. The letting of a contract
95 32 in violation of ~~the foregoing provisions~~ this section shall
95 33 invalidate the contract and such violation shall be a complete
95 34 defense to any action to recover any consideration due or
95 35 earned under the contract at the time of its termination.

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96 1 Sec. 116. Section 321.52A, Code 2009, is amended to read
96 2 as follows:
96 3 321.52A CERTIFICATE OF TITLE SURCHARGE == ALLOCATION OF
96 4 MONEYS.
96 5 In addition to the fee required for the issuance of a
96 6 certificate of title under section 321.20, 321.20A, 321.23,
96 7 321.42, 321.46, 321.47, 321.48, ~~321.50,~~ or 321.52, a surcharge
96 8 of five dollars shall be required. Of each surcharge
96 9 collected under those sections, the county treasurer shall
96 10 remit five dollars to the office of treasurer of state for
96 11 deposit as set forth in section 321.145, subsection 2.
96 12 Sec. 117. Section 321.92, subsection 1, Code 2009, is
96 13 amended to read as follows:
96 14 1. FRAUDULENT INTENT.
96 15 a. No person shall with fraudulent intent, deface,
96 16 destroy, or alter the vehicle identification number or
96 17 component part number or other distinguishing number or
96 18 identification mark of a vehicle or component part, including
96 19 a rebuilt identification, nor shall a person place or stamp a
96 20 serial, engine, or other number or mark upon a vehicle or
96 21 component part, except one assigned thereto by the department.
96 22 b. The year of manufacture of a fence=line feeder, grain
96 23 cart, or tank wagon manufactured on or after July 1, 2001,
96 24 shall be permanently made a part of the identification plate
96 25 on the vehicle. A person shall not fraudulently alter,
96 26 deface, or attempt to fraudulently alter or deface the year of
96 27 manufacture or other product identification number on a
96 28 fence=line feeder, grain cart, or tank wagon.
96 29 c. A violation of this ~~provision~~ subsection is a felony
96 30 punishable as provided in section 321.483.
96 31 d. This subsection does not prohibit the restoration of an
96 32 original vehicle identification number, component part number,
96 33 or other number or mark when the restoration is made by the
96 34 department, nor prevent a manufacturer from placing, in the
96 35 ordinary course of business, numbers or marks upon vehicles or

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97 1 component parts.
97 2 Sec. 118. Section 321.231, subsection 5, Code 2009, is
97 3 amended to read as follows:
97 4 5. The ~~foregoing~~ provisions of this section shall not
97 5 relieve the driver of an authorized emergency vehicle or the
97 6 rider of a police bicycle from the duty to drive or ride with
97 7 due regard for the safety of all persons, nor shall such
97 8 provisions protect the driver or rider from the consequences
97 9 of the driver's or rider's reckless disregard for the safety
97 10 of others.
97 11 Sec. 119. Section 321.285, Code 2009, is amended to read
97 12 as follows:
97 13 321.285 SPEED RESTRICTIONS.
97 14 1. Any person driving a motor vehicle on a highway shall
97 15 drive the same at a careful and prudent speed not greater than
97 16 nor less than is reasonable and proper, having due regard to
97 17 the traffic, surface, and width of the highway and of any
97 18 other conditions then existing, and no person shall drive any
97 19 vehicle upon a highway at a speed greater than will permit the
97 20 person to bring it to a stop within the assured clear distance
97 21 ahead, such driver having the right to assume, however, that
97 22 all persons using said highway will observe the law.
97 23 2. a. ~~The following shall be the lawful speed except as~~
97 24 Unless otherwise provided by this section, or except as posted
97 25 pursuant to sections 262.68, 321.236, subsection 5, section
97 26 321.288, subsection 6, sections 321.289, 321.290, 321.293,
97 27 321.295, and 461A.36, the following shall be the lawful speed
97 28 and any speed in excess thereof shall be unlawful:
97 29 ~~1.~~ (1) Twenty miles per hour in any business district.
97 30 ~~2.~~ (2) Twenty=five miles per hour in any residence or
97 31 school district.
97 32 ~~3.~~ (3) Forty=five miles per hour in any suburban
97 33 district.
97 34 b. Each school district as defined in subsection 70 of
97 35 section 321.1 shall be marked by distinctive signs as provided

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98 1 by the current manual of uniform traffic control devices
98 2 adopted by the department and placed on the highway at the
98 3 limits of such school district.
98 4 ~~4.~~ 3. ~~Notwithstanding any~~ Unless otherwise provided in
98 5 this section or by other speed restrictions, the speed limit
98 6 for all vehicular traffic shall be fifty=five miles per hour.
98 7 ~~5.~~ 4. ~~Reasonable~~ A reasonable and proper speed is
98 8 required, but not greater than fifty=five miles per hour at
98 9 any time between sunrise and sunset, and not greater than
98 10 fifty miles per hour at any time between sunset and sunrise,
98 11 on secondary roads unless such roads are surfaced with
98 12 concrete or asphalt or a combination of both, in which case
98 13 the speed limits shall be the same as provided in subsection ~~4~~
~~98 14 of this section~~ 3. When the board of supervisors of any
98 15 county shall determine upon the basis of an engineering and
98 16 traffic investigation that the speed limit on any secondary
98 17 road is greater than is reasonable and proper under the
98 18 conditions found to exist at any intersection or other place
98 19 or upon any part of a secondary road, the board shall
98 20 determine and declare a reasonable and proper speed limit at
98 21 the intersection or other part of the secondary road. The
98 22 speed limits as determined by the board of supervisors shall
98 23 be effective when appropriate signs giving notice of the speed
98 24 limits are erected by the board of supervisors at the
98 25 intersection or other place or part of the highway.
98 26 ~~6.~~ 5. a. Notwithstanding any other speed restrictions,
98 27 the speed limit for all vehicular traffic on fully
98 28 controlled=access, divided, multilaned highways is sixty=five
98 29 miles per hour. However, the speed limit for all vehicular
98 30 traffic on highways that are part of the interstate road
98 31 system, as defined in section 306.3, is seventy miles per
98 32 hour. The department may establish a speed limit of
98 33 sixty=five miles per hour on certain divided, multilaned
98 34 highways not otherwise described in this paragraph.
98 35 b. The department, on its own motion or in response to a

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99 1 recommendation of a metropolitan or regional planning
99 2 commission or council of governments, may establish a lower
99 3 speed limit on a highway described in this subsection.
99 4 c. For the purposes of this subsection, "fully
99 5 controlled=access highway" means a highway that gives
99 6 preference to through traffic by providing access connections
99 7 with selected public roads only and by prohibiting crossings
99 8 at grade or direct private driveway connections.
99 9 d. A minimum speed may be established by the department on
99 10 the highways referred to in this subsection if warranted by
99 11 engineering and traffic investigations.
99 12 e. Any kind of vehicle, implement, or conveyance incapable
99 13 of attaining and maintaining a speed of forty miles per hour
99 14 shall be prohibited from using the interstate road system.
99 15 ~~7.~~ 6. Notwithstanding any other speed restrictions, a
99 16 self=propelled implement of husbandry equipped with flotation
99 17 tires that is designed to be loaded and operated in the field
99 18 and used exclusively for the application of organic or
99 19 inorganic plant food materials, agricultural limestone, or
99 20 agricultural chemicals shall not be operated on a highway at a
99 21 speed in excess of thirty=five miles per hour.
99 22 Sec. 120. Section 321.376, subsection 1, Code 2009, is
99 23 amended to read as follows:
99 24 1. The driver of a school bus shall hold a driver's
99 25 license issued by the department of transportation valid for
99 26 the operation of the school bus and a certificate of
99 27 qualification for operation of a commercial motor vehicle
99 28 issued by a physician or osteopathic physician licensed
99 29 pursuant to chapter 148 ~~or 150A~~, physician's assistant,
99 30 advanced registered nurse practitioner, or chiropractor or any
99 31 other person identified by federal and state law as authorized
99 32 to perform physical examinations, and shall successfully
99 33 complete an approved course of instruction in accordance with
99 34 subsection 2. A person holding a temporary restricted license
99 35 issued under chapter 321J shall be prohibited from operating a

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100 1 school bus. The department of education shall refuse to issue
100 2 an authorization to operate a school bus to any person who,
100 3 after notice and opportunity for hearing, is determined to
100 4 have committed any of the acts proscribed under section
100 5 321.375, subsection 2. The department of education shall take
100 6 adverse action against any person who, after notice and
100 7 opportunity for hearing, is determined to have committed any
100 8 of the acts proscribed under section 321.375, subsection 2.
100 9 Such action may include a reprimand or warning of the person
100 10 or the suspension or revocation of the person's authorization
100 11 to operate a school bus. The department of education shall
100 12 recommend, and the state board of education shall adopt under
100 13 chapter 17A, rules and procedures for issuing and suspending
100 14 or revoking authorization to operate a school bus in this
100 15 state. Rules and procedures adopted shall include, but are
100 16 not limited to, provisions for the revocation or suspension
100 17 of, or refusal to issue, authorization to persons who are
100 18 determined to have committed any of the acts proscribed under
100 19 section 321.375, subsection 2.
100 20 Sec. 121. Section 321.463, subsection 4, paragraph b, Code
100 21 2009, is amended to read as follows:
100 22 b. (1) Notwithstanding any provision of this section to
100 23 the contrary, the weight on any one axle of a fence=line
100 24 feeder, grain cart, or tank wagon operated on the highways of
100 25 this state shall not exceed twenty=four thousand pounds from
100 26 February 1 through May 31 or twenty=eight thousand pounds from
100 27 June 1 through January 31, provided, however, that the maximum
100 28 gross vehicle weight of the fence=line feeder, grain cart, or
100 29 tank wagon shall not exceed ninety=six thousand pounds.
100 30 (2) Notwithstanding any provision of this section to the
100 31 contrary, a tracked implement of husbandry operated on the
100 32 highways of this state shall not have a maximum gross weight
100 33 in excess of ninety=six thousand pounds.
100 34 (3) A fence=line feeder, grain cart, tank wagon, or
100 35 tracked implement of husbandry shall comply with the other

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101 1 provisions of this section and chapter when operated over a
101 2 bridge in this state. A local authority may issue a special
101 3 permit, based on a statewide standard developed by the
101 4 department, allowing the operation over a bridge within its
101 5 jurisdiction of a fence=line feeder, grain cart, tank wagon,
101 6 or tracked implement of husbandry with a weight in excess of
101 7 the weights allowed under this chapter.
101 8 ~~(2)~~ (4) For purposes of this paragraph "b"~~, "highway"~~:
101 9 (a) "Highway" does not include a bridge.
101 10 (b) ~~For purposes of this paragraph "b", "fence=line~~
101 11 "Fence=line feeder, grain cart, or tank wagon" means all of
101 12 the following:
101 13 ~~(a)~~ (i) A fence=line feeder, grain cart, or tank wagon
101 14 manufactured on or after July 1, 2001.
101 15 ~~(b)~~ (ii) After July 1, 2005, any fence=line feeder, grain
101 16 cart, or tank wagon.
101 17 ~~The year of manufacture of a fence=line feeder, grain cart,~~
~~101 18 or tank wagon manufactured on or after July 1, 2001, shall be~~
~~101 19 permanently made a part of the identification plate on the~~
~~101 20 vehicle. Fraudulently altering or defacing or attempting to~~
~~101 21 fraudulently alter or deface the year of manufacture or other~~
~~101 22 product identification number on a fence=line feeder, grain~~
~~101 23 cart, or tank wagon is a violation of section 321.92.~~
101 24 Sec. 122. Section 321.488, Code 2009, is amended to read
101 25 as follows:
101 26 321.488 PROCEDURE NOT EXCLUSIVE.
101 27 The ~~foregoing~~ provisions of this chapter shall govern all
101 28 peace officers in making arrests without a warrant for
101 29 violations of this chapter for offenses committed in their
101 30 presence, but the procedure prescribed herein shall not be
101 31 exclusive of any other method prescribed by law for the arrest
101 32 and prosecution of a person.
101 33 Sec. 123. Section 321.506, Code 2009, is amended to read
101 34 as follows:
101 35 321.506 ACTUAL SERVICE WITHIN THIS STATE.

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The ~~foregoing~~ provisions of this chapter relative to service of original notice of suit on nonresidents shall not be deemed to prevent actual personal service in this state upon the nonresident in the time, manner, form, and under the conditions provided for service on residents.

Sec. 124. Section 321A.7, Code 2009, is amended to read as follows:

321A.7 DURATION OF SUSPENSION.

~~The~~ If a person's license and registration ~~and~~ or nonresident's operating privilege has been suspended as provided in section 321A.5, that license and registration or privilege shall remain ~~so~~ suspended and shall not be renewed ~~nor shall any such~~ and a new license or registration shall not be issued to ~~such~~ that person until one of the following has occurred:

1. ~~Such~~ The person ~~shall deposit~~ deposits or there ~~shall be~~ is deposited on the person's behalf the security required under section 321A.5~~; or~~.

2. Twelve months have elapsed after such accident~~, provided~~ and the department has not been notified by any party to the action or an attorney for any party that an action for damages arising out of such accident has been instituted within one year from the date of the accident~~; or~~.

3. Evidence satisfactory to the department has been filed with the department of a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged written agreement, in accordance with section 321A.6, subsection 4~~; provided,~~. If, however, ~~in the event~~ there ~~shall be~~ is any default in the payment of any installment under any confession of judgment, then, upon notice of such default, the department shall ~~forthwith~~ immediately suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid~~; and~~

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~~provided, further, that in the event~~. In addition, if there ~~shall be~~ is any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the department shall ~~forthwith~~ immediately suspend the license and registration or nonresident's operating privilege of ~~such~~ that person defaulting ~~which~~ and the license and registration or nonresident's operating privilege shall not be restored unless and until one of the following occurs:

a. Such person deposits and thereafter maintains security as required under section 321A.5 in such amount as the department may then determine~~, or~~.

b. Twelve months have elapsed after such security was required~~, provided~~ and the department has not been notified by any party to the action or an attorney for any party that an action upon such an agreement has been instituted in a court in this state within one year after such security was required.

Sec. 125. Section 330A.10, Code 2009, is amended to read as follows:

330A.10 FUNDS OF AN AUTHORITY.

1. Moneys of an authority shall be paid to the treasurer of the authority who shall not commingle said moneys with any other moneys, but shall deposit them in a separate account or accounts. The moneys in said accounts shall be paid out on check of the treasurer on requisition of the chairperson of the authority, or of such other person, or persons, as the authority may authorize to make such requisition.

2. Notwithstanding ~~the aforementioned provisions~~ subsection 1, an authority is hereby authorized, and shall have the right, to deposit any of its rates, fees, rentals, or other charges, receipts or income with any bank or trust company within the state and to deposit the proceeds of any bonds issued hereunder with any bank or trust company within the state, all as may be provided in any agreement with the

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104 1 holders of bonds issued hereunder.
104 2 Sec. 126. Section 331.653, subsection 27, Code 2009, is
104 3 amended to read as follows:
104 4 27. Give notice of the time and place of making an
104 5 appraisement of unneeded school land as provided in ~~section~~
104 6 sections 297.17 and 297.28.
104 7 Sec. 127. Section 335.22, Code 2009, is amended to read as
104 8 follows:
104 9 335.22 PRECEDENCE.
104 10 All issues in any proceedings under ~~the foregoing~~ sections
104 11 335.18 through 335.21 shall have preference over all other
104 12 civil actions and proceedings.
104 13 Sec. 128. Section 358.8, Code 2009, is amended to read as
104 14 follows:
104 15 358.8 EXPENSES AND COSTS OF ELECTION.
104 16 The election held pursuant to this chapter shall be
104 17 conducted by the county commissioner of elections. All
104 18 expenses incurred in carrying out ~~the foregoing~~ sections 358.4
104 19 and 358.5 of this chapter, together with the costs of the
104 20 election, as determined by the county commissioner of
104 21 elections, shall be paid by those who will be benefited by the
104 22 proposed sanitary district. If the district is not
104 23 established, the expenses and costs shall be collected upon
104 24 the bond or bonds of the petitioners.
104 25 Sec. 129. Section 358C.9, Code 2009, is amended to read as
104 26 follows:
104 27 358C.9 EXPENSES AND COSTS OF ELECTION.
104 28 The election held pursuant to this chapter shall be
104 29 conducted by the county commissioner of elections. All
104 30 expenses incurred in carrying out ~~the preceding~~ sections ~~of~~
~~104 31 this chapter~~ 358C.5 and 358C.6, and the costs of the election,
104 32 as determined by the county commissioner of elections, shall
104 33 be paid by those who will be benefited by the proposed
104 34 district. If the district is not established, the expenses
104 35 and costs shall be collected upon the bonds of the

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105 1 petitioners.
105 2 Sec. 130. Section 364.17, subsection 3, Code 2009, is
105 3 amended to read as follows:
105 4 3. a. A city which adopts or is subject to a housing code
105 5 under this section shall adopt enforcement procedures, which
105 6 shall include a program for regular rental inspections, rental
105 7 inspections upon receipt of complaints, and certification of
105 8 inspected rental housing, and may include but are not limited
105 9 to the following:
105 10 ~~a.~~ (1) A schedule of civil penalties or criminal fines
105 11 for violations. A city may charge the owner of housing a late
105 12 payment fee of twenty=five dollars and may add interest of up
105 13 to one and one=half percent per month if a penalty or fine
105 14 imposed under this ~~paragraph~~ subparagraph is not paid within
105 15 thirty days of the date that the penalty or fine is due. The
105 16 city shall send a notice of the late payment fee to such owner
105 17 by first class mail to the owner's personal or business
105 18 mailing address. The late payment fee and the interest shall
105 19 not accrue if such owner files an appeal with either the city,
105 20 if the city has established an appeals procedure, or the
105 21 district court. Any unpaid penalty, fine, fee, or interest
105 22 shall constitute a lien on the real property and may be
105 23 collected in the same manner as a property tax. However,
105 24 before a lien is filed, the city shall send a notice of intent
105 25 to file a lien to the owner of the housing by first class mail
105 26 to such owner's personal or business mailing address.
105 27 ~~b.~~ (2) Authority for the issuance of orders requiring
105 28 violations to be corrected within a reasonable time.
105 29 ~~c.~~ (3) Authority for the issuance of citations pursuant
105 30 to sections 805.1 to 805.5 upon a failure to satisfactorily
105 31 remedy a violation.
105 32 ~~d.~~ (4) Authority, if other methods have failed, for an
105 33 officer to contract to have work done as necessary to remedy a
105 34 violation, the cost of which shall be assessed to the violator
105 35 and constitute a lien on the property until paid.

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106 1 ~~e.~~ (5) An escrow system for the deposit of rent which
106 2 will be applied to the costs of correcting violations.
106 3 ~~f.~~ (6) Mediation of disputes based upon alleged
106 4 violations.
106 5 ~~g.~~ (7) Injunctive procedures.
106 6 ~~The enforcement procedures shall be designed to improve~~
~~106 7 housing conditions rather than to displace persons from their~~
~~106 8 homes.~~
106 9 ~~h.~~ (8) Authority by ordinance to provide that no rent
106 10 shall be recoverable by the owner or lessee of any dwelling
106 11 which does not comply with the housing code adopted by the
106 12 city until such time as the dwelling does comply with the
106 13 housing code adopted by the city.
106 14 b. The enforcement procedures shall be designed to improve
106 15 housing conditions rather than to displace persons from their
106 16 homes.
106 17 Sec. 131. Section 384.84, subsection 2, paragraph c, Code
106 18 2009, is amended to read as follows:
106 19 c. A city utility or enterprise service to a property or
106 20 premises shall not be discontinued unless prior written notice
106 21 is sent, by ordinary mail, to the account holder in whose name
106 22 the delinquent rates or charges were incurred, informing the
106 23 account holder of the nature of the delinquency and affording
106 24 the account holder the opportunity for a hearing prior to
106 25 discontinuance of service. If the account holder is a tenant,
106 26 and if the owner or landlord of the property or premises has
106 27 made a written request for notice, the notice shall also be
106 28 given to the owner or landlord.
106 29 Sec. 132. Section 384.84, subsection 3, paragraph c, Code
106 30 2009, is amended to read as follows:
106 31 c. A lien for a city utility or enterprise service under
106 32 paragraph "a" shall not be certified to the county treasurer
106 33 for collection unless prior written notice of intent to
106 34 certify a lien is given to the account holder in whose name
106 35 the delinquent rates or charges were incurred at least thirty

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107 1 days prior to certification. If the account holder is a
107 2 tenant, and if the owner or landlord of the property or
107 3 premises has made a written request for notice, the notice
107 4 shall also be given to the owner or landlord. The notice
107 5 shall be sent to the appropriate persons by ordinary mail not
107 6 less than thirty days prior to certification of the lien to
107 7 the county treasurer.
107 8 Sec. 133. Section 414.19, Code 2009, is amended to read as
107 9 follows:
107 10 414.19 PREFERENCE IN TRIAL.
107 11 All issues in any proceedings under ~~the foregoing~~ sections
107 12 414.15 through 414.18 shall have preference over all other
107 13 civil actions and proceedings.
107 14 Sec. 134. Section 421B.3, subsection 3, paragraph b, Code
107 15 2009, is amended to read as follows:
107 16 b. Each day ~~the~~ a violation occurs counts as a new
107 17 violation for purposes of this subsection.
107 18 Sec. 135. Section 422.5, Code 2009, is amended to read as
107 19 follows:
107 20 422.5 TAX IMPOSED == EXCLUSIONS == ALTERNATIVE MINIMUM
107 21 TAX.
107 22 1. A tax is imposed upon every resident and nonresident of
107 23 the state which tax shall be levied, collected, and paid
107 24 annually upon and with respect to the entire taxable income as
107 25 defined in this division at rates as follows:
107 26 a. On all taxable income from zero through one thousand
107 27 dollars, thirty=six hundredths of one percent.
107 28 b. On all taxable income exceeding one thousand dollars
107 29 but not exceeding two thousand dollars, seventy=two hundredths
107 30 of one percent.
107 31 c. On all taxable income exceeding two thousand dollars
107 32 but not exceeding four thousand dollars, two and forty=three
107 33 hundredths percent.
107 34 d. On all taxable income exceeding four thousand dollars
107 35 but not exceeding nine thousand dollars, four and one=half

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108 1 percent.
108 2 e. On all taxable income exceeding nine thousand dollars
108 3 but not exceeding fifteen thousand dollars, six and twelve
108 4 hundredths percent.
108 5 f. On all taxable income exceeding fifteen thousand
108 6 dollars but not exceeding twenty thousand dollars, six and
108 7 forty=eight hundredths percent.
108 8 g. On all taxable income exceeding twenty thousand dollars
108 9 but not exceeding thirty thousand dollars, six and
108 10 eight=tenths percent.
108 11 h. On all taxable income exceeding thirty thousand dollars
108 12 but not exceeding forty=five thousand dollars, seven and
108 13 ninety=two hundredths percent.
108 14 i. On all taxable income exceeding forty=five thousand
108 15 dollars, eight and ninety=eight hundredths percent.
108 16 j. (1) The tax imposed upon the taxable income of a
108 17 nonresident shall be computed by reducing the amount
108 18 determined pursuant to paragraphs "a" through "i" by the
108 19 amounts of nonrefundable credits under this division and by
108 20 multiplying this resulting amount by a fraction of which the
108 21 nonresident's net income allocated to Iowa, as determined in
108 22 section 422.8, subsection 2, paragraph "a", is the numerator
108 23 and the nonresident's total net income computed under section
108 24 422.7 is the denominator. This provision also applies to
108 25 individuals who are residents of Iowa for less than the entire
108 26 tax year.
108 27 (2) (a) The tax imposed upon the taxable income of a
108 28 resident shareholder in an S corporation which has in effect
108 29 for the tax year an election under subchapter S of the
108 30 Internal Revenue Code and carries on business within and
108 31 without the state may be computed by reducing the amount
108 32 determined pursuant to paragraphs "a" through "i" by the
108 33 amounts of nonrefundable credits under this division and by
108 34 multiplying this resulting amount by a fraction of which the
108 35 resident's net income allocated to Iowa, as determined in

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109 1 section 422.8, subsection 2, paragraph "b", is the numerator
109 2 and the resident's total net income computed under section
109 3 422.7 is the denominator. If a resident shareholder has
109 4 elected to take advantage of this subparagraph (2), and for
109 5 the next tax year elects not to take advantage of this
109 6 subparagraph, the resident shareholder shall not reelect to
109 7 take advantage of this subparagraph for the three tax years
109 8 immediately following the first tax year for which the
109 9 shareholder elected not to take advantage of this
109 10 subparagraph, unless the director consents to the reelection.
109 11 This subparagraph also applies to individuals who are
109 12 residents of Iowa for less than the entire tax year.
109 13 (b) This subparagraph (2) shall not affect the amount of
109 14 the taxpayer's checkoffs under this division, the credits from
109 15 tax provided under this division, and the allocation of these
109 16 credits between spouses if the taxpayers filed separate
109 17 returns or separately on combined returns.
109 18 ~~k.~~ 2. a. There is imposed upon every resident and
109 19 nonresident of this state, including estates and trusts, the
109 20 greater of the tax determined in subsection 1, paragraphs "a"
109 21 through "j", or the state alternative minimum tax equal to
109 22 seventy=five percent of the maximum state individual income
109 23 tax rate for the tax year, rounded to the nearest one=tenth of
109 24 one percent, of the state alternative minimum taxable income
109 25 of the taxpayer as computed under this ~~paragraph~~ subsection.
109 26 b. The state alternative minimum taxable income of a
109 27 taxpayer is equal to the taxpayer's state taxable income, as
109 28 computed with the deductions in section 422.9, with the
109 29 following adjustments:
109 30 (1) Add items of tax preference included in federal
109 31 alternative minimum taxable income under section 57, except
109 32 subsections (a)(1), (a)(2), and (a)(5), of the Internal
109 33 Revenue Code, make the adjustments included in federal
109 34 alternative minimum taxable income under section 56, except
109 35 subsections (a)(4), (b)(1)(C)(iii), and (d), of the Internal

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110 1 Revenue Code, and add losses as required by section 58 of the
110 2 Internal Revenue Code. To the extent that any preference or
110 3 adjustment is determined by an individual's federal adjusted
110 4 gross income, the individual's federal adjusted gross income
110 5 is computed in accordance with section 422.7, subsection 39.
110 6 In the case of an estate or trust, the items of tax
110 7 preference, adjustments, and losses shall be apportioned
110 8 between the estate or trust and the beneficiaries in
110 9 accordance with rules prescribed by the director.
110 10 (2) Subtract the applicable exemption amount as follows:
110 11 (a) Seventeen thousand five hundred dollars for a married
110 12 person who files separately or for an estate or trust.
110 13 (b) Twenty=six thousand dollars for a single person or a
110 14 head of household.
110 15 (c) Thirty=five thousand dollars for a married couple
110 16 which files a joint return.
110 17 (d) The exemption amount shall be reduced, but not below
110 18 zero, by an amount equal to twenty=five percent of the amount
110 19 by which the alternative minimum taxable income of the
110 20 taxpayer, computed without regard to the exemption amount in
110 21 this subparagraph (2), exceeds the following:
110 22 (i) Seventy=five thousand dollars in the case of a
110 23 taxpayer described in subparagraph ~~subdivision~~ division (a).
110 24 (ii) One hundred twelve thousand five hundred dollars in
110 25 the case of a taxpayer described in subparagraph ~~subdivision~~
110 26 division (b).
110 27 (iii) One hundred fifty thousand dollars in the case of a
110 28 taxpayer described in subparagraph ~~subdivision~~ division (c).
110 29 (3) In the case of a net operating loss computed for a tax
110 30 year beginning after December 31, 1982, which is carried back
110 31 or carried forward to the current taxable year, the net
110 32 operating loss shall be reduced by the amount of the items of
110 33 tax preference arising in such year which was taken into
110 34 account in computing the net operating loss in section 422.9,
110 35 subsection 3. The deduction for a net operating loss for a

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111 1 tax year beginning after December 31, 1986, which is carried
111 2 back or carried forward to the current taxable year shall not
111 3 exceed ninety percent of the alternative minimum taxable
111 4 income determined without regard for the net operating loss
111 5 deduction.
111 6 c. The state alternative minimum tax of a taxpayer whose
111 7 net capital gain deduction includes the gain or loss from the
111 8 forfeiture of an installment real estate contract, the
111 9 transfer of real or personal property securing a debt to a
111 10 creditor in cancellation of that debt, or from the sale or
111 11 exchange of property as a result of actual notice of
111 12 foreclosure, where the fair market value of the taxpayer's
111 13 assets exceeds the taxpayer's liabilities immediately before
111 14 such forfeiture, transfer, or sale or exchange, shall not be
111 15 greater than such excess, including any asset transferred
111 16 within one hundred twenty days prior to such forfeiture,
111 17 transfer, or sale or exchange.
111 18 d. In the case of a resident, including a resident estate
111 19 or trust, the state's apportioned share of the state
111 20 alternative minimum tax is one hundred percent of the state
111 21 alternative minimum tax computed in this subsection 2. In the
111 22 case of a resident or part=year resident shareholder in an S
111 23 corporation which has in effect for the tax year an election
111 24 under subchapter S of the Internal Revenue Code and carries on
111 25 business within and without the state, a nonresident,
111 26 including a nonresident estate or trust, or an individual,
111 27 estate, or trust that is domiciled in the state for less than
111 28 the entire tax year, the state's apportioned share of the
111 29 state alternative minimum tax is the amount of tax computed
111 30 under this subsection 2, reduced by the applicable credits in
111 31 sections 422.10 through 422.12 and this result multiplied by a
111 32 fraction with a numerator of the sum of state net income
111 33 allocated to Iowa as determined in section 422.8, subsection
111 34 2, paragraph "a" or "b" as applicable, plus tax preference
111 35 items, adjustments, and losses under subparagraph (1)

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112 1 attributable to Iowa and with a denominator of the sum of
112 2 total net income computed under section 422.7 plus all tax
112 3 preference items, adjustments, and losses under subparagraph
112 4 (1). In computing this fraction, those items excludable under
112 5 subparagraph (1) shall not be used in computing the tax
112 6 preference items. Married taxpayers electing to file separate
112 7 returns or separately on a combined return must allocate the
112 8 minimum tax computed in this subsection in the proportion that
112 9 each spouse's respective preference items, adjustments, and
112 10 losses under subparagraph (1) bear to the combined preference
112 11 items, adjustments, and losses under subparagraph (1) of both
112 12 spouses.
112 13 ~~2.~~ 3. a. ~~However, the~~ The tax shall not be imposed on a
112 14 resident or nonresident whose net income, as defined in
112 15 section 422.7, is thirteen thousand five hundred dollars or
112 16 less in the case of married persons filing jointly or filing
112 17 separately on a combined return, heads of household, and
112 18 surviving spouses or nine thousand dollars or less in the case
112 19 of all other persons; but in the event that the payment of tax
112 20 under this division would reduce the net income to less than
112 21 thirteen thousand five hundred dollars or nine thousand
112 22 dollars as applicable, then the tax shall be reduced to that
112 23 amount which would result in allowing the taxpayer to retain a
112 24 net income of thirteen thousand five hundred dollars or nine
112 25 thousand dollars as applicable. The preceding sentence does
112 26 not apply to estates or trusts. For the purpose of this
112 27 subsection, the entire net income, including any part of the
112 28 net income not allocated to Iowa, shall be taken into account.
112 29 For purposes of this subsection, net income includes all
112 30 amounts of pensions or other retirement income received from
112 31 any source which is not taxable under this division as a
112 32 result of the government pension exclusions in section 422.7,
112 33 or any other state law. If the combined net income of a
112 34 husband and wife exceeds thirteen thousand five hundred
112 35 dollars, neither of them shall receive the benefit of this

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113 1 subsection, and it is immaterial whether they file a joint
113 2 return or separate returns. However, if a husband and wife
113 3 file separate returns and have a combined net income of
113 4 thirteen thousand five hundred dollars or less, neither spouse
113 5 shall receive the benefit of this paragraph, if one spouse has
113 6 a net operating loss and elects to carry back or carry forward
113 7 the loss as provided in section 422.9, subsection 3. A person
113 8 who is claimed as a dependent by another person as defined in
113 9 section 422.12 shall not receive the benefit of this
113 10 subsection if the person claiming the dependent has net income
113 11 exceeding thirteen thousand five hundred dollars or nine
113 12 thousand dollars as applicable or the person claiming the
113 13 dependent and the person's spouse have combined net income
113 14 exceeding thirteen thousand five hundred dollars or nine
113 15 thousand dollars as applicable.
113 16 b. In ~~addition~~ lieu of the computation in subsection 1, 2,
113 17 or 3, if the married persons', filing jointly or filing
113 18 separately on a combined return, head of household's, or
113 19 surviving spouse's net income exceeds thirteen thousand five
113 20 hundred dollars, the regular tax imposed under this division
113 21 shall be the lesser of the maximum state individual income tax
113 22 rate times the portion of the net income in excess of thirteen
113 23 thousand five hundred dollars or the regular tax liability
113 24 computed without regard to this sentence. Taxpayers electing
113 25 to file separately shall compute the alternate tax described
113 26 in this paragraph using the total net income of the husband
113 27 and wife. The alternate tax described in this paragraph does
113 28 not apply if one spouse elects to carry back or carry forward
113 29 the loss as provided in section 422.9, subsection 3.
113 30 ~~2A.~~ 3A. Reserved.
113 31 ~~2B.~~ 3B. a. ~~However, the~~ The tax shall not be imposed on
113 32 a resident or nonresident who is at least sixty=five years old
113 33 on December 31 of the tax year and whose net income, as
113 34 defined in section 422.7, is thirty=two thousand dollars or
113 35 less in the case of married persons filing jointly or filing

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114 1 separately on a combined return, heads of household, and
114 2 surviving spouses or twenty=four thousand dollars or less in
114 3 the case of all other persons; but in the event that the
114 4 payment of tax under this division would reduce the net income
114 5 to less than thirty=two thousand dollars or twenty=four
114 6 thousand dollars as applicable, then the tax shall be reduced
114 7 to that amount which would result in allowing the taxpayer to
114 8 retain a net income of thirty=two thousand dollars or
114 9 twenty=four thousand dollars as applicable. The preceding
114 10 sentence does not apply to estates or trusts. For the purpose
114 11 of this subsection, the entire net income, including any part
114 12 of the net income not allocated to Iowa, shall be taken into
114 13 account. For purposes of this subsection, net income includes
114 14 all amounts of pensions or other retirement income received
114 15 from any source which is not taxable under this division as a
114 16 result of the government pension exclusions in section 422.7,
114 17 or any other state law. If the combined net income of a
114 18 husband and wife exceeds thirty=two thousand dollars, neither
114 19 of them shall receive the benefit of this subsection, and it
114 20 is immaterial whether they file a joint return or separate
114 21 returns. However, if a husband and wife file separate returns
114 22 and have a combined net income of thirty=two thousand dollars
114 23 or less, neither spouse shall receive the benefit of this
114 24 paragraph, if one spouse has a net operating loss and elects
114 25 to carry back or carry forward the loss as provided in section
114 26 422.9, subsection 3. A person who is claimed as a dependent
114 27 by another person as defined in section 422.12 shall not
114 28 receive the benefit of this subsection if the person claiming
114 29 the dependent has net income exceeding thirty=two thousand
114 30 dollars or twenty=four thousand dollars as applicable or the
114 31 person claiming the dependent and the person's spouse have
114 32 combined net income exceeding thirty=two thousand dollars or
114 33 twenty=four thousand dollars as applicable.
114 34 b. In ~~addition~~ lieu of the computation in subsection 1, 2,
114 35 or 3, if the married persons', filing jointly or filing

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115 1 separately on a combined return, head of household's, or
115 2 surviving spouse's net income exceeds thirty=two thousand
115 3 dollars, the regular tax imposed under this division shall be
115 4 the lesser of the maximum state individual income tax rate
115 5 times the portion of the net income in excess of thirty=two
115 6 thousand dollars or the regular tax liability computed without
115 7 regard to this sentence. Taxpayers electing to file
115 8 separately shall compute the alternate tax described in this
115 9 paragraph using the total net income of the husband and wife.
115 10 The alternate tax described in this paragraph does not apply
115 11 if one spouse elects to carry back or carry forward the loss
115 12 as provided in section 422.9, subsection 3.
115 13 c. This subsection applies even though one spouse has not
115 14 attained the age of sixty=five, if the other spouse is at
115 15 least sixty=five at the end of the tax year.
115 16 ~~3.~~ 4. The tax herein levied shall be computed and
115 17 collected as hereinafter provided.
115 18 ~~4.~~ 5. The provisions of this division shall apply to all
115 19 salaries received by federal officials or employees of the
115 20 United States government as provided for herein.
115 21 ~~5.~~ 6. Upon determination of the latest cumulative
115 22 inflation factor, the director shall multiply each dollar
115 23 amount set forth in subsection 1, paragraphs "a" through "i"
115 24 ~~of this section~~ by this cumulative inflation factor, shall
115 25 round off the resulting product to the nearest one dollar, and
115 26 shall incorporate the result into the income tax forms and
115 27 instructions for each tax year.
115 28 ~~6.~~ 7. The state income tax of a taxpayer whose net income
115 29 includes the gain or loss from the forfeiture of an
115 30 installment real estate contract, the transfer of real or
115 31 personal property securing a debt to a creditor in
115 32 cancellation of that debt, or from the sale or exchange of
115 33 property as a result of actual notice of foreclosure where the
115 34 fair market value of the taxpayer's assets exceeds the
115 35 taxpayer's liabilities immediately before such forfeiture,

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116 1 transfer, or sale or exchange shall not be greater than such
116 2 excess, including any asset transferred within one hundred
116 3 twenty days prior to such forfeiture, transfer, or sale or
116 4 exchange. For purposes of this subsection, in the case of
116 5 married taxpayers, except in the case of a husband and wife
116 6 who live apart at all times during the tax year, the assets
116 7 and liabilities of both spouses shall be considered in
116 8 determining if the fair market value of the taxpayer's assets
116 9 exceed the taxpayer's liabilities.
116 10 ~~7.~~ 8. In addition to the other taxes imposed by this
116 11 section, a tax is imposed on the amount of a lump sum
116 12 distribution for which the taxpayer has elected under section
116 13 402(e) of the Internal Revenue Code to be separately taxed for
116 14 federal income tax purposes for the tax year. The rate of tax
116 15 is equal to twenty=five percent of the separate federal tax
116 16 imposed on the amount of the lump sum distribution. A
116 17 nonresident is liable for this tax only on that portion of the
116 18 lump sum distribution allocable to Iowa. The total amount of
116 19 the lump sum distribution subject to separate federal tax
116 20 shall be included in net income for purposes of determining
116 21 eligibility under subsections ~~2~~ 3 and ~~2A or 2B~~ 3B, as
116 22 applicable.
116 23 ~~8.~~ 9. In the case of income derived from the sale or
116 24 exchange of livestock which qualifies under section 451(e) of
116 25 the Internal Revenue Code because of drought, the taxpayer may
116 26 elect to include the income in the taxpayer's net income in
116 27 the tax year following the year of the sale or exchange in
116 28 accordance with rules prescribed by the director.
116 29 ~~9.~~ 10. If an individual's federal income tax was forgiven
116 30 for a tax year under section 692 of the Internal Revenue Code,
116 31 because the individual was killed while serving in an area
116 32 designated by the president of the United States or the United
116 33 States Congress as a combat zone, the individual was missing
116 34 in action and presumed dead, or the individual was killed
116 35 outside the United States in a terroristic or military action

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while the individual was a military or civilian employee of the United States, the individual's Iowa income tax is also forgiven for the same tax year.

~~10.~~ 11. If a taxpayer repays in the current tax year certain amounts of income that were subject to tax under this division in a prior year and a tax benefit would be allowed under similar circumstances under section 1341 of the Internal Revenue Code, a tax benefit shall be allowed on the Iowa return. The tax benefit shall be the reduced tax for the current tax year due to the deduction for the repaid income or the reduction in tax for the prior year or years due to exclusion of the repaid income. The reduction in tax shall qualify as a refundable tax credit on the return for the current year pursuant to rules prescribed by the director.

Sec. 136. Section 422.7, subsection 12, Code 2009, is amended to read as follows:

12. a. If the adjusted gross income includes income or loss from a small business operated by the taxpayer, an additional deduction shall be allowed in computing the income or loss from the small business if the small business hired for employment in the state during its annual accounting period ending with or during the taxpayer's tax year any of the following:

~~a.~~ (1) An individual with a disability domiciled in this state at the time of the hiring who meets any of the following conditions:

~~(1)~~ (a) Has a physical or mental impairment which substantially limits one or more major life activities.

~~(2)~~ (b) Has a record of that impairment.

~~(3)~~ (c) Is regarded as having that impairment.

~~b.~~ (2) An individual domiciled in this state at the time of the hiring who meets any of the following conditions:

~~(1)~~ (a) Has been convicted of a felony in this or any other state or the District of Columbia.

~~(2)~~ (b) Is on parole pursuant to chapter 906.

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118 1 ~~(3)~~ (c) Is on probation pursuant to chapter 907, for an
118 2 offense other than a simple misdemeanor.
118 3 ~~(4)~~ (d) Is in a work release program pursuant to chapter
118 4 904, division IX.
118 5 ~~c.~~ (3) An individual, whether or not domiciled in this
118 6 state at the time of the hiring, who is on parole or probation
118 7 and to whom the interstate probation and parole compact under
118 8 section 907A.1, Code 2001, applies, or to whom the interstate
118 9 compact for adult offender supervision under chapter 907B
118 10 applies.
118 11 b. (1) The amount of the additional deduction is equal to
118 12 sixty=five percent of the wages paid to individuals, but shall
118 13 not exceed twenty thousand dollars per individual, named in
118 14 ~~paragraphs~~ paragraph "a", ~~"b", and "c"~~ subparagraphs (1), (2),
118 15 and (3) who were hired for the first time by that business
118 16 during the annual accounting period for work done in the
118 17 state. This additional deduction is allowed for the wages
118 18 paid to those individuals successfully completing a
118 19 probationary period during the twelve months following the
118 20 date of first employment by the business and shall be deducted
118 21 at the close of the annual accounting period.
118 22 (2) The additional deduction shall not be allowed for
118 23 wages paid to an individual who was hired to replace an
118 24 individual whose employment was terminated within the
118 25 twelve=month period preceding the date of first employment.
118 26 However, if the individual being replaced left employment
118 27 voluntarily without good cause attributable to the employer or
118 28 if the individual was discharged for misconduct in connection
118 29 with the individual's employment as determined by the
118 30 department of workforce development, the additional deduction
118 31 shall be allowed.
118 32 (3) A taxpayer who is a partner of a partnership or a
118 33 shareholder of a subchapter S corporation, may deduct that
118 34 portion of wages qualified under this subsection paid by the
118 35 partnership or subchapter S corporation based on the

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119 1 taxpayer's pro rata share of the profits or losses from the
119 2 partnership or subchapter S corporation.
119 3 c. For purposes of this subsection~~, "physical~~:
119 4 (1) "Physical or mental impairment" means any
119 5 physiological disorder or condition, cosmetic disfigurement,
119 6 or anatomical loss affecting one or more of the body systems
119 7 or any mental or psychological disorder, including mental
119 8 retardation, organic brain syndrome, emotional or mental
119 9 illness and specific learning disabilities.
119 10 (2) (a) ~~For purposes of this subsection, "small~~ "Small
119 11 business" means a profit or nonprofit business, including but
119 12 not limited to an individual, partnership, corporation, joint
119 13 venture, association, or cooperative, to which the following
119 14 apply:
119 15 ~~(1)~~ (i) It is not an affiliate or subsidiary of a
119 16 business dominant in its field of operation.
119 17 ~~(2)~~ (ii) It has twenty or fewer full=time equivalent
119 18 positions and not more than the equivalent of three million
119 19 dollars in annual gross revenues as computed for the preceding
119 20 fiscal year or as the average of the three preceding fiscal
119 21 years.
119 22 ~~(3)~~ (iii) It does not include the practice of a
119 23 profession.
119 24 (b) "Small business" includes an employee=owned business
119 25 which has been an employee=owned business for less than three
119 26 years or which meets the conditions of ~~subparagraphs (1)~~
119 27 subparagraph division (a), subparagraph subdivisions (i)
119 28 through ~~(3)~~ (iii).
119 29 (c) For purposes of this definition, "dominant in its
119 30 field of operation" means having more than twenty full=time
119 31 equivalent positions and more than three million dollars in
119 32 annual gross revenues, and "affiliate or subsidiary of a
119 33 business dominant in its field of operation" means a business
119 34 which is at least twenty percent owned by a business dominant
119 35 in its field of operation, or by partners, officers,

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120 1 directors, majority stockholders, or their equivalents, of a
120 2 business dominant in that field of operation.
120 3 ~~The department may, by resolution, waive any or all of the~~
~~120 4 requirements of paragraph "b" in connection with a loan to a~~
~~120 5 small business, as defined under applicable federal law and~~
~~120 6 regulations that have been enacted or adopted by April 1,~~
~~120 7 1983, in which federal assistance, insurance, or guaranties~~
~~120 8 are sought.~~
120 9 Sec. 137. Section 422.7, subsection 28, paragraph b, Code
120 10 2009, is amended to read as follows:
120 11 b. The amount of any ~~savings refund or~~ state match
120 12 payments authorized under section 541A.3, subsection 1.
120 13 Sec. 138. Section 422.7, subsection 43, unnumbered
120 14 paragraph 1, Code 2009, is amended to read as follows:
120 15 A taxpayer may elect not to take the increased expensing
120 16 allowance under section 179 of the Internal Revenue Code, as
120 17 amended by Pub. L. No. 108=27, section 202, in computing
120 18 adjusted gross income for state tax purposes. If the taxpayer
120 19 does not take the increased expensing allowance under section
120 20 179 of the Internal Revenue Code for state tax purposes, the
120 21 following adjustments shall be made:
120 22 Sec. 139. Section 422.7, subsection 53, Code 2009, is
120 23 amended to read as follows:
120 24 53. A taxpayer is allowed to take the increased expensing
120 25 allowance under section 179 of the Internal Revenue Code, as
120 26 amended by Pub. L. No. 110=185, in computing adjusted gross
120 27 income for state tax purposes.
120 28 Sec. 140. Section 422.12, Code 2009, is amended to read as
120 29 follows:
120 30 422.12 DEDUCTIONS FROM COMPUTED TAX.
120 31 1. As used in this section:
120 32 a. "Dependent" has the same meaning as provided by the
120 33 Internal Revenue Code.
120 34 b. "Textbooks" means books and other instructional
120 35 materials and equipment used in elementary and secondary

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121 1 schools in teaching only those subjects legally and commonly
121 2 taught in public elementary and secondary schools in this
121 3 state and does not include instructional books and materials
121 4 used in the teaching of religious tenets, doctrines, or
121 5 worship, the purpose of which is to inculcate those tenets,
121 6 doctrines, or worship. "Textbooks" includes books or
121 7 materials used for extracurricular activities including
121 8 sporting events, musical or dramatic events, speech
121 9 activities, driver's education, or programs of a similar
121 10 nature.
121 11 c. "Tuition" means any charges for the expenses of
121 12 personnel, buildings, equipment, and materials other than
121 13 textbooks, and other expenses of elementary or secondary
121 14 schools which relate to the teaching only of those subjects
121 15 legally and commonly taught in public elementary and secondary
121 16 schools in this state and which do not relate to the teaching
121 17 of religious tenets, doctrines, or worship, the purpose of
121 18 which is to inculcate those tenets, doctrines, or worship.
121 19 "Tuition" includes those expenses which relate to
121 20 extracurricular activities including sporting events, musical
121 21 or dramatic events, speech activities, driver's education, or
121 22 programs of a similar nature.
121 23 2. There shall be deducted from but not to exceed the tax,
121 24 after the same shall have been computed as provided in this
121 25 division, the following:
121 26 ~~1.~~ a. A personal exemption credit in the following
121 27 amounts:
121 28 ~~a.~~ (1) For an estate or trust, a single individual, or a
121 29 married person filing a separate return, forty dollars.
121 30 ~~b.~~ (2) For a head of household, or a husband and wife
121 31 filing a joint return, eighty dollars.
121 32 ~~c.~~ (3) For each dependent, an additional forty dollars.
121 33 ~~As used in this section, the term "dependent" has the same~~
~~121 34 meaning as provided by the Internal Revenue Code.~~
121 35 ~~d.~~ (4) For a single individual, husband, wife, or head of

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122 1 household, an additional exemption of twenty dollars for each
122 2 of said individuals who has attained the age of sixty=five
122 3 years before the close of the tax year or on the first day
122 4 following the end of the tax year.
122 5 ~~e.~~ (5) For a single individual, husband, wife, or head of
122 6 household, an additional exemption of twenty dollars for each
122 7 of said individuals who is blind at the close of the tax year.
122 8 For the purposes of this ~~paragraph~~ subparagraph, an individual
122 9 is blind only if the individual's central visual acuity does
122 10 not exceed twenty=two hundredths in the better eye with
122 11 correcting lenses, or if the individual's visual acuity is
122 12 greater than twenty=two hundredths but is accompanied by a
122 13 limitation in the fields of vision such that the widest
122 14 diameter of the visual field subtends an angle no greater than
122 15 twenty degrees.
122 16 ~~2.~~ b. A tuition credit equal to twenty=five percent of
122 17 the first one thousand dollars which the taxpayer has paid to
122 18 others for each dependent in grades kindergarten through
122 19 twelve, for tuition and textbooks of each dependent in
122 20 attending an elementary or secondary school situated in Iowa,
122 21 which school is accredited or approved under section 256.11,
122 22 which is not operated for profit, and which adheres to the
122 23 provisions of the federal Civil Rights Act of 1964 and chapter
122 24 216. ~~As used in this subsection, "textbooks" means books and~~
~~122 25 other instructional materials and equipment used in elementary~~
~~122 26 and secondary schools in teaching only those subjects legally~~
~~122 27 and commonly taught in public elementary and secondary schools~~
~~122 28 in this state and does not include instructional books and~~
~~122 29 materials used in the teaching of religious tenets, doctrines,~~
~~122 30 or worship, the purpose of which is to inculcate those tenets,~~
~~122 31 doctrines, or worship. "Textbooks" includes books or~~
~~122 32 materials used for extracurricular activities including~~
~~122 33 sporting events, musical or dramatic events, speech~~
~~122 34 activities, driver's education, or programs of a similar~~
~~122 35 nature.~~ Notwithstanding any other provision, all other

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123 1 credits allowed under this ~~section~~ subsection shall be
123 2 deducted before the tuition credit under this ~~subsection~~
123 3 paragraph. The department, when conducting an audit of a
123 4 taxpayer's return, shall also audit the tuition tax credit
123 5 portion of the tax return.
123 6 ~~As used in this subsection, "tuition" means any charges for~~
~~123 7 the expenses of personnel, buildings, equipment and materials~~
~~123 8 other than textbooks, and other expenses of elementary or~~
~~123 9 secondary schools which relate to the teaching only of those~~
~~123 10 subjects legally and commonly taught in public elementary and~~
~~123 11 secondary schools in this state and which do not relate to the~~
~~123 12 teaching of religious tenets, doctrines, or worship, the~~
~~123 13 purpose of which is to inculcate those tenets, doctrines, or~~
~~123 14 worship. "Tuition" includes those expenses which relate to~~
~~123 15 extracurricular activities including sporting events, musical~~
~~123 16 or dramatic events, speech activities, driver's education, or~~
~~123 17 programs of a similar nature.~~
123 18 3. For the purpose of this section, the determination of
123 19 whether an individual is married shall be made in accordance
123 20 with section 7703 of the Internal Revenue Code.
123 21 Sec. 141. Section 422.35, subsections 6 and 6A, Code 2009,
123 22 are amended to read as follows:
123 23 6. a. If the taxpayer is a small business corporation,
123 24 subtract an amount equal to sixty=five percent of the wages
123 25 paid to individuals, but not to exceed twenty thousand dollars
123 26 per individual, named in ~~paragraphs "a", "b", and "c"~~
123 27 subparagraphs (1), (2), and (3) who were hired for the first
123 28 time by the taxpayer during the tax year for work done in this
123 29 state:
123 30 ~~a.~~ (1) An individual with a disability domiciled in this
123 31 state at the time of the hiring who meets any of the following
123 32 conditions:
123 33 ~~(1)~~ (a) Has a physical or mental impairment which
123 34 substantially limits one or more major life activities.
123 35 ~~(2)~~ (b) Has a record of that impairment.

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124 1 ~~(3)~~ (c) Is regarded as having that impairment.
124 2 ~~b.~~ (2) An individual domiciled in this state at the time
124 3 of the hiring who meets any of the following conditions:
124 4 ~~(1)~~ (a) Has been convicted of a felony in this or any
124 5 other state or the District of Columbia.
124 6 ~~(2)~~ (b) Is on parole pursuant to chapter 906.
124 7 ~~(3)~~ (c) Is on probation pursuant to chapter 907, for an
124 8 offense other than a simple misdemeanor.
124 9 ~~(4)~~ (d) Is in a work release program pursuant to chapter
124 10 904, division IX.
124 11 ~~c.~~ (3) An individual, whether or not domiciled in this
124 12 state at the time of the hiring, who is on parole or probation
124 13 and to whom the interstate probation and parole compact under
124 14 section 907A.1, Code 2001, applies, or to whom the interstate
124 15 compact for adult offender supervision under chapter 907B
124 16 applies.
124 17 b. This deduction is allowed for the wages paid to the
124 18 individuals successfully completing a probationary period
124 19 named in ~~paragraphs~~ paragraph "a", ~~"b", and "c"~~ subparagraphs
124 20 (1), (2), and (3) during the twelve months following the date
124 21 of first employment by the taxpayer and shall be deducted in
124 22 the tax years when paid.
124 23 c. For purposes of this subsection~~, "physical~~:
124 24 (1) "Physical or mental impairment" means any
124 25 physiological disorder or condition, cosmetic disfigurement,
124 26 or anatomical loss affecting one or more of the body systems
124 27 or any mental or psychological disorder, including mental
124 28 retardation, organic brain syndrome, emotional or mental
124 29 illness, and specific learning disabilities.
124 30 (2) (a) ~~For purposes of this subsection, "small~~ "Small
124 31 business" means a profit or nonprofit business, including but
124 32 not limited to an individual, partnership, corporation, joint
124 33 venture, association, or cooperative, to which the following
124 34 apply:
124 35 ~~(1)~~ (i) It is not an affiliate or subsidiary of a

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125 1 business dominant in its field of operation.
125 2 ~~(2)~~ (ii) It has either twenty or fewer full=time
125 3 equivalent positions or not more than the equivalent of three
125 4 million dollars in annual gross revenues as computed for the
125 5 preceding fiscal year or as the average of the three preceding
125 6 fiscal years.
125 7 ~~(3)~~ (iii) It does not include the practice of a
125 8 profession.
125 9 (b) "Small business" includes an employee=owned business
125 10 which has been an employee=owned business for less than three
125 11 years or which meets the conditions of ~~subparagraphs (1)~~
~~125 12 through (3)~~ subparagraph division (a), subparagraph
125 13 subdivisions (i) through (iii).
125 14 (c) For purposes of this definition, "dominant in its
125 15 field of operation" means having more than twenty full=time
125 16 equivalent positions and more than three million dollars in
125 17 annual gross revenues, and "affiliate or subsidiary of a
125 18 business dominant in its field of operation" means a business
125 19 which is at least twenty percent owned by a business dominant
125 20 in its field of operation, or by partners, officers,
125 21 directors, majority stockholders, or their equivalents, of a
125 22 business dominant in that field of operation.
125 23 ~~The department may, by resolution, waive any or all of the~~
~~125 24 requirements of paragraph "b" in connection with a loan to a~~
~~125 25 small business, as defined under applicable federal law and~~
~~125 26 regulations that have been enacted or adopted by April 1,~~
~~125 27 1983, in which federal assistance, insurance, or guaranties~~
~~125 28 are sought.~~
125 29 6A. a. If the taxpayer is a business corporation and does
125 30 not qualify for the adjustment under subsection 6, subtract an
125 31 amount equal to sixty=five percent of the wages paid to
125 32 individuals, but shall not exceed twenty thousand dollars per
125 33 individual, named in ~~paragraphs "a" and "b"~~ subparagraphs (1)
125 34 and (2) who were hired for the first time by the taxpayer
125 35 during the tax year for work done in this state:

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126 1 ~~a.~~ (1) An individual domiciled in this state at the time
126 2 of the hiring who meets any of the following conditions:
126 3 ~~(1)~~ (a) Has been convicted of a felony in this or any
126 4 other state or the District of Columbia.
126 5 ~~(2)~~ (b) Is on parole pursuant to chapter 906.
126 6 ~~(3)~~ (c) Is on probation pursuant to chapter 907, for an
126 7 offense other than a simple misdemeanor.
126 8 ~~(4)~~ (d) Is in a work release program pursuant to chapter
126 9 904, division IX.
126 10 ~~b.~~ (2) An individual, whether or not domiciled in this
126 11 state at the time of the hiring, who is on parole or probation
126 12 and to whom the interstate probation and parole compact under
126 13 section 907A.1, Code 2001, applies, or to whom the interstate
126 14 compact for adult offender supervision under chapter 907B
126 15 applies.
126 16 b. This deduction is allowed for the wages paid to the
126 17 individuals successfully completing a probationary period
126 18 named in ~~paragraphs "a" and "b"~~ paragraph "a", subparagraphs
126 19 (1) and (2) during the twelve months following the date of
126 20 first employment by the taxpayer and shall be deducted in the
126 21 tax years when paid.
126 22 c. The department shall develop and distribute information
126 23 concerning the deduction available for businesses employing
126 24 persons named in ~~paragraphs "a" and "b"~~ paragraph "a",
126 25 subparagraphs (1) and (2).
126 26 Sec. 142. Section 422.35, subsection 20, unnumbered
126 27 paragraph 1, Code 2009, is amended to read as follows:
126 28 A taxpayer may elect not to take the increased expensing
126 29 allowance under section 179 of the Internal Revenue Code, as
126 30 amended by Pub. L. No. 108=27, section 202, in computing
126 31 taxable income for state tax purposes. If the taxpayer does
126 32 not take the increased expensing allowance under section 179
126 33 of the Internal Revenue Code for state tax purposes, the
126 34 following adjustments shall be made:
126 35 Sec. 143. Section 422.35, subsection 24, Code 2009, is

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127 1 amended to read as follows:
127 2 24. A taxpayer is allowed to take the increased expensing
127 3 allowance under section 179 of the Internal Revenue Code, as
127 4 amended by Pub. L. No. 110=185, in computing taxable income
127 5 for state tax purposes.
127 6 Sec. 144. Section 423.3, subsection 57, unnumbered
127 7 paragraphs 1 and 2, Code 2009, are amended to read as follows:
127 8 The sales price from all sales of food and food
127 9 ingredients. However, as used in this subsection, ~~"food" does~~
127 10 a sale of "food and food ingredients" does not include a sale
127 11 of alcoholic beverages, candy, or dietary supplements~~,~~; food
127 12 sold through vending machines~~,~~; or sales of prepared food,
127 13 soft drinks, ~~and~~ or tobacco. For the purposes of this
127 14 subsection:
127 15 ~~For the purposes of this subsection:~~
127 16 Sec. 145. Section 435.1, subsections 3 through 7, Code
127 17 2009, are amended to read as follows:
127 18 3. "Manufactured home" means a factory=built structure
127 19 built under authority of 42 U.S.C. } 5403, that is required by
127 20 federal law to display a seal from the United States
127 21 department of housing and urban development, and was
127 22 constructed on or after June 15, 1976. ~~If a manufactured home~~
~~127 23 is placed in a manufactured home community or a mobile home~~
~~127 24 park, the home must be titled and is subject to the~~
~~127 25 manufactured or mobile home square foot tax. If a~~
~~127 26 manufactured home is placed outside a manufactured home~~
~~127 27 community or a mobile home park, the home must be titled and~~
~~127 28 is to be assessed and taxed as real estate.~~
127 29 4. "Manufactured home community" means the same as
127 30 land=leased community defined in sections 335.30A and 414.28A.
127 31 The term "manufactured home community" shall not be construed
127 32 to include manufactured or mobile homes, buildings, tents, or
127 33 other structures temporarily maintained by any individual,
127 34 educational institution, or company on their own premises and
127 35 used exclusively to house their own labor or students.

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128 1 5. "Mobile home" means any vehicle without motive power
128 2 used or so manufactured or constructed as to permit its being
128 3 used as a conveyance upon the public streets and highways and
128 4 so designed, constructed, or reconstructed as will permit the
128 5 vehicle to be used as a place for human habitation by one or
128 6 more persons; but shall also include any such vehicle with
128 7 motive power not registered as a motor vehicle in Iowa. A
128 8 "mobile home" is not built to a mandatory building code,
128 9 contains no state or federal seals, and was built before June
128 10 15, 1976. ~~If a mobile home is placed outside a mobile home~~
~~128 11 park, the home is to be assessed and taxed as real estate.~~
128 12 6. "Mobile home park" means a site, lot, field, or tract
128 13 of land upon which three or more mobile homes or manufactured
128 14 homes, or a combination of any of these homes, are placed on
128 15 developed spaces and operated as a for=profit enterprise with
128 16 water, sewer or septic, and electrical services available.
128 17 The term "mobile home park"
128 18 ~~The term "manufactured home community" or "mobile home~~
~~128 19 park"~~ shall not be construed to include manufactured or mobile
128 20 homes, buildings, tents, or other structures temporarily
128 21 maintained by any individual, educational institution, or
128 22 company on their own premises and used exclusively to house
128 23 their own labor or students.
128 24 ~~A manufactured home community or a mobile home park must be~~
~~128 25 classified as to whether it is a residential manufactured home~~
~~128 26 community or a mobile home park or a recreational manufactured~~
~~128 27 home community or a mobile home park or both. The~~
~~128 28 manufactured home communities or mobile home parks residential~~
~~128 29 landlord and tenant Act, chapter 562B, only applies to~~
~~128 30 residential manufactured home communities or mobile home~~
~~128 31 parks.~~
128 32 7. "Modular home" means a factory=built structure which is
128 33 manufactured to be used as a place of human habitation, is
128 34 constructed to comply with the Iowa state building code for
128 35 modular factory=built structures, as adopted pursuant to

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129 1 section 103A.7, and must display the seal issued by the state
129 2 building code commissioner. ~~If a modular home is placed in a~~
~~129 3 manufactured home community or mobile home park, the home is~~
~~129 4 subject to the annual tax as required by section 435.22. If a~~
~~129 5 modular home is placed outside a manufactured home community~~
~~129 6 or a mobile home park, the home shall be considered real~~
~~129 7 property and is to be assessed and taxed as real estate.~~
129 8 Sec. 146. NEW SECTION. 435.2 PLACEMENT AND TAXATION.
129 9 1. If a mobile home is placed outside a mobile home park,
129 10 the home is to be assessed and taxed as real estate.
129 11 2. If a manufactured home is placed in a manufactured home
129 12 community or a mobile home park, the home must be titled and
129 13 is subject to the manufactured or mobile home square foot tax.
129 14 If a manufactured home is placed outside a manufactured home
129 15 community or a mobile home park, the home must be titled and
129 16 is to be assessed and taxed as real estate.
129 17 3. If a modular home is placed in a manufactured home
129 18 community or mobile home park, the home is subject to the
129 19 annual tax as required by section 435.22. If a modular home
129 20 is placed outside a manufactured home community or a mobile
129 21 home park, the home shall be considered real property and is
129 22 to be assessed and taxed as real estate. This subsection does
129 23 not apply to manufactured home communities or mobile home
129 24 parks in existence on or before January 1, 1998. If a modular
129 25 home is placed in a manufactured home community or mobile home
129 26 park which was in existence on or before January 1, 1998, that
129 27 modular home shall be subject to property tax pursuant to
129 28 section 435.22.
129 29 Sec. 147. Section 435.26, subsection 1, paragraph a, Code
129 30 2009, is amended to read as follows:
129 31 a. A mobile home or manufactured home which is located
129 32 outside a manufactured home community or mobile home park
129 33 shall be converted to real estate by being placed on a
129 34 permanent foundation and shall be assessed for real estate
129 35 taxes. A home, after conversion to real estate, is eligible

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for the homestead tax credit and the military service tax exemption as provided in sections 425.2 and 426A.11. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, is also exempt from the permanent foundation requirements of this chapter until the home is relocated.

Sec. 148. Section 437A.3, subsection 29, Code 2009, is amended to read as follows:

29. "Taxable value" means as defined in section 437A.19, subsection 2, paragraph ~~"f"~~ "e".

Sec. 149. Section 437A.15, subsection 3, paragraph e, Code 2009, is amended to read as follows:

e. Notwithstanding the provisions of this section, if during the tax year a person who was not a taxpayer during the prior tax year acquires a new major addition, as defined in section 437A.3, subsection 18, paragraph "a", subparagraph (4), the replacement tax associated with that major addition shall be allocated, for that tax year, under this section in accordance with the general allocating formula on the basis of the general property tax equivalents established under paragraph "a" of this subsection, except that the levy rates established and reported to the department of management on or before June 30 following the tax year in which the major addition was acquired shall be applied to the prorated assessed value of the major addition ~~and provided that section 437A.19, subsection 2, paragraph "b", subparagraph (2), is in any event applicable~~. For purposes of this paragraph, "prorated assessed value of the major addition" means the assessed value of the major addition as of January 1 of the year following the tax year in which the major addition was acquired multiplied by the percentage derived by dividing the number of months that the major addition existed during the tax year by twelve, counting any portion of a month as a full month.

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131 1 Sec. 150. Section 437A.19, subsection 2, Code 2009, is
131 2 amended to read as follows:
131 3 2. a. Beginning January 1, 1999, the assessed value of
131 4 taxpayer property shall be adjusted annually as provided in
131 5 this section. The director, with respect to each taxpayer,
131 6 shall do all of the following:
131 7 ~~a.~~ (1) Adjust the assessed value of taxpayer property in
131 8 each local taxing district by the change in book value during
131 9 the preceding calendar year of the local amount of any major
131 10 addition reported within such local taxing district.
131 11 ~~b.~~ (2) Adjust the assessed value of taxpayer property in
131 12 each local taxing district by allocating the change in book
131 13 value during the preceding calendar year of the statewide
131 14 amount and all other taxpayer property described in subsection
131 15 1, paragraph "a", subparagraph (5), to the assessed value of
131 16 all taxpayer property in the state pro rata according to its
131 17 preadjustment value. Any value for a taxpayer owning, or
131 18 owning an interest in, a new electric power generating plant
131 19 in excess of a local amount, where such taxpayer owns no other
131 20 taxpayer property in this state, shall not be allocated to any
131 21 local taxing districts.
131 22 ~~c.~~ (3) In the case of taxpayer property described in
131 23 subsection 1, paragraph "a", subparagraphs (3), (4), and (7),
131 24 decrease the assessed value of taxpayer property in each local
131 25 taxing district by the assessed value reported within such
131 26 local taxing district.
131 27 ~~d.~~ (4) In the event of a merger or consolidation of two
131 28 or more taxpayers, to determine the assessed value of the
131 29 surviving taxpayer, combine the assessed values of such
131 30 taxpayers immediately prior to the merger or consolidation.
131 31 ~~e.~~ (5) In the event any taxpayer property is eligible for
131 32 the urban revitalization tax exemption described in chapter
131 33 404, adjust the assessed value of taxpayer property within
131 34 each affected local taxing district to reflect such exemption.
131 35 ~~f.~~ (6) In the event the base year assessed value of

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132 1 taxpayer property is adjusted as a result of taxpayer appeals,
132 2 reduce the assessed value of taxpayer property in each local
132 3 taxing district to reflect such adjustment. The adjustment
132 4 shall be allocated in proportion to the allocation of the
132 5 taxpayer's assessed value among the local taxing districts
132 6 determined without regard to this adjustment. An adjustment
132 7 to the base year assessed value of taxpayer property shall be
132 8 made as of January 1 of the year following the date on which
132 9 the adjustment is finally determined.
132 10 b. In no event shall the adjustments set forth in this
132 11 subsection reduce the assessed value of taxpayer property in
132 12 any local taxing district below zero.
132 13 c. The director, on or before August 31 of each assessment
132 14 year, shall report to the department of management and to the
132 15 auditor of each county the adjusted assessed value of taxpayer
132 16 property as of January 1 of such assessment year for each
132 17 local taxing district. For purposes of this subsection, the
132 18 assessed value of taxpayer property in each local taxing
132 19 district subject to adjustment under this section by the
132 20 director means the assessed value of such property as of the
132 21 preceding January 1 as determined and allocated among the
132 22 local taxing districts by the director.
132 23 d. Nothing in this chapter shall be interpreted to
132 24 authorize local taxing authorities to exclude from the
132 25 calculation of levy rates the taxable value of taxpayer
132 26 property reported to county auditors pursuant to this
132 27 subsection.
132 28 e. In addition to reporting the assessed values as
132 29 described in this subsection, the director, on or before
132 30 October 31 of each assessment year, shall also report to the
132 31 department of management and to the auditor of each county the
132 32 taxable value of taxpayer property as of January 1 of such
132 33 assessment year for each local taxing district. For purposes
132 34 of this chapter, "taxable value" means the value for all
132 35 property subject to the replacement tax annually determined by

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133 1 the director, by dividing the estimated annual replacement tax
133 2 liability for that property by the prior year's consolidated
133 3 taxing district rate for the taxing district where that
133 4 property is located, then multiplying the quotient by one
133 5 thousand. A taxpayer who paid more than five hundred thousand
133 6 dollars in replacement tax in the previous tax year or who
133 7 believes their replacement tax liability will vary more than
133 8 ten percent from the previous tax year shall report to the
133 9 director by October 1 of the current calendar year, on forms
133 10 prescribed by the director, the estimated replacement tax
133 11 liability that will be attributable to all of the taxpayer's
133 12 property subject to replacement tax for the current tax year.
133 13 The department shall utilize the estimated replacement tax
133 14 liability as reported by the taxpayer or the taxpayer's prior
133 15 year's replacement tax amounts to estimate the current tax
133 16 year's taxable value for that property. Furthermore, a
133 17 taxpayer who has a new major addition of operating property
133 18 which is put into service for the first time in the current
133 19 calendar year shall report to the director by October 1 of the
133 20 current calendar year, or at the time the major addition is
133 21 put into service, whichever time is later, on forms prescribed
133 22 by the director, the cost of the major addition and, if not
133 23 previously reported, shall report the estimated replacement
133 24 taxes which that asset will generate in the current calendar
133 25 year. For the purposes of computing the taxable value of
133 26 property in a taxing district, the taxing district's share of
133 27 the estimated replacement tax liability shall be the taxing
133 28 district's percentage share of the "assessed value allocated
133 29 by property tax equivalent" multiplied by the total estimated
133 30 replacement tax. "Assessed value allocated by property tax
133 31 equivalent" shall be determined by dividing the taxpayer's
133 32 current year assessed valuation in a taxing district by one
133 33 thousand, and then multiplying by the prior year's
133 34 consolidated tax rate.
133 35 Sec. 151. Section 450.7, subsection 1, Code 2009, is

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134 1 amended to read as follows:
134 2 1. ~~Except for the share of the estate passing to the~~
~~134 3 surviving spouse, and parents, grandparents,~~
~~134 4 great=grandparents, and other lineal ascendants, children~~
~~134 5 including legally adopted children and biological children~~
~~134 6 entitled to inherit under the laws of this state,~~
~~134 7 stepchildren, and grandchildren, great=grandchildren, and~~
~~134 8 other lineal descendants, the~~ The tax imposed by this chapter
134 9 is a charge against and a lien upon the estate subject to tax
134 10 under this chapter, and all property of the estate or owned by
134 11 the decedent from the death of the decedent until paid,
134 12 subject to the following ~~limitation~~ limitations:
134 13 a. The share of the estate passing to the surviving
134 14 spouse, and parents, grandparents, great=grandparents, and
134 15 other lineal ascendants, children including legally adopted
134 16 children and biological children entitled to inherit under the
134 17 laws of this state, stepchildren, and grandchildren,
134 18 great=grandchildren, and other lineal descendants is excluded
134 19 from taxation under this chapter.
134 20 b. Inheritance taxes owing with respect to a passing of
134 21 property of a deceased person are no longer a lien against the
134 22 property ten years from the date of death of the decedent
134 23 owner regardless of whether the decedent owner died prior to
134 24 or subsequent to July 1, 1995, except to the extent taxes are
134 25 attributable to remainder or deferred interests and are
134 26 deferred in accordance with the provisions of this chapter.
134 27 Sec. 152. Section 455A.8, subsection 1, Code 2009, is
134 28 amended to read as follows:
134 29 1. a. The Brushy creek recreation trails advisory board
134 30 shall be organized within the department and shall be composed
134 31 of ~~ten~~ nine voting members ~~including the following: the~~ and
134 32 one ex officio nonvoting member as follows:
134 33 (1) The director of the department or the director's
134 34 designee who shall serve as ~~a~~ the nonvoting ex officio member~~,~~
~~134 35 the~~.

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135 1 (2) The park employee who is primarily responsible for
135 2 maintenance of the Brushy creek recreation area~~, a~~.
135 3 (3) A member of the state advisory board for preserves
135 4 established under chapter 465C~~, and seven~~.
135 5 (4) Seven persons appointed by the natural resource
135 6 commission.
135 7 b. The director shall provide the natural resource
135 8 commission with nominations of prospective board members.
135 9 Each person appointed by the natural resource commission must
135 10 actively participate in recreational trail activities such as
135 11 hiking, bicycling, an equestrian sport, or a winter sport at
135 12 the Brushy creek recreation area. The nine voting members
135 13 shall elect a chairperson at the board's first meeting each
135 14 year.
135 15 Sec. 153. Section 455B.191, Code 2009, is amended to read
135 16 as follows:
135 17 455B.191 PENALTIES == BURDEN OF PROOF.
135 18 1. As used in this section, "hazardous substance" means
135 19 hazardous substance as defined in section 455B.381 or section
135 20 455B.411.
135 21 ~~1.~~ 2. Any person who violates any provision of part 1 of
135 22 division III of this chapter or any permit, rule, standard, or
135 23 order issued under part 1 of division III of this chapter
135 24 shall be subject to a civil penalty not to exceed five
135 25 thousand dollars for each day of such violation.
135 26 ~~2.~~ 3. a. Any person who negligently or knowingly
135 27 ~~violates~~ does any of the following shall, upon conviction, be
135 28 punished as provided in paragraph "b" or "c":
135 29 (1) Violates section 455B.183 or section 455B.186 or any
135 30 condition or limitation included in any permit issued under
135 31 section 455B.183~~, or who negligently or knowingly introduces~~.
135 32 (2) Introduces into a sewer system or into a publicly
135 33 owned treatment works any pollutant or hazardous substance
135 34 which the person knew or reasonably should have known could
135 35 cause personal injury or property damage or, other than in

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136 1 compliance with all applicable federal and state requirements
136 2 or permits~~, negligently or knowingly causes~~.
136 3 (3) Causes a treatment works to violate any water quality
136 4 standard, effluent standard, pretreatment standard or
136 5 condition of a permit issued to the treatment works pursuant
136 6 to section 455B.183 ~~is guilty of a serious misdemeanor for a~~
~~136 7 negligent violation and is guilty of an aggravated misdemeanor~~
~~136 8 for a knowing violation~~. ~~A conviction for a negligent~~
~~136 9 violation is~~
136 10 b. (1) A person who commits a negligent violation under
136 11 this subsection is guilty of a serious misdemeanor punishable
136 12 by a fine of not more than twenty=five thousand dollars for
136 13 each day of violation or by imprisonment for not more than one
136 14 year, or both~~; however, if~~.
136 15 (2) If the conviction is for a second or subsequent
136 16 violation committed by a person under this subsection, the
136 17 conviction is punishable by a fine of not more than fifty
136 18 thousand dollars for each day of violation or by imprisonment
136 19 for not more than two years, or both.
136 20 c. (1) A ~~conviction for a~~ person who commits a knowing
136 21 violation ~~is~~ under this subsection is guilty of an aggravated
136 22 misdemeanor punishable by a fine of not more than fifty
136 23 thousand dollars for each day of violation or by imprisonment
136 24 for not more than two years, or both~~; however, if~~.
136 25 (2) If the conviction is for a second or subsequent
136 26 violation committed by a person under this subsection, the
136 27 conviction is punishable by a fine of not more than one
136 28 hundred thousand dollars for each day of violation or by
136 29 imprisonment for not more than five years, or both. ~~As used~~
~~136 30 in this section, "hazardous substance" means hazardous~~
~~136 31 substance as defined in section 455B.381 or section 455B.411.~~
136 32 ~~3.~~ 4. Any person who knowingly makes any false statement,
136 33 representation, or certification in any application, record,
136 34 report, plan or other document filed or required to be
136 35 maintained under part 1 of division III of this chapter, or

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137 1 who falsifies, tampers with or knowingly renders inaccurate
137 2 any monitoring device or method required to be maintained
137 3 under part 1 of division III of this chapter or by any permit,
137 4 rule, regulation, or order issued under part 1 of division III
137 5 of this chapter, shall upon conviction be punished by a fine
137 6 of not more than ten thousand dollars or by imprisonment in
137 7 the county jail for not more than six months or by both such
137 8 fine and imprisonment.
137 9 ~~4.~~ 5. The attorney general shall, at the request of the
137 10 director with approval of the commission, institute any legal
137 11 proceedings, including an action for an injunction or a
137 12 temporary injunction, necessary to enforce the penalty
137 13 provisions of part 1 of division III of this chapter or to
137 14 obtain compliance with the provisions of part 1 of division
137 15 III of this chapter or any rules promulgated or any provision
137 16 of any permit issued under part 1 of division III of this
137 17 chapter. In any such action, any previous findings of fact of
137 18 the director or the commission after notice and hearing shall
137 19 be conclusive if supported by substantial evidence in the
137 20 record when the record is viewed as a whole.
137 21 ~~5.~~ 6. In all proceedings with respect to any alleged
137 22 violation of the provisions of this part 1 of division III or
137 23 any rule established by the commission or the department, the
137 24 burden of proof shall be upon the commission or the department
137 25 except in an action for contempt as provided in section
137 26 455B.182.
137 27 ~~6.~~ 7. If the attorney general has instituted legal
137 28 proceedings in accordance with this section, all related
137 29 issues which could otherwise be raised by the alleged violator
137 30 in a proceeding for judicial review under section 455B.178
137 31 shall be raised in the legal proceedings instituted in
137 32 accordance with this section.
137 33 Sec. 154. Section 455G.4, subsection 6, Code 2009, is
137 34 amended to read as follows:
137 35 6. REPORTING. Beginning July 2003, the board shall submit

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138 1 a written report quarterly to the legislative council, the
138 2 chairperson and ranking member of the committee on ~~natural~~
~~138 3 resources and~~ environment and energy independence in the
138 4 senate, and the chairperson and ranking member of the
138 5 committee on environmental protection in the house of
138 6 representatives regarding changes in the status of the program
138 7 including, but not limited to, the number of open claims by
138 8 claim type; the number of new claims submitted and the
138 9 eligibility status of each claim; a summary of the risk
138 10 classification of open claims; the status of all claims at
138 11 high=risk sites including the number of corrective action
138 12 design reports submitted, approved, and implemented during the
138 13 reporting period; total moneys reserved on open claims and
138 14 total moneys paid on open claims; and a summary of budgets
138 15 approved and invoices paid for high=risk site activities
138 16 including a breakdown by corrective action design report,
138 17 construction and equipment, implementation, operation and
138 18 maintenance, monitoring, over excavation, free product
138 19 recovery, site reclassification, reporting and other expenses,
138 20 or a similar breakdown. In each report submitted by the
138 21 board, the board shall include an estimated timeline to
138 22 complete corrective action at all currently eligible high=risk
138 23 sites where a corrective action design report has been
138 24 submitted by a claimant and approved during the reporting
138 25 period. The timeline shall include the projected year when a
138 26 no further action designation will be obtained based upon the
138 27 corrective action activities approved or anticipated at each
138 28 claimant site. The timeline shall be broken down in annual
138 29 increments with the number or percentage of sites projected to
138 30 be completed for each time period. The report shall identify
138 31 and report steps taken to expedite corrective action and
138 32 eliminate the state's liability for open claims.
138 33 Sec. 155. Section 456A.26, Code 2009, is amended to read
138 34 as follows:
138 35 456A.26 INTERPRETATION AND LIMITATIONS.

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~~The foregoing sections~~ Sections 456A.23 through 456A.25 shall not be construed as authorizing the commission to change any penalty for violating any game law or regulation, or change the amount of any license established by the legislature, or to promulgate any open season on any fish, animal or bird contrary to the laws of the state of Iowa, or to extend except as provided in this chapter any open season or bag limit on any kind of fish, game, fur=bearing animals or of any birds prescribed by the laws of the state of Iowa or by federal laws or regulations, or to contract any indebtedness or obligation beyond the funds to which they are lawfully entitled.

Sec. 156. Section 461B.8, Code 2009, is amended to read as follows:

461B.8 ACTUAL SERVICE WITHIN THIS STATE.

The ~~foregoing~~ provisions of this chapter relative to service of original notice of suit on nonresidents shall not be deemed to prevent actual personal service in this state upon the nonresident in the time, manner, form and under the conditions provided for service on residents.

Sec. 157. Section 476.6, subsection 20, Code 2009, is amended by striking the subsection.

Sec. 158. Section 483A.27, subsections 1 and 11, Code 2009, are amended to read as follows:

1. A person born after January 1, 1972, shall not obtain a hunting license unless the person has satisfactorily completed a hunter safety and ethics education course approved by the commission. A person who is eleven years of age or more may enroll in an approved hunter safety and ethics education course, but a person who is eleven years of age and who has successfully completed the course shall be issued a certificate of completion which becomes valid on the person's twelfth birthday. A certificate of completion from an approved hunter safety and ethics education course issued in this state, or a certificate issued by another state, country,

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140 1 or province for completion of a course that meets the
140 2 standards adopted by the international hunter education
140 3 association, is valid for the requirements of this section.
140 4 11. An instructor certified by the department shall be
140 5 allowed to conduct a ~~departmental approved~~ department=approved
140 6 hunter safety and ethics education course or shooting sports
140 7 activities course on public school property with the approval
140 8 of a majority of the board of directors of the school
140 9 district. Conducting an approved hunter safety and ethics
140 10 education course or shooting sports activities course is not a
140 11 violation of any public policy, rule, regulation, resolution,
140 12 or ordinance which prohibits the possession, display, or use
140 13 of a firearm, bow and arrow, or other hunting weapon on public
140 14 school property or other public property in this state.
140 15 Sec. 159. Section 489.108, subsection 3, unnumbered
140 16 paragraph 1, Code 2009, is amended to read as follows:
140 17 A limited liability company may apply to the secretary of
140 18 state for authorization to use a name that does not comply
140 19 with subsection 2. The secretary of state shall authorize use
140 20 of the name applied for if~~, as to each~~ either of the following
140 21 ~~noncomplying names~~ applies:
140 22 Sec. 160. Section 489.702, subsection 5, paragraph b,
140 23 subparagraph (3), Code 2009, is amended to read as follows:
140 24 (3) Within a reasonable time following the dissolution a
140 25 person has not been appointed pursuant to subsection ~~3~~ 4.
140 26 Sec. 161. Section 489.1203, subsection 10, paragraph a,
140 27 Code 2009, is amended to read as follows:
140 28 a. Except as otherwise provided in paragraph "b", if a
140 29 member of a member=managed series or manager of a
140 30 manager=managed series consents to a distribution made in
140 31 violation of this section and in consenting to the
140 32 distribution fails to comply with section 489.409, the member
140 33 or manager is personally liable to the series for the amount
140 34 of the distribution that exceeds the amount that could have
140 35 been distributed without the violation of this section

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141 1 ~~489.405~~.
141 2 Sec. 162. Section 489.1203, subsection 11, Code 2009, is
141 3 amended to read as follows:
141 4 11. A person that receives a distribution knowing that the
141 5 distribution to that person was made in violation of this
141 6 section ~~489.405~~ is personally liable to the limited liability
141 7 company but only to the extent that the distribution received
141 8 by the person exceeded the amount that could have been
141 9 properly paid under this section ~~489.405~~.
141 10 Sec. 163. Section 490.831, subsection 1, paragraph a,
141 11 subparagraph (2), Code 2009, is amended to read as follows:
141 12 (2) The protection afforded by section 490.870 ~~precludes~~
141 13 does not preclude liability.
141 14 Sec. 164. Section 496C.14, Code 2009, is amended to read
141 15 as follows:
141 16 496C.14 REQUIRED PURCHASE BY PROFESSIONAL CORPORATION OF
141 17 ITS OWN SHARES.
141 18 1. a. Notwithstanding any other statute or rule of law, a
141 19 professional corporation shall purchase its own shares as
141 20 provided in this section; and the shareholders of a
141 21 professional corporation and their executors, administrators,
141 22 legal representatives, and successors in interest shall sell
141 23 and transfer the shares held by them as provided in this
141 24 section.
141 25 b. The corporation may validly purchase its own shares
141 26 even though its net assets are less than its stated capital,
141 27 or even though by so doing its net assets would be reduced
141 28 below its stated capital.
141 29 c. Upon the death of a shareholder, the professional
141 30 corporation shall immediately purchase all shares held by the
141 31 deceased shareholder.
141 32 2. In order to remain a shareholder of a professional
141 33 corporation, a shareholder shall at all times be licensed to
141 34 practice in this state a profession which the corporation is
141 35 authorized to practice. Whenever any shareholder does not

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142 1 have or ceases to have this qualification, the corporation
142 2 shall immediately purchase all shares held by that
142 3 shareholder.
142 4 3. Whenever any person other than the shareholder of
142 5 record becomes entitled to have shares of a corporation
142 6 transferred into that person's name or to exercise voting
142 7 rights, except as a proxy, with respect to shares of the
142 8 corporation, the corporation shall immediately purchase such
142 9 shares. Without limiting the generality of the foregoing,
142 10 this section shall be applicable whether the event occurs as a
142 11 result of the appointment of a guardian or conservator for a
142 12 shareholder or the shareholder's property, transfer of shares
142 13 by operation of law, involuntary transfer of shares, judicial
142 14 proceedings, execution, levy, bankruptcy proceedings,
142 15 receivership proceedings, foreclosure or enforcement of a
142 16 pledge or encumbrance, or any other situation or occurrence.
142 17 However, this section does not apply to any voluntary transfer
142 18 of shares as defined in this chapter.
142 19 4. Shares purchased by the corporation under the
142 20 provisions of this section shall be transferred to the
142 21 corporation as of the close of business on the date of the
142 22 death or other event which requires purchase. The shareholder
142 23 and the shareholder's executors, administrators, legal
142 24 representatives, or successors in interest shall promptly do
142 25 all things which may be necessary or convenient to cause
142 26 transfer to be made as of the transfer date. However, the
142 27 shares shall promptly be transferred on the stock transfer
142 28 books of the corporation as of the transfer date,
142 29 notwithstanding any delay in transferring or surrendering the
142 30 shares or certificates representing the shares, and the
142 31 transfer shall be valid and effective for all purposes as of
142 32 the close of business on the transfer date. The purchase
142 33 price for such shares shall be paid as provided in this
142 34 chapter, but the transfer of shares to the corporation as
142 35 provided in this section shall not be delayed or affected by

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143 1 any delay or default in making payment.
143 2 5. Notwithstanding ~~the foregoing provisions of this~~
~~143 3 section~~ subsections 1 through 4, purchase by the corporation
143 4 is not required upon the occurrence of any event other than
143 5 death of a shareholder if the corporation is dissolved or
143 6 voluntarily elects to adopt the provisions of the Iowa
143 7 business corporation Act, as provided in section 490.1701,
143 8 subsection 2, within sixty days after the occurrence of the
143 9 event. The articles of incorporation or bylaws may provide
143 10 that purchase is not required upon the death of a shareholder
143 11 if the corporation is dissolved within sixty days after the
143 12 death. Notwithstanding ~~the foregoing provisions of this~~
~~143 13 section~~ subsections 1 through 4, purchase by the corporation
143 14 is not required upon the death of a shareholder if the
143 15 corporation voluntarily elects to adopt the provisions of the
143 16 Iowa business corporation Act, as provided in section
143 17 490.1701, subsection 2, within sixty days after death.
143 18 6. Unless otherwise provided in the articles of
143 19 incorporation or bylaws or in an agreement among all
143 20 shareholders of the professional corporation:
143 21 ~~1.~~ a. The purchase price for shares shall be their book
143 22 value as of the end of the month immediately preceding the
143 23 death or other event which requires purchase. Book value
143 24 shall be determined from the books and records of the
143 25 professional corporation in accordance with the regular method
143 26 of accounting used by the corporation, uniformly and
143 27 consistently applied. Adjustments to book value shall be
143 28 made, if necessary, to take into account work in process and
143 29 accounts receivable. Any final determination of book value
143 30 made in good faith by any independent certified public
143 31 accountant or firm of certified public accountants employed by
143 32 the corporation for the purpose shall be conclusive on all
143 33 persons.
143 34 ~~2.~~ b. The purchase price shall be paid in cash as
143 35 follows:

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144 1 (1) Upon the death of a shareholder, thirty percent of the
144 2 purchase price shall be paid within ninety days after death,
144 3 and the balance shall be paid in three equal annual
144 4 installments on the first three anniversaries of the death.
144 5 (2) Upon the happening of any other event referred to in
144 6 this section, one=tenth of the purchase price shall be paid
144 7 within ninety days after the date of such event, and the
144 8 balance shall be paid in three equal annual installments on
144 9 the first three anniversaries of the date of the event.
144 10 ~~3.~~ c. Interest from the date of death or other event
144 11 shall be payable annually on principal payment dates, at the
144 12 rate of six percent per annum on the unpaid balance of the
144 13 purchase price.
144 14 ~~4.~~ d. All persons who are shareholders of the
144 15 professional corporation on the date of death or other event,
144 16 and their executors, administrators, and legal
144 17 representatives, shall, to the extent the corporation fails to
144 18 meet its obligations hereunder, be jointly liable for the
144 19 payment of the purchase price and interest in proportion to
144 20 their percentage of ownership of the corporation's shares,
144 21 disregarding shares of the deceased or withdrawing
144 22 shareholder.
144 23 ~~5.~~ e. The part of the purchase price remaining unpaid
144 24 after the initial payment shall be evidenced by a negotiable
144 25 promissory note, which shall be executed by the corporation
144 26 and all shareholders liable for payment. Any person liable on
144 27 the note shall have the right to prepay the note in full or in
144 28 part at any time.
144 29 ~~6.~~ f. If the person making any payment is not reasonably
144 30 able to determine which of two or more persons is entitled to
144 31 receive a payment, or if the payment is payable to a person
144 32 who is unknown, or who is under disability and there is no
144 33 person legally competent to receive the payment, or who cannot
144 34 be found after the exercise of reasonable diligence by the
144 35 person making the payment, it shall be deposited with the

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145 1 treasurer of state and shall be subject to the provisions of
145 2 the Iowa business corporation Act, chapter 490, with respect
145 3 to funds deposited with the treasurer of state upon the
145 4 voluntary or involuntary dissolution of a corporation.
145 5 ~~7.~~ g. Notwithstanding the provisions of this section, no
145 6 part of the purchase price shall be required to be paid until
145 7 the certificates representing such shares have been
145 8 surrendered to the corporation.
145 9 ~~8.~~ h. Notwithstanding the provisions of this section,
145 10 payment of any part of the purchase price for shares of a
145 11 deceased shareholder shall not be required until the executor
145 12 or administrator of the deceased shareholder provides any
145 13 indemnity, release, or other document from any taxing
145 14 authority, which is reasonably necessary to protect the
145 15 corporation against liability for estate, inheritance, and
145 16 death taxes.
145 17 7. The articles of incorporation or bylaws or an agreement
145 18 among all shareholders of a professional corporation may
145 19 provide for a different purchase price, a different method of
145 20 determining the purchase price, a different interest rate or
145 21 no interest, and other terms, conditions, and schedules of
145 22 payment.
145 23 8. The articles of incorporation or bylaws or an agreement
145 24 among all shareholders of a professional corporation may
145 25 provide for the optional or mandatory purchase of its own
145 26 shares by the corporation in other situations, subject to any
145 27 applicable law regarding such purchase.
145 28 Sec. 165. Section 499.36A, subsection 1, Code 2009, is
145 29 amended to read as follows:
145 30 1. A director shall discharge the duties of the position
145 31 of director in good faith, in a manner the director reasonably
145 32 believes to be in the best interests of the association, and
145 33 with the care that a person in a like position would
145 34 reasonably believe appropriate under similar circumstances. A
145 35 person who so performs those duties is not liable by reason of

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146 1 being or having been a director of the ~~cooperative~~
146 2 association.
146 3 Sec. 166. Section 502.602, subsection 3, unnumbered
146 4 paragraph 1, Code 2009, is amended to read as follows:
146 5 If a person does not appear or refuses to testify, file a
146 6 statement, or produce records, or otherwise does not obey a
146 7 subpoena as required by the administrator under this chapter,
146 8 the administrator may apply to the Polk county district court
146 9 or the district court for the county in which the person
146 10 resides or is located or a court of another state to enforce
146 11 compliance. The court may do any of the following:
146 12 Sec. 167. Section 505.8, subsection 7, Code 2009, is
146 13 amended to read as follows:
146 14 7. The commissioner shall have regulatory authority over
146 15 health benefit plans and adopt rules under chapter 17A as
146 16 necessary, to promote the uniformity, cost efficiency,
146 17 transparency, and fairness of such plans for physicians and
146 18 osteopathic physicians licensed under ~~chapters~~ chapter 148~~,~~
~~146 19 150, and 150A,~~ and hospitals licensed under chapter 135B, for
146 20 the purpose of maximizing administrative efficiencies and
146 21 minimizing administrative costs of health care providers and
146 22 health insurers.
146 23 Sec. 168. Section 520.14, Code 2009, is amended to read as
146 24 follows:
146 25 520.14 VIOLATIONS == EXCEPTIONS.
146 26 It shall be unlawful for an attorney to exchange contracts
146 27 of insurance of the kind and character specified in this
146 28 chapter, or for an attorney or representative of the attorney
146 29 to solicit or negotiate any applications for the same without
146 30 the attorney having first complied with the ~~foregoing~~
146 31 provisions of sections 520.2 through 520.13. For the purpose
146 32 of organization and upon issuance of permit by the
146 33 commissioner of insurance, powers of attorney and applications
146 34 for such contracts may be solicited without compliance with
146 35 the provisions of this chapter, but an attorney, agent, or

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147 1 other person shall not make any such contracts of indemnity
147 2 until all of the provisions of this chapter shall have been
147 3 complied with.
147 4 Sec. 169. Section 541A.3, Code 2009, is amended to read as
147 5 follows:
147 6 541A.3 INDIVIDUAL DEVELOPMENT ACCOUNTS == STATE SAVINGS
147 7 MATCH AND TAX PROVISIONS.
147 8 All of the following state savings match and tax provisions
147 9 shall apply to an individual development account:
147 10 1. a. Payment by the state of a state savings match on
147 11 amounts of up to two thousand dollars that an account holder
147 12 deposits in the account holder's account. To be eligible to
147 13 receive a state savings match an account holder must have a
147 14 household income that is equal to or less than two hundred
147 15 percent of the federal poverty level.
147 16 b. Moneys transferred to an individual development account
147 17 from another individual development account and a state
147 18 savings match received by the account holder in accordance
147 19 with this section shall not be considered an account holder
147 20 deposit for purposes of determining a state savings match.
147 21 c. Payment of a state savings match either shall be made
147 22 directly to the account holder or to an operating
147 23 organization's central reserve account for later distribution
147 24 to the account holder in the most appropriate manner as
147 25 determined by the administrator.
147 26 d. Subject to the limitation in paragraph "a", the state
147 27 savings match shall be equal to one hundred percent of the
147 28 amount deposited by the account holder. However, the
147 29 administrator may limit, reduce, delay, or otherwise revise
147 30 state savings match payment provisions as necessary to
147 31 restrict the payments to the funding available.
147 32 2. Income earned by an individual development account is
147 33 not subject to state tax, in accordance with the provisions of
147 34 section 422.7, subsection 28.
147 35 3. Amounts transferred between individual development

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148 1 accounts are not subject to state tax.
148 2 4. The administrator shall coordinate the filing of claims
148 3 for a state savings match authorized under subsection 1,
148 4 between account holders and operating organizations. Claims
148 5 approved by the administrator may be paid to each account
148 6 holder, for an aggregate amount for distribution to the
148 7 holders of the accounts in a particular financial institution,
148 8 or to an operating organization's central reserve account for
148 9 later distribution to the account holders depending on the
148 10 efficiency for issuing the state savings match payments.
148 11 Claims shall be initially filed with the administrator on or
148 12 before a date established by the administrator. Claims
148 13 approved by the administrator shall be paid from the
148 14 individual development account state savings match fund.
148 15 Sec. 170. Section 554.10103, Code 2009, is amended to read
148 16 as follows:
148 17 554.10103 GENERAL REPEALER.
148 18 Except as provided in ~~the following~~ section 554.7103, all
148 19 acts and parts of acts inconsistent with this chapter are
148 20 hereby repealed.
148 21 Sec. 171. Section 556F.17, Code 2009, is amended to read
148 22 as follows:
148 23 556F.17 PENALTY FOR SELLING.
148 24 If any person shall trade, sell, loan, or take out of the
148 25 limits of this state any such property taken up or found as
148 26 ~~aforesaid~~ provided in this chapter, before the person shall be
148 27 vested with the right to the ~~same according to the foregoing~~
~~148 28 provisions~~ property, the person shall forfeit and pay double
148 29 the value thereof, to be recovered by any person in an action,
148 30 one half of which shall go to the plaintiff and the other half
148 31 to the county.
148 32 Sec. 172. Section 602.10111, Code 2009, is amended to read
148 33 as follows:
148 34 602.10111 NONRESIDENT ATTORNEY == APPOINTMENT OF LOCAL
148 35 ATTORNEY.

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149 1 Any member of the bar of another state, actually engaged in
149 2 any cause or matter pending in any court of this state, may be
149 3 permitted by such court to appear in and conduct such cause or
149 4 matter while retaining the attorney's residence in another
149 5 state, without being subject to ~~the foregoing provisions of~~
149 6 this article; provided that at the time the attorney enters an
149 7 appearance the attorney files with the clerk of such court the
149 8 written appointment of some attorney resident and admitted to
149 9 practice in the state of Iowa, upon whom service may be had in
149 10 all matters connected with said action, with the same effect
149 11 as if personally made on such foreign attorney within this
149 12 state. In case of failure to make such appointment, such
149 13 attorney shall not be permitted to practice as ~~aforesaid~~
149 14 provided in this section, and all papers filed by the attorney
149 15 shall be stricken from the files.
149 16 Sec. 173. Section 692.18, Code 2009, is amended to read as
149 17 follows:
149 18 692.18 PUBLIC RECORDS.
149 19 1. Nothing in this chapter shall prohibit the public from
149 20 examining and copying the public records of any public body or
149 21 agency as authorized by chapter 22.
149 22 2. Intelligence data in the possession of a criminal or
149 23 juvenile justice agency, state or federal regulatory agency,
149 24 or peace officer, or disseminated by such agency or peace
149 25 officer, are ~~not public~~ confidential records ~~within the~~
~~149 26 provisions of chapter 22~~ under section 22.7, subsection 55.
149 27 Sec. 174. Section 707.7, Code 2009, is amended to read as
149 28 follows:
149 29 707.7 FETICIDE.
149 30 1. Any person who intentionally terminates a human
149 31 pregnancy, with the knowledge and voluntary consent of the
149 32 pregnant person, after the end of the second trimester of the
149 33 pregnancy where death of the fetus results commits feticide.
149 34 Feticide is a class "C" felony.
149 35 2. Any person who attempts to intentionally terminate a

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150 1 human pregnancy, with the knowledge and voluntary consent of
150 2 the pregnant person, after the end of the second trimester of
150 3 the pregnancy where death of the fetus does not result commits
150 4 attempted feticide. Attempted feticide is a class "D" felony.
150 5 ~~This section shall not apply to the termination of a human~~
~~150 6 pregnancy performed by a physician licensed in this state to~~
~~150 7 practice medicine or surgery when in the best clinical~~
~~150 8 judgment of the physician the termination is performed to~~
~~150 9 preserve the life or health of the pregnant person or of the~~
~~150 10 fetus and every reasonable medical effort not inconsistent~~
~~150 11 with preserving the life of the pregnant person is made to~~
~~150 12 preserve the life of a viable fetus.~~
150 13 3. Any person who terminates a human pregnancy, with the
150 14 knowledge and voluntary consent of the pregnant person, who is
150 15 not a person licensed to practice medicine and surgery or
150 16 osteopathic medicine and surgery under the provisions of
150 17 chapter 148, ~~or an osteopathic physician and surgeon licensed~~
~~150 18 to practice osteopathic medicine and surgery under the~~
~~150 19 provisions of chapter 150A,~~ commits a class "C" felony.
150 20 4. This section shall not apply to the termination of a
150 21 human pregnancy performed by a physician licensed in this
150 22 state to practice medicine or surgery or osteopathic medicine
150 23 or surgery when in the best clinical judgment of the physician
150 24 the termination is performed to preserve the life or health of
150 25 the pregnant person or of the fetus and every reasonable
150 26 medical effort not inconsistent with preserving the life of
150 27 the pregnant person is made to preserve the life of a viable
150 28 fetus.
150 29 Sec. 175. Section 709.22, subsection 1, paragraph c,
150 30 unnumbered paragraph 1, Code 2009, is amended to read as
150 31 follows:
150 32 Providing a victim with immediate and adequate notice of
150 33 the victim's rights. The notice shall consist of handing the
150 34 victim a document that includes the telephone numbers of
150 35 shelters, support groups, and crisis lines operating in the

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151 1 area and contains a copy of the following statement written in
151 2 English and Spanish~~,~~; asking the victim to read the
151 3 statement~~,~~; and asking whether the victim understands the
151 4 rights:
151 5 Sec. 176. Section 709.22, subsection 1, paragraph d, Code
151 6 2009, is amended by striking the paragraph.
151 7 Sec. 177. Section 714.8, subsection 18, Code 2009, is
151 8 amended to read as follows:
151 9 18. a. Manufactures, creates, reproduces, alters,
151 10 possesses, uses, transfers, or otherwise knowingly contributes
151 11 to the production or use of a fraudulent retail sales receipt
151 12 or universal ~~price~~ product code label with intent to defraud
151 13 another person engaged in the business of retailing.
151 14 b. For purposes of this subsection:
151 15 ~~a.~~ (1) "Retail sales receipt" means a document intended
151 16 to evidence payment for goods or services.
151 17 ~~b.~~ (2) "Universal ~~price~~ product code label" means the
151 18 unique ten=digit bar code placed on the packaging of an item
151 19 that may be used for purposes including but not limited to
151 20 tracking inventory, maintaining price information in a
151 21 computerized database, and serving as proof of purchase of a
151 22 particular item.
151 23 Sec. 178. Section 714E.1, subsection 3, paragraph a,
151 24 subparagraph (2), Code 2009, is amended to read as follows:
151 25 (2) Obtain a forbearance, modification, or repayment plan
151 26 ~~from~~ for a beneficiary or mortgagee.
151 27 Sec. 179. Section 714E.4, unnumbered paragraph 1, Code
151 28 2009, is amended to read as follows:
151 29 It is a violation of this chapter for a foreclosure
151 30 consultant to do any of the following:
151 31 Sec. 180. Section 714F.3, subsection 2, Code 2009, is
151 32 amended to read as follows:
151 33 2. The contract required by ~~this~~ section 714F.2 survives
151 34 delivery of any instrument of conveyance of the residence in
151 35 foreclosure, ~~and~~ but has no effect on persons other than the

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152 1 parties to the contract.
152 2 Sec. 181. Section 714F.6, Code 2009, is amended to read as
152 3 follows:
152 4 714F.6 WAIVER.
152 5 A waiver of the provisions of this chapter is void and
152 6 unenforceable as contrary to public policy, except a consumer
152 7 may waive the three=day right to cancel provided in section
152 8 714F.4 if the property is subject to a foreclosure sale, tax
152 9 sale, or contract forfeiture within the three business days
152 10 and the shortened cancellation period was not caused by the
152 11 foreclosure purchaser or an agent of the foreclosure
152 12 purchaser~~, and the~~. A waiver of a foreclosed ~~homeowner agrees~~
~~152 13 to waive the foreclosed~~ homeowner's right to cancel shall be
152 14 in a handwritten statement signed by all parties holding title
152 15 to the foreclosed property.
152 16 Sec. 182. Section 714F.9, subsection 2, Code 2009, is
152 17 amended to read as follows:
152 18 2. EXEMPLARY DAMAGES. In a private right of action for a
152 19 violation of this chapter, the court may award exemplary
152 20 damages ~~of any amount~~. If the court determines that an award
152 21 of exemplary damages is appropriate, the amount of exemplary
152 22 damages awarded shall not be less than one and one=half times
152 23 the foreclosed homeowner's actual damages. Any claim for
152 24 exemplary damages brought pursuant to this section must be
152 25 commenced within four years after the date of the alleged
152 26 violation.
152 27 Sec. 183. Section 728.15, Code 2009, is amended to read as
152 28 follows:
152 29 728.15 TELEPHONE DISSEMINATION OF OBSCENE MATERIAL TO
152 30 MINORS.
152 31 1. a. As used in this section, "person" excludes any
152 32 information=access service provider that merely provides
152 33 transmission capacity without control over the content of the
152 34 transmission.
152 35 b. A person shall not knowingly disseminate obscene

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153 1 material by the use of telephones or telephone facilities to a
153 2 minor. ~~A person who violates this subsection upon conviction~~
~~153 3 is guilty of an aggravated misdemeanor. However, second and~~
~~153 4 subsequent offenses of this subsection by a person who has~~
~~153 5 been previously convicted of violating this subsection are~~
~~153 6 class "D" felonies. As used in this subsection, a "person"~~
~~153 7 excludes any information=access service provider that merely~~
~~153 8 provides transmission capacity without control over the~~
~~153 9 content of the transmission.~~
153 10 2. It shall be a defense in any prosecution for a
153 11 violation of subsection 1 by a person ~~who~~ accused of knowingly
153 12 ~~disseminates~~ disseminating obscene material by the use of
153 13 telephones or telephone facilities to a minor that the
153 14 ~~defendant~~ person accused has taken either of the following
153 15 measures to restrict access to the obscene material:
153 16 a. ~~Required~~ The person accused has done all of the
153 17 following:
153 18 (1) Required the person receiving the obscene material to
153 19 use an authorized access or identification code, as provided
153 20 by the information provider, before transmission of the
153 21 obscene material begins~~, where the defendant has previously~~.
153 22 (2) Previously issued the code by mailing it to the
153 23 applicant after taking reasonable measures to ascertain that
153 24 the applicant was eighteen years of age or older ~~and has~~
~~153 25 established~~.
153 26 (3) Established a procedure to immediately cancel the code
153 27 of any person after receiving notice, in writing or by
153 28 telephone, that the code has been lost, stolen, or used by
153 29 persons under the age of eighteen years or that the code is no
153 30 longer desired.
153 31 b. ~~Required~~ The person accused has required payment by
153 32 credit card before transmission of the obscene material.
153 33 3. Any list of applicants or recipients compiled or
153 34 maintained by an information=access service provider for
153 35 purposes of compliance with subsection 2 is confidential and

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154 1 shall not be sold or otherwise disseminated except upon order
154 2 of the court.
154 3 4. a. A violation of subsection 1 is an aggravated
154 4 misdemeanor.
154 5 b. A violation of subsection 1 by a person who has been
154 6 previously convicted of a violation of subsection 1 is a class
154 7 "D" felony.
154 8 Sec. 184. Section 805.8B, subsection 2, paragraph e, Code
154 9 2009, is amended to read as follows:
154 10 e. For ~~identification~~ decal violations under section
154 11 321G.5, the scheduled fine is twenty dollars.
154 12 Sec. 185. Section 805.8B, subsection 2A, paragraph e, Code
154 13 2009, is amended to read as follows:
154 14 e. For ~~identification~~ decal violations under section
154 15 321I.6, the scheduled fine is twenty dollars.
154 16 Sec. 186. Section 820.11, Code 2009, is amended to read as
154 17 follows:
154 18 820.11 PENALTY FOR WILLFUL DISOBEDIENCE.
154 19 Any officer who shall deliver to the agent for extradition
154 20 of the demanding state a person in the officer's custody under
154 21 the governor's warrant, in willful disobedience to ~~the last~~
154 22 section 820.10, shall be guilty of a simple misdemeanor.
154 23 Sec. 187. Section 35B.6, subsection 1, paragraph a, Code
154 24 2007, as amended by 2008 Iowa Acts, chapter 1130, section 4,
154 25 is amended to read as follows:
154 26 a. The members of the commission shall qualify by taking
154 27 the usual oath of office, and give bond in the sum of five
154 28 hundred dollars each, conditioned for the faithful discharge
154 29 of their duties with sureties to be approved by the county
154 30 auditor. The commission shall organize by the selection of
154 31 one of their members as chairperson, and one as secretary.
154 32 The commission, subject to the approval of the board of
154 33 supervisors, shall employ an executive director or
154 34 administrator and shall have the power to employ other
154 35 necessary employees when needed, including administrative or

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155 1 clerical assistants, but no member of the commission shall be
155 2 so employed. The compensation of such employees shall be
155 3 fixed by the board of supervisors~~, but no member of the~~
~~155 4 commission shall be so employed~~. The executive director must
155 5 possess the same qualifications as provided in section 35B.3
155 6 for commission members. However, this qualification
155 7 requirement shall not apply to a person employed as an
155 8 executive director prior to July 1, 1989.
155 9 Sec. 188. Section 35B.14, Code 2007, as amended by 2008
155 10 Iowa Acts, chapter 1130, section 7, is amended to read as
155 11 follows:
155 12 35B.14 COUNTY APPROPRIATION.
155 13 1. The board of supervisors of each county may appropriate
155 14 moneys for training an executive director or administrator as
155 15 provided ~~for~~ in section 35B.6, ~~the~~ and for the expenses for
155 16 food, clothing, shelter, utilities, medical benefits, and a
155 17 funeral ~~expenses of~~ for indigent veterans, as defined in
155 18 section 35.1, ~~and~~ as well as for their indigent spouses,
155 19 surviving spouses, and minor children not over eighteen years
155 20 of age, ~~having a legal residence~~ who legally reside in the
155 21 county.
155 22 2. The appropriation shall be expended by the joint action
155 23 and control of the board of supervisors and the county
155 24 commission of veteran affairs.
155 25 Sec. 189. 2008 Iowa Acts, chapter 1191, section 109, is
155 26 amended to read as follows:
155 27 SEC. 109. Section ~~257.11~~ 257.31, subsection 5, Code
155 28 Supplement 2007, is amended by adding the following new
155 29 paragraph:
155 30 NEW PARAGRAPH. n. Unusual need for additional funds for
155 31 the costs associated with providing competent private
155 32 instruction pursuant to chapter 299A.
155 33 Sec. 190. Sections 238.2, 435.34, and 435.35, Code 2009,
155 34 are repealed.
155 35 Sec. 191. DIRECTIVES TO CODE EDITOR == TRANSFERS.

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1. The Code editor shall transfer sections 147.57 and 147.114 to new locations deemed appropriate by the Code editor in chapter 153 and correct any internal references in the Code or Acts as necessary to complete the transfers.

2. The Code editor shall number the existing paragraph within section 216.18, transfer section 216.18A to become subsection 2 of that section, and correct any internal references in the Code or Acts as necessary to complete the transfer.

DIVISION II

CODE SECTION RENUMBERINGS

Sec. 192. Section 123.129, Code 2009, is amended to read as follows:

123.129 CLASS "C" APPLICATION.

1. For purposes of this section:

a. "Grocery store" means any retail establishment, the business of which consists of the sale of food, food products, or beverages for consumption off the premises.

b. "Pharmacy" means a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, or veterinarians are compounded and sold by a registered pharmacist.

2. ~~No~~ A class "C" permit shall not be issued to any person except the owner or proprietor of a grocery store or pharmacy.

~~"Grocery store" means any retail establishment, the business of which consists of the sale of food, food products or beverages for consumption off the premises.~~

~~"Pharmacy" means a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists or veterinarians are compounded and sold by a registered pharmacist.~~

3. A class "C" permit shall be issued by the administrator to any person who is the owner or proprietor of a grocery

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157 1 store or pharmacy, who:
157 2 ~~1.~~ a. Submits a written application for such permit,
157 3 which application shall state under oath all the information
157 4 required of a class "A" applicant by section 123.127,
157 5 subsection 1.
157 6 ~~2.~~ b. Establishes that the person is of good moral
157 7 character as defined by this chapter.
157 8 ~~3.~~ c. Consents to inspection as required in section
157 9 123.30, subsection 1.
157 10 ~~4.~~ d. States the number of square feet of interior floor
157 11 space which comprises the retail sales area of the premises
157 12 for which the permit is sought.
157 13 Sec. 193. Section 124.101, subsection 1, Code 2009, is
157 14 amended to read as follows:
157 15 1. "Administer" means the direct application of a
157 16 controlled substance, whether by injection, inhalation,
157 17 ingestion, or any other means, to the body of a patient or
157 18 research subject by:
157 19 a. A practitioner, or in the practitioner's presence, by
157 20 the practitioner's authorized agent; or
157 21 b. The patient or research subject at the direction and in
157 22 the presence of the practitioner.
157 23 ~~Nothing contained in this chapter shall be construed to~~
~~157 24 prevent a physician, dentist, podiatric physician, or~~
~~157 25 veterinarian from delegating the administration of controlled~~
~~157 26 substances under this chapter to a nurse, intern, or other~~
~~157 27 qualified individual or, as to veterinarians, to an orderly or~~
~~157 28 assistant, under the veterinarian's direction and supervision;~~
~~157 29 all pursuant to rules adopted by the board.~~
157 30 Sec. 194. NEW SECTION. 124.101A ADMINISTRATION OF
157 31 CONTROLLED SUBSTANCES == DELEGATION.
157 32 Nothing contained in this chapter shall be construed to
157 33 prevent a physician, dentist, podiatric physician, or
157 34 veterinarian from delegating the administration of controlled
157 35 substances under this chapter to a nurse, intern, or other

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158 1 qualified individual or, as to veterinarians, to an orderly or
158 2 assistant, under the veterinarian's direction and supervision;
158 3 all pursuant to rules adopted by the board.
158 4 Sec. 195. Section 135J.1, subsection 6, Code 2009, is
158 5 amended to read as follows:
158 6 6. "Interdisciplinary team" means the hospice patient and
158 7 the hospice patient's family, the attending physician, and all
158 8 of the following individuals trained to serve with a licensed
158 9 hospice program:
158 10 a. A licensed physician pursuant to chapter 148.
158 11 b. A licensed registered nurse pursuant to chapter 152.
158 12 c. An individual with at least a baccalaureate degree in
158 13 the field of social work providing medical=social services.
158 14 d. Trained hospice volunteers.
158 15 e. ~~Providers~~ As deemed appropriate by the hospice,
158 16 providers of special services, including but not limited to~~,~~ a
158 17 spiritual counselor, a pharmacist, or professionals in the
158 18 fields of mental health may be included on the
158 19 interdisciplinary team ~~as deemed appropriate by the hospice~~.
158 20 Sec. 196. Section 137.6, Code 2009, is amended to read as
158 21 follows:
158 22 137.6 POWERS OF LOCAL BOARDS.
158 23 1. Local boards shall have powers to do the following
158 24 ~~powers~~:
158 25 ~~1.~~ a. Enforce state health laws and the rules and lawful
158 26 orders of the state department.
158 27 ~~2.~~ b. (1) Make and enforce such reasonable rules and
158 28 regulations not inconsistent with law or with the rules of the
158 29 state board as may be necessary for the protection and
158 30 improvement of the public health.
158 31 ~~a.~~ (a) Rules of a county board shall become effective
158 32 upon approval by the county board of supervisors by a motion
158 33 or resolution as defined in section 331.101, subsection 13,
158 34 and publication in a newspaper having general circulation in
158 35 the county.

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159 1 ~~b.~~ (b) Rules of a city board shall become effective upon
159 2 approval by the city council and publication in a newspaper
159 3 having general circulation in the city.
159 4 ~~c.~~ (c) Rules of a district board shall become effective
159 5 upon approval by the district board and publication in a
159 6 newspaper having general circulation in the district.
159 7 ~~d.~~ (2) ~~However, before~~ Before approving any rule or
159 8 regulation the local board of health shall hold a public
159 9 hearing on the proposed rule. Any citizen may appear and be
159 10 heard at the public hearing. A notice of the public hearing,
159 11 stating the time and place and the general nature of the
159 12 proposed rule or regulation, shall be published as provided in
159 13 section 331.305 in the area served by the board. The board
159 14 shall also make a reasonable effort to give notice of the
159 15 hearing to the communications media located within said area.
159 16 ~~The board shall also make a reasonable effort to give~~
~~159 17 notice of the hearing to the communications media located~~
~~159 18 within said area.~~
159 19 ~~3. May by agreement with the council of any city within~~
~~159 20 its jurisdiction enforce appropriate ordinances of said city.~~
159 21 ~~4.~~ c. Employ persons as necessary for the efficient
159 22 discharge of its duties. Employment practices shall meet the
159 23 requirements of chapter 8A, subchapter IV, or any civil
159 24 service provision adopted under chapter 400.
159 25 ~~5.~~ d. Provide reports of its operations and activities to
159 26 the state department as may be required by the director.
159 27 2. A local board may, by agreement with the council of any
159 28 city within its jurisdiction, enforce appropriate ordinances
159 29 of the city.
159 30 Sec. 197. Section 147A.4, subsection 1, Code 2009, is
159 31 amended to read as follows:
159 32 1. a. The department shall adopt rules required or
159 33 authorized by this subchapter pertaining to the operation of
159 34 ambulance, rescue, and first response services which have
159 35 received authorization under section 147A.5 to utilize the

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160 1 services of certified emergency medical care providers. These
160 2 rules shall include, but need not be limited to, requirements
160 3 concerning physician supervision, necessary equipment and
160 4 staffing, and reporting by ambulance, rescue, and first
160 5 response services which have received the authorization
160 6 pursuant to section 147A.5.
160 7 b. The director, pursuant to rule, may grant exceptions
160 8 and variances from the requirements of rules adopted under
160 9 this subchapter for any ambulance, rescue, or first response
160 10 service. Exceptions or variations shall be reasonably related
160 11 to undue hardships which existing services experience in
160 12 complying with this subchapter or the rules adopted pursuant
160 13 to this subchapter. However, no exception or variance may be
160 14 granted unless the service ~~has~~ adopted a plan approved by the
160 15 department prior to July 1, 1996, to achieve compliance during
160 16 a period not to exceed seven years with this subchapter and
160 17 rules adopted pursuant to this subchapter. Services
160 18 requesting exceptions and variances shall be subject to other
160 19 applicable rules adopted pursuant to this subchapter.
160 20 Sec. 198. Section 149.1, subsections 2, 3, and 4, Code
160 21 2009, are amended to read as follows:
160 22 2. As used in this chapter~~, "board"~~:
160 23 a. "Board" means the board of podiatry, created under
160 24 chapter 147.
160 25 ~~3.~~ b. ~~As used in this chapter, "human~~ "Human foot" means
160 26 the ankle and soft tissue which insert into the foot as well
160 27 as the foot.
160 28 ~~4.~~ c. "Podiatric physician" means a physician or surgeon
160 29 licensed under this chapter to engage in the practice of
160 30 podiatric medicine and surgery.
160 31 Sec. 199. Section 149.5, Code 2009, is amended to read as
160 32 follows:
160 33 149.5 AMPUTATIONS == ANESTHESIA == PRESCRIPTION DRUGS.
160 34 1. A license to practice podiatry shall not authorize the
160 35 licensee to amputate the human foot.

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161 1 2. A licensed podiatric physician may ~~administer~~ do all of
161 2 the following:
161 3 a. Administer local anesthesia.
161 4 b. ~~Conscious~~ Administer conscious sedation ~~may be~~
~~161 5 administered by a licensed podiatric physician~~ in a hospital
161 6 or an ambulatory surgical center.
161 7 c. ~~A licensed podiatric physician may prescribe~~ Prescribe
161 8 and administer drugs for the treatment of human foot ailments
161 9 as provided in section 149.1.
161 10 Sec. 200. Section 153.39, subsection 2, Code 2009, is
161 11 amended to read as follows:
161 12 2. Education requirements shall be determined by the board
161 13 by rule, according to standards to be determined by the board.
161 14 A person shall be registered upon the successful completion of
161 15 either of the education and examination requirements ~~pursuant~~
~~161 16 to~~ established in paragraph "a" or "b"~~. Education~~
~~161 17 requirements shall be determined by the board by rule,~~
~~161 18 according to standards to be determined by the board.~~:
161 19 a. Successful completion of a course of study and
161 20 examination approved by the board and sponsored by a
161 21 board=approved postsecondary school.
161 22 b. Successful completion of on=the=job training and
161 23 examination consisting of all of the following:
161 24 (1) Completion of on=the=job training as specified in
161 25 rule.
161 26 (2) Successful completion of an examination process
161 27 approved by the board. A written examination may be waived by
161 28 the board pursuant to section 17A.9A, in practice situations
161 29 where the written examination is deemed to be unnecessary or
161 30 detrimental to the dentist's practice.
161 31 2A. The education requirements in subsection 2, paragraphs
161 32 "a" and "b" may include possession of a valid certificate in a
161 33 nationally recognized course in cardiopulmonary resuscitation.
161 34 Successful passage of an examination administered by the board
161 35 under subsection 2, paragraph "a" or "b", which shall include

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162 1 sections regarding infection control, hazardous materials, and
162 2 jurisprudence, shall also be required.
162 3 2B. The board shall establish continuing education
162 4 requirements as a condition of renewing registration as a
162 5 registered dental assistant, as well as standards for the
162 6 suspension or revocation of registration.
162 7 Sec. 201. Section 163.2, Code 2009, is amended to read as
162 8 follows:
162 9 163.2 INFECTIOUS OR CONTAGIOUS DISEASES.
162 10 As provided in this chapter, unless the context otherwise
162 11 requires:
162 12 1. "Certificate of veterinary inspection" or "certificate"
162 13 means a legible record, made on an official form of the state
162 14 of origin or the animal and plant health inspection service of
162 15 the United States department of agriculture, and issued by an
162 16 accredited veterinarian of the state of origin or a
162 17 veterinarian in the employ of the animal and plant health
162 18 inspection service, which shows that an animal listed on the
162 19 form meets the health requirements of the state of
162 20 destination.
162 21 2. "Control" means the prevention, suppression, or
162 22 eradication of an infectious or contagious disease afflicting
162 23 an animal within the state.
162 24 3. "Department" means the department of agriculture and
162 25 land stewardship.
162 26 4. "Foot and mouth disease" means a virus of the family
162 27 picornaviridae, genus aphthovirus, including any
162 28 immunologically distinct serotypes.
162 29 ~~4.~~ 5. "Infectious or contagious disease" means glanders,
162 30 farcy, maladie du coit (dourine), anthrax, foot and mouth
162 31 disease, scabies, hog cholera, tuberculosis, brucellosis,
162 32 vesicular exanthema, scrapie, rinderpest, avian influenza or
162 33 Newcastle disease as provided in chapter 165B, or any other
162 34 transmissible, transferable, or communicable disease so
162 35 designated by the department.

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~~As used in this chapter, "foot and mouth disease" means a virus of the family picornaviridae, genus aphthovirus, including any immunologically distinct serotypes.~~

~~5.~~ 6. "Move" or "movement", except as provided in subchapter III, means to ship, transport, or deliver an animal.

Sec. 202. Section 163.30, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. A permittee shall not represent more than one dealer. Failure of a licensee or permittee to comply with this chapter or a rule made pursuant to this chapter is cause for revocation by the secretary of the permit or license after notice to the alleged offender and the holding of a hearing by the secretary. Rules shall be made in accordance with chapter 17A. A rule, the violation of which is made the basis for revocation, except temporary emergency rules, shall first have been approved after public hearing as provided in section 17A.4 after giving twenty days' notice of the hearing ~~as follows:~~

~~By~~ by mailing the notice, by ordinary mail, to every person filing a request for notice accompanied by an addressed envelope with prepaid postage. Any person may file such a request to be listed with any agency for notice for the time and place for all hearings on proposed rules, which request shall be accompanied by a remittance of five dollars. Such fee shall be added to the operating fund of the department. The listing shall expire semiannually on January 1 and July 1.

Sec. 203. Section 163.30, subsections 4 through 7, Code 2009, are amended to read as follows:

4. a. All swine moved shall be individually identified with a distinctive and easily discernible ear tag affixed in either ear of the animal or other identification acceptable to the department, which has been specified by rule promulgated under the department's rulemaking authority. The department shall make ear tags available at convenient locations within

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164 1 each county and shall sell such tags at a price not exceeding
164 2 the cost to producers and others to comply with this section.
164 3 b. Every seller, dealer and market operator shall keep a
164 4 record of the ear tag numbers, or other approved
164 5 identification, and the farm of origin of swine moved by or
164 6 through that person, which records shall be made available by
164 7 that person to any appropriate representative of the
164 8 department or the United States department of agriculture.
164 9 5. a. All swine moved shall be accompanied by a
164 10 certificate of veterinary inspection issued by the state of
164 11 origin and prepared and signed by a veterinarian. The
164 12 certificate shall show the point of origin, the point of
164 13 destination, individual identification, immunization status,
164 14 and, when required, any movement permit number assigned to the
164 15 shipment by the department. All such movement of swine shall
164 16 be completed within seventy=two hours unless an extension of
164 17 time for movement is granted by the department.
164 18 b. However, ~~swine may be~~ the requirements of paragraph "a"
164 19 do not apply as follows:
164 20 (1) Swine which are moved intrastate directly to an
164 21 approved state, federal, or auction market ~~without such~~
~~164 22 identification or certification~~, there to be identified and
164 23 certificated, are excepted from the identification and
164 24 certification requirements.
164 25 c. ~~However, registered~~ Registered swine for exhibition or
164 26 breeding purposes which can be individually identified by an
164 27 ear notch or tattoo or other method approved by the department
164 28 are excepted from ~~this~~ the additional identification
164 29 requirement. ~~In addition, native~~
164 30 d. Native Iowa swine moved from farm to farm shall be
164 31 excepted from the identification requirement if the owner
164 32 transferring possession of the feeder pigs executes a written
164 33 agreement with the person taking possession of the feeder
164 34 pigs. The agreement shall provide that the feeder pigs shall
164 35 not be commingled with other swine for a period of thirty

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165 1 days. The owner transferring possession shall be responsible
165 2 for making certain that the agreement is executed and for
165 3 providing a copy of the agreement to the person taking
165 4 possession.
165 5 6. The department may combine a certificate of veterinary
165 6 inspection with a certificate of inspection required under
165 7 chapter 166D.
165 8 ~~6.~~ 7. The department may require issuance of movement
165 9 permits on certain categories of swine moved, prior to their
165 10 movement, pursuant to departmental rule. The rule shall be
165 11 promulgated when in the judgment of the secretary, such
165 12 movements would otherwise threaten or imperil the eradication
165 13 of hog cholera in Iowa.
165 14 ~~7.~~ 7A. All swine moved shall be quarantined separate and
165 15 apart from other swine located at the Iowa farm of destination
165 16 for thirty days beginning with their arrival at such premises,
165 17 or if such incoming swine are not held separate and apart, all
165 18 swine on such premises shall be thus quarantined, except
165 19 animals moving from such premises directly to slaughter.
165 20 7B. There can only be one transfer by a dealer, involving
165 21 not more than two markets, prior to quarantine.
165 22 Sec. 204. Section 166D.7, subsection 2, Code 2009, is
165 23 amended to read as follows:
165 24 2. A monitored herd shall be initially certified,
165 25 recertified, and maintained as follows:
165 26 a. The herd shall be certified when a statistical sampling
165 27 of the herd is determined to be noninfected.
165 28 b. In order to remain certified the herd must be retested
165 29 and recertified as provided by the department. The herd must
165 30 be recertified annually. The herd shall be recertified when a
165 31 statistical sampling of the herd is determined to be
165 32 noninfected within twelve months from initial certification or
165 33 the most recent recertification.
165 34 c. A monitored herd shall not be certified or recertified,
165 35 if the herd is located within a county which is designated by

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166 1 the department as in stage II of the national pseudorabies
166 2 eradication program, unless the herd is vaccinated with a
166 3 modified=live differentiable vaccine pursuant to section
166 4 166D.11 and as required by the department.
166 5 ~~c.~~ d. A monitored herd may receive new swine into the
166 6 herd from a noninfected herd.
166 7 Sec. 205. Section 167.4, Code 2009, is amended to read as
166 8 follows:
166 9 167.4 LICENSING PROCEDURE == FEES.
166 10 1. The following shall apply to a person required to be
166 11 licensed under this chapter:
166 12 ~~1.~~ a. The person shall submit an application for a
166 13 license to the department in a manner and according to
166 14 procedures required by the department.
166 15 ~~2.~~ b. The person shall include in the application
166 16 information as required by the department, on forms prescribed
166 17 by the department, which shall include at least all of the
166 18 following:
166 19 ~~a.~~ (1) For a disposal plant, the person shall state the
166 20 person's name and address, the person's proposed place of
166 21 business, and the total number of vehicles to be involved in
166 22 the operation.
166 23 ~~b.~~ (2) For a collection point involving the accumulation
166 24 of whole animal carcasses or their parts for ultimate
166 25 transportation to a disposal plant, the person's name and
166 26 address, the person's proposed place of business, and the
166 27 total number of vehicles to be involved in the operation.
166 28 ~~c.~~ (3) For a delivery service which transports whole
166 29 animal carcasses or their parts to a disposal plant or
166 30 collection point, the person's name and address, the total
166 31 number of vehicles to be involved in the operation, and the
166 32 location where the vehicles involved in the operation are to
166 33 be maintained.
166 34 ~~3.~~ c. The person shall submit a separate application for
166 35 each location that the person is to operate as a disposal

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plant, collection point, or a delivery service.
~~4.~~ d. The person shall ~~submit~~ pay a license fee as follows:
~~a.~~ (1) For a disposal plant, one hundred dollars.
~~b.~~ (2) For a collection point, one hundred dollars. However, a person is not required to pay the license fee for a collection point which is operated by a disposal plant.
~~c.~~ (3) For a delivery service which is not part of the operation of a disposal plant or collection point, fifty dollars.
~~5.~~ e. A license issued to a person under this section shall expire on December 31 of each year. The person may renew the license by completing a renewal form as prescribed by the department in a manner and according to procedures required by the department. However, the renewal form must be submitted to the department prior to the license's expiration date. The person shall ~~submit~~ pay a renewal license fee which shall be for the same amount as the original license fee.
~~Fees collected pursuant to this section shall be deposited into the general fund of the state.~~
~~6.~~ f. A person's license is subject to suspension or revocation by the department if the department determines that the person has committed a material violation of this chapter, including rules adopted by this chapter, or a term or condition of the license. The person may contest the department's action as provided in chapter 17A.
2. Fees collected pursuant to this section shall be deposited into the general fund of the state.
Sec. 206. Section 169.6, Code 2009, is amended to read as follows:
169.6 DISCLOSURE OF CONFIDENTIAL INFORMATION.
1. A member of the board shall not disclose information relating to the following:
~~1.~~ a. Criminal history or prior misconduct of the applicant.

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~~2.~~ b. Information relating to the contents of the examination.

~~3.~~ c. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

2. A member of the board who willfully communicates or seeks to communicate ~~such~~ information in violation of subsection 1, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor for each separate offense.

Sec. 207. Section 191.2, subsections 2 and 7, Code 2009, are amended to read as follows:

2. OLEOMARGARINE.

a. No person shall sell or offer for sale, colored oleo, oleomargarine or margarine unless == such oleo, oleomargarine or margarine is packaged; the net weight of the contents of any package sold in a retail establishment is one pound or less; there appears on the label of the package the word "oleo", "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on such label, and a full and accurate statement of all the ingredients contained in such oleo, oleomargarine or margarine; and each part of the contents of the package is contained in a wrapper which bears the word "oleo", "oleomargarine" or "margarine" in type or lettering not smaller than twenty point type.

~~For the purposes of this chapter the term "oleo", "oleomargarine" or "margarine" includes all substances, mixtures and compounds known as oleo, oleomargarine or margarine, and all substances, mixtures and compounds which have a consistence similar to that of butter and which contain any edible oils or fats other than milk fat if made in imitation or semblance of butter. For the purposes of this chapter colored oleo, oleomargarine or margarine is oleo, oleomargarine or margarine to which any color has been added.~~

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169 1 b. Whenever coloring of any kind has been added it shall
169 2 be clearly stated on both inside wrapper and the outside
169 3 package. The ingredients of oleo, oleomargarine or margarine
169 4 shall be listed on both the inside wrapper and outside package
169 5 in the order of the amounts of ingredients in the package.
169 6 c. Such oleo, oleomargarine or margarine shall contain
169 7 vitamin "A" in such quantity that the finished oleo,
169 8 oleomargarine or margarine contains not less than fifteen
169 9 thousand United States Pharmacopoeia units of vitamin "A" per
169 10 pound, as determined by the method prescribed in the
169 11 Pharmacopoeia of the United States for the total biological
169 12 vitamin "A" activity.
169 13 7. a. Tanks transporting raw milk and milk products to a
169 14 milk plant from sources of supply not under the supervision of
169 15 the secretary or authorized municipal corporation are required
169 16 to be marked with the name and address of the milk plant or
169 17 hauler and shall be sealed; in addition, for each such
169 18 shipment, a shipping statement shall be prepared containing at
169 19 least the following information:
169 20 ~~a.~~ (1) Shipper's name, address, and permit number.
169 21 ~~b.~~ (2) Permit number of hauler, if not employee of
169 22 shipper.
169 23 ~~c.~~ (3) Point of origin of shipment.
169 24 ~~d.~~ (4) Tanker identity number.
169 25 ~~e.~~ (5) Name of product.
169 26 ~~f.~~ (6) Weight of product.
169 27 ~~g.~~ (7) Grade of product.
169 28 ~~h.~~ (8) Temperature of product.
169 29 ~~i.~~ (9) Date of shipment.
169 30 ~~j.~~ (10) Name of supervising health authority at the point
169 31 of origin.
169 32 ~~k.~~ (11) Whether the contents are raw, pasteurized, or
169 33 otherwise heat treated.
169 34 b. Such statement shall be prepared in triplicate and
169 35 shall be kept on file by the shipper, the consignee, and the

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170 1 carrier for a period of six months for the information of the
170 2 secretary.
170 3 Sec. 208. Section 191.4, Code 2009, is amended to read as
170 4 follows:
170 5 191.4 ~~"PERSON" DEFINED~~ DEFINITIONS.
170 6 1. "Oleo", "oleomargarine", or "margarine", for purposes
170 7 of this chapter, includes all substances, mixtures, and
170 8 compounds known as oleo, oleomargarine, or margarine, and all
170 9 substances, mixtures, and compounds which have a consistence
170 10 similar to that of butter and which contain any edible oils or
170 11 fats other than milk fat if made in imitation or semblance of
170 12 butter. For the purposes of this chapter, colored oleo,
170 13 oleomargarine, or margarine is oleo, oleomargarine, or
170 14 margarine to which any color has been added.
170 15 2. "Person" as used in this chapter and chapters 190 and
170 16 192 means any individual, plant operator, partnership,
170 17 corporation, company, firm, trustee, or association.
170 18 Sec. 209. Section 200.14, Code 2009, is amended to read as
170 19 follows:
170 20 200.14 RULES.
170 21 1. The secretary is authorized, after public hearing,
170 22 following due notice, to adopt rules setting forth minimum
170 23 general safety standards for the design, construction,
170 24 location, installation and operation of equipment for storage,
170 25 handling, transportation by tank truck or tank trailer, and
170 26 utilization of anhydrous ammonia.
170 27 a. The rules shall be such as are reasonably necessary for
170 28 the protection and safety of the public and persons using
170 29 anhydrous ammonia, and shall be in substantial conformity with
170 30 the generally accepted standards of safety.
170 31 b. ~~It is hereby declared that rules~~ Rules that are in
170 32 substantial conformity with the published standards of the
170 33 agricultural ammonia institute for the design, installation
170 34 and construction of containers and pertinent equipment for the
170 35 storage and handling of anhydrous ammonia, shall be deemed to

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171 1 be in substantial conformity with the generally accepted
171 2 standards of safety.
171 3 2. Anhydrous ammonia equipment shall be installed and
171 4 maintained in a safe operating condition and in conformity
171 5 with rules adopted by the secretary.
171 6 3. The secretary ~~is hereby charged with the enforcement of~~
171 7 shall enforce this chapter~~,~~ and, after due publicity and due
171 8 public hearing, ~~is empowered to promulgate and~~ may adopt such
171 9 reasonable rules as may be necessary in order to carry into
171 10 effect the purpose and intent and to secure the efficient
171 11 administration of this chapter ~~or to secure the efficient~~
~~171 12 administration thereof~~.
171 13 4. ~~Nothing in this~~ This chapter ~~shall~~ does not prohibit
171 14 the use of storage tanks smaller than transporting tanks nor
171 15 the transfer of all kinds of fertilizer including anhydrous
171 16 ammonia directly from transporting tanks to implements of
171 17 husbandry, if proper safety precautions are observed.
171 18 Sec. 210. Section 203.12A, subsections 1, 2, and 9, Code
171 19 2009, are amended to read as follows:
171 20 1. a. As used in this section:
171 21 (1) "Grain dealer assets" includes proceeds received or
171 22 due a grain dealer upon the sale, including exchange,
171 23 collection, or other disposition, of grain sold by the grain
171 24 dealer. "Grain dealer assets" also includes any other funds
171 25 or property of the grain dealer which can be directly traced
171 26 as being from the sale of grain by the grain dealer, or which
171 27 were utilized in the business operation of the grain dealer.
171 28 (2) "Proceeds" means noncash and cash proceeds as defined
171 29 in section 554.9102.
171 30 b. A court, upon petition by an affected party, may order
171 31 that claimed grain dealer assets are not grain dealer assets
171 32 as defined in this section. The burden of proof shall be upon
171 33 the petitioner to establish that the assets are not grain
171 34 dealer assets as defined in this section.
171 35 2. A statutory lien is imposed on all grain dealer assets

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172 1 in favor of sellers who have surrendered warehouse receipts or
172 2 other written evidence of ownership as part of a grain sale
172 3 transaction or who possess written evidence of the sale of
172 4 grain to a grain dealer, without receiving full payment for
172 5 the grain.
172 6 ~~2. "Grain dealer assets" includes proceeds received or due~~
~~172 7 a grain dealer upon the sale, including exchange, collection,~~
~~172 8 or other disposition, of grain sold by the grain dealer. As~~
~~172 9 used in this section, "proceeds" means noncash and cash~~
~~172 10 proceeds as defined in section 554.9102. "Grain dealer~~
~~172 11 assets" also includes any other funds or property of the grain~~
~~172 12 dealer which can be directly traced as being from the sale of~~
~~172 13 grain by the grain dealer, or which were utilized in the~~
~~172 14 business operation of the grain dealer. A court, upon~~
~~172 15 petition by an affected party, may order that claimed grain~~
~~172 16 dealer assets are not grain dealer assets as defined in this~~
~~172 17 section. The burden of proof shall be upon the petitioner to~~
~~172 18 establish that the assets are not grain dealer assets as~~
~~172 19 defined in this section.~~
172 20 9. a. The board may enforce the lien in the manner
172 21 provided in chapter 554, article 9, part 6, for the
172 22 enforcement of security interests. If, upon enforcement of
172 23 the lien, the lien amount is satisfied in full without
172 24 exhaustion of the grain dealer assets, the remaining assets
172 25 shall be returned to the grain dealer or, if there are
172 26 competing claims to those remaining assets by other creditors,
172 27 shall place those assets in the custody of the district court
172 28 and implead the known creditors.
172 29 b. For purposes of enforcement of the lien, the board is
172 30 deemed to be the secured party and the grain dealer is deemed
172 31 to be the debtor, and each has the respective rights and
172 32 duties of a secured party and a debtor as provided in chapter
172 33 554, article 9, part 6. If a right or duty under chapter 554,
172 34 article 9, part 6, is contingent upon the existence of express
172 35 language in a security agreement, or may be waived by express

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173 1 language in a security agreement, the requisite language is
173 2 deemed not to exist for purposes of enforcement of the lien
173 3 created by this section.
173 4 Sec. 211. Section 203.15, subsection 4, paragraph c, Code
173 5 2009, is amended to read as follows:
173 6 c. (1) A grain dealer must meet at least either of the
173 7 following conditions:
173 8 ~~(1)~~ (a) The grain dealer's last financial statement
173 9 required to be submitted to the department pursuant to section
173 10 203.3 is accompanied by an unqualified opinion based upon an
173 11 audit performed by a certified public accountant licensed in
173 12 this state.
173 13 ~~(2)~~ (b) The grain dealer files a bond with the department
173 14 in the amount of one hundred thousand dollars payable to the
173 15 department.
173 16 (2) (a) The bond filed with the department under this
173 17 paragraph shall be used to indemnify sellers for losses
173 18 resulting from a breach of a credit=sale contract as provided
173 19 by rules adopted by the department. The rules shall include,
173 20 but are not limited to, procedures and criteria for providing
173 21 notice, filing claims, valuing losses, and paying claims. The
173 22 bond provided in this paragraph shall be in addition to any
173 23 other bond required in this chapter.
173 24 (b) ~~A~~ The bond ~~filed with the department under this~~
~~173 25 paragraph~~ shall not be canceled by the issuer on less than
173 26 ninety days notice by certified mail to the department and the
173 27 principal. However, if an adequate replacement bond is filed
173 28 with the department, the department may authorize the
173 29 cancellation of the original bond before the end of the
173 30 ninety=day period.
173 31 (c) If an adequate replacement bond is not received by the
173 32 department within sixty days of the issuance of the notice of
173 33 cancellation, the department shall automatically suspend the
173 34 grain dealer's license. The department shall cause an
173 35 inspection of the licensed grain dealer immediately at the end

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174 1 of the sixty=day period. If a replacement bond is not filed
174 2 within another thirty days following the suspension, the grain
174 3 dealer license shall be automatically revoked.
174 4 (3) When a license is revoked, the department shall
174 5 provide notice of the revocation by ordinary mail to the last
174 6 known address of each holder of an outstanding credit=sale
174 7 contract and all known sellers.
174 8 Sec. 212. Section 203C.33, Code 2009, is amended to read
174 9 as follows:
174 10 203C.33 FEES.
174 11 1. The department shall charge the following fees for
174 12 deposit in the general fund:
174 13 ~~1.~~ a. For the issuance or renewal of a warehouse license,
174 14 the fee shall be determined on the basis of the storage
174 15 capacity in bushels of grain as follows:
174 16 ~~a.~~ (1) If the total storage capacity is one hundred
174 17 thousand bushels or less, the fee is fifty=eight dollars.
174 18 ~~b.~~ (2) If the total storage capacity is more than one
174 19 hundred thousand bushels, but not more than seven hundred
174 20 fifty thousand bushels, the fee is one hundred twenty=five
174 21 dollars.
174 22 ~~c.~~ (3) If the total storage capacity is more than seven
174 23 hundred fifty thousand bushels, but not more than one million
174 24 five hundred thousand bushels, the fee is one hundred
174 25 ninety=one dollars.
174 26 ~~d.~~ (4) If the total storage capacity is more than one
174 27 million five hundred thousand bushels, but not more than three
174 28 million bushels, the fee is two hundred forty=nine dollars.
174 29 ~~e.~~ (5) If the total storage capacity is more than three
174 30 million bushels, but not more than four million seven hundred
174 31 fifty thousand bushels, the fee is three hundred seven
174 32 dollars.
174 33 ~~f.~~ (6) If the total storage capacity is more than four
174 34 million seven hundred fifty thousand bushels, but not more
174 35 than nine million five hundred thousand bushels, the fee is

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175 1 three hundred seventy=four dollars.
175 2 ~~g.~~ (7) If the total storage capacity is more than nine
175 3 million five hundred thousand bushels, the fee is four hundred
175 4 forty dollars.
175 5 ~~2.~~ b. For the issuance or renewal of a warehouse license
175 6 for the storage of products other than bulk grain, the fee
175 7 shall be determined as follows:
175 8 ~~a.~~ (1) For intended storage of products of a value of one
175 9 hundred thousand dollars or less, a fee of sixty dollars.
175 10 ~~b.~~ (2) For intended storage of products of a value
175 11 greater than one hundred thousand dollars but not greater than
175 12 three hundred thousand dollars, a fee of one hundred dollars.
175 13 ~~c.~~ (3) For intended storage of products of a value in
175 14 excess of three hundred thousand dollars, a fee of two hundred
175 15 dollars.
175 16 c. For each inspection of a warehouse or station for the
175 17 purpose of licensing, a fee of twenty=five dollars, and for
175 18 each additional warehouse or station under the same license, a
175 19 fee of ten dollars.
175 20 ~~3.~~ d. For each amendment of a license, a fee of ten
175 21 dollars.
175 22 ~~4.~~ e. For each amendment of a tariff, a fee of ten
175 23 dollars.
175 24 ~~5.~~ f. For a duplicate license, a fee of five dollars.
175 25 ~~6.~~ g. For the reinstatement of a license, a fee of fifty
175 26 dollars.
175 27 2. ~~New~~ Fees for new licenses issued for less than a year
175 28 shall be prorated from the date of application.
175 29 Sec. 213. Section 216.19, Code 2009, is amended to read as
175 30 follows:
175 31 216.19 LOCAL LAWS IMPLEMENTING THIS CHAPTER.
175 32 1. All cities shall, to the extent possible, protect the
175 33 rights of the citizens of this state secured by the Iowa civil
175 34 rights Act. Nothing in this chapter shall be construed as
175 35 indicating ~~an~~ any of the following:

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176 1 a. An intent on the part of the general assembly to occupy
176 2 the field in which this chapter operates to the exclusion of
176 3 local laws not inconsistent with this chapter that deal with
176 4 the same subject matter.
176 5 b. ~~Nothing in this chapter shall be construed as~~
~~176 6 indicating an~~ An intent to prohibit an agency or commission of
176 7 local government having as its purpose the investigation and
176 8 resolution of violations of this chapter from developing
176 9 procedures and remedies necessary to insure the protection of
176 10 rights secured by this chapter. ~~All cities shall, to the~~
~~176 11 extent possible, protect the rights of the citizens of this~~
~~176 12 state secured by the Iowa civil rights Act. Nothing in this~~
~~176 13 chapter shall be construed as limiting~~
176 14 c. Limiting a city or local government from enacting any
176 15 ordinance or other law which prohibits broader or different
176 16 categories of unfair or discriminatory practices.
176 17 2. ~~An agency or commission of local government and the~~
~~176 18 Iowa civil rights commission shall cooperate in the sharing of~~
~~176 19 data and research, and coordinating investigations and~~
~~176 20 conciliations in order to expedite claims of unlawful~~
~~176 21 discrimination and eliminate needless duplication.~~ A city
176 22 with a population of twenty=nine thousand, or greater, shall
176 23 maintain an independent local civil rights agency or
176 24 commission consistent with commission rules adopted pursuant
176 25 to chapter 17A. An agency or commission for which a staff is
176 26 provided shall have control over such staff. A city required
176 27 to maintain a local civil rights agency or commission shall
176 28 structure and adequately fund the agency or commission in
176 29 order to effect cooperative undertakings with the Iowa civil
176 30 rights commission and to aid in effectuating the purposes of
176 31 this chapter.
176 32 3. An agency or commission of local government and the
176 33 Iowa civil rights commission shall cooperate in the sharing of
176 34 data and research, and coordinating investigations and
176 35 conciliations in order to expedite claims of unlawful

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177 1 discrimination and eliminate needless duplication. The Iowa
177 2 civil rights commission may enter into cooperative agreements
177 3 with any local agency or commission to effectuate the purposes
177 4 of this chapter. Such agreements may include technical and
177 5 clerical assistance and reimbursement of expenses incurred by
177 6 the local agency or commission in the performance of the
177 7 agency's or commission's duties if funds for this purpose are
177 8 appropriated by the general assembly.
177 9 4. The Iowa civil rights commission may designate an
177 10 unfunded local agency or commission as a referral agency. A
177 11 local agency or commission shall not be designated a referral
177 12 agency unless the ordinance creating it provides the same
177 13 rights and remedies as are provided in this chapter. The Iowa
177 14 civil rights commission shall establish by rules the
177 15 procedures for designating a referral agency and the
177 16 qualifications to be met by a referral agency.
177 17 5. The Iowa civil rights commission may adopt rules
177 18 establishing the procedures for referral of complaints. A
177 19 referral agency may refuse to accept a case referred to it by
177 20 the Iowa civil rights commission if the referral agency is
177 21 unable to effect proper administration of the complaint. It
177 22 shall be the burden of the referral agency to demonstrate that
177 23 it is unable to properly administer that complaint.
177 24 6. A complainant who files a complaint with a referral
177 25 agency having jurisdiction shall be prohibited from filing a
177 26 complaint with the Iowa civil rights commission alleging
177 27 violations based upon the same acts or practices cited in the
177 28 original complaint; and a complainant who files a complaint
177 29 with the commission shall be prohibited from filing a
177 30 complaint with the referral agency alleging violations based
177 31 upon the same acts or practices cited in the original
177 32 complaint. However, the Iowa civil rights commission in its
177 33 discretion may refer a complaint filed with the commission to
177 34 a referral agency having jurisdiction over the parties for
177 35 investigation and resolution; and a referral agency in its

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178 1 discretion may refer a complaint filed with that agency to the
178 2 commission for investigation and resolution. ~~The commission~~
~~178 3 may adopt rules establishing the procedures for referral of~~
~~178 4 complaints. A referral agency may refuse to accept a case~~
~~178 5 referred to it by the Iowa civil rights commission if the~~
~~178 6 referral agency is unable to effect proper administration of~~
~~178 7 the complaint. It shall be the burden of the referral agency~~
~~178 8 to demonstrate that it is unable to properly administer that~~
~~178 9 complaint.~~
178 10 7. A final decision by a referral agency shall be subject
178 11 to judicial review as provided in section 216.17 in the same
178 12 manner and to the same extent as a final decision of the Iowa
178 13 civil rights commission.
178 14 8. The referral of a complaint by the Iowa civil rights
178 15 commission to a referral agency or by a referral agency to the
178 16 Iowa civil rights commission shall not affect the right of a
178 17 complainant to commence an action in the district court under
178 18 section 216.16.
178 19 Sec. 214. Section 222.31, Code 2009, is amended to read as
178 20 follows:
178 21 222.31 COMMITMENT == LIABILITY FOR CHARGES.
178 22 1. If in the opinion of the court, or of a commission as
178 23 authorized in section 222.28, the person is mentally retarded
178 24 within the meaning of this chapter and the court determines
178 25 that it will be conducive to the welfare of that person and of
178 26 the community to commit the person to a proper institution for
178 27 treatment, training, instruction, care, habilitation, and
178 28 support, and that services or support provided to the family
178 29 of such a person who is a child will not enable the family to
178 30 continue to care for the child in the child's home, the court
178 31 shall by proper order:
178 32 ~~1.~~ a. Commit the person to any public or private facility
178 33 within or without the state, approved by the director of the
178 34 department of human services. If the person has not been
178 35 examined by a commission as appointed in section 222.28, the

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179 1 court shall, prior to issuing an order of commitment, appoint
179 2 such a commission to examine the person for the purpose of
179 3 determining the mental condition of the person. No order of
179 4 commitment shall be issued unless the commission shall
179 5 recommend that such order be issued and the private
179 6 institution to which the person is to be committed shall
179 7 advise the court that it is willing to receive the person.
179 8 ~~2.~~ b. (1) Commit the person to the state resource center
179 9 designated by the administrator to serve the county in which
179 10 the hearing is being held, or to a special unit. The court
179 11 shall, prior to issuing an order of commitment, request that a
179 12 diagnostic evaluation of the person be made by the
179 13 superintendent of the resource center or the special unit, or
179 14 the superintendent's qualified designee. The evaluation shall
179 15 be conducted at a place as the superintendent may direct. The
179 16 cost of the evaluation shall be defrayed by the county of
179 17 legal settlement unless otherwise ordered by the court. The
179 18 cost may be equal to but shall not exceed the actual cost of
179 19 the evaluation. Persons referred by a court to a resource
179 20 center or the special unit for diagnostic evaluation shall be
179 21 considered as outpatients of the institution. No order of
179 22 commitment shall be issued unless the superintendent of the
179 23 institution recommends that the order be issued, and advises
179 24 the court that adequate facilities for the care of the person
179 25 are available.
179 26 (2) The court shall examine the report of the county
179 27 attorney filed pursuant to section 222.13, and if the report
179 28 shows that neither the person nor those liable for the
179 29 person's support under section 222.78 are presently able to
179 30 pay the charges rising out of the person's care in ~~the~~ a
179 31 resource center, or special treatment unit, shall enter an
179 32 order stating that finding and directing that the charges be
179 33 paid by the person's county of residence. The court may, upon
179 34 request of the board of supervisors, review its finding at any
179 35 subsequent time while the person remains at the resource

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180 1 center, or is otherwise receiving care or treatment for which
180 2 this chapter obligates the county to pay. If the court finds
180 3 upon review that the person or those legally responsible for
180 4 the person are presently able to pay the expenses, that
180 5 finding shall apply only to the charges incurred during the
180 6 period beginning on the date of the board's request for the
180 7 review and continuing thereafter, unless and until the court
180 8 again changes its finding. If the court finds that the
180 9 person, or those liable for the person's support, are able to
180 10 pay the charges, the court shall enter an order directing that
180 11 the charges be so paid to the extent required by section
180 12 222.78.
180 13 ~~3.~~ 2. In its order, the court shall include a finding as
180 14 to whether the person has sufficient mental capacity to
180 15 comprehend and exercise the right to vote.
180 16 Sec. 215. Section 222.36, Code 2009, is amended to read as
180 17 follows:
180 18 222.36 CUSTODY PENDING ADMISSION.
180 19 If a resource center or a special unit is unable to
180 20 immediately receive a person committed under section 222.31,
180 21 subsection ~~2~~ 1, paragraph "b", the superintendent shall notify
180 22 the court of the time when such person may be received. In
180 23 the meantime, said person shall be cared for under such order
180 24 as the court may enter.
180 25 Sec. 216. Section 222.59, subsection 3, paragraph b, Code
180 26 2009, is amended to read as follows:
180 27 b. That the patient's commitment is still appropriate but
180 28 the patient should be transferred to another public or private
180 29 facility in accordance with the provisions of section 222.31,
180 30 subsection 1, paragraph "a".
180 31 Sec. 217. Section 231.32, subsection 2, Code 2009, is
180 32 amended to read as follows:
180 33 2. The commission shall designate an area agency to serve
180 34 each planning and service area, after consideration of the
180 35 views offered by units of general purpose local government.

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181 1 An area agency may be:
181 2 a. An established office of aging which is operating
181 3 within a planning and service area designated by the
181 4 commission.
181 5 b. Any office or agency of a unit of general purpose local
181 6 government, which is designated for the purpose of serving as
181 7 an area agency by the chief elected official of such unit.
181 8 c. Any office or agency designated by the appropriate
181 9 chief elected officials of any combination of units of general
181 10 purpose local government to act on behalf of the combination
181 11 for such purpose.
181 12 d. Any public or nonprofit private agency in a planning
181 13 and service area or any separate organizational unit within
181 14 such agency which is under the supervision or direction for
181 15 this purpose of the department of elder affairs and which can
181 16 engage in the planning or provision of a broad range of
181 17 supportive services or nutrition services within the planning
181 18 and service area.
181 19 ~~Each area agency shall provide assurance, determined~~
~~181 20 adequate by the commission, that the area agency has the~~
~~181 21 ability to develop an area plan and to carry out, directly or~~
~~181 22 through contractual or other arrangements, a program in~~
~~181 23 accordance with the plan within the planning and service area.~~
~~181 24 In designating an area agency on aging within the planning and~~
~~181 25 service area, the commission shall give preference to an~~
~~181 26 established office of aging, unless the commission finds that~~
~~181 27 no such office within the planning and service area has the~~
~~181 28 capacity to carry out the area plan.~~
181 29 Sec. 218. Section 231.32, Code 2009, is amended by adding
181 30 the following new subsection:
181 31 NEW SUBSECTION. 4. Each area agency shall provide
181 32 assurance, determined adequate by the commission, that the
181 33 area agency has the ability to develop an area plan and to
181 34 carry out, directly or through contractual or other
181 35 arrangements, a program in accordance with the plan within the

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182 1 planning and service area. In designating an area agency on
182 2 aging within the planning and service area, the commission
182 3 shall give preference to an established office of aging,
182 4 unless the commission finds that no such office within the
182 5 planning and service area has the capacity to carry out the
182 6 area plan.
182 7 Sec. 219. Section 232.52, subsection 2, paragraphs a and
182 8 c, Code 2009, are amended to read as follows:
182 9 a. An order prescribing one or more of the following:
182 10 (1) A work assignment of value to the state or to the
182 11 public.
182 12 (2) Restitution consisting of monetary payment or a work
182 13 assignment of value to the victim.
182 14 (3) If the child is fourteen years of age or older,
182 15 restitution consisting of monetary payment or a work
182 16 assignment of value to the county or to the public for fees of
182 17 attorneys appointed to represent the child at public expense
182 18 pursuant to section 232.11.
182 19 (4) The suspension or revocation of the driver's license
182 20 or operating privilege of the child, for a period of one year,
182 21 for the commission of delinquent acts which are a violation of
182 22 any of the following:
182 23 (a) Section 123.46.
182 24 (b) Section 123.47 regarding the purchase or attempt to
182 25 purchase of alcoholic beverages.
182 26 (c) Chapter 124.
182 27 (d) Section 126.3.
182 28 (e) Chapter 453B.
182 29 (f) Two or more violations of section 123.47 regarding the
182 30 possession of alcoholic beverages.
182 31 (g) Section 708.1, if the assault is committed upon an
182 32 employee of the school at which the child is enrolled, and the
182 33 child intended to inflict serious injury upon the school
182 34 employee or caused bodily injury or mental illness.
182 35 (h) Section 724.4, if the child carried the dangerous

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183 1 weapon on school grounds.
183 2 (i) Section 724.4B.
183 3 The child may be issued a temporary restricted license or
183 4 school license if the child is otherwise eligible.
183 5 (5) The suspension of the driver's license or operating
183 6 privilege of the child for a period not to exceed one year.
183 7 The order shall state whether a work permit may or shall not
183 8 be issued to the child.
183 9 ~~An order under paragraph "a" may be the sole disposition or~~
~~183 10 may be included as an element in other dispositional orders.~~
183 11 c. An order providing special care and treatment required
183 12 for the physical, emotional or mental health of the child, and
183 13 (1) Placing the child on probation or other supervision;
183 14 and
183 15 (2) If the court deems appropriate, ordering the parent,
183 16 guardian, or custodian to reimburse the county for any costs
183 17 incurred as provided in section 232.141, subsection 1, or to
183 18 otherwise pay or provide for such care and treatment.
183 19 ~~A parent or guardian may be required by the juvenile court~~
~~183 20 to participate in educational or treatment programs as part of~~
~~183 21 a probation plan if the court determines it to be in the best~~
~~183 22 interest of the child. A parent or guardian who does not~~
~~183 23 participate in the probation plan when required to do so by~~
~~183 24 the court may be held in contempt.~~
183 25 Sec. 220. Section 232.52, subsection 2A, Code 2009, is
183 26 amended to read as follows:
183 27 2A. a. An order under subsection 2, paragraph "a", may be
183 28 the sole disposition or may be included as an element in other
183 29 dispositional orders.
183 30 b. A parent or guardian may be required by the juvenile
183 31 court to participate in educational or treatment programs as
183 32 part of a probation plan. A parent or guardian who does not
183 33 participate in the probation plan when required to do so by
183 34 the court may be held in contempt.
183 35 c. Notwithstanding subsection 2, the court shall not order

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184 1 group foster care placement of the child which is a charge
184 2 upon the state if that placement is not in accordance with the
184 3 service area plan for group foster care established pursuant
184 4 to section 232.143 for the departmental service area in which
184 5 the court is located.
184 6 Sec. 221. Section 236.5, Code 2009, is amended to read as
184 7 follows:
184 8 236.5 DISPOSITION.
184 9 1. Upon a finding that the defendant has engaged in
184 10 domestic abuse:
184 11 ~~1.~~ a. The court may order that the plaintiff, the
184 12 defendant, and the children who are members of the household
184 13 receive professional counseling, either from a private source
184 14 approved by the court or from a source appointed by the court.
184 15 Costs of counseling shall be paid in full or in part by the
184 16 parties and taxed as court costs. If the court determines
184 17 that the parties are unable to pay the costs, they may be paid
184 18 in full or in part from the county treasury.
184 19 ~~2.~~ b. The court may grant a protective order or approve a
184 20 consent agreement which may contain but is not limited to any
184 21 of the following provisions:
184 22 ~~a.~~ (1) That the defendant cease domestic abuse of the
184 23 plaintiff.
184 24 ~~b.~~ (2) That the defendant grant possession of the
184 25 residence to the plaintiff to the exclusion of the defendant
184 26 or that the defendant provide suitable alternate housing for
184 27 the plaintiff.
184 28 ~~c.~~ (3) That the defendant stay away from the plaintiff's
184 29 residence, school, or place of employment.
184 30 ~~d.~~ (4) The awarding of temporary custody of or
184 31 establishing temporary visitation rights with regard to
184 32 children under eighteen.
184 33 (a) In awarding temporary custody or temporary visitation
184 34 rights, the court shall give primary consideration to the
184 35 safety of the victim and the children.

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185 1 (b) If the court finds that the safety of the victim or
185 2 the children will be jeopardized by unsupervised or
185 3 unrestricted visitation, the court shall condition or restrict
185 4 visitation as to time, place, duration, or supervision, or
185 5 deny visitation entirely, as needed to guard the safety of the
185 6 victim and the children.
185 7 (c) The court shall also investigate whether any other
185 8 existing orders awarding custody or visitation rights should
185 9 be modified.
185 10 ~~e.~~ (5) Unless prohibited pursuant to 28 U.S.C. } 1738B,
185 11 that the defendant pay the clerk a sum of money for the
185 12 separate support and maintenance of the plaintiff and children
185 13 under eighteen.
185 14 2. An order for counseling, a protective order, or
185 15 approved consent agreement shall be for a fixed period of time
185 16 not to exceed one year. The court may amend or extend its
185 17 order or a consent agreement at any time upon a petition filed
185 18 by either party and after notice and hearing. The court may
185 19 extend the order if the court, after hearing at which the
185 20 defendant has the opportunity to be heard, finds that the
185 21 defendant continues to pose a threat to the safety of the
185 22 victim, persons residing with the victim, or members of the
185 23 victim's immediate family. At the time of the extension, the
185 24 parties need not meet the requirement in section 236.2,
185 25 subsection 2, paragraph "d", that the parties lived together
185 26 during the last year if the parties met the requirements of
185 27 section 236.2, subsection 2, paragraph "d", at the time of the
185 28 original order. The number of extensions that can be granted
185 29 by the court is not limited.
185 30 3. The order shall state whether a person is to be taken
185 31 into custody by a peace officer for a violation of the terms
185 32 stated in the order.
185 33 ~~3.~~ 4. The court may order that the defendant pay the
185 34 plaintiff's attorneys fees and court costs.
185 35 ~~4.~~ 5. An order or consent agreement under this section

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186 1 shall not affect title to real property.
186 2 ~~5.~~ 6. A copy of any order or approved consent agreement
186 3 shall be issued to the plaintiff, the defendant, the county
186 4 sheriff of the county in which the order or consent decree is
186 5 initially entered, and the twenty=four=hour dispatcher for the
186 6 county sheriff. Any subsequent amendment or revocation of an
186 7 order or consent agreement shall be forwarded by the clerk to
186 8 all individuals and the county sheriff previously notified.
186 9 7. The clerk shall notify the county sheriff and the
186 10 twenty=four=hour dispatcher for the county sheriff in writing
186 11 so that the county sheriff and the county sheriff's dispatcher
186 12 receive written notice within six hours of filing the order,
186 13 approved consent agreement, amendment, or revocation. The
186 14 clerk may fulfill this requirement by sending the notice by
186 15 facsimile or other electronic transmission which reproduces
186 16 the notice in writing within six hours of filing the order.
186 17 8. The county sheriff's dispatcher shall notify all law
186 18 enforcement agencies having jurisdiction over the matter and
186 19 the twenty=four=hour dispatcher for the law enforcement
186 20 agencies upon notification by the clerk.
186 21 Sec. 222. Section 252B.5, subsection 12, paragraphs a and
186 22 b, Code 2009, are amended to read as follows:
186 23 a. ~~Comply~~ In compliance with federal procedures, ~~to~~
186 24 periodically certify to the secretary of the United States
186 25 department of health and human services, a list of the names
186 26 of obligors determined by the unit to owe delinquent support,
186 27 under a support order as defined in section 252J.1, in excess
186 28 of two thousand five hundred dollars. The certification of
186 29 the delinquent amount owed may be based upon one or more
186 30 support orders being enforced by the unit if the delinquent
186 31 support owed exceeds two thousand five hundred dollars. The
186 32 certification shall include any amounts which are delinquent
186 33 pursuant to the periodic payment plan when a modified order
186 34 has been retroactively applied. The certification shall be in
186 35 a format and shall include any supporting documentation

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187 1 required by the secretary.
187 2 b. All of the following shall apply to an action initiated
187 3 by the unit under this subsection:
187 4 (1) The obligor shall be sent a notice by regular mail in
187 5 accordance with federal law and regulations and the notice
187 6 shall remain in effect until support delinquencies have been
187 7 paid in full.
187 8 (2) The notice shall include all of the following:
187 9 (a) A statement regarding the amount of delinquent support
187 10 owed by the obligor.
187 11 (b) A statement providing information that if the
187 12 delinquency is in excess of two thousand five hundred dollars,
187 13 the United States secretary of state may apply a passport
187 14 sanction by revoking, restricting, limiting, or refusing to
187 15 issue a passport as provided in 42 U.S.C. } 652(k).
187 16 (c) Information regarding the procedures for challenging
187 17 the certification by the unit.
187 18 (3) (a) If the obligor chooses to challenge the
187 19 certification, the obligor shall notify the unit within the
187 20 time period specified in the notice to the obligor. The
187 21 obligor shall include any relevant information with the
187 22 challenge.
187 23 ~~(2) (a)~~ (b) A challenge shall be based upon mistake of
187 24 fact. For the purposes of this subsection, "mistake of fact"
187 25 means a mistake in the identity of the obligor or a mistake in
187 26 the amount of the delinquent child support owed if the amount
187 27 did not exceed two thousand five hundred dollars on the date
187 28 of the unit's decision on the challenge.
187 29 ~~If the obligor chooses to challenge the certification, the~~
~~187 30 obligor shall notify the unit within the time period specified~~
~~187 31 in the notice to the obligor. The obligor shall include any~~
~~187 32 relevant information with the challenge.~~
187 33 ~~(b)~~ (4) Upon timely receipt of the challenge, the unit
187 34 shall review the certification for a mistake of fact, or refer
187 35 the challenge for review to the child support agency in the

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188 1 state chosen by the obligor as provided by federal law.
188 2 ~~(c)~~ (5) Following the unit's review of the certification,
188 3 the unit shall send a written decision to the obligor within
188 4 ten days of timely receipt of the challenge.
188 5 ~~(i)~~ (a) If the unit determines that a mistake of fact
188 6 exists, the unit shall send notification in accordance with
188 7 federal procedures withdrawing the certification for passport
188 8 sanction.
188 9 ~~(ii)~~ (b) If the unit determines that a mistake of fact
188 10 does not exist, the obligor may contest the determination
188 11 within ten days following the issuance of the decision by
188 12 submitting a written request for a contested case proceeding
188 13 pursuant to chapter 17A.
188 14 ~~(3)~~ (6) Following issuance of a final decision under
188 15 chapter 17A that no mistake of fact exists, the obligor may
188 16 request a hearing before the district court pursuant to
188 17 chapter 17A. The department shall transmit a copy of its
188 18 record to the district court pursuant to chapter 17A. The
188 19 scope of the review by the district court shall be limited to
188 20 demonstration of a mistake of fact. Issues related to
188 21 visitation, custody, or other provisions not related to the
188 22 support provisions of a support order are not grounds for a
188 23 hearing under this subsection.
188 24 Sec. 223. Section 256B.2, Code 2009, is amended to read as
188 25 follows:
188 26 256B.2 DEFINITIONS == POLICIES == FUNDS.
188 27 1. As used in this chapter:
188 28 a. "Children requiring special education" means persons
188 29 under twenty=one years of age, including children under five
188 30 years of age, who have a disability in obtaining an education
188 31 because of a head injury, autism, behavioral disorder, or
188 32 physical, mental, communication, or learning disability, as
188 33 defined by the rules of the department of education.
188 34 ~~2.~~ b. "Special education" means classroom, home,
188 35 hospital, institutional, or other instruction designed to meet

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189 1 the needs of children requiring special education as defined
189 2 in this subsection ~~1~~; transportation and corrective and
189 3 supporting services required to assist children requiring
189 4 special education, as defined in this subsection ~~1~~, in taking
189 5 advantage of, or responding to, educational programs and
189 6 opportunities, as defined by rules of the state board of
189 7 education.
189 8 ~~3.~~ 2. It is the policy of this state to require school
189 9 districts and state operated educational programs to provide
189 10 or make provision, as an integral part of public education,
189 11 for a free and appropriate public education sufficient to meet
189 12 the needs of all children requiring special education. This
189 13 chapter is not to be construed as encouraging separate
189 14 facilities or segregated programs designed to meet the needs
189 15 of children requiring special education when the children can
189 16 benefit from all or part of the education program as offered
189 17 by the local school district. To the maximum extent possible,
189 18 children requiring special education shall attend regular
189 19 classes and shall be educated with children who do not require
189 20 special education. Whenever possible, hindrances to learning
189 21 and to the normal functioning of children requiring special
189 22 education within the regular school environment shall be
189 23 overcome by the provision of special aids and services rather
189 24 than by separate programs for those in need of special
189 25 education. Special classes, separate schooling, or other
189 26 removal of children requiring special education from the
189 27 regular educational environment, shall occur only when, and to
189 28 the extent that the nature or severity of the educational
189 29 disability is such, that education in regular classes, even
189 30 with the use of supplementary aids and services, cannot be
189 31 accomplished satisfactorily. For those children who cannot
189 32 adapt to the regular educational or home living conditions,
189 33 and who are attending facilities under chapters 263, 269, and
189 34 270, upon the request of the board of directors of an area
189 35 education agency, the department of human services shall

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190 1 provide residential or detention facilities and the area
190 2 education agency shall provide special education programs and
190 3 services. The area education agencies shall cooperate with
190 4 the board of regents to provide the services required by this
190 5 chapter.
190 6 3. Special aids and services shall be provided to children
190 7 requiring special education who are less than five years of
190 8 age if the aids and services will reasonably permit the child
190 9 to enter the educational process or school environment when
190 10 the child attains school age.
190 11 4. Every child requiring special education shall, if
190 12 reasonably possible, receive a level of education commensurate
190 13 with the level provided each child who does not require
190 14 special education. The cost of providing such an education
190 15 shall be paid as provided in section 273.9, this chapter, and
190 16 chapter 257. It shall be the primary responsibility of each
190 17 school district to provide special education to children who
190 18 reside in that district if the children requiring special
190 19 education are properly identified, the educational program or
190 20 service has been approved, the teacher or instructor has been
190 21 licensed, the number of children requiring special education
190 22 needing that educational program or service is sufficient to
190 23 make offering the program or service feasible, and the program
190 24 or service cannot more economically and equably be obtained
190 25 from the area education agency, another school district,
190 26 another group of school districts, a qualified private agency,
190 27 or in cooperation with one or more other districts.
190 28 ~~4.~~ 5. Moneys received by the school district of the
190 29 child's residence for the child's education, derived from
190 30 moneys received through chapter 257, this chapter, and section
190 31 273.9 shall be paid by the school district of the child's
190 32 residence to the appropriate education agency, private agency,
190 33 or other school district providing special education for the
190 34 child pursuant to contractual arrangements as provided in
190 35 section 273.3, subsections 5 and ~~7~~ 6.

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191 1 Sec. 224. Section 321A.39, Code 2009, is amended to read
191 2 as follows:
191 3 321A.39 LIABILITY INSURANCE == STATEMENT.
191 4 1. Whenever any dealer licensed under chapter 322 sells a
191 5 motor vehicle at retail and the transaction does not include
191 6 the sale of liability insurance coverage which will protect
191 7 the purchaser under the Iowa motor vehicle financial and
191 8 safety responsibility Act the purchase order or invoice
191 9 evidencing the transaction shall contain a statement in the
191 10 following form:
191 11 I understand that liability insurance coverage which would
191 12 protect me under the Iowa Motor Vehicle Financial and Safety
191 13 Responsibility Act IS NOT INCLUDED in my purchase of the
191 14 herein described motor vehicle. I have received a copy of
191 15 this statement.
191 16 .....
191 17 (Purchaser's signature)
191 18 2. The seller shall print or stamp the statement
191 19 conspicuously on the purchase order or invoice. The statement
191 20 shall be signed by the purchaser in the space provided on or
191 21 before the date of delivery of the motor vehicle described in
191 22 the purchase order or invoice and a copy of the statement
191 23 shall be given to the purchaser by the seller.
191 24 3. No civil liability shall arise on account of the
191 25 failure of any person to comply with the provisions of this
191 26 section.
191 27 4. Any person violating any provisions of this section
191 28 shall be deemed guilty of a misdemeanor and shall be punished
191 29 by a fine not exceeding fifty dollars.
191 30 Sec. 225. Section 805.8A, subsection 12, paragraph e, Code
191 31 2009, is amended to read as follows:
191 32 e. (1) Violations of the schedule of axle and tandem axle
191 33 and gross or group of axle weight violations in section
191 34 321.463 shall be scheduled violations subject to the
191 35 provisions, procedures, and exceptions contained in sections

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192 1 805.6 through 805.11, irrespective of the amount of the fine
192 2 under that schedule.
192 3 (a) Violations of the schedule of weight violations shall
192 4 be chargeable, where the fine charged does not exceed one
192 5 thousand dollars, only by uniform citation and complaint.
192 6 (b) Violations of the schedule of weight violations, where
192 7 the fine charged exceeds one thousand dollars shall, when the
192 8 violation is admitted and section 805.9 applies, be chargeable
192 9 upon uniform citation and complaint, indictment, or county
192 10 attorney's information, but otherwise shall be chargeable only
192 11 upon indictment or county attorney's information.
192 12 (2) In all cases of charges under the schedule of weight
192 13 violations, the charge shall specify the amount of fine
192 14 charged under the schedule. Where a defendant is convicted
192 15 and the fine under the foregoing schedule of weight violations
192 16 exceeds one thousand dollars, the conviction shall be of an
192 17 indictable offense although section 805.9 is employed and
192 18 whether the violation is charged upon uniform citation and
192 19 complaint, indictment, or county attorney's information.
192 20 DIVISION III
192 21 RELATED CHANGES
192 22 Sec. 226. Section 96.3, subsection 4, Code 2009, is
192 23 amended to read as follows:
192 24 4. DETERMINATION OF BENEFITS. With respect to benefit
192 25 years beginning on or after July 1, 1983, an eligible
192 26 individual's weekly benefit amount for a week of total
192 27 unemployment shall be an amount equal to the following
192 28 fractions of the individual's total wages in insured work paid
192 29 during that quarter of the individual's base period in which
192 30 such total wages were highest; the director shall determine
192 31 annually a maximum weekly benefit amount equal to the
192 32 following percentages, to vary with the number of dependents,
192 33 of the statewide average weekly wage paid to employees in
192 34 insured work which shall be effective the first day of the
192 35 first full week in July:

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If the number of dependents is:	The weekly benefit amount shall equal the following fraction of high quarter wages:	Subject to the following maximum percentage of the statewide average weekly wage:
0	1/23	53%
1	1/22	55%
2	1/21	57%
3	1/20	60%
4 or more	1/19	65%

The maximum weekly benefit amount, if not a multiple of one dollar shall be rounded to the lower multiple of one dollar. However, until such time as sixty=five percent of the statewide average weekly wage exceeds one hundred ninety dollars, the maximum weekly benefit amounts shall be determined using the statewide average weekly wage computed on the basis of wages reported for calendar year 1981. As used in this section "dependent" means dependent as defined in section 422.12, subsection 1, paragraph ~~"c"~~ "a", as if the individual claimant was a taxpayer, except that an individual claimant's nonworking spouse shall be deemed to be a dependent under this section. "Nonworking spouse" means a spouse who does not earn more than one hundred twenty dollars in gross wages in one week.

Sec. 227. Section 147.1, subsection 5, paragraph e, Code 2009, is amended to read as follows:

e. The board of trustees of a licensed hospital when performing a function relating to the reporting required by section 147.135, subsection ~~3~~ 4.

Sec. 228. Section 203D.5, subsection 1, Code 2009, is amended to read as follows:

1. The board shall review annually the debits of and credits to the grain depositors and sellers indemnity fund

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194 1 created in section 203D.3 and shall make any adjustments in
194 2 the per=bushel fee required under section 203D.3, subsection
194 3 2, and the dealer=warehouse fee required under section 203D.3,
194 4 subsection 3, that are necessary to maintain the fund within
194 5 the limits established under this section. Not later than the
194 6 first day of May of each year, the board shall determine the
194 7 proposed amount of the per=bushel fee based on the expected
194 8 volume of grain on which the fee is to be collected and that
194 9 is likely to be handled under this chapter, and shall also
194 10 determine any adjustment to the dealer=warehouse fee. The
194 11 board shall make any changes in the previous year's fees in
194 12 accordance with chapter 17A. Changes in the fees shall become
194 13 effective on the following first day of July. The per=bushel
194 14 fee shall not exceed one=quarter cent per bushel on all
194 15 purchased grain as defined in section ~~203D.3~~ 203D.1. Until
194 16 the per=bushel fee is adjusted or waived as provided in this
194 17 section, the per=bushel fee is one=quarter cent on all
194 18 purchased grain.
194 19 Sec. 229. Section 216B.3, subsection 15, Code 2009, is
194 20 amended to read as follows:
194 21 15. Develop a plan to provide telephone yellow pages
194 22 information without charge to persons declared to be blind
194 23 under the standards in section 422.12, subsection ~~1~~ 2,
194 24 paragraph ~~"e"~~ "a", subparagraph (5). The department may apply
194 25 for federal funds to support the service. The program shall
194 26 be limited in scope by the availability of funds.
194 27 Sec. 230. Section 236.6, subsection 1, Code 2009, is
194 28 amended to read as follows:
194 29 1. When the court is unavailable from the close of
194 30 business at the end of the day or week to the resumption of
194 31 business at the beginning of the day or week, a petition may
194 32 be filed before a district judge, or district associate judge
194 33 designated by the chief judge of the judicial district, who
194 34 may grant emergency relief in accordance with section 236.5,
194 35 subsection ~~2~~ 1, paragraph "b", if the district judge or

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195 1 district associate judge deems it necessary to protect the
195 2 plaintiff from domestic abuse, upon good cause shown in an ex
195 3 parte proceeding. Present danger of domestic abuse to the
195 4 plaintiff constitutes good cause for purposes of this
195 5 subsection.
195 6 Sec. 231. Section 237.3, subsection 2, paragraph g,
195 7 subparagraph (5), Code 2009, is amended to read as follows:
195 8 (5) Educational programs, including special education as
195 9 defined in section 256B.2, subsection ~~2~~ 1, paragraph "b",
195 10 where appropriate, which are approved by the state board of
195 11 education. The department shall not promulgate rules which
195 12 regulate individual licensees in the subject areas enumerated
195 13 in this paragraph.
195 14 Sec. 232. Section 238.17, Code 2009, is amended to read as
195 15 follows:
195 16 238.17 FORMS FOR REGISTRATION AND RECORD == PRESERVATION.
195 17 1. The administrator shall prescribe forms for the
195 18 registration and record of persons cared for by any
195 19 child=placing agency licensed under this chapter and for
195 20 reports required by said administrator from the agencies.
195 21 2. If, for any reason, a child=placing agency as defined
195 22 by section ~~238.2~~ 238.1 shall cease to exist, all records of
195 23 registration and placement and all other records of any kind
195 24 and character kept by such child=placing agency shall be
195 25 turned over to the administrator, for preservation, to be kept
195 26 by the said administrator as a permanent record.
195 27 Sec. 233. Section 256F.9, Code 2009, is amended to read as
195 28 follows:
195 29 256F.9 PROCEDURES AFTER REVOCATION == STUDENT ENROLLMENT.
195 30 If a charter school contract is revoked in accordance with
195 31 this chapter, a nonresident student who attended the school,
195 32 and any siblings of the student, shall be determined to have
195 33 shown good cause as provided in section 282.18, subsection ~~16~~
195 34 14, and may submit an application to another school district
195 35 according to section 282.18 at any time. Applications and

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196 1 notices required by section 282.18 shall be processed and
196 2 provided in a prompt manner. The application and notice
196 3 deadlines in section 282.18 do not apply to a nonresident
196 4 student application under these circumstances.
196 5 Sec. 234. Section 306C.10, subsection 9, Code 2009, is
196 6 amended to read as follows:
196 7 9. "Information center" means a site, either with or
196 8 without structures or buildings, established and maintained at
196 9 a rest area for the purpose of providing "information of
196 10 specific interest to the traveling public", as ~~that phrase is~~
196 11 defined in section ~~306C.11, subsection 5~~ 306C.10.
196 12 Sec. 235. Section 313.4, subsection 6, paragraph a, Code
196 13 2009, is amended to read as follows:
196 14 a. A transfer of jurisdiction fund is created in the
196 15 office of the treasurer of state under the control of the
196 16 department. For each fiscal year in the period beginning July
196 17 1, 2003, and ending June 30, 2013, there is transferred from
196 18 the primary road fund to the transfer of jurisdiction fund one
196 19 and seventy=five hundredths percent of the moneys credited to
196 20 the primary road fund pursuant to section 312.2, subsection 1,
196 21 paragraph "a".
196 22 Sec. 236. Section 313.4, subsection 7, unnumbered
196 23 paragraph 1, Code 2009, is amended to read as follows:
196 24 For the fiscal year beginning July 1, 2013, and ending June
196 25 30, 2014, and each subsequent fiscal year, there is
196 26 transferred the following percentages of the moneys credited
196 27 to the primary road fund pursuant to section 312.2, subsection
196 28 1, paragraph "a", to the following funds:
196 29 Sec. 237. Section 314.21, subsection 1, Code 2009, is
196 30 amended to read as follows:
196 31 1. a. The living roadway trust fund is created in the
196 32 office of the treasurer of state. The moneys in this fund
196 33 shall be used exclusively for the development and
196 34 implementation of integrated roadside vegetation plans.
196 35 Except as provided in subsections 2 and 3, the moneys shall

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197 1 only be expended for areas on or adjacent to road, street, and
197 2 highway right=of=ways. The state department of transportation
197 3 in consultation with the department of natural resources shall
197 4 establish standards relating to the type of projects available
197 5 for assistance. For the fiscal period beginning July 1, 1988,
197 6 and ending March 31, 1990, the moneys in the fund shall be
197 7 expended as follows: fifty=six percent on state department of
197 8 transportation projects; thirty percent on county projects;
197 9 and fourteen percent on city projects.
197 10 b. A city or county which has a project which qualifies
197 11 for the use of these funds shall submit a request for the
197 12 funds to the state department of transportation. A city or
197 13 county may, at its option, apply moneys allocated for use on
197 14 city or county projects under this subsection toward
197 15 qualifying projects on the primary system. The state
197 16 department of transportation in consultation with the
197 17 department of natural resources shall determine which projects
197 18 qualify for the funds and which projects shall be funded if
197 19 the requests for the funds exceed the availability of the
197 20 funds. In ranking applications for funds, the department
197 21 shall consider the proportion of political subdivision
197 22 matching funds to be provided, if any, and the proportion of
197 23 private contributions to be provided, if any. In considering
197 24 the proportion of political subdivision matching funds
197 25 provided, the department shall consider only those moneys
197 26 which are in addition to those which the political subdivision
197 27 has historically provided toward such projects. Funds
197 28 allocated to the cities, the counties, and the department
197 29 which are not programmed by the end of each fiscal year shall
197 30 be available for redistribution to any eligible applicant
197 31 regardless of the original allocation of funds. Such funds
197 32 shall be awarded for eligible projects based upon their merit
197 33 in meeting the program objectives established by the
197 34 department under section 314.22. The department shall submit
197 35 a report of all projects funded in the previous fiscal year to

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198 1 the governor and to the general assembly on January 15 of each
198 2 year.
198 3 c. Beginning April 1, 1990, the moneys in the living
198 4 roadway trust fund shall be allocated between the state,
198 5 counties, and cities in the same proportion that the road use
198 6 tax funds are allocated under section 312.2, ~~subsections~~
198 7 subsection 1, ~~2, 3, and 4~~ paragraphs "a", "b", "c", and "d".
198 8 However, after April 1, 1990, a city or county shall not be
198 9 eligible to receive moneys from the living roadway trust fund
198 10 unless the city or county has an integrated roadside
198 11 vegetation management plan in place consistent with the
198 12 objectives in section 314.22.
198 13 Sec. 238. Section 321.233, Code 2009, is amended to read
198 14 as follows:
198 15 321.233 ROAD WORKERS EXEMPTED.
198 16 This chapter, except sections 321.277 and 321.280, does not
198 17 apply to persons and motor vehicles and other equipment while
198 18 actually engaged in work upon the surface of a highway
198 19 officially closed to traffic but does apply to such persons
198 20 and vehicles when traveling to or from such work. The minimum
198 21 speed restriction of section 321.285, subsection ~~6~~ 5, and the
198 22 provisions of sections 321.297, 321.298, and 321.323 do not
198 23 apply to road workers operating maintenance equipment on
198 24 behalf of any state or local authority while engaged in road
198 25 maintenance, road blading, snow and ice control and removal,
198 26 and granular resurfacing work on a highway, whether or not the
198 27 highway is closed to traffic.
198 28 Sec. 239. Section 327G.30, Code 2009, is amended to read
198 29 as follows:
198 30 327G.30 ADJUSTMENT OF EXPENSE.
198 31 1. If a grade crossing surface of a railroad track and a
198 32 highway, street, or alley shall require repairs or
198 33 maintenance, the costs for the maintenance may be paid as
198 34 provided in section 312.2, subsection ~~5~~ 2.
198 35 2. If the railroad corporation and the jurisdiction having

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199 1 authority agree on the method of crossing maintenance and
199 2 establish an agreement to each contribute costs as provided in
199 3 section 312.2, subsection ~~5~~ 2, a copy of the agreement shall
199 4 be filed with the department which shall allocate an amount of
199 5 the cost for the work if funds are available in the highway
199 6 railroad grade crossing surface repair fund. The department
199 7 shall make appropriate notification if the fund is exhausted
199 8 in which case agreements shall not be made under this section
199 9 until additional funds are available. The fund shall be
199 10 administered by the department.
199 11 3. Upon completion of the agreed repair work, a statement
199 12 of costs shall be filed with the department by the railroad
199 13 corporation in a form and manner prescribed by the department.
199 14 The department, upon approval of the statement, shall pay to
199 15 the railroad corporation an amount of the cost of the work
199 16 from the highway railroad grade crossing surface repair fund
199 17 as provided in section 312.2, subsection ~~5~~ 2. The owner of
199 18 the track and the jurisdiction entering into the agreement
199 19 shall each pay the cost as provided in section 312.2,
199 20 subsection ~~5~~ 2.
199 21 Sec. 240. Section 331.362, subsection 9, Code 2009, is
199 22 amended to read as follows:
199 23 9. A county may regulate traffic on and use of the
199 24 secondary roads, in accordance with sections 321.236 to
199 25 321.250, 321.254, 321.255, 321.285, subsection ~~5~~ 4, sections
199 26 321.352, 321.471 to 321.473, and other applicable provisions
199 27 of chapter 321, and sections 321G.9, 321I.10, and 327G.15.
199 28 Sec. 241. Section 422.8, subsection 4, Code 2009, is
199 29 amended to read as follows:
199 30 4. The amount of minimum tax paid to another state or
199 31 foreign country by a resident taxpayer of this state from
199 32 preference items derived from sources outside of Iowa shall be
199 33 allowed as a credit against the tax computed under this
199 34 division except that the credit shall not exceed what the
199 35 amount of state alternative minimum tax would have been on the

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same preference items which were taxed by the other state or foreign country. The limitation on this credit shall be computed according to the following formula: The total of preference items earned outside of Iowa and taxed by another state or foreign country shall be divided by the total of preference items of the resident taxpayer of Iowa. In computing this quotient, those items excludable under section 422.5, subsection ~~1~~ 2, paragraph ~~"k"~~ "b", subparagraph (1) shall not be used in computing the preference items. This quotient multiplied times the net state alternative minimum tax as determined in section 422.5, subsection ~~1~~ 2, ~~paragraph "k"~~ on the total of preference items as if entirely earned in Iowa shall be the maximum tax credit against the Iowa alternative minimum tax. However, the maximum tax credit will not be allowed to the extent that the minimum tax imposed by the other state or foreign country is less than the maximum tax credit computed above.

Sec. 242. Section 422.11B, Code 2009, is amended to read as follows:

422.11B MINIMUM TAX CREDIT.

1. a. There is allowed as a credit against the tax determined in section 422.5, subsection 1, paragraphs "a" through "j" for a tax year an amount equal to the minimum tax credit for that tax year.

b. The minimum tax credit for a tax year is the excess, if any, of the net minimum tax imposed for all prior tax years beginning on or after January 1, 1987, over the amount allowable as a credit under this section for those prior tax years.

2. a. The allowable credit under subsection 1 for a tax year shall not exceed the excess, if any, of the tax determined in section 422.5, subsection 1, paragraphs "a" through "j" over the state alternative minimum tax as determined in section 422.5, subsection ~~1, paragraph "k"~~ 2.

b. The net minimum tax for a tax year is the excess, if

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any, of the tax determined in section 422.5, subsection ~~1~~ 2, ~~paragraph "k"~~ for the tax year over the tax determined in section 422.5, subsection 1, paragraphs "a" through "j" for the tax year.

Sec. 243. Section 422.13, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. However, if that part of the net income of a nonresident which is allocated to Iowa pursuant to section 422.8, subsection 2, is less than one thousand dollars the nonresident is not required to make and sign a return except when the nonresident is subject to the state alternative minimum tax imposed pursuant to section 422.5, subsection ~~1, paragraph "k"~~ 2.

Sec. 244. Section 422.13, subsection 1A, Code 2009, is amended to read as follows:

1A. Notwithstanding any other provision in this section, a resident of this state is not required to make and file a return if the person's net income is equal to or less than the appropriate dollar amount listed in section 422.5, subsection ~~2~~ 3, upon which tax is not imposed. A nonresident of this state is not required to make and file a return if the person's total net income in section 422.5, subsection 1, paragraph "j", is equal to or less than the appropriate dollar amount provided in section 422.5, subsection ~~2~~ 3, upon which tax is not imposed. For purposes of this subsection, the amount of a lump sum distribution subject to separate federal tax shall be included in net income for purposes of determining if a resident is required to file a return and the portion of the lump sum distribution that is allocable to Iowa is included in total net income for purposes of determining if a nonresident is required to make and file a return.

Sec. 245. Section 437A.14, subsection 4, Code 2009, is amended to read as follows:

4. a. Notwithstanding subsections 2 and 3, the chief financial officer of any local taxing authority and any

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202 1 designee of such officer shall have access to any computations
202 2 made by the director pursuant to the provisions of this
202 3 chapter, and any tax return or other information used by the
202 4 director in making such computations, which affect the
202 5 replacement tax owed by any such taxpayer.
202 6 b. Notwithstanding this section, providing information
202 7 relating to the kilowatt=hours of electricity or therms of
202 8 natural gas delivered by a taxpayer in a competitive service
202 9 area to the task force established in section 437A.15,
202 10 subsection 7, ~~or to the study committee established in section~~
~~202 11 476.6, subsection 20,~~ is not a violation of this section.
202 12 Sec. 246. Section 455B.178, Code 2009, is amended to read
202 13 as follows:
202 14 455B.178 JUDICIAL REVIEW.
202 15 Except as provided in section 455B.191, subsection ~~6~~ 5,
202 16 judicial review of any order or other action of the commission
202 17 or of the director may be sought in accordance with the terms
202 18 of the Iowa administrative procedure Act, chapter 17A.
202 19 Notwithstanding the terms of said Act, petitions for judicial
202 20 review may be filed in the district court of the county in
202 21 which the alleged offense was committed or such final order
202 22 was entered.
202 23 Sec. 247. Section 600A.2, subsection 2, Code 2009, is
202 24 amended to read as follows:
202 25 2. "Agency" means a child=placing agency as defined in
202 26 section ~~238.2~~ 238.1 or the department.
202 27 Sec. 248. Section 600A.6B, subsections 1 and 2, Code 2009,
202 28 are amended to read as follows:
202 29 1. A person filing a petition for termination of parental
202 30 rights under this chapter or the person on whose behalf the
202 31 petition is filed shall be responsible for the payment of
202 32 reasonable attorney fees for counsel appointed pursuant to
202 33 section 600A.6A unless the person filing the petition is a
202 34 private child=placing agency as defined in section ~~238.2~~ 238.1
202 35 or unless the court determines that the person filing the

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203 1 petition or the person on whose behalf the petition is filed
203 2 is indigent.
203 3 2. If the person filing the petition is a private
203 4 child=placing agency as defined in section ~~238.2~~ 238.1 or if
203 5 the person filing the petition or the person on whose behalf
203 6 the petition is filed is indigent, the appointed attorney
203 7 shall be paid reasonable attorney fees as determined by the
203 8 state public defender.
203 9 DIVISION IV
203 10 EFFECTIVE DATES
203 11 Sec. 249. EFFECTIVE DATES.
203 12 1. The section of this Act that amends section 294A.9,
203 13 subsection 9, Code 2009, being deemed of immediate importance,
203 14 takes effect upon enactment.
203 15 2. The section of this Act that amends 2008 Iowa Acts,
203 16 chapter 1191, section 109, being deemed of immediate
203 17 importance, takes effect upon enactment and applies
203 18 retroactively to July 1, 2008.
203 19 EXPLANATION
203 20 This bill contains statutory corrections that adjust
203 21 language to reflect current practices, insert earlier
203 22 omissions, delete redundancies and inaccuracies, delete
203 23 temporary language, resolve inconsistencies and conflicts,
203 24 update ongoing provisions, or remove ambiguities. The Code
203 25 sections amended include the following:
203 26 DIVISION I == MISCELLANEOUS PROVISIONS. Code section
203 27 6B.14: Strikes the word "aforesaid" and adds after the word
203 28 "notices" the words "required by" and a citation to Code
203 29 section 6B.8, to clarify just which notices are being referred
203 30 to in this Code section.
203 31 Code sections 9D.1 and 9D.2: Moves a definition that
203 32 applies to the entire Code chapter, from Code section 9D.2,
203 33 and places it in alphabetical order with other definitions at
203 34 the beginning of the Code chapter, precedes the listing of
203 35 definitions with the standard phrasing relating to

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applicability of the definitions, and renumbers the definitions. Code section 9D.2 is also renumbered and internal references are updated due to the elimination of the definition from that Code section.

Code section 10.1: Changes the word "that" to "each" to conform the language relating to percentage of ownership by farmers cooperative associations to the initial language in the same sentence that indicates that more than one type of membership interest may be established.

Code section 15.103: Adds clarifying language in two places to specify that the requirements relating to expertise and active employment apply to the voting membership of the economic development board.

Code section 15.247(2): Adds the name of the targeted small business financial assistance program to the enabling language for the program, moves some language, and adds paragraph designations.

Code section 16.1(1): Substitutes the word "which" for the word "and" and strikes an extraneous modifying phrase to clarify the meaning of the word "powers" within the Code chapter pertaining to the Iowa finance authority.

Code section 24.20: Substitutes a singular reference for a plural reference to municipalities and adds the words "tax rates and levies" after the word "such" to clarify that the tax rates and levies certified by a given municipality are the rates and levies for that particular municipality, unless the particular rates or levies must be authorized by a vote of the people.

Code section 26.14: Conforms phraseology relating to determination of which bid is the lowest responsible bid on a public improvement to other language that states that the bid must be the lowest responsive, responsible bid.

Code section 42.3: Clarifies, in language in subsection 1, paragraph "b", that provides that certain deadlines may be extended, which dates and deadlines are actually intended.

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Current language specifies the entire subsection, although the dates that are to be extended under this paragraph are located in paragraph "a". In addition, in subsection 2, language is moved from the end of the sentence to a location which is closer to the verb "transmit" to clarify that the language in subsection 1 references the time frame in which the transmission of information by the chief clerk of the house of representatives or the secretary of the senate should occur and not the reasons why the reapportionment plan was not approved.

Code section 46.2A: Substitutes references to Code chapter 40 for Code chapter 42 in two places, because the congressional districts are described in Code chapter 40, not Code chapter 42.

Code section 49.36: Strikes the words "the foregoing" and adds a cite to Code sections 49.32 and 49.35 to clarify in which Code sections the phrase "group of petitioners" means an organization which is not a political party as defined by law.

Code section 52.25(2): Strikes words relating to special paper and inserts used in voting machines to conform to changes made in 2007 Iowa Acts, chapter 190.

Code sections 62.1A and 62.2: Substitutes references to the term "member" for references to "person" and "judge" or "judges" and "officer" to conform terminology within this provision to language used in Code chapter 61 to describe the contest court that hears disputes concerning the election of state officers and to distinguish references to the members of the contest court from members of the judiciary. A grammatical problem is also corrected in Code section 62.2.

Code section 68B.22(4): Conforms the term used to describe an exception to a provision describing when a gift to a public official or employee may be permitted to the term used in the provision describing the exception for certain legislative functions. This conforms this Code subsection to the changes made by 2005 Iowa Acts, chapter 76, section 5.

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Code section 73.16(2): Strikes an obsolete reference to an initial quarterly report that was required to be made by state government agencies or departments to the targeted small business marketing and compliance manager on September 30, 2007.

Code section 75.1(1): Substitutes the word "Ballots" for "All ballots" and the word "but" for the word "and" to clarify which ballots are not to be used to compute the total number of votes for and against a proposition to authorize the issuance of bonds by a city, county township, school corporation, or any local board or commission.

Code section 85.59: Numbers a provision and restructures language establishing definitions within a provision establishing when workers' compensation benefits may be awarded to inmates of a correctional institution to facilitate citation.

Code section 85.66: Conforms capitalization of the name of the fund to Code style and numbers this provision establishing the second injury fund to facilitate citation; substitutes a reference to identical language in another Code section for language specifying the amount that is to be reimbursed to the attorney general for services related to the second injury fund to eliminate the redundancy; and moves language regarding investments of surplus moneys by the treasurer of state to a location in the Code section which follows multiple provisions relating to disbursements by the treasurer from the fund.

Code section 89.11: Numbers this provision containing two separate instances in which the labor commissioner may seek an injunction against an owner, user, or person in charge of defective equipment and clarifies the second instance by adding conforming language relating to conduct from which the owner, user, or person is requested to be enjoined and conforming language describing the point in time in which the injunction may be sought.

Code section 96.19(17): Adds language conforming a

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207 1 reference to "the foregoing provisions" to other references
207 2 within this Code subsection to "subsection 16 or section 96.8,
207 3 subsection 3".
207 4 Code section 100B.1(1): Adds the word "voting" to this
207 5 provision to clarify that these particular public members of
207 6 the state fire service and emergency response council are
207 7 voting members of the council. This change is consistent with
207 8 initial language in this Code section specifying that the
207 9 council has 11 voting members and one ex officio member.
207 10 Code section 100C.3(2): Strikes the word "not" and
207 11 substitutes the word "confidential" for the word "public" to
207 12 clarify that the criminal history check results are
207 13 confidential public records under the public records law.
207 14 This change is consistent with Code section 692.8A, which
207 15 governs the dissemination of criminal history records under
207 16 the public records chapter, Code chapter 22.
207 17 Code section 103.15(2): Rewrites the language referring to
207 18 continuous employment of an employee to conform with changes
207 19 made to that language by 2008 Iowa Acts, chapter 1092, section
207 20 20.
207 21 Code section 103.30: Adds the words "the employees are" to
207 22 clarify that the time frame during which the electrical work
207 23 of certain employees is not required to be inspected is when
207 24 those employees are acting within the scope of their
207 25 employment.
207 26 Code section 125.86(3): Conforms terminology used in
207 27 language added to both this provision and Code section 229.15,
207 28 subsection 2, by 2008 Iowa Acts, chapter 1082, to the
207 29 terminology used to describe the persons and process used for
207 30 hospitalization of persons for substance abuse treatment.
207 31 Code section 135.1(4): Strikes, within the definition of
207 32 the term "physician" in the Code chapter relating to the
207 33 department of public health, a phrase that refers to
207 34 designations to be used by persons licensed as osteopaths.
207 35 Code chapter 150, which provided for the licensing of

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208 1 osteopaths, was repealed by 2008 Iowa Acts, chapter 1088.
208 2 Code section 135.17(1): Strikes the words "or 150" to
208 3 conform to the changes made in 2008 Iowa Acts, chapter 1088.
208 4 The Code chapters relating to osteopathy and osteopathic
208 5 medicine and surgery were repealed in that Act, but those
208 6 persons licensed to perform osteopathic medicine and surgery
208 7 under former Code chapter 150A were subsumed into Code chapter
208 8 148 (licensing procedures).
208 9 Code section 135.24(6): Adds a reference to the licensing
208 10 of speech pathologists and audiologists to the list of other
208 11 licensed health care providers regulated by boards of those
208 12 particular professions and under the jurisdiction of the
208 13 department of public health.
208 14 Code section 135.37(6): Conforms language relating to
208 15 inspections and enforcement activities of the local boards of
208 16 health with respect to tattooing establishments with earlier
208 17 language describing an intent to avoid duplication of those
208 18 efforts with the same efforts by the department of public
208 19 health.
208 20 Code section 135.159: Strikes language referencing the
208 21 licensing of physicians pursuant to Code chapter 150 to
208 22 conform with changes made by 2008 Iowa Acts, chapter 1088,
208 23 which placed osteopathic physicians together with physicians
208 24 who possess an M.D. under the Code chapter 148 licensing
208 25 procedures and the authority of the board of medicine.
208 26 Code sections 135B.20, 136C.1, 136C.3, 142.1, 142C.2, and
208 27 162.2: Replaces the term "osteopathy" with the term
208 28 "osteopathic medicine" to correct a terminology change
208 29 oversight in 2008 Iowa Acts, chapter 1088.
208 30 Code section 135C.33(5): Corrects a reference by name to
208 31 the homemaker=home health aide services program in language
208 32 relating to child or dependent adult abuse and criminal record
208 33 checks.
208 34 Code section 137F.3A(1): Restructures and renumbers
208 35 language enumerating the conditions which must be met before

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209 1 the department of inspections and appeals may employ
209 2 additional persons to enforce the provisions of the hotel
209 3 sanitation, home food establishment, and food establishment
209 4 and food processing plant Code chapters.
209 5 Code section 137F.6(1): Restructures language relating to
209 6 license fees charged to food establishments to conform to the
209 7 style of other provisions within this subsection.
209 8 Code section 142A.3: Restructures and renumbers language
209 9 establishing the commission on tobacco use prevention and
209 10 control and the advisory council to the commission.
209 11 Code section 144.14: Renumbers and conforms the phrase "of
209 12 finding" to the phrase "the child was found" which is used
209 13 elsewhere in the provision relating to reports and
209 14 certificates of birth for foundlings.
209 15 Code section 144C.2(3) and 144C.3(4): Changes the term
209 16 "assisted living program facility" to the term "assisted
209 17 living program" to conform the terminology used in Code
209 18 chapter 144C, which relates to final disposition of human
209 19 remains, with the terminology used in Code chapter 231C to
209 20 describe certified programs which provide housing with
209 21 services for assisted living.
209 22 Code section 147.14: Replaces a reference to Code chapter
209 23 147 with a reference to Code chapter 155 in language that
209 24 excludes persons licensed as nursing home administrators from
209 25 being public members of the board for nursing home
209 26 administrators to conform to changes made by 2008 Iowa Acts,
209 27 chapter 1088.
209 28 Code section 147.55: Rewrites the first paragraph in this
209 29 provision to clarify that, although a licensee's license may
209 30 be suspended or revoked if a licensee commits one of the
209 31 enumerated acts or offenses, the licensee as an individual
209 32 would be subject to discipline by the board for the licensee's
209 33 profession.
209 34 Code section 147.80: Adds language relating to
209 35 registration and certification of health care professionals to

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210 1 reflect the fact that some of the health care professionals
210 2 regulated under Code chapter 147 and other Code chapters
210 3 register with or are issued a certificate by their respective
210 4 boards, instead of being licensed. This addition clarifies
210 5 that all of the health care profession boards have the same
210 6 authority to verify a practitioner's status before the board.
210 7 Code section 147.85: Updates language relating to
210 8 impersonation of a health care practitioner to conform to
210 9 other provisions throughout the Code, including Code sections
210 10 80.6, 103.38, 103.39, 155A.20, 169.18, 206.11, 341A.17,
210 11 542B.25, 542B.27, and 544A.15, which deal with impersonation
210 12 of various professionals, officials, or public employees.
210 13 Code section 147.135: Strikes references to "chapter 150,
210 14 or chapter 150A" to conform to the changes regarding physician
210 15 licensure in 2008 Iowa Acts, chapter 1088.
210 16 Code section 148.2A(2): Strikes the word "members" in
210 17 language relating to licensure of persons who may constitute a
210 18 member of a hearing panel for the board of medicine because of
210 19 the use of alternate members in the creation of the membership
210 20 of the hearing panels. Alternate members of the board of
210 21 medicine are only members of the hearing panel and not
210 22 otherwise "members of board" within the meaning of Code
210 23 section 148.2A.
210 24 Code section 148.3(2): Strikes the words "and collected by
210 25 the board and transmitted to" because the board of medicine
210 26 members do not themselves act as the collection agents for
210 27 unpaid license and renewal fees although the fees are paid to
210 28 the board.
210 29 Code section 148.6(2): Renumbers language relating to
210 30 investigations by the board of medicine based on allegations
210 31 of inability to practice medicine and surgery or osteopathic
210 32 medicine and surgery due to illness, substance abuse, or other
210 33 mental or physical condition.
210 34 Code section 148.14: Adds a reference to Code chapter 147
210 35 within the provision authorizing the appointment of

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211 1 investigators for the board of medicine to correspond with
211 2 provisions in Code chapter 147 that provide for the common
211 3 power and responsibility for all of the health care profession
211 4 boards to perform various activities and duties.
211 5 Code section 148A.7: Numbers language internally in this
211 6 Code section prohibiting false use of titles by persons and
211 7 entities providing health care services.
211 8 Code sections 153.14 and 154B.5: Replaces the term
211 9 "osteopaths" with the term "osteopathic physicians" to correct
211 10 a terminology change oversight in 2008 Iowa Acts, chapter
211 11 1088.
211 12 Code sections 154A.6 and 155.17: Renumbers and changes a
211 13 reference to "such" information to a reference to information
211 14 "in violation of subsection 1" to eliminate unnumbered
211 15 paragraphs and to clarify what type of communication is
211 16 criminalized.
211 17 Code section 154C.3(1)(c)(5): Letters an unnumbered
211 18 paragraph in a provision relating to supervision of persons
211 19 who are applying for a license as an independent social worker
211 20 and renumbers the balance of the provision.
211 21 Code section 154F.2: Adds a reference to "osteopathic
211 22 physician" after the word "physician" to conform with changes
211 23 made by 2008 Iowa Acts, chapter 1088, in language relating to
211 24 the conducting of hearing tests.
211 25 Code section 155.2(1): Adds the words "this chapter and"
211 26 in language relating to qualifications for public membership
211 27 on the board for nursing home administrators because nursing
211 28 home administrators are licensed pursuant to Code chapters 147
211 29 and 155.
211 30 Code section 155A.15(2): Numbers an unnumbered paragraph,
211 31 containing an exception to prohibitions against delivery of
211 32 prescription drugs or devices with authorization to allow the
211 33 furnishing of prescription drugs to licensed health care
211 34 facilities for storage in secured emergency medical supplies,
211 35 to include the paragraph within a series of exceptions to

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212 1 prohibitions against delivery prescription drugs to a person
212 2 without legal authorization. The initial language which
212 3 clarified that the former unnumbered paragraph was an
212 4 exception was deleted to conform the provision to the style of
212 5 the other exceptions.
212 6 Code sections 158.1 and 158.2: Redrafts language in Code
212 7 section 158.1 by conforming language defining what practices
212 8 constitute "barbering" to the standard style used in
212 9 definitions throughout the Code and by moving a prohibition
212 10 from the end of the definition to Code section 158.2, which
212 11 contains similar prohibitions.
212 12 Code section 159A.4: Reorganizes and renumbers provisions
212 13 establishing the renewable fuels and coproducts advisory
212 14 committee to group like subject matters together and clarify
212 15 which of the members are voting members.
212 16 Code section 161.1: Changes the word "section" to
212 17 "chapter" to clarify that the entire chapter is what is known
212 18 as the "Iowa Agrichemical Remediation Act".
212 19 Code section 161F.6: Reorganizes and numbers this
212 20 provision by separating applicability provisions from
212 21 definitions, grouping applicability provisions together in one
212 22 subsection, and breaking the definitions into a lettered list
212 23 within the other subsection.
212 24 Code section 166D.10: Reorganizes and renumbers this
212 25 provision to separate out the rules and the exceptions
212 26 enumerated for the sale, lease, exhibition, loan, movement, or
212 27 relocation of swine within this state.
212 28 Code section 169.5: Reorganizes, updates, and renumbers
212 29 this provision establishing the board for veterinary medicine.
212 30 Code section 175B.4: Adds the word "other" before the word
212 31 "programs" to clarify that, in addition to the Iowa farmers'
212 32 market nutrition program, the department of agriculture and
212 33 land stewardship may provide other programs to promote the
212 34 purposes of the federal farmers' market nutrition program.
212 35 Code section 190.12: Numbers provisions relating to

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bacterial and coliform limits in frozen desserts and clarifies that the limitations on finding certain levels in samples apply to all of the standards set out in the table contained in this Code section.

Code section 191.6: Updates the name of the federal agency and the Code of federal regulations citation pertaining to the standards for oleo, oleomargarine, or margarine that is manufactured or sold in this state to reflect the name of the current federal agency in charge of setting that type of standard and the currently applicable federal regulations.

Code section 200.14: Updates language and letters unnumbered paragraphs within this provision relating to the adoption of rules regarding safety standards for use of anhydrous ammonia by the secretary of agriculture.

Code section 203C.18: Changes a reference from "the Act" to "this chapter" to reflect the fact that Code chapter 203C is the Iowa warehouse Act.

Code sections 203D.1 and 203D.3: Moves a definition of the term "purchased grain" from Code section 203D.3 to Code section 203D.1 and places it in alphabetical order with other definitions for Code chapter 203D.

Code section 206.6(5): Adds paragraph designations to eliminate unnumbered paragraphs and then adds the words "a nonresident person is" to complete and clarify a sentence in a paragraph that limits when the secretary of agriculture may adopt rules for issuing an aviation license to a nonresident person to those situations when the nonresident is engaged in the aerial application of pesticides.

Code section 207.15(1), (2), and (5): Adds paragraph designations to eliminate unnumbered paragraphs and substitutes the words "account for" for the word "consider" to clarify that the division of soil conservation of the department of agriculture and land stewardship may reassess any penalty if necessary to account for facts that were not available when the original assessment was made.

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214 1 Code section 216.8A(3): Restructures a sentence relating
214 2 to nondiscriminatory conditions that may be imposed by a
214 3 landlord in a renter's agreement to conform the provision with
214 4 the balance of the paragraph that establishes what constitutes
214 5 discrimination in housing.
214 6 Code section 216.16: Renumbers and restructures a portion
214 7 of this section relating to the issuance of a 60=day
214 8 administrative release by the civil rights commission to break
214 9 the reasons that a release will not be issued into a numbered
214 10 list.
214 11 Code section 216E.7: Substitutes a Code chapter reference
214 12 to Code chapter 154F to reflect changes made by 2008 Iowa
214 13 Acts, chapter 1088, to shift authority and responsibilities
214 14 for licensing of audiologists from Code chapter 147 to 154F.
214 15 Code section 229.15: Strikes references to Code chapters
214 16 150 and 150A to conform to changes made regarding physician
214 17 licensure in 2008 Iowa Acts, chapter 1088, in language
214 18 establishing the conditions under which a psychiatric advanced
214 19 registered nurse practitioner may complete a periodic report
214 20 on a patient who has been hospitalized due to chronic mental
214 21 illness.
214 22 Code sections 235.1, 238.1, and 238.2: Consolidates,
214 23 duplicates, and relocates various definitions to clarify that
214 24 definitions contained in Code chapter 235 are also applicable
214 25 in Code chapter 238. In Code section 235.1, a paragraph
214 26 containing definitions that apply in this chapter governing
214 27 child welfare and Code chapter 238 is split and the
214 28 definitions are placed into an alphabetical, numbered list.
214 29 The definitions of the terms "state division",
214 30 "administrator", and "child" from Code section 235.1 are added
214 31 to Code section 238.1, along with a definition of
214 32 "child=placing agency" which is taken from Code section 238.2,
214 33 and all of the definitions are placed in an alphabetical,
214 34 numbered list. Code section 238.2 is then repealed as
214 35 redundant.

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Code sections 235B.3A, 235E.3, 236.12, and 709.22: Conforms, in several notice provisions, a provision that describes additional information that must be given to victims of certain crimes relating to shelters, support groups, and crisis lines operating in the area by striking a paragraph that follows a description of the contents of a statement of rights and subsuming the contents of that paragraph into the paragraph which precedes that statement description.

Code section 235E.2(13)(a): Adds language referencing an employee organization in two places which express conditions and in which the term "union representative" appears, to conform the language to language that appears earlier in this paragraph that provides that an employee organization or union representative may observe the investigative interview of an alleged dependent adult abuser under certain conditions.

Code section 235E.4: Clarifies, by adding the word "where", that Code sections 235B.4 through 235B.20, to the extent that they are not inconsistent with Code chapter 235E, apply to Code chapter 235E.

Code section 249A.6(1)(a): Corrects a drafting error in the language in this subparagraph by changing the reference to "paragraph "a"" to a reference to subparagraph (1), which refers to the rights to payments of medical care referred to in this subparagraph.

Code section 252B.5(8): Letters unnumbered paragraphs and deletes an obsolete phrase relating to adoption of rules by the department of human services regarding review of requests for modification of support obligations.

Code section 256D.2A: Adds the term "budget" to clarify that the year period of time during which a school is to expend funds to reduce class size is the budget year, which for school districts commences on July 1 of each calendar year.

Code section 256D.4A: Strikes the word "section" and replaces it with the word "chapter" because the payments and

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216 1 expenditures referred to in this Code section are authorized
216 2 in other Code sections within this Code chapter.
216 3 Code section 257.11(3): Changes the word "of" to the word
216 4 "times" and the word "and" to the word "or" to clarify the
216 5 relationship between the numeric and percentage components in
216 6 the formula used to calculate the amount of additional
216 7 weighting to be assigned for pupils who attend community
216 8 college=offered classes. The numeric and percentage
216 9 components of the formula in this paragraph are described in
216 10 this paragraph in reverse order from that used in other places
216 11 in this Code section.
216 12 Code section 260C.14: Substitutes the word "program" for
216 13 "Act" in three places to reflect the repeal of the former
216 14 postsecondary enrollment options Act, previously contained in
216 15 Code chapter 261C, and the enactment of the postsecondary
216 16 enrollment options program in new Code chapter 261E in 2008
216 17 Iowa Acts, chapter 1181.
216 18 Code section 262.9(4): Splits apart, in language
216 19 describing duties of the state board of regents, two
216 20 provisions which articulate the two different duties of
216 21 managing both real and personal property of the regents
216 22 institutions and purchasing soybean=based inks. Incorrect
216 23 internal references to the entire Code section are also
216 24 changed to refer only to the requirement to purchase
216 25 soybean=based inks in what becomes new subsection 4A.
216 26 Code section 279.13(1): Changes the word "applicants" to
216 27 the singular form "the applicant" to conform with prior
216 28 language regarding the search for criminal and child abuse
216 29 background information regarding an individual who is seeking
216 30 employment as a teacher in a school district.
216 31 Code section 282.18: Streamlines language relating to open
216 32 enrollment of children in schools by combining the two
216 33 subsections that deal with school desegregation and conforming
216 34 the language currently contained in subsection 12 to reflect
216 35 the changes made to subsection 3 in 2008 Iowa Acts, chapter

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1071; by moving language relating to adoption of school policies regarding "insufficient classroom space" to become part of subsection 2, where the issue first arises; by renumbering the provision to accommodate the changes and eliminate unnumbered paragraphs; and by correcting internal references.

Code section 282.26: Numbers the paragraphs in this provision regarding high school students attending college courses to allow substitution of specific subsection references in lieu of a more general reference to "the foregoing provisions".

Code section 294A.9: Adds the repeal, on the same date, of a subsection which serves only to repeal other subsections on June 30, 2009. This provision takes effect upon enactment.

Code section 294A.25: Adds the word "fiscal" before the word "year" to conform later language regarding later appropriations to the initial reference to the "fiscal year beginning July 1, 2009".

Code section 297.10: Updates language in this provision regarding compensation for use of school property to clarify that the "such use" is the use of a schoolhouse and schoolhouse grounds and that the compensation paid is to be used for supplies for that school property.

Code section 298.3: Renumbers this provision to eliminate unnumbered paragraphs and changes the term "energy conservation measures" to "energy management improvement" to reflect the changes made to Code sections 473.19, 473.20, and 473.20A by 2008 Iowa Acts, chapter 1126.

Code section 298.18: Numbers and letters unnumbered paragraphs in this Code section and replaces references to "hereinafter" provided and referred to "herein" with language indicating that the reader will find the language or exception indicated within this Code section.

Code sections 306C.10 and 306C.11: Moves a definition of the term "specific information of interest to the traveling

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218 1 public" from Code section 306C.11 to Code section 306C.10 to
218 2 place it in alphabetical order within the other definitions
218 3 that apply within that division of Code chapter 306C and
218 4 renumbers Code section 306C.11 to eliminate unnumbered
218 5 paragraphs.
218 6 Code section 307.21: Restructures the provision to
218 7 separate language establishing the general duties of the
218 8 administrator of administrative services of the department of
218 9 transportation from more specific requirements relating to the
218 10 manner in which certain of those duties are to be carried out
218 11 and from permissive language that allows the administrator to
218 12 perform administrative services duties in cooperation with the
218 13 department of administrative services.
218 14 Code section 312.2: Renumbers this provision to separate
218 15 the allotments of road use tax funds made by the treasurer of
218 16 state to the primary road fund, the secondary road fund, the
218 17 farm=to=market road fund, and the street construction fund of
218 18 cities from the credits that are made prior to the allotments
218 19 for various specific uses and to eliminate an unnumbered
218 20 paragraph.
218 21 Code section 314.2: Strikes the words "the foregoing
218 22 provisions" and substitutes "this section" to clarify that the
218 23 prohibition against state or county officials or employees
218 24 having interests in any contract for highway, bridge, or
218 25 culvert construction, reconstructions, improvement, or
218 26 maintenance is the provision that, if violated, will
218 27 invalidate the contract and prevent recovery of consideration
218 28 under the contract.
218 29 Code section 321.52A: Strikes an obsolete reference to a
218 30 provision under which this surcharge is no longer imposed.
218 31 Before a change in the system used by the department of
218 32 transportation to note security interests on certificates of
218 33 title, a surcharge was issued when an owner requested that a
218 34 new certificate be issued that showed the notation. This was
218 35 because the notation had to be manually added to the

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219 1 certificate, rather than being generated automatically upon
219 2 notation of the interest in the department of transportation's
219 3 system. Because of the changeover in the department's
219 4 computer system, the new certificates are generated
219 5 automatically, without the additional manual intervention, and
219 6 the department ceased imposition of the surcharge for issuance
219 7 of a certificate of title for this type of notation.
219 8 Code sections 321.92 and 321.463: Renumbers and eliminates
219 9 a redundant reference to a "paragraph "b"" in a definition
219 10 which is combined with another definition into a numbered list
219 11 in Code section 321.463. Language relating to fraudulent
219 12 altering or defacing of product identification plates is
219 13 stricken from Code section 321.463 and is moved to Code
219 14 section 321.92.
219 15 Code section 321.231(5): Strikes the word "foregoing" and
219 16 inserts "of this section" to clarify that none of the
219 17 provisions of this Code section relieve an authorized
219 18 emergency vehicle operator or police bicycle rider from the
219 19 duty to drive or ride safely.
219 20 Code section 321.285: Renumbers this provision
219 21 establishing speed restrictions on motor vehicles to eliminate
219 22 unnumbered paragraphs; clarifies language that sets out the
219 23 general rules applicable to lawful speeds by moving language
219 24 referring to the lawful speed to a location after the listing
219 25 of a number of exceptions; substitutes "unless otherwise
219 26 provided in this section or by" for "notwithstanding any" to
219 27 clarify that some of the exceptions to the general 55 miles
219 28 per hour speed limit are contained within this Code section;
219 29 and supplies some missing words to complete the sentence
219 30 establishing what the appropriate speed is on various
219 31 secondary roads under certain conditions.
219 32 Code section 321.488: Strikes the word "foregoing" to
219 33 clarify that any provision within the Code chapter that
219 34 applies to the making of arrests without a warrant.
219 35 Code sections 321.506 and 461B.8: Strikes the word

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"foregoing" and adds "of this chapter" to clarify that the other qualifying language in this provision, that narrows the applicability of this provision to language relative to service of original notice of suit on nonresidents, is the controlling factor in determining the validity of service of process under Code chapters 321 and 461B.

Code section 321.376: Adds a reference to "osteopathic physician" after the word "physician" and strikes a reference to Code chapter 150A to conform with changes made by 2008 Iowa Acts, chapter 1088, in language relating to the conducting of hearing tests.

Code section 321A.7: Updates language in this provision regarding suspension of licenses until proof of financial responsibility has been filed by inserting words to clarify the meaning of certain clauses, dividing sentences currently conjoined with semicolons, and adding language that indicates that certain conditions precede the department taking certain actions under this Code section.

Code section 330A.10: Numbers a provision to eliminate unnumbered paragraphs and replaces the words "aforementioned provisions" with "subsection 1" to clarify that subsection 1 is the provision being excepted in language authorizing an authority to deposit funds in any bank or trust company if an agreement is reached with the bond holders.

Code section 331.653(27): Replaces a reference to Code section 297.28 that was inadvertently stricken in 2008 Iowa Acts, chapter 1181, section 37.

Code section 335.22: Strikes the words "the foregoing" and adds specific Code section references to Code sections 335.18 through 335.21 to clarify that the proceedings under those Code sections, in this Code chapter pertaining to county zoning, are to have preference over all other civil actions and proceedings.

Code section 358.8: Strikes the words "the foregoing" and adds specific Code section references to Code sections 358.4

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and 358.5 to clarify that the expenses incurred under those sections, together with the costs of the election, are to be paid by those who will be benefited by the proposed sanitary district.

Code section 358C.9: Strikes the words "the preceding" and adds specific Code section references to Code sections 358C.5 and 358C.6 to clarify that the expenses incurred under those sections, together with the costs of the election, are to be paid by those who will be benefited by the proposed real estate improvement district.

Code section 364.17(3): Renumbers and moves language relating to enforcement procedures to the end of this subsection to eliminate unnumbered paragraphs in this provision relating to enforcement of city housing code violations. The movement of the language relating to enforcement procedures may also correct an old drafting error. In both the original and reprinted versions of 1980 House File 2536, which established this Code section, the paragraph containing this language was located at the end of subsection 3. It was not until what is now paragraph "h" was added by amendment that the language appeared before the last paragraph.

Code section 384.84(2) and (3): Conforms the language toward the end of two paragraphs, relating to discontinuance of utility or enterprise services on rental property or premises, to language toward the beginning of the paragraphs which refers to the property or premises.

Code section 414.19: Strikes the words "the foregoing" and adds specific Code section references to Code sections 414.15 through 414.18 to clarify that the proceedings under those Code sections, in this Code chapter pertaining to city zoning, are to have preference over all other civil actions and proceedings.

Code section 421B.3: Changes the word "the" to the word "a" to conform to later language indicating that each

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222 1 violation of the prohibition against cigarette sales at less
222 2 than cost is treated as a new violation.
222 3 Code section 422.5: Renumbers, changes subsection lead=in
222 4 language, and corrects internal references in this provision
222 5 establishing the process for computation of personal income
222 6 tax so that the structure of the provision conforms to the
222 7 steps that must be taken to compute the tax.
222 8 Code section 422.7(12), (28), (43), and (53): Renumbers to
222 9 eliminate unnumbered paragraphs in this provision establishing
222 10 the computation mechanism for calculation of personal "net
222 11 income". Obsolete language providing for a waiver of certain
222 12 requirements under a small business tax loan program that was
222 13 phased out in the mid 1980s is deleted. A reference to a
222 14 savings refund adjustment that was eliminated by 2008 Iowa
222 15 Acts, chapter 1178, in favor of a state match adjustment, is
222 16 also deleted. References to the term "adjusted gross income"
222 17 are added in language relating to when a taxpayer may take the
222 18 increasing expensing allowance to clarify what computation is
222 19 being performed for state tax purposes.
222 20 Code section 422.12: Restructures this provision
222 21 enumerating the deductions that may be taken from personal
222 22 income tax liability by moving definitions to the beginning of
222 23 the provision and renumbering and correcting internal
222 24 references as necessary.
222 25 Code section 422.35(6), (6A), (20), and (24): Renumbers to
222 26 eliminate unnumbered paragraphs in this provision establishing
222 27 the computation mechanism for calculation of corporate "net
222 28 income". Obsolete language providing for a waiver of certain
222 29 requirements under a small business tax loan program that was
222 30 phased out in the mid 1980s is deleted. References to the
222 31 term "taxable income" are added in language relating to when a
222 32 taxpayer may take the increasing expensing allowance to
222 33 clarify what computation is being performed for state tax
222 34 purposes.
222 35 Code section 423.3(57): Combines two unnumbered paragraphs

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223 containing the initial portion of a definition of what constitutes a sale of food and food ingredients that are exempt from sales tax and conforms the terms used to the definitions which follow the language of the new combined paragraph.

Code sections 435.1, 435.2, 435.26, 435.34, and 435.35: Moves language contained in definition provisions relating to the imposition of property taxes on mobile, modular, and manufactured homes to duplicate one provision that applies to both manufactured home communities and mobile home parks and to create a new Code section 435.2 that specifies when each of the types of home is to be assessed and taxed as real estate. Language relating to taxation of modular homes is moved from its current location in Code section 435.34 and consolidated with related provisions in new Code section 435.2, and the balance of Code section 435.34, which conflicts with language found in Code section 435.22, is eliminated by the Code section's repeal. Language in Code section 435.35, which conflicts with provisions in Code section 435.1, is eliminated by that Code section's repeal, and the remainder moved to Code section 435.26. Obsolete language relating to classification of manufactured home communities or mobile home parks and the applicability of the manufactured home communities or mobile home parks residential landlord and tenant Act is stricken.

Code sections 437A.3, 437A.15, and 437A.19: Renumbers Code section 437A.19 to eliminate unnumbered paragraphs and corrects several internal references to subsections within Code section 437A.19 that appear in Code sections 437A.3 and 437A.15. The reference changes contained in subsection 29 of Code section 437A.3 and 437A.15, subsection 3, are based on the renumbering changes in Code section 437A.19. The internal reference change and strike of additional in Code section 437A.15, subsection 3, paragraph "a", correct a drafting error made in 2007 Iowa Acts, chapter 150, when Code section 437A.19, subsection 2, paragraph "b", was amended and

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224 1 subparagraph (2) was deleted.
224 2 Code section 450.7(1): Redrafts an initial exception as a
224 3 limitation and renumbers this provision to eliminate
224 4 unnumbered paragraphs.
224 5 Code section 455A.8: Breaks the membership of the Brushy
224 6 creek recreation trails advisory board out into a numbered
224 7 list and clarifies which of the 10 members of the board are
224 8 voting and which are ex officio nonvoting members.
224 9 Code section 455B.191: Reorganizes and clarifies this
224 10 pollution and hazardous substance control provision by moving
224 11 the definition of "hazardous substance" to the beginning of
224 12 the Code section, renumbering the provision, breaking the
224 13 enumeration of prohibited acts into a numbered list, and
224 14 segregating the applicable penalties into separate provisions.
224 15 Code section 455G.4(6): Changes the name of the senate
224 16 committee to which the report relating to claims against the
224 17 Iowa comprehensive underground storage tank fund must be
224 18 submitted, to conform this provision to the changes made
224 19 during the 2009 Session of the 83rd General Assembly to the
224 20 name and duties of the former senate committee on natural
224 21 resources and environment.
224 22 Code section 456A.26: Strikes the words "The foregoing
224 23 sections" and inserts references to Code sections 456A.23
224 24 through 456A.25 to clarify which provisions are not to be
224 25 construed as authorizing the commission to change any penalty
224 26 for violations of game laws, license fees, or change open
224 27 seasons or bag limits for any fish, game, bird, or fur=bearing
224 28 animal.
224 29 Code section 476.6(20): Strikes an obsolete subsection
224 30 that refers to the replacement tax study committee. The
224 31 committee began meeting in 2000, concluded its business in
224 32 2007, and submitted its final report on November 15, 2007.
224 33 Code section 483A.27: Adds words to clarify that a hunter
224 34 safety and ethics education course from another state,
224 35 country, or province that meets the international hunter

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225 1 education standards is valid for purposes of meeting the
225 2 requirements for a hunting license in Iowa and that a
225 3 "department=approved" hunter safety and ethics education
225 4 course or shooting sports activities course is what an
225 5 instructor certified by the department may conduct on public
225 6 school property if the proper school board approval is
225 7 obtained.
225 8 Code section 489.108(3): Strikes language and adds the
225 9 word "either" to conform this provision, that specifies two
225 10 situations in which the secretary of state shall authorize the
225 11 use of a noncompliant name by a limited liability company, to
225 12 standard language used to indicate when only two alternatives
225 13 are available under a statute.
225 14 Code section 489.702(5): Corrects in subsection 5,
225 15 paragraph "b", of this Code section an internal reference to
225 16 the provision in which a person is appointed to wind up the
225 17 activities of a limited liability company. The appointment
225 18 provisions are found in subsection 4, not subsection 3.
225 19 Code section 489.1203(10) and (11): Corrects incorrect
225 20 citations to the language that specifies when distributions by
225 21 a limited liability company series are not permissible. The
225 22 listing of situations that was intended to be cited is
225 23 contained in subsection 5 of this Code section, not in Code
225 24 section 489.405.
225 25 Code section 490.831(1): Changes the word "precludes" to
225 26 "does not preclude" in this provision relating to the
225 27 liability of directors of corporations to the corporation or
225 28 to the corporation's shareholders to conform the codified
225 29 version of this provision to the meaning of this provision in
225 30 the language of the original model Act.
225 31 Code section 496C.14: Renumbers this provision to
225 32 eliminate unnumbered paragraphs, strikes the words "the
225 33 foregoing provisions of this section", and adds the words
225 34 "subsections 1 through 4" to clarify when purchase of shares
225 35 of a corporate shareholder is required.

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Code section 499.36A(1): Substitutes the word "association" for the word "cooperative" to conform this last sentence, relating to when an association director is not liable because of having performed director's duties, to the initial sentence that requires discharge of duties in good faith.

Code section 502.602(3): Adds the word "or" to this provision to clarify where the correct end of the series describing when the commissioner of insurance may apply to the district court under the uniform securities Act to enforce compliance with a subpoena.

Code section 505.8(7): Adds "and osteopathic physicians" after the word "physicians" and strikes the references to Code chapters "150, and 150A" to conform with changes made by 2008 Iowa Acts, chapter 1088, to place osteopathic physicians under the same Code chapter 148 licensing procedures and authority of the board of medicine as physicians who have a diploma from a medical college and have passed the required examinations and to repeal the Code chapters under which osteopathic physicians were previously regulated.

Code section 520.14: Strikes the word "foregoing" and adds references to Code sections 520.2 through 520.13 to clarify which Code sections an attorney must comply with before an attorney can exchange reciprocal or interinsurance contracts or solicit or negotiate applications for reciprocal or interinsurance contracts.

Code section 541A.3: Adds the word "savings" between the words "state" and "match" to conform the terminology used to describe the payments made by the state to holders of individual development accounts to the correct term: "state savings match".

Code section 554.10103: Strikes a reference to "the following" section, which was repealed by 2007 Iowa Acts, chapter 30, and replaces it with a reference to Code section 554.7103, which is the successor statute to former Code

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227 1 section 554.10104.
227 2 Code section 556F.17: Replaces the word "aforesaid" with
227 3 "provided in this chapter" and "same according to the
227 4 foregoing provisions" with "property" to clarify that any
227 5 property that is found or recovered and may be considered
227 6 abandoned under Code chapter 556F cannot be traded, sold,
227 7 loaned, or taken out of the state by the finder until the
227 8 person has the right to do so or the person forfeits the right
227 9 to the property.
227 10 Code section 602.10111: Strikes the words "the foregoing
227 11 provisions of" and leaves the words "this article" to clarify
227 12 what procedures an out=of=state attorney must comply with in
227 13 order to appear as an attorney in state court in Iowa.
227 14 Code section 692.18: Numbers this provision and conforms
227 15 the language in what is numbered as subsection 2 to
227 16 confidentiality provisions found in Code section 22.7 that
227 17 relate to confidentiality of intelligence data under the
227 18 public records law, Code chapter 22.
227 19 Code section 707.7: Numbers this provision, moves
227 20 exclusionary language to the end of this provision prohibiting
227 21 feticide, and conforms the language of these provisions to
227 22 changes made by 2008 Iowa Acts, chapter 1088, which placed
227 23 osteopathic physicians under the same Code chapter 148
227 24 licensing procedures and authority of the board of medicine as
227 25 physicians who have a diploma from a medical college and have
227 26 passed the required examinations and repealed the Code
227 27 chapters under which osteopathic physicians were previously
227 28 regulated.
227 29 Code section 714.8(18): Changes the word "price" to
227 30 "product" in two places in definition of the term "universal
227 31 price code label" to correct the term and to conform to
227 32 terminology used elsewhere in the Code.
227 33 Code section 714E.1(3): Changes the word "from" to "for"
227 34 to clarify that the foreclosure consultant is attempting to
227 35 obtain a forbearance, modification, or repayment plan on

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228 1 behalf of a beneficiary or mortgagee.
228 2 Code section 714E.4(1): Clarifies that the enumerated
228 3 actions, if taken by a foreclosure consultant, are a violation
228 4 of Code chapter 714E.
228 5 Code section 714F.3(2): Clarifies language relating to
228 6 survival of a foreclosure reconveyance contract and conforms a
228 7 Code reference to the language specifying the requirements for
228 8 those contracts to an earlier reference in this Code section
228 9 to those same contract requirements.
228 10 Code section 714F.6: Splits a run=on sentence and rewrites
228 11 the latter half of the sentence to clarify the form a waiver
228 12 of a foreclosed homeowner's right to cancel must take.
228 13 Code section 714F.9(2): Strikes the words "of any amount"
228 14 to conform to later language in this provision that sets
228 15 threshold limits on the amount of exemplary damages that may
228 16 be awarded by the court.
228 17 Code section 728.15: Restructures this provision to move a
228 18 definition of the word "person" to the beginning of the Code
228 19 section, conform internal uses of terminology and grammar,
228 20 breaks the elements of the offense into a numeric list, and
228 21 places the penalty provisions in a list in a subsection at the
228 22 end of this Code section.
228 23 Code section 805.8B: Changes, in two paragraphs in
228 24 subsections 2 and 2A, the word "identification" to "decal" to
228 25 conform to a terminology change that was made in Code sections
228 26 321G.5 and 321I.6 by 2007 Iowa Acts, chapter 141.
228 27 Code section 820.11: Strikes a reference to "the last"
228 28 section and replaces it with a reference to Code section
228 29 820.10 to clarify which Code section, if disobeyed, would be
228 30 deemed a simple misdemeanor.
228 31 2008 Iowa Acts, chapter 1130, section 4 (Code section
228 32 35B.6(1)): Moves a phrase in this Iowa Act which prohibits
228 33 the employment of members of a county commission of veteran
228 34 affairs by the commission to be a part of language relating to
228 35 the power of the commission to employ certain persons. As a

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result of amendments made in this section of this Act, the sentence which related to the powers of the county commissions was split in two and this phrase was inadvertently made a part of language relating to the compensation of employees of the commission.

2008 Iowa Acts, chapter 1130, section 7 (Code section 35B.14): Clarifies a series which permits a county board of supervisors to appropriate funds for the expenses of food, clothing, shelter, utilities, medical benefits, and a funeral for veterans, their surviving spouses, and minor children who reside in the county. The inclusion of new language in this section of this Act relating to appropriation of funds for training for an executive director of a county commission of veteran affairs inadvertently disrupted the original series which clearly allowed the appropriation for the latter expenses.

2008 Iowa Acts, chapter 1191, section 109: Corrects a lead=in to this Act so that it correctly reflects the addition of a new paragraph "n" to subsection 5 of Code section 257.31, not Code section 257.11. Subsection 5 of Code section 257.11 contains only two lettered paragraphs, and section 108 of this same Act refers to the addition of the language relating to the submission of requests to the school budget review committee by school districts on the basis of language added to Code section 257.31, subsection 5, paragraph "n". This section of this Act is effective upon enactment and applies retroactively to July 1, 2008.

Code sections 147.57 and 147.114: Requires the Code editor to transfer Code section 147.57, which pertains to dental hygienists, and Code section 147.114, which pertains to inspectors appointed by the dental board, to appropriate locations in Code chapter 153, which pertains to the practice of dentistry.

Code sections 216.18 and 216.18A: Requires the Code editor to transfer Code section 216.18A to become subsection 2 of

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Code section 216.18 and to number the first paragraph in Code section 216.18 as subsection 1. The Code editor is also directed to correct any internal references necessary to complete the transfer.

DIVISION II. Restructures, numbers, and renumbers provisions in volume II of the Code and in scattered locations in other Code volumes. Occasionally, minor changes are made in text to conform to existing style of a Code section when language is moved within a Code section or from one Code section to another location.

DIVISION III. Makes internal reference changes based on the numbering, renumbering, and restructuring of Code sections elsewhere in this Act.

DIVISION IV. Contains effective date and applicability provisions.

LSB 2130HC 83
lh/rj/8

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HOUSE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY OLSON)

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to wastewater treatment.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2646HC 83
tm/nh/24

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PAG LIN

1 1 DIVISION I
1 2 WASTEWATER TREATMENT FINANCIAL ASSISTANCE PROGRAM
1 3 Section 1. Section 16.134, Code 2009, is amended to read
1 4 as follows:
1 5 16.134 WASTEWATER TREATMENT FINANCIAL ASSISTANCE PROGRAM.
1 6 1. The Iowa finance authority shall establish and
1 7 administer a wastewater treatment financial assistance
1 8 program. The purpose of the program shall be to provide
1 9 ~~grants~~ financial assistance to enhance water quality ~~and to~~
~~1 10 assist communities to comply with water quality standards~~
~~1 11 adopted by the department of natural resources~~. The program
1 12 shall be administered in accordance with rules adopted by the
1 13 authority pursuant to chapter 17A.
1 14 2. A wastewater treatment financial assistance fund is
1 15 created under the authority of the Iowa finance authority.
1 16 The fund shall consist of appropriations made to the fund and
1 17 transfers of interest, earnings, and moneys from other funds
1 18 as provided by law. Moneys in the fund are not subject to
1 19 section 8.33. Notwithstanding section 12C.7, subsection 2,
1 20 interest or earnings on moneys in the fund shall be credited
1 21 to the fund.
1 22 3. Financial assistance under the program shall be used to
1 23 install or upgrade wastewater treatment facilities and
1 24 systems, and for engineering or technical assistance for
1 25 facility planning and design.
1 26 4. The authority shall distribute financial assistance in
1 27 the fund in accordance with the following:
1 28 a. The goal of the program shall be to base awards on the
1 29 impact of the grant combined with other sources of financing
1 30 to ensure that sewer rates increase by no more than one and
1 31 one=half percent of a community's median household income.
1 32 ~~a.~~ b. Communities shall be eligible for financial
1 33 assistance by qualifying as a disadvantaged community and
1 34 seeking financial assistance for the installation or upgrade
1 35 of wastewater treatment facilities due to regulatory activity

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2 1 ~~in response to water quality standards adopted~~ by the
2 2 department of natural resources ~~in calendar year 2006~~. For
2 3 purposes of this section, the term "disadvantaged community"
2 4 means the same as defined by the department of natural
2 5 resources for the drinking water facilities revolving loan
2 6 fund established in section 455B.295. ~~Communities with a~~
~~2 7 population of three thousand or more do not qualify for~~
~~2 8 financial assistance under the program.~~
2 9 ~~b.~~ c. Priority shall be given to projects in which the
2 10 financial assistance is used to obtain financing under the
2 11 Iowa water pollution control works and drinking water
2 12 facilities financing program pursuant to section 16.131 or
2 13 other federal or state financing.
2 14 ~~c.~~ d. Priority shall also be given to projects whose
2 15 completion will provide significant improvement to water
2 16 quality in the relevant watershed.
2 17 e. Priority shall also be given to communities that employ
2 18 an alternative wastewater treatment technology pursuant to
2 19 section 455B.199C.
2 20 f. Priority shall be also given to those communities where
2 21 sewer rates are the highest as a percentage of that
2 22 community's median household income.
2 23 ~~d. A community meeting the criteria of paragraph "a" shall~~
~~2 24 be required to provide matching moneys in accordance with the~~
~~2 25 following:~~
2 26 ~~(1) Unsewered incorporated communities with a population~~
~~2 27 of less than five hundred and communities with a population of~~
~~2 28 less than five hundred shall be required to provide a five~~
~~2 29 percent match.~~
2 30 ~~(2) Communities with a population of five hundred or more~~
~~2 31 but less than one thousand shall be required to provide a ten~~
~~2 32 percent match.~~
2 33 ~~(3) Communities with a population of one thousand or more~~
~~2 34 but less than one thousand five hundred shall be required to~~
~~2 35 provide a twenty percent match.~~

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3 1 ~~(4) Communities with a population of one thousand five~~
~~3 2 hundred or more but less than two thousand shall be required~~
~~3 3 to provide a thirty percent match.~~
3 4 ~~(5) Communities with a population of two thousand or more~~
~~3 5 but less than three thousand shall be required to provide a~~
~~3 6 forty percent match.~~
3 7 ~~e.~~ g. Financial assistance in the form of grants shall be
3 8 issued on ~~a quarterly~~ an annual basis.
3 9 h. An applicant shall not receive a grant that exceeds
3 10 five hundred thousand dollars.
3 11 5. The authority in cooperation with the department of
3 12 natural resources shall share information and resources when
3 13 determining the qualifications of a community for financial
3 14 assistance from the fund.
3 15 6. The authority may use an amount of not more than four
3 16 percent of any moneys appropriated for deposit in the fund for
3 17 administration purposes.
3 18 ~~7. It is the intent of the general assembly that for the~~
~~3 19 fiscal period beginning July 1, 2007, and ending June 30,~~
~~3 20 2016, a minimum of four million dollars shall be appropriated~~
~~3 21 each fiscal year to the authority for deposit in the~~
~~3 22 wastewater treatment financial assistance fund.~~
3 23 Sec. 2. NEW SECTION. 16.135 WASTEWATER VIABILITY
3 24 ASSESSMENT.
3 25 1. The authority, in cooperation with the department of
3 26 natural resources, shall require the use of a wastewater
3 27 viability assessment for any wastewater treatment facility
3 28 seeking a grant under the wastewater treatment financial
3 29 assistance program or a grant funded by federal community
3 30 development block grant moneys. A wastewater viability
3 31 assessment shall determine the long=term operational and
3 32 financial capacity of the facility and its ratepayers. The
3 33 authority shall develop minimum criteria for eligibility based
3 34 on the viability assessment.
3 35 2. The authority, in cooperation with the department of

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4 1 natural resources, shall develop a wastewater viability
4 2 assessment. The assessment shall include as part of the
4 3 assessment all of the following factors:
4 4 a. The ability of the applicant to provide property
4 5 oversight and management through a certified operator.
4 6 b. The financial ability of the users to support the
4 7 existing system, improvements to the system, and the long=term
4 8 maintenance of the system.
4 9 c. The financial position of the system including existing
4 10 debt load, rates, and reserve funds.
4 11 d. Completion of a facilities plan.
4 12 e. Completion of a management plan.
4 13 f. Completion of a financial management plan.
4 14 DIVISION II
4 15 SPONSORED PROJECTS
4 16 Sec. 3. Section 384.80, subsection 12, Code 2009, is
4 17 amended to read as follows:
4 18 12. "Project" means the acquisition, construction,
4 19 reconstruction, extending, remodeling, improving, repairing,
4 20 and equipping of all or part of a city utility, combined
4 21 utility system, city enterprise, or combined city enterprise,
4 22 or a water resource restoration project within or without the
4 23 corporate limits of the city.
4 24 Sec. 4. Section 384.80, Code 2009, is amended by adding
4 25 the following new subsection:
4 26 NEW SUBSECTION. 15. "Water resource restoration project"
4 27 means the acquisition of real property or improvements or
4 28 other activity or undertaking that will assist in improving
4 29 the quality of the water in the watershed where a city water
4 30 or wastewater utility is located.
4 31 Sec. 5. Section 384.82, subsection 1, unnumbered paragraph
4 32 1, Code 2009, is amended to read as follows:
4 33 A city may carry out projects, borrow money, and issue
4 34 revenue bonds and pledge orders to pay all or part of the cost
4 35 of projects, which may include a qualified water resource

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5 1 restoration project, such revenue bonds and pledge orders to
5 2 be payable solely and only out of the net revenues of the city
5 3 utility, combined utility system, city enterprise, or combined
5 4 city enterprise involved in the project. The cost of a
5 5 project includes the construction contracts, interest upon the
5 6 revenue bonds and pledge orders during the period or estimated
5 7 period of construction and for twelve months thereafter, or
5 8 for twelve months after the acquisition date, such reserve
5 9 funds as the governing body may deem advisable in connection
5 10 with the project and the issuance of revenue bonds and pledge
5 11 orders, and the costs of engineering, architectural, technical
5 12 and legal services, preliminary reports, surveys, property
5 13 valuations, estimates, plans, specifications, notices,
5 14 acquisition of real and personal property, consequential
5 15 damages or costs, easements, rights=of=way, supervision,
5 16 inspection, testing, publications, printing and sale of bonds
5 17 and provisions for contingencies. A city may sell revenue
5 18 bonds or pledge orders at public or private sale in the manner
5 19 prescribed by chapter 75 and may deliver revenue bonds and
5 20 pledge orders to the contractors, sellers, and other persons
5 21 furnishing materials and services constituting a part of the
5 22 cost of the project in payment therefor.
5 23 Sec. 6. Section 384.84, Code 2009, is amended by adding
5 24 the following new subsection:
5 25 NEW SUBSECTION. 1A. The governing body of a city water or
5 26 wastewater utility may enter into an agreement with a
5 27 qualified entity to use proceeds from revenue bonds for a
5 28 water resource restoration project if the rate imposed is no
5 29 greater than if there was not a water resource restoration
5 30 project agreement. For purposes of this subsection,
5 31 "qualified entity" is an entity created pursuant to chapter
5 32 28E or two entities that have entered into an agreement
5 33 pursuant to chapter 28E, whose purpose is to undertake a
5 34 watershed project that has been approved for water quality
5 35 improvements in the watershed.

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6 1 Sec. 7. NEW SECTION. 455B.199 WATER RESOURCE RESTORATION
6 2 SPONSOR PROGRAM.
6 3 1. The department shall establish and administer a water
6 4 resource restoration sponsor program to assist in enhancing
6 5 water quality in the state through the provision of financial
6 6 assistance to communities for a variety of impairment=based,
6 7 locally directed watershed projects.
6 8 2. For purposes of this section, unless the context
6 9 otherwise requires:
6 10 a. "Qualified entity" means the same as defined in section
6 11 384.84.
6 12 b. "Sponsor project" means a water resource restoration
6 13 project as defined in section 384.80.
6 14 3. Moneys in the water pollution control works revolving
6 15 loan fund created in section 455B.295, and the drinking water
6 16 facilities revolving loan fund created in section 455B.295,
6 17 shall be used for the water resource restoration sponsor
6 18 program. The department shall establish on an annual basis
6 19 the percentage of moneys available for the sponsor program
6 20 from the funds.
6 21 4. The interest rate on the loan under the program for
6 22 communities participating in a sponsor project shall be set at
6 23 a level that requires the community to pay not more than the
6 24 amount the community would have paid if they did not
6 25 participate in a sponsor project.
6 26 5. Not more than ninety percent of the projected interest
6 27 payments on bonds issued under section 384.84 or the total
6 28 cost of the sponsor project shall be advanced to the
6 29 community, whichever is lower.
6 30 6. A proposed sponsor project must be compatible with the
6 31 goals of the water resource restoration sponsor program, shall
6 32 include the application of best management practices for the
6 33 primary purpose of water quality protection and improvement,
6 34 and may include but not be limited to any of the following:
6 35 a. Riparian buffer acquisition, enhancement, expansion, or

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7 1 restoration.
7 2 b. Conservation easements.
7 3 c. Riparian zone or wetland buffer extension or
7 4 restoration.
7 5 d. Wetland restoration in conjunction with an adjoining
7 6 high=quality water resource.
7 7 e. Stream bank stabilization and natural channel design
7 8 techniques.
7 9 f. In=stream habitat enhancements and dam removals.
7 10 7. A proposed sponsor project shall not include any of the
7 11 following:
7 12 a. Passive recreation activities and trails including bike
7 13 trails, playgrounds, soccer fields, picnic tables, and picnic
7 14 grounds.
7 15 b. Parking lots.
7 16 c. Diverse habitat creation contrary to the botanical
7 17 history of the area.
7 18 d. Planting of nonnative plant species.
7 19 e. Dredging.
7 20 f. Supplemental environmental projects required as a part
7 21 of a consent decree.
7 22 8. A sponsor project must be approved by the department
7 23 prior to participating in the water resource restoration
7 24 sponsor program.
7 25 9. A resolution by the city council must be approved and
7 26 included as part of an application for the water resource
7 27 restoration sponsor program. After approval of the project,
7 28 the city council shall enter into an agreement pursuant to
7 29 chapter 28E with the qualified entity who shall implement the
7 30 project.
7 31 10. Any conservation easements purchased with moneys
7 32 received under the program must be in perpetuity and must be
7 33 subject to use restrictions that permanently restrict the
7 34 future uses of the land.
7 35 11. The commission shall adopt rules pursuant to chapter

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8 1 17A necessary for the administration of this section.
8 2 Sec. 8. Section 455B.295, subsection 2, Code 2009, is
8 3 amended to read as follows:
8 4 2. Each of the revolving loan funds shall include sums
8 5 appropriated to the revolving loan funds by the general
8 6 assembly, sums transferred by action of the governor under
8 7 section 455B.296, subsection 3, sums allocated to the state
8 8 expressly for the purposes of establishing each of the
8 9 revolving loan funds under the Clean Water Act and the Safe
8 10 Drinking Water Act, all receipts by the revolving loan funds,
8 11 and any other sums designated for deposit to the revolving
8 12 loan funds from any public or private source. All moneys
8 13 appropriated to and deposited in the revolving loan funds are
8 14 appropriated and shall be used for the sole purpose of making
8 15 loans to eligible entities to finance all or part of the cost
8 16 of projects, including sponsor projects under the water
8 17 resource restoration sponsor program established in section
8 18 455B.199. The moneys appropriated to and deposited in the
8 19 water pollution control works revolving loan fund shall not be
8 20 used to pay the nonfederal share of the cost of projects
8 21 receiving grants under the Clean Water Act. The moneys in the
8 22 revolving loan funds are not considered part of the general
8 23 fund of the state, are not subject to appropriation for any
8 24 other purpose by the general assembly, and in determining a
8 25 general fund balance shall not be included in the general fund
8 26 of the state but shall remain in the revolving loan funds to
8 27 be used for their respective purposes. The revolving loan
8 28 funds are separate dedicated funds under the administration
8 29 and control of the authority and subject to section 16.31.
8 30 Moneys on deposit in the revolving loan funds shall be
8 31 invested by the treasurer of state in cooperation with the
8 32 authority, and the income from the investments shall be
8 33 credited to and deposited in the appropriate revolving loan
8 34 funds.
8 35 DIVISION III

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9 1 PERMITTING == VARIANCES == ALTERNATIVE
9 2 WASTEWATER TREATMENT TECHNOLOGIES
9 3 Sec. 9. NEW SECTION. 455B.199A PRIORITIZATION OF
9 4 MUNICIPAL WATER QUALITY IMPROVEMENT PROJECTS.
9 5 1. The department may allow schedules of compliance to be
9 6 included in permits whenever authorized by federal law or
9 7 regulations. Such schedules shall be established to maximize
9 8 benefits and minimize local financial impact, where such
9 9 opportunities arise. If information is provided showing that
9 10 the anticipated costs of compliance with a schedule have no
9 11 reasonable relationship to environmental or public health
9 12 needs or benefits, or may result in other detrimental
9 13 environmental impacts, such as significant greenhouse gas
9 14 emissions, the projects may be deferred, in whole or in part
9 15 as determined appropriate by the department, and a variance
9 16 granted, as consistent with applicable federal law or
9 17 regulations.
9 18 2. Unless otherwise restricted by federal law or
9 19 regulations, the department may allow compliance schedules of
9 20 up to forty years in national pollutant discharge elimination
9 21 system permits, particularly where the costs of compliance
9 22 with federal program mandates will adversely impact the
9 23 construction of other necessary local capital improvement
9 24 projects. If the department determines an existing condition
9 25 constitutes a significant public health or environmental
9 26 threat, the schedule of compliance shall be based on the
9 27 shortest practicable time frame for remedying the condition.
9 28 Sec. 10. NEW SECTION. 455B.199B DISADVANTAGED
9 29 COMMUNITIES VARIANCE.
9 30 1. The department may provide for a variance of
9 31 regulations pursuant to this part when it determines that
9 32 regulations adopted pursuant to this part affect a
9 33 disadvantaged community. Such a variance shall be consistent
9 34 with federal rules and regulations. In considering an
9 35 application for a variance, the department shall consider the

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10 1 substantial and widespread economic and social impact to the
10 2 ratepayers and the affected community that may occur as a
10 3 result of compliance with a federal regulation, a rule adopted
10 4 by the department, or an order of the department pursuant to
10 5 this part. In considering an application for a variance, the
10 6 department shall take into account the rules adopted pursuant
10 7 to this part with which a regulated entity and the
10 8 commensurate affected community are required to comply.
10 9 2. The department shall find that a regulated entity and
10 10 the affected community are a disadvantaged community under any
10 11 of the following circumstances:
10 12 a. A financial analysis of the regulated entity shows that
10 13 the capital, operating, and maintenance costs of pollution
10 14 control will have a substantial impact on the other municipal
10 15 operations of the regulated entity, impact the general
10 16 economic health of that community, or that the regulated
10 17 entity has a limited ability to obtain financing.
10 18 b. (1) The financial impact for households in the
10 19 community resulting from compliance or predating compliance
10 20 include all of the following:
10 21 (a) The per capita cost of the regulatory compliance
10 22 results in sewer rates that equal at least two percent of
10 23 median household income.
10 24 (b) Over fifty percent of the residences in the affected
10 25 community have a residential home property tax valuation of
10 26 fifty thousand dollars or less.
10 27 (c) Over fifty percent of the households in the affected
10 28 community have an annual gross income of less than thirty=five
10 29 thousand dollars.
10 30 (d) Over ten percent of the households in the affected
10 31 community are receiving food assistance from the department of
10 32 human services.
10 33 (2) (a) If a community demonstrates the factor in
10 34 paragraph "b", subparagraph (1), subparagraph division (a),
10 35 exists or will exist as a result of mandated state and federal

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11 1 requirements, the community shall be considered to have
11 2 demonstrated substantial and widespread economic and social
11 3 impact under applicable federal law.
11 4 (b) If a community demonstrates that any two factors in
11 5 paragraph "b", subparagraph (1), exist or the factors in
11 6 paragraph "b", subparagraph (1), subparagraph divisions (b)
11 7 through (d) all exist in the community and the projected costs
11 8 of compliance will exceed one and one=half percent of median
11 9 income, the community shall be considered to have demonstrated
11 10 substantial and widespread economic impact under applicable
11 11 federal law.
11 12 3. The department may grant a regulated entity a variance
11 13 from complying with a rule adopted pursuant to this part or as
11 14 otherwise allowed by federal law, if the department determines
11 15 that the regulated entity or the affected community will
11 16 suffer substantial and widespread economic and social impact.
11 17 The department shall ensure the conditions of any variance
11 18 represent reasonable progress toward complying with rules
11 19 adopted pursuant to this part, but do not result in
11 20 substantial and widespread economic and social impact.
11 21 4. The department shall develop disadvantaged community
11 22 criteria for the revolving loan funds created in sections
11 23 455B.291 through 455B.299 and incorporate the criteria into an
11 24 intended use plan. The disadvantaged community designation
11 25 shall allow a community to receive extended loan repayment
11 26 terms, or reduced interest rates for loans awarded from the
11 27 revolving loan funds.
11 28 Sec. 11. NEW SECTION. 455B.199C ALTERNATIVE WASTEWATER
11 29 TREATMENT TECHNOLOGIES == LEGISLATIVE INTENT AND PURPOSE.
11 30 1. The intent of the general assembly is to address the
11 31 rising costs of water and wastewater treatment compliance for
11 32 regulated entities and affected communities by authorizing the
11 33 use of alternative treatment technologies. The purpose of
11 34 this section is to eliminate regulatory barriers that limit or
11 35 prevent the use of new or innovative technologies.

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12 1 2. The department shall produce and publish design
12 2 guidance documents for alternative wastewater treatment
12 3 technologies. The guidance documents shall be intended to
12 4 encourage regulated entities to use such technologies and to
12 5 assist design engineers with the submission of projects
12 6 employing alternative wastewater treatment technologies that
12 7 can be readily approved by the department.
12 8 3. Systems which employ alternative treatment technologies
12 9 shall be eligible for wastewater treatment financial
12 10 assistance pursuant to section 16.134.
12 11 4. In writing design guidance documents for alternative
12 12 wastewater treatment technologies the department shall review
12 13 all of the following:
12 14 a. Curriculum materials published by the consortium of
12 15 institutes for decentralized wastewater treatment.
12 16 b. The on=site sewage design and reference manual
12 17 published by the department of natural resources.
12 18 c. The guidance manual for the management of on=site and
12 19 decentralized wastewater systems published by the United
12 20 States environmental protection agency.
12 21 d. The most recent edition of a textbook on wastewater
12 22 engineering compiled by Metcalf and Eddy, incorporated.
12 23 e. Other credible sources of information on the design,
12 24 operation, and performance of alternative wastewater treatment
12 25 technologies.
12 26 5. The department shall waive setback requirements if a
12 27 treatment process does not result in exposed wastewater.
12 28 6. Communities that employ treatments that do not affect
12 29 surface water such as soil infiltration systems shall be
12 30 subject to reduced monitoring requirements.
12 31 7. The department shall revise wastewater treatment
12 32 criteria to reflect treatment performance rather than
12 33 prescriptive criteria.
12 34 Sec. 12. Section 455B.176A, subsections 7, 8, and 9, Code
12 35 2009, are amended by striking the subsections.

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13 1 EXPLANATION
13 2 This bill relates to:
13 3 DIVISION I. This division of the bill amends the
13 4 wastewater treatment financial assistance program administered
13 5 by the Iowa finance authority. The division provides that one
13 6 of the goals of the program shall be to base awards on the
13 7 impact of the grant combined with other sources of financing
13 8 to ensure that sewer rates increase by not more than 1 and 1/2
13 9 percent of a community's median household income. The
13 10 division eliminates a restriction that communities with a
13 11 population of 3,000 or more do not qualify for financial
13 12 assistance under the program. The division provides that
13 13 priority under the program shall be given to communities that
13 14 employ an alternative wastewater treatment technology and to
13 15 communities where sewer rates are the highest as a percentage
13 16 of that community's household income. The division eliminates
13 17 local match requirements. The division provides that grants
13 18 shall be provided on an annual basis. The division limits
13 19 grants to not more than $500,000 per applicant.
13 20 The division creates a new wastewater viability assessment
13 21 process. The division requires the authority, in cooperation
13 22 with the department of natural resources, to require the use
13 23 of a wastewater viability assessment for any wastewater
13 24 treatment facility seeking a grant under the wastewater
13 25 treatment financial assistance program or a grant funded by
13 26 federal community development block grant moneys. A
13 27 wastewater viability assessment shall determine the long=term
13 28 operational and financial capacity of the facility and its
13 29 ratepayers. The division requires the authority to develop
13 30 minimum criteria for eligibility based on the viability
13 31 assessment. The division requires the authority, in
13 32 cooperation with the department, to develop the wastewater
13 33 viability assessment.
13 34 DIVISION II. This division of the bill adds qualified
13 35 water resource restoration projects to the types of projects

House Study Bill 264 continued

14 1 that a city may carry out, borrow money, and issue revenue
14 2 bonds for. A qualified water resource restoration project is
14 3 the acquisition of real property or improvements or other
14 4 activity or undertaking that will assist in improving the
14 5 quality of the water in the watershed where a city water or
14 6 wastewater utility is located. The division allows the
14 7 governing body of a city water or wastewater utility to enter
14 8 into an agreement with a qualified entity to use proceeds from
14 9 revenue bonds for a water resource restoration project if
14 10 certain criteria are met.
14 11 The division creates a water resource restoration sponsor
14 12 program to be administered by the department of natural
14 13 resources for purposes of assisting in enhancing water quality
14 14 in the state through the provision of financial assistance to
14 15 communities for a variety of impairment=based, locally
14 16 directed watershed projects. The division provides that
14 17 moneys in the water pollution control works revolving loan
14 18 fund and the drinking water facilities revolving loan fund
14 19 shall be used for the water resource restoration sponsor
14 20 program. The division provides that a project must be
14 21 compatible with the goals of the program, must include
14 22 application of best management practices for the primary
14 23 purpose of the water quality protection and improvement, and
14 24 may include certain types of projects. The division requires
14 25 a sponsor project to be approved by the department and a
14 26 resolution by the city council must be approved and included
14 27 as part of the application. The division requires that any
14 28 conservation easements purchased with moneys under the program
14 29 must be in perpetuity.
14 30 DIVISION III. This division of the bill relates to
14 31 permitting, variances, and alternative wastewater treatment
14 32 technologies.
14 33 The division provides that the department of natural
14 34 resources may allow schedules of compliance to be included in
14 35 permits whenever authorized by federal law. The schedules

House Study Bill 264 continued

15 1 shall be established to maximize benefits and minimize local
15 2 financial impact, where such opportunities arise. Unless
15 3 otherwise restricted, the department may allow compliance
15 4 schedules of up to 40 years in national pollutant discharge
15 5 elimination system permits, particularly where costs of
15 6 compliance with federal program mandates will adversely impact
15 7 the construction of other necessary local capital improvement
15 8 projects.
15 9 The division provides that the department may provide for a
15 10 variance of water quality regulations when it determines that
15 11 such regulations affect a disadvantaged community. The
15 12 division provides circumstances under which the department
15 13 must find that a regulated entity and the affected community
15 14 are a disadvantaged community. The division requires the
15 15 department to develop disadvantaged community criteria for
15 16 certain revolving loan funds and incorporate the criteria into
15 17 an intended use plan.
15 18 The division requires the department to produce and publish
15 19 design guidance documents for alternative wastewater treatment
15 20 technologies. The guidance documents shall be intended to
15 21 encourage regulated entities to use such technologies and to
15 22 assist design engineers with the submission of projects
15 23 employing alternative wastewater treatment technologies that
15 24 can be readily approved by the department. The division
15 25 provides that communities that employ treatments that do not
15 26 affect surface water shall be subject to reduced monitoring
15 27 requirements. The division requires the department to revise
15 28 wastewater treatment criteria to reflect treatment performance
15 29 rather than prescriptive criteria.
15 30 From Code section 455B.176A relating to water quality
15 31 standards, the division eliminates provisions relating to the
15 32 use of alternative technology systems to meet water quality
15 33 standards and provisions relating to consideration of
15 34 substantial and widespread economic and social impacts of a
15 35 water use designation.

House Study Bill 264 continued

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 16  1 LSB 2646HC 83
 16  2 tm/nh/24
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House Study Bill 265

PAG LIN

1 1 HOUSE RESOLUTION NO.
1 2 BY (PROPOSED COMMITTEE ON REBUILD
1 3 IOWA AND DISASTER RECOVERY BY
1 4 CHAIRPERSON SCHUELLER)
1 5 A Resolution requesting the legislative council to
1 6 authorize a study of the county emergency
1 7 management system for the 2009 interim.
1 8 WHEREAS, the effective management of emergency
1 9 services in counties is a key element to protecting
1 10 the safety of citizens when emergencies and disasters
1 11 occur; and
1 12 WHEREAS, while Iowa has a strong record of
1 13 community involvement in responding to emergencies and
1 14 disaster situations, there is potential for improving
1 15 the formal systems for responding; NOW THEREFORE,
1 16 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 17 That the legislative council is requested to authorize
1 18 a study of county emergency management systems for the
1 19 2009 interim; and
1 20 BE IT FURTHER RESOLVED, That the study should
1 21 address all areas with potential for improving county
1 22 emergency management systems, including but not
1 23 limited to efficiencies, cost=saving measures such as
1 24 service sharing between and within counties,
1 25 communications systems, and training programs.
1 26 LSB 2589HC 83
1 27 jp/rj/8

House Study Bill 266

SENATE/HOUSE FILE
BY (PROPOSED COMMITTEE ON APPROPRIATIONS
BILL BY JOINT APPROPRIATIONS
SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to and making transportation and other infrastructure=related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1008JB 83
dea/tm:jp/8

House Study Bill 266 continued

PAG LIN

1 1 Section 1. ROAD USE TAX FUND. There is appropriated from
1 2 the road use tax fund created in section 312.1 to the
1 3 department of transportation for the fiscal year beginning
1 4 July 1, 2009, and ending June 30, 2010, the following amounts,
1 5 or so much thereof as is necessary, to be used for the
1 6 purposes designated:
1 7 1. For the payment of costs associated with the production
1 8 of driver's licenses, as defined in section 321.1, subsection
1 9 20A:
1 10 ..... $ 3,714,000
1 11 Notwithstanding section 8.33, moneys appropriated in this
1 12 subsection that remain unencumbered or unobligated at the
1 13 close of the fiscal year shall not revert but shall remain
1 14 available for subsequent fiscal years for the purposes
1 15 specified in this subsection.
1 16 2. For salaries, support, maintenance, and miscellaneous
1 17 purposes:
1 18 a. Operations:
1 19 ..... $ 6,657,336
1 20 b. Planning:
1 21 ..... $ 506,515
1 22 c. Motor vehicles:
1 23 ..... $ 36,752,012
1 24 3. For payments to the department of administrative
1 25 services for utility services:
1 26 ..... $ 225,000
1 27 4. Unemployment compensation:
1 28 ..... $ 7,000
1 29 5. For payments to the department of administrative
1 30 services for paying workers' compensation claims under chapter
1 31 85 on behalf of employees of the department of transportation:
1 32 ..... $ 142,000
1 33 6. For payment to the general fund of the state for
1 34 indirect cost recoveries:
1 35 ..... $ 78,000

House Study Bill 266 continued

2 1 7. For reimbursement to the auditor of state for audit
2 2 expenses as provided in section 11.5B:
2 3 ..... $ 67,319
2 4 8. For automation, telecommunications, and related costs
2 5 associated with the county issuance of driver's licenses and
2 6 vehicle registrations and titles:
2 7 ..... $ 1,394,000
2 8 9. For transfer to the department of public safety for
2 9 operating a system providing toll=free telephone road and
2 10 weather conditions information:
2 11 ..... $ 100,000
2 12 10. For costs associated with the participation in the
2 13 Mississippi river parkway commission:
2 14 ..... $ 40,000
2 15 11. For membership in North America's supercorridor
2 16 coalition:
2 17 ..... $ 50,000
2 18 12. For motor vehicle division field facility maintenance
2 19 projects at various locations:
2 20 ..... $ 200,000
2 21 Notwithstanding section 8.33, moneys appropriated in this
2 22 subsection that remain unencumbered or unobligated at the
2 23 close of the fiscal year shall not revert but shall remain
2 24 available for expenditure for the purposes designated until
2 25 the close of the fiscal year that begins July 1, 2012.
2 26 13. For costs associated with development of the loess
2 27 hills national scenic byway:
2 28 ..... $ 20,000
2 29 Sec. 2. PRIMARY ROAD FUND. There is appropriated from the
2 30 primary road fund created in section 313.3 to the department
2 31 of transportation for the fiscal year beginning July 1, 2009,
2 32 and ending June 30, 2010, the following amounts, or so much
2 33 thereof as is necessary, to be used for the purposes
2 34 designated:
2 35 1. For salaries, support, maintenance, miscellaneous

House Study Bill 266 continued

3 1 purposes, and for not more than the following full=time
3 2 equivalent positions:
3 3 a. Operations:
3 4 ..... $ 40,890,860
3 5 ..... FTEs 311.00
3 6 b. Planning:
3 7 ..... $ 9,611,696
3 8 ..... FTEs 131.00
3 9 c. Highways:
3 10 ..... $236,263,176
3 11 ..... FTEs 2,453.00
3 12 d. Motor vehicles:
3 13 ..... $ 1,555,005
3 14 ..... FTEs 498.00
3 15 Of the total amount appropriated in this paragraph and the
3 16 total full=time equivalent positions authorized in this
3 17 paragraph, the expenditure of $1,148,000 and the filling of 20
3 18 full=time equivalent positions are contingent upon the need of
3 19 the department for the additional positions in order to
3 20 implement federal requirements pursuant to the federal REAL ID
3 21 Act of 2005 and successor legislation.
3 22 2. For payments to the department of administrative
3 23 services for utility services:
3 24 ..... $ 1,382,000
3 25 3. Unemployment compensation:
3 26 ..... $ 138,000
3 27 4. For payments to the department of administrative
3 28 services for paying workers' compensation claims under chapter
3 29 85 on behalf of the employees of the department of
3 30 transportation:
3 31 ..... $ 3,406,000
3 32 5. For disposal of hazardous wastes from field locations
3 33 and the central complex:
3 34 ..... $ 800,000
3 35 6. For payment to the general fund of the state for

House Study Bill 266 continued

4 1 indirect cost recoveries:
4 2 ..... $ 572,000
4 3 7. For reimbursement to the auditor of state for audit
4 4 expenses as provided in section 11.5B:
4 5 ..... $ 415,181
4 6 8. For costs associated with producing transportation
4 7 maps:
4 8 ..... $ 242,000
4 9 9. For inventory and equipment replacement:
4 10 ..... $ 2,250,000
4 11 10. For utility improvements at various locations:
4 12 ..... $ 400,000
4 13 11. For roofing projects at various locations:
4 14 ..... $ 200,000
4 15 12. For heating, cooling, and exhaust system improvements
4 16 at various locations:
4 17 ..... $ 100,000
4 18 13. For deferred maintenance projects at field facilities
4 19 throughout the state:
4 20 ..... $ 1,000,000
4 21 14. For construction of a new Rockwell City garage:
4 22 ..... $ 3,000,000
4 23 15. For federal Americans With Disabilities Act
4 24 improvements at various locations:
4 25 ..... $ 120,000
4 26 16. For elevator upgrades at the Ames complex:
4 27 ..... $ 100,000
4 28 Notwithstanding section 8.33, moneys appropriated in
4 29 subsections 10 through 16 that remain unencumbered or
4 30 unobligated at the close of the fiscal year shall not revert
4 31 but shall remain available for expenditure for the purposes
4 32 designated until the close of the fiscal year that begins July
4 33 1, 2012.
4 34 EXPLANATION
4 35 This bill makes and limits appropriations for FY 2009=2010

House Study Bill 266 continued

5 1 from the road use tax fund and the primary road fund to the
5 2 department of transportation.
5 3 Appropriations from the road use tax fund include
5 4 appropriations for driver's license production costs,
5 5 salaries, operations, planning, motor vehicles, utility
5 6 services provided by the department of administrative
5 7 services, unemployment and workers' compensation, indirect
5 8 cost recoveries, audits, county issuance of driver's licenses
5 9 and vehicle registration and titling, a system providing
5 10 toll=free telephone road and weather reports, participation in
5 11 the Mississippi river parkway commission, membership in North
5 12 America's supercorridor coalition, motor vehicle division
5 13 field facility maintenance projects, and development of the
5 14 loess hills national scenic byway.
5 15 Appropriations from the primary road fund include
5 16 appropriations for salaries, operations, planning, highways,
5 17 motor vehicles, utility services provided by the department of
5 18 administrative services, unemployment and workers'
5 19 compensation, hazardous waste disposal, indirect cost
5 20 recoveries, audits, production of transportation maps,
5 21 inventory and equipment replacement, utility projects, roofing
5 22 projects, heating and cooling improvements, deferred
5 23 maintenance at field facilities, replacement of the Rockwell
5 24 City garage, various federal Americans With Disabilities Act
5 25 improvements, and elevator upgrades at the Ames complex.
5 26 LSB 1008JB 83
5 27 dea/tm:jp/8

House Study Bill 267

HOUSE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON
D. OLSON)

Passed House, Date _____ Passed Senate, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act relating to a waste tire stewardship and management fund
2 and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2674HC 83
5 tm/rj/14

House Study Bill 267 continued

PAG LIN

1 1 Section 1. Section 455D.11, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. Land disposal of waste tires is prohibited beginning
1 4 July 1, ~~1991, unless the tire has been processed in a manner~~
~~1 5 established by the department. A sanitary landfill shall not~~
~~1 6 refuse to accept a waste tire which has been properly~~
~~1 7 processed~~ 2009.
1 8 Sec. 2. Section 455D.11C, Code 2009, is amended by
1 9 striking the section and inserting in lieu thereof the
1 10 following:
1 11 455D.11C. WASTE TIRE STEWARDSHIP AND MANAGEMENT FUND.
1 12 1. a. A waste tire stewardship and management fund is
1 13 created within the state treasury. Beginning July 1, 2009, a
1 14 stewardship fee of one dollar per tire shall be charged for
1 15 each new tire sold at retail within the state. The
1 16 stewardship fee shall not be charged for a tire bought for
1 17 purposes of resale. The stewardship fee shall be added to the
1 18 total cost of the new tire after the applicable sales taxes
1 19 have been computed. Tires not subject to the stewardship fee
1 20 shall include used tires, recapped tires, and tires for
1 21 bicycles.
1 22 b. The department of revenue shall administer, collect,
1 23 and enforce the stewardship fee authorized pursuant to this
1 24 section.
1 25 c. A retailer shall remit the stewardship fees to the
1 26 department of revenue on a quarterly basis pursuant to rules
1 27 adopted by the department of revenue. The department of
1 28 revenue shall remit all revenue collected under the provisions
1 29 of this section to the treasurer of state for deposit in the
1 30 waste tire stewardship and management fund. All revenue
1 31 credited to the fund are appropriated to the department of
1 32 natural resources for the purposes provided in subsection 2.
1 33 d. Notwithstanding section 8.33, moneys appropriated in
1 34 this section that remain unencumbered or unobligated at the
1 35 close of the fiscal year shall not revert but shall remain

House Study Bill 267 continued

2 1 available for expenditure for the purposes designated until
2 2 the close of the succeeding fiscal year. Notwithstanding
2 3 section 12.7, any interest or earnings on investments from
2 4 moneys in the fund shall be credited to the fund.
2 5 e. Moneys from the fund that are expended by the
2 6 department in closing or bringing into compliance a waste tire
2 7 collection site pursuant to section 455D.11A and later
2 8 recouped by the department shall be credited to the fund.
2 9 2. Moneys in the waste tire stewardship and management
2 10 fund shall be used for the following purposes:
2 11 a. Up to four hundred thousand dollars shall be used each
2 12 fiscal year for all of the following purposes:
2 13 (1) The issuing of permits and registrations of tire
2 14 processing, storage, and hauling activities.
2 15 (2) The administration of the waste tire stockpile
2 16 abatement program and to support illegal dumping enforcement.
2 17 (3) To conduct outreach and perform educational activities
2 18 that promote the proper management of waste tires.
2 19 (4) The management of cost=share grants that assist in
2 20 promotion and reuse of recycled waste tire materials and
2 21 products.
2 22 (5) To provide waste tire and illegal dumping prevention,
2 23 education, and assistance to local governments.
2 24 b. The remainder of moneys in the fund each fiscal year
2 25 shall be allocated as follows:
2 26 (1) Ten percent of the moneys shall be used for public
2 27 education and awareness initiatives related to proper tire and
2 28 solid waste recycling and disposal options and the
2 29 environmental and health hazards posed by improper tire
2 30 storage and illegal dumping of solid waste.
2 31 (2) Thirty percent of the moneys shall be used for the
2 32 provision of a grant program for end users of recycled waste
2 33 tire materials and products.
2 34 (3) Fifteen percent of the moneys shall be used for the
2 35 provision of grants to local governments and entities

House Study Bill 267 continued

3 1 established pursuant to chapter 28E for establishing
3 2 prevention, education, and enforcement programs targeted at
3 3 illegal dumping of waste tires. Moneys allocated pursuant to
3 4 this subparagraph shall not be used to fund programs commonly
3 5 known as illegal dumping amnesty events.
3 6 (4) Five percent of the moneys shall be used for grants to
3 7 local public health agencies for education and awareness
3 8 initiatives related to the risks posed by insect and vermin
3 9 populations, and insect=borne and vermin=borne diseases
3 10 fostered by the illegal disposal of waste tires.
3 11 (5) Forty percent of the moneys shall be used for waste
3 12 tire stockpile abatement and illegal solid waste dump site
3 13 cleanup. The department may require a cost=share agreement
3 14 with a responsible party.
3 15 EXPLANATION
3 16 This bill relates to a waste tire stewardship and
3 17 management fund.
3 18 The bill eliminates an exception to the prohibition against
3 19 the land disposal of waste tires.
3 20 The bill eliminates the waste tire management fund and
3 21 replaces it with a waste tire stewardship and management fund.
3 22 The bill provides that, beginning July 1, 2009, a stewardship
3 23 fee of $1 per tire shall be charged for each new tire sold at
3 24 retail within the state. The stewardship fee shall not be
3 25 charged for a tire bought for purposes of resale. The bill
3 26 provides that tires not subject to the stewardship fee include
3 27 used tires, recapped tires, and tires for bicycles.
3 28 The bill provides that a retailer shall remit the
3 29 stewardship fees to the department of revenue on a quarterly
3 30 basis and the department of revenue shall remit all revenue
3 31 collected to the treasurer of state for deposit in the waste
3 32 tire stewardship and management fund. All revenue credited to
3 33 the fund is appropriated to the department of natural
3 34 resources for the purposes provided in the bill.
3 35 The bill provides that up to $400,000 in the fund shall be

House Study Bill 267 continued

4 1 used each fiscal year for issuing of permits and registrations
4 2 of tire processing, storage, and hauling activities; the
4 3 administration of the waste tire stockpile abatement program
4 4 and to support illegal dumping enforcement; to conduct
4 5 outreach and perform educational activities that promote the
4 6 proper management of waste tires; the management of cost=share
4 7 grants that assist in promotion and reuse of recycled waste
4 8 tire materials and products; and to provide waste tire and
4 9 illegal dumping prevention, education, and assistance to local
4 10 governments. The remainder of moneys in the fund each fiscal
4 11 year shall be allocated as follows: 10 percent for public
4 12 education and awareness initiatives; 30 percent for the
4 13 provision of a grant program for end users of recycled waste
4 14 tire materials and products; 15 percent for the provision of
4 15 grants to local governments and entities established pursuant
4 16 to chapter 28E; 5 percent for grants to local public health
4 17 agencies for education and awareness initiatives; and 40
4 18 percent for waste tire stockpile abatement and illegal solid
4 19 waste dump site cleanup.
4 20 LSB 2674HC 83
4 21 tm/rj/14

Senate Amendment 3064

PAG LIN

1 1 Amend Senate File 195 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. Section 203D.5, subsection 2, Code
1 5 2009, is amended to read as follows:
1 6 2. If, at the end of any three=month period, the
1 7 assets of the fund exceed ~~six~~ eight million dollars,
1 8 less any encumbered balances or pending or unsettled
1 9 claims, the per=bushel fee required under section
1 10 203D.3, subsection 2, and the dealer=warehouse fee
1 11 required under section 203D.3, subsection 3, shall be
1 12 waived and the fees are not assessable or owing. The
1 13 board shall reinstate the fees if the assets of the
1 14 fund, less any unencumbered balances or pending or
1 15 unsettled claims, are three million dollars or less.
1 16 Sec. 2. Section 203D.6, subsection 1, Code 2009,
1 17 is amended to read as follows:
1 18 1. PERSONS WHO MAY FILE CLAIMS ~~== TIME OF FILING~~.
1 19 A depositor or seller may file a claim with the
1 20 department for indemnification of a loss from the
1 21 grain depositors and sellers indemnity fund. A claim
1 22 shall be filed in the manner prescribed by the board.
1 23 ~~A claim shall not be filed prior to the~~
1 24 1A. TIME OF FILING CLAIM.
1 25 a. As used in this subsection, an incurrence date~~,~~
1 26 ~~which is the earlier~~ is when either of the following
1 27 occurs:
1 28 ~~a.~~ (1) The revocation, termination, or
1 29 cancellation of the license of the grain dealer or
1 30 warehouse operator.
1 31 ~~b.~~ (2) The filing of a petition in bankruptcy by a
1 32 licensed grain dealer or licensed warehouse operator.
1 33 b. To be timely, a claim ~~shall~~ must be filed
1 34 within a claim period beginning on either incurrence
1 35 date and ending one hundred twenty days ~~of the~~ after
1 36 that incurrence date, regardless of whether a previous
1 37 claim period has expired.
1 38 Sec. 3. Section 203D.6, subsection 3, paragraph d,
1 39 Code 2009, is amended to read as follows:
1 40 d. That the claim derives from a covered
1 41 transaction. For purposes of this paragraph, a claim
1 42 derives from a covered transaction if the claimant is
1 43 a seller who transferred title to the grain to a
1 44 licensed grain dealer other than by credit=sale
1 45 contract within six months of the incurrence date for
1 46 a claim period as provided in subsection 1A, or if the
1 47 claimant is a depositor who delivered the grain to a
1 48 licensed warehouse operator.
1 49 Sec. 4. Section 203D.6, subsection 3, Code 2009,
1 50 is amended by adding the following new paragraph:

Senate Amendment 3064 continued

2 1 NEW PARAGRAPH. f. A claim has not been paid for
2 2 the same loss.
2 3 Sec. 5. Section 203D.6, subsection 7, Code 2009,
2 4 is amended to read as follows:
2 5 7. PAYMENT OF CLAIMS. Upon a determination that
2 6 the claim is eligible for payment, the board shall
2 7 provide for payment of ninety percent of the loss, as
2 8 determined under subsection 4, but not more than ~~one~~
2 9 three hundred ~~fifty~~ thousand dollars per claimant. If
2 10 at any time the board determines that there are
2 11 insufficient funds to make payment of all claims, the
2 12 board may order that payment be deferred on specified
2 13 claims. The department, upon the board's instruction,
2 14 shall hold those claims for payment until the board
2 15 determines that the fund again contains sufficient
2 16 assets.
2 17 Sec. 6. EFFECTIVE DATE AND RETROACTIVE
2 18 APPLICATION. This Act, being deemed of immediate
2 19 importance, takes effect upon enactment and applies
2 20 retroactively to October 1, 2008.>
2 21 #2. Title page, line 2, by inserting after the
2 22 word <fund> the following: <, and providing for an
2 23 effective date and retroactive applicability>.
2 24
2 25
2 26
2 27 EUGENE S. FRAISE
2 28 SF 195.701 83
2 29 da/nh/22245

Senate Amendment 3065

PAG LIN

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     1  1    Amend Senate File 344 as follows:
     1  2 #1.  Page 7, by striking lines 1 through 11.
     1  3 #2.  Page 7, line 30, by striking the word <two>
     1  4 and inserting the following:  <one>.
     1  5 #3.  By renumbering as necessary.
     1  6
     1  7
     1  8
     1  9 RICH OLIVE
     1 10 SF 344.701 83
     1 11 tw/rj/22392
   1 12
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Senate File 355 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1196)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1357SV 83
rn/nh/24

Senate File 355 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 MORTGAGE LOAN ORIGINATORS
1 3 Section 1. NEW SECTION. 535D.1 TITLE.
1 4 This chapter shall be known and may be cited as the "Iowa
1 5 Secure and Fair Enforcement for Mortgage Licensing Act".
1 6 Sec. 2. NEW SECTION. 535D.2 LEGISLATIVE FINDINGS AND
1 7 PURPOSE.
1 8 The activities of mortgage loan originators and the
1 9 origination or offering of financing for residential real
1 10 property have a direct, valuable, and immediate impact upon
1 11 this state's consumers, its economy, the neighborhoods and
1 12 communities of this state, and the housing and real estate
1 13 industry. The general assembly finds that accessibility to
1 14 mortgage credit is vital to the state's citizens. The general
1 15 assembly also finds that it is essential for the protection of
1 16 the citizens of this state and the stability of the state's
1 17 economy that reasonable standards for licensing and regulation
1 18 of the business practices of mortgage loan originators be
1 19 imposed. The general assembly further finds that the
1 20 obligations of mortgage loan originators to consumers in
1 21 connection with originating or making residential mortgage
1 22 loans are such as to warrant the regulation of the mortgage
1 23 lending process. The purpose of this chapter is to protect
1 24 consumers seeking mortgage loans and to ensure that the
1 25 mortgage lending industry is operating without unfair,
1 26 deceptive, or fraudulent practices on the part of mortgage
1 27 loan originators.
1 28 Sec. 3. NEW SECTION. 535D.3 DEFINITIONS.
1 29 As used in this chapter, unless the context otherwise
1 30 requires:
1 31 1. "Clerical or support duties" means, subsequent to the
1 32 receipt of a residential mortgage loan application, the
1 33 receipt, collection, distribution, and analysis of information
1 34 common for the processing or underwriting of a residential
1 35 mortgage loan; and communicating with a consumer to obtain the

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2 1 information necessary for the processing or underwriting of a
2 2 residential mortgage loan, to the extent that such
2 3 communication does not include offering or negotiating loan
2 4 rates or terms, or counseling consumers about residential
2 5 mortgage loan rates or terms.
2 6 2. "Depository institution" means a depository institution
2 7 as defined in 12 U.S.C. } 1813(c) and a credit union organized
2 8 under the laws of this state, another state, or the United
2 9 States.
2 10 3. "Federal banking agencies" means the board of governors
2 11 of the federal reserve system, the comptroller of the
2 12 currency, the director of the office of thrift supervision,
2 13 the national credit union administration, and the federal
2 14 deposit insurance corporation.
2 15 4. "Immediate family member" means a spouse, child,
2 16 sibling, parent, grandparent, or grandchild. This includes
2 17 stepparents, stepchildren, stepsiblings, and adoptive
2 18 relationships.
2 19 5. "Individual" means a natural person.
2 20 6. "Loan processor or underwriter" means an individual who
2 21 performs clerical or support duties as an employee at the
2 22 direction of and subject to the supervision and instruction of
2 23 a person licensed, or exempt from licensing, under chapter
2 24 535B, 536, 536A, or this chapter.
2 25 7. "Loss mitigation efforts" means, when a residential
2 26 mortgage loan borrower is in default or default is reasonably
2 27 foreseeable, working with the borrower on behalf of the
2 28 residential mortgage loan servicer to modify either
2 29 temporarily or permanently the obligation or otherwise
2 30 mitigate loss on an existing residential mortgage loan.
2 31 8. "Mortgage loan originator" means an individual who for
2 32 compensation or gain or in the expectation of compensation or
2 33 gain takes a residential mortgage loan application or offers
2 34 or negotiates terms of a residential mortgage loan. "Mortgage
2 35 loan originator" does not include any of the following:

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3 1 a. An individual engaged solely as a loan processor or
3 2 underwriter except as otherwise provided in section 535D.4,
3 3 subsection 2.
3 4 b. An individual who only performs real estate brokerage
3 5 activities and is licensed in accordance with state law,
3 6 unless the individual is compensated by a lender, a mortgage
3 7 broker, or mortgage loan originator or by any agent of such
3 8 lender, mortgage broker, or mortgage loan originator.
3 9 c. An individual solely involved in extensions of credit
3 10 relating to timeshare plans, as that term is defined in 11
3 11 U.S.C. } 101(53D).
3 12 d. An individual employed by a residential mortgage loan
3 13 servicer if the individual is involved solely in loss
3 14 mitigation efforts.
3 15 9. "Nationwide mortgage licensing system and registry"
3 16 means a mortgage licensing system developed and maintained by
3 17 the conference of state bank supervisors and the American
3 18 association of residential mortgage regulators for the
3 19 licensing and registration of licensed mortgage loan
3 20 originators.
3 21 10. "Nontraditional mortgage product" means any mortgage
3 22 product other than a thirty=year fixed rate mortgage.
3 23 11. "Real estate brokerage activity" means any activity
3 24 that involves offering or providing real estate brokerage
3 25 services to the public, including the following:
3 26 a. Acting as a real estate agent or real estate broker for
3 27 a buyer, seller, lessor, or lessee of real property.
3 28 b. Bringing together parties interested in the sale,
3 29 purchase, lease, rental, or exchange of real property.
3 30 c. Negotiating, on behalf of any party, any portion of a
3 31 contract relating to the sale, purchase, lease, rental, or
3 32 exchange of real property other than in connection with
3 33 providing financing with respect to any such transaction.
3 34 d. Engaging in any activity for which a person engaged in
3 35 the activity is required to be registered or licensed as a

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4 1 real estate agent or real estate broker under any applicable
4 2 law.
4 3 e. Offering to engage in any activity, or act in any
4 4 capacity, described in paragraphs "a" through "d".
4 5 12. "Registered mortgage loan originator" means a mortgage
4 6 loan originator who is an employee of a depository
4 7 institution, a subsidiary that is owned and controlled by a
4 8 depository institution and regulated by a federal banking
4 9 agency, or an institution regulated by the farm credit
4 10 administration; and is registered with and maintains a unique
4 11 identifier through the nationwide mortgage licensing system
4 12 and registry.
4 13 13. "Residential mortgage loan" means any loan primarily
4 14 for personal, family, or household use that is secured by a
4 15 mortgage, deed of trust, or other equivalent consensual
4 16 security interest on a dwelling as defined in section 103(v)
4 17 of the federal Truth in Lending Act or on residential real
4 18 estate.
4 19 14. "Residential real estate" means any real property
4 20 located in this state, upon which is constructed or intended
4 21 to be constructed a dwelling as defined in section 103(v) of
4 22 the federal Truth in Lending Act.
4 23 15. "Superintendent" means the superintendent of banking
4 24 appointed pursuant to section 524.201.
4 25 16. "Unique identifier" means a number or other identifier
4 26 assigned by protocols established by the nationwide mortgage
4 27 licensing system and registry.
4 28 Sec. 4. NEW SECTION. 535D.4 LICENSE AND REGISTRATION
4 29 REQUIRED.
4 30 1. On or after January 1, 2010, an individual shall not
4 31 engage in the business of a mortgage loan originator with
4 32 respect to any residential real estate located in this state
4 33 without first obtaining and maintaining annually a license
4 34 under this chapter. Each licensed mortgage loan originator
4 35 must register with and maintain a valid unique identifier

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5 1 issued by the nationwide mortgage licensing system and
5 2 registry.
5 3 2. A loan processor or underwriter who is an independent
5 4 contractor may not engage in the activities of a loan
5 5 processor or underwriter unless such independent contractor
5 6 loan processor or underwriter obtains and maintains a license
5 7 pursuant to this section, and registers with and maintains a
5 8 valid unique identifier issued by the nationwide mortgage
5 9 licensing system and registry.
5 10 3. An individual engaging solely in loan processor or
5 11 underwriter activities shall not represent to the public,
5 12 through advertising or other means of communicating or
5 13 providing information including the use of business cards,
5 14 stationery, brochures, signs, rate lists, or other promotional
5 15 items, that the individual can or will perform any of the
5 16 activities of a mortgage loan originator.
5 17 Sec. 5. NEW SECTION. 535D.4A EXEMPTIONS.
5 18 This chapter does not apply to any of the following:
5 19 1. A registered mortgage loan originator when acting for
5 20 an employer described in section 535D.3, subsection 11.
5 21 2. An individual who offers or negotiates terms of a
5 22 residential mortgage loan with or on behalf of an immediate
5 23 family member of the individual.
5 24 3. An individual who offers or negotiates terms of a
5 25 residential mortgage loan secured by a dwelling that served as
5 26 the individual's residence.
5 27 4. A licensed attorney who negotiates the terms of a
5 28 residential mortgage loan on behalf of a client as an
5 29 ancillary matter to the attorney's representation of the
5 30 client, unless the attorney is compensated by a lender, a
5 31 mortgage broker, or other mortgage loan originator or by any
5 32 agent of such lender, mortgage broker, or other mortgage loan
5 33 originator.
5 34 5. A licensed manufactured housing retailer selling
5 35 mobile, manufactured, or modular homes, if the retailer only

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6 1 assists the consumer in filling out a loan application and
6 2 does not offer or negotiate loan rates or terms, and does not
6 3 do any counseling with consumers about residential mortgage
6 4 loan rates or terms and does not receive any payment or fee
6 5 from any company or individual for assisting the consumer.
6 6 Sec. 6. NEW SECTION. 535D.5 LICENSE AND REGISTRATION ==
6 7 APPLICATION AND ISSUANCE.
6 8 1. An applicant for licensure shall submit an application
6 9 on a form prescribed by the superintendent.
6 10 2. The superintendent may enter into a contract with the
6 11 nationwide mortgage licensing system and registry or other
6 12 entities designated by the nationwide mortgage licensing
6 13 system and registry to collect and maintain records and
6 14 process transaction fees or other fees related to licensees or
6 15 other persons subject to this chapter.
6 16 3. For the purpose of participating in the nationwide
6 17 mortgage licensing system and registry, the superintendent may
6 18 adopt rules which waive or modify, in whole or in part,
6 19 requirements of this chapter and replace them with
6 20 requirements reasonably necessary to participate in the
6 21 nationwide mortgage licensing system and registry.
6 22 4. In connection with an application for licensing as a
6 23 mortgage loan originator, the applicant shall, at a minimum,
6 24 furnish to the nationwide mortgage licensing system and
6 25 registry information concerning the applicant's identity,
6 26 including all of the following:
6 27 a. Fingerprints for submission to the federal bureau of
6 28 investigation, and any governmental agency or entity
6 29 authorized to receive such information for a state, national,
6 30 and international criminal history background check.
6 31 b. Personal history and experience in a form prescribed by
6 32 the nationwide mortgage licensing system and registry,
6 33 including the submission of authorization for the nationwide
6 34 mortgage licensing system and registry and the superintendent
6 35 to obtain an independent credit report obtained from a

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7 1 consumer reporting agency described in section 603(p) of the
7 2 federal Fair Credit Reporting Act; and information related to
7 3 any administrative, civil, or criminal findings by any
7 4 governmental jurisdiction.
7 5 c. Any other information requested by the superintendent.
7 6 5. For the purposes of this section and in order to reduce
7 7 the points of contact which the federal bureau of
7 8 investigation may have to maintain for purposes of subsection
7 9 4, the superintendent may use the nationwide mortgage
7 10 licensing system and registry as a channeling agent for
7 11 requesting information from and distributing information to
7 12 the United States department of justice or other governmental
7 13 agency, or to or from any other source so directed by the
7 14 superintendent.
7 15 Sec. 7. NEW SECTION. 535D.6 CONDITIONS OF LICENSURE.
7 16 An applicant for licensure as a mortgage loan originator
7 17 shall demonstrate qualifications as follows:
7 18 1. The applicant has never had a mortgage loan originator
7 19 license revoked in any governmental jurisdiction, except that
7 20 a subsequent formal vacation of such revocation shall not be
7 21 deemed a revocation.
7 22 2. The applicant has not been convicted of, or pled guilty
7 23 or no contest to, a felony in a domestic, foreign, or military
7 24 court during the seven=year period preceding the date of the
7 25 application for licensure; or at any time preceding such date
7 26 of application, if such felony involved an act of fraud,
7 27 dishonesty, or a breach of trust, or money laundering. A
7 28 pardon of a conviction shall not constitute a conviction for
7 29 purposes of this subsection.
7 30 3. The applicant has demonstrated financial
7 31 responsibility, character, and general fitness such as to
7 32 command the confidence of the community and to warrant a
7 33 determination that the applicant will operate honestly,
7 34 fairly, and efficiently within the purposes of this chapter.
7 35 For purposes of this subsection, a person has shown that the

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8 1 person is not financially responsible when the person has
8 2 shown a disregard in the management of their own financial
8 3 condition. The superintendent shall not deny a license on the
8 4 sole basis of an applicant's credit score. A determination
8 5 that an individual has not shown financial responsibility may
8 6 include but not be limited to current outstanding judgments,
8 7 except judgments solely as a result of medical expenses;
8 8 current outstanding tax liens or other government liens or
8 9 filings; foreclosures within the past three years; or a
8 10 pattern of seriously delinquent accounts within the past three
8 11 years.
8 12 4. The applicant has completed the prelicensing education
8 13 requirements pursuant to section 535D.7.
8 14 5. The applicant has passed a written test that meets the
8 15 requirements of section 535D.8.
8 16 6. The applicant has met the surety bond requirement or
8 17 paid into a recovery fund as required pursuant to section
8 18 535D.14.
8 19 7. There are no other grounds to deny the applicant a
8 20 license pursuant to rules adopted by the superintendent. Such
8 21 rules may include discretionary grounds for license denial.
8 22 Sec. 8. NEW SECTION. 535D.7 PRELICENSING EDUCATION OF
8 23 LOAN ORIGINATORS.
8 24 1. An applicant for licensure shall complete at least
8 25 twenty hours of prelicensing education approved in accordance
8 26 with subsection 2, which shall include at a minimum the
8 27 following:
8 28 a. Three hours of federal laws and regulations pertaining
8 29 to residential mortgage loan origination.
8 30 b. Three hours of ethics, which shall include instruction
8 31 on fraud, consumer protection, and fair lending issues.
8 32 c. Two hours of training related to lending standards for
8 33 the nontraditional mortgage product marketplace.
8 34 2. Prelicensing education courses shall be reviewed and
8 35 approved by the nationwide mortgage licensing system and

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9 1 registry based upon reasonable standards. Review and approval
9 2 of a prelicensing education course shall include review and
9 3 approval of the course provider.
9 4 3. A prelicensing education course that is approved by the
9 5 nationwide mortgage licensing system and registry, and is
9 6 provided by the employer of the applicant or an entity which
9 7 is affiliated with the applicant by an agency contract, or any
9 8 subsidiary or affiliate of such employer or entity, shall meet
9 9 the requirements of this section.
9 10 4. Prelicensing education may be offered either in a
9 11 classroom, online, or by any other means approved by the
9 12 nationwide mortgage licensing system and registry.
9 13 5. Prelicensing education requirements approved by the
9 14 nationwide mortgage licensing system and registry for any
9 15 state shall be accepted as credit towards completion of
9 16 prelicensing education requirements in this state.
9 17 Sec. 9. NEW SECTION. 535D.8 TEST REQUIREMENTS.
9 18 1. An applicant for licensure shall pass a qualified
9 19 written test developed by the nationwide mortgage licensing
9 20 system and registry and administered by a test provider
9 21 approved by the nationwide mortgage licensing system and
9 22 registry based upon reasonable standards.
9 23 2. A written test shall not be treated as a qualified
9 24 written test for purposes of subsection 1 unless the test, in
9 25 the determination of the nationwide mortgage licensing system
9 26 and registry, adequately measures the applicant's knowledge
9 27 and comprehension in appropriate subject areas including the
9 28 following:
9 29 a. Ethics.
9 30 b. Federal laws and regulations pertaining to residential
9 31 mortgage loan origination.
9 32 c. State laws and regulations pertaining to residential
9 33 mortgage loan origination.
9 34 d. Other relevant federal and state laws and regulations,
9 35 including instruction on fraud, consumer protection, the

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10 1 nontraditional mortgage marketplace, and fair lending issues.
10 2 3. Nothing in this section shall prohibit a test provider
10 3 approved by the nationwide mortgage licensing system and
10 4 registry from providing a test at the location of the employer
10 5 of the applicant or the location of any subsidiary or
10 6 affiliate of the employer of the applicant, or the location of
10 7 any entity with which the applicant holds an exclusive
10 8 arrangement to conduct the business of a mortgage loan
10 9 originator.
10 10 4. An applicant shall not be considered to have passed a
10 11 qualified written test unless the applicant achieves a test
10 12 score of not less than seventy=five percent correct answers to
10 13 questions. An applicant who fails to achieve a test score of
10 14 not less than seventy=five percent correct answers to
10 15 questions may retake the test three consecutive times with
10 16 each consecutive retake occurring at least thirty days after
10 17 the preceding test. After three consecutive failed tests, an
10 18 individual shall be required to wait at least six months
10 19 before taking the test again. A licensed mortgage loan
10 20 originator who fails to maintain a valid license for a period
10 21 of five years or longer shall be required to retake and
10 22 successfully pass the test, not taking into account any time
10 23 during which such individual is a registered mortgage loan
10 24 originator.
10 25 Sec. 10. NEW SECTION. 535D.9 STANDARDS FOR LICENSE
10 26 RENEWAL AND NONRENEWAL.
10 27 1. The minimum standards for license renewal for a
10 28 mortgage loan originator include the following:
10 29 a. The mortgage loan originator continues to meet the
10 30 conditions for licensure under section 535D.6.
10 31 b. The mortgage loan originator has satisfied the annual
10 32 continuing education requirements described in section
10 33 535D.10.
10 34 c. The mortgage loan originator has paid all required fees
10 35 for renewal of the license.

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11 1 2. The license of a mortgage loan originator failing to
11 2 satisfy the minimum standards for license renewal shall not be
11 3 renewed. The superintendent may adopt rules for the
11 4 reinstatement of a license not renewed pursuant to this
11 5 subsection consistent with the standards established by the
11 6 nationwide mortgage licensing system and registry.
11 7 Sec. 11. NEW SECTION. 535D.10 CONTINUING EDUCATION.
11 8 1. A licensed mortgage loan originator shall annually
11 9 complete at least eight hours of education approved in
11 10 accordance with subsection 2, which shall include at a minimum
11 11 the following:
11 12 a. Three hours of federal laws and regulations pertaining
11 13 to residential mortgage loan origination.
11 14 b. Two hours of ethics, which shall include instruction on
11 15 fraud, consumer protection, and fair lending issues.
11 16 c. Two hours of training related to lending standards for
11 17 the nontraditional mortgage product marketplace.
11 18 2. Continuing education courses shall be reviewed and
11 19 approved by the nationwide mortgage licensing system and
11 20 registry based upon reasonable standards. Review and approval
11 21 of a continuing education course shall include review and
11 22 approval of the course provider.
11 23 3. A continuing education course that is approved by the
11 24 nationwide mortgage licensing system and registry and is
11 25 provided by the employer of the mortgage loan originator or an
11 26 entity which is affiliated with the mortgage loan originator
11 27 by an agency contract, or any subsidiary or affiliate of such
11 28 employer or entity, shall meet the requirements of this
11 29 section.
11 30 4. Continuing education may be offered either in a
11 31 classroom, online, or by any other means approved by the
11 32 nationwide mortgage licensing system and registry.
11 33 5. A licensed mortgage loan originator, other than an
11 34 originator subject to license nonrenewal pursuant to section
11 35 535D.9, subsection 2, or making up continuing education

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12 1 pursuant to subsection 9 of this section may only receive
12 2 credit for a continuing education course in the year in which
12 3 the course is taken, and may not take the same approved course
12 4 in the same or successive years to meet the annual
12 5 requirements for continuing education.
12 6 6. A licensed mortgage loan originator who is an approved
12 7 instructor of an approved continuing education course may
12 8 receive credit for the licensed mortgage loan originator's own
12 9 annual continuing education requirement at the rate of two
12 10 hours credit for every one hour taught.
12 11 7. Completion of continuing education requirements that
12 12 have been approved by the nationwide mortgage licensing system
12 13 and registry for any state shall be accepted as credit towards
12 14 completion of continuing education requirements in this state.
12 15 8. A licensed mortgage loan originator who subsequently
12 16 becomes unlicensed must complete the continuing education
12 17 requirements for the last year in which the license was held
12 18 prior to issuance of a new or renewed license.
12 19 9. A person meeting the requirements of section 535D.9,
12 20 subsection 1, paragraphs "a" and "c", may make up any
12 21 deficiency in continuing education as established by rule of
12 22 the superintendent.
12 23 Sec. 12. NEW SECTION. 535D.11 DUTIES AND POWERS OF
12 24 SUPERINTENDENT.
12 25 In addition to any other duties imposed upon the
12 26 superintendent by law, the superintendent shall require
12 27 mortgage loan originators to be licensed and registered, as
12 28 provided in this chapter, through the nationwide mortgage
12 29 licensing system and registry. In order to carry out this
12 30 requirement the superintendent may participate in the
12 31 nationwide mortgage licensing system and registry. For this
12 32 purpose, the superintendent may establish by rule requirements
12 33 as necessary, including but not limited to the following:
12 34 1. Applicant background checks for criminal history
12 35 through fingerprint or other databases or through civil or

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13 1 administrative records; applicant background checks for credit
13 2 history; or applicant background checks for any other
13 3 information as deemed necessary by the nationwide mortgage
13 4 licensing system and registry.
13 5 2. The payment of application and renewal fees for
13 6 licenses through the nationwide mortgage licensing system and
13 7 registry and any additional fees as determined by the
13 8 superintendent based on the actual cost of the operation of
13 9 the finance bureau of the banking division of the department
13 10 of commerce, including the proportionate share of
13 11 administrative expenses in the operation of the banking
13 12 division attributable to the finance bureau as determined by
13 13 the superintendent, incurred in the discharge of duties
13 14 imposed by this chapter.
13 15 3. Establishment of licensure renewal or reporting dates.
13 16 4. Requirements for amending or surrendering a license or
13 17 any other such activities as the superintendent deems
13 18 necessary for participation in the nationwide mortgage
13 19 licensing system and registry.
13 20 Sec. 13. NEW SECTION. 535D.12 NATIONWIDE MORTGAGE
13 21 LICENSING SYSTEM AND REGISTRY INFORMATION == CHALLENGE
13 22 PROCESS.
13 23 The superintendent shall establish a process by rule
13 24 whereby mortgage loan originators may challenge information
13 25 entered into the nationwide mortgage licensing system and
13 26 registry by the superintendent.
13 27 Sec. 14. NEW SECTION. 535D.13 DISCIPLINARY ACTION AND
13 28 CIVIL ENFORCEMENT AUTHORITY.
13 29 1. The superintendent may, pursuant to chapter 17A, take
13 30 disciplinary action against a licensed mortgage loan
13 31 originator if the superintendent finds any of the following:
13 32 a. The licensee has violated a provision of this chapter
13 33 or a rule adopted pursuant to this chapter or any other state
13 34 or federal law or regulation applicable to the conduct of the
13 35 licensee's business including but not limited to chapters 535

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14 1 and 535A.
14 2 b. A fact or condition exists which, had it existed at the
14 3 time of the original application for the license, would have
14 4 warranted the superintendent to refuse to issue the original
14 5 license.
14 6 c. The licensee fails at any time to meet the requirements
14 7 of section 535D.6 or 535D.9, or withholds information or makes
14 8 a material misstatement in an application for a license or
14 9 renewal of a license.
14 10 d. The licensee has violated an order of the
14 11 superintendent.
14 12 2. The superintendent may impose one or more of the
14 13 following disciplinary actions against a licensee:
14 14 a. Revoke a license.
14 15 b. Suspend a license until further order of the
14 16 superintendent or for a specified period of time.
14 17 c. Impose a period of probation under specified
14 18 conditions.
14 19 d. Impose civil penalties in an amount not to exceed five
14 20 thousand dollars for each violation.
14 21 e. Issue a citation and warning concerning licensee
14 22 behavior.
14 23 f. Order a licensee to cease and desist from conducting
14 24 business or from any harmful activities or violations of law
14 25 or rule.
14 26 g. Order the licensee to pay restitution.
14 27 3. The superintendent may order an emergency suspension of
14 28 a licensee's license or issue an order to immediately cease
14 29 and desist from conducting business or from any harmful
14 30 activities or violations of law or rule pursuant to section
14 31 17A.18A. A written order containing the facts or conduct
14 32 which warrants the emergency action shall be timely sent to
14 33 the licensee by restricted certified mail. Upon issuance of
14 34 an emergency suspension order, the licensee must also be
14 35 notified of the right to an evidentiary hearing. A suspension

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15 1 proceeding shall be promptly instituted and determined.
15 2 4. A licensee may surrender a license by delivering to the
15 3 superintendent written notice of surrender, but a surrender
15 4 does not affect the licensee's civil or criminal liability for
15 5 acts committed before the surrender.
15 6 5. A revocation, suspension, or surrender of a license
15 7 does not impair or affect the obligation of a preexisting
15 8 lawful contract between the licensee and any person, including
15 9 a mortgagor.
15 10 6. The superintendent may issue an order to a person who
15 11 is not licensed under this chapter to require compliance with
15 12 this chapter, including to cease and desist from conducting
15 13 business or from any harmful activities or violations of law
15 14 or rule, may impose a civil penalty against such person for
15 15 any violation of this chapter in an amount up to five thousand
15 16 dollars for each violation, and may order the person to pay
15 17 restitution.
15 18 7. Before issuing an order under subsection 6, the
15 19 superintendent shall provide the person written notice and the
15 20 opportunity to request a hearing. The hearing must be
15 21 requested within thirty days after receipt of the notice and
15 22 shall be conducted in the same manner as provided for
15 23 disciplinary proceedings involving a licensee under this
15 24 chapter.
15 25 8. A person aggrieved by the imposition of a civil penalty
15 26 under subsection 6 may seek judicial review pursuant to
15 27 section 17A.19.
15 28 9. An action to enforce an order under this section may be
15 29 joined with an action for an injunction.
15 30 Sec. 15. NEW SECTION. 535D.14 SURETY BOND REQUIRED OR
15 31 RECOVERY FUND.
15 32 1. a. A mortgage loan originator shall be covered by a
15 33 surety bond in accordance with this section unless the
15 34 superintendent establishes a recovery fund pursuant to
15 35 subsection 4 into which the mortgage loan originator makes

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16 1 payments. In the event that the mortgage loan originator is
16 2 an employee or exclusive agent of a person subject to chapter
16 3 535B, 536, or 536A, the surety bond of such person can be used
16 4 in lieu of the mortgage loan originator's surety bond
16 5 requirement.
16 6 b. The surety bond shall provide coverage for each
16 7 mortgage loan originator in an amount as prescribed in
16 8 subsection 2. The surety bond shall be in a form as
16 9 prescribed by the superintendent. The superintendent may,
16 10 pursuant to rule, determine requirements for such surety bonds
16 11 as are necessary to accomplish the purposes of this chapter.
16 12 2. The bond shall be maintained in an amount that reflects
16 13 the dollar value of loans originated as determined by the
16 14 superintendent.
16 15 3. When an action is commenced on a licensee's bond the
16 16 superintendent may require the filing of a new bond.
16 17 Immediately upon recovery upon any action on the bond the
16 18 licensee shall file a new bond.
16 19 4. If the superintendent determines it is not feasible to
16 20 establish surety bonding requirements that reflect the dollar
16 21 amount of loans originated by a mortgage loan originator, as
16 22 provided in subsection 1508(d)(6) of the federal Housing and
16 23 Economic Recovery Act of 2008, Pub. L. No. 110=289(1508), the
16 24 superintendent may establish by rule a recovery fund to be
16 25 paid into by mortgage loan originators. The rules shall
16 26 provide for the amounts to be paid into the fund by mortgage
16 27 loan originators. In the event the superintendent establishes
16 28 a recovery fund, the fund shall be established as a separate
16 29 fund in the state treasury. Moneys deposited in the fund
16 30 shall be administered by the superintendent and used for the
16 31 purposes of compensating members of the public for losses
16 32 caused by licensees. In addition, the superintendent may use
16 33 moneys from the fund for the purpose of investigating and
16 34 prosecuting violations of this chapter or any other state or
16 35 federal law, rule, or regulation applicable to the conduct of

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17 1 a licensee's business. Notwithstanding section 12C.7,
17 2 interest earned on amounts deposited in the fund, if
17 3 established, shall be credited to the fund. Any balance in
17 4 the fund on June 30 of any fiscal year shall not revert to the
17 5 general fund of the state.
17 6 Sec. 16. NEW SECTION. 535D.15 CONFIDENTIALITY.
17 7 1. Except as otherwise provided in section 1512 of the
17 8 federal Housing and Economic Recovery Act of 2008, Pub. L. No.
17 9 110=289(1512), the requirements under any federal law or
17 10 chapter 22 or 692 regarding the privacy or confidentiality of
17 11 any information or material provided to the nationwide
17 12 mortgage licensing system and registry, and any privilege
17 13 arising under federal or state law, including the rules of any
17 14 federal or state court, with respect to such information or
17 15 material, shall continue to apply to such information or
17 16 material after the information or material has been disclosed
17 17 to the nationwide mortgage licensing system and registry.
17 18 Such information and material may be shared with any state or
17 19 federal regulatory official with mortgage industry oversight
17 20 authority without the loss of privilege or the loss of
17 21 confidentiality protections provided by federal law or chapter
17 22 22 or 692.
17 23 2. The superintendent may enter into agreements or sharing
17 24 arrangements with other governmental agencies, the conference
17 25 of state bank supervisors, the American association of
17 26 residential mortgage regulators, or other associations
17 27 representing governmental agencies.
17 28 3. Information or material that is subject to privilege or
17 29 confidentiality under subsection 1 shall not be subject to any
17 30 of the following:
17 31 a. Disclosure under any federal or state law governing the
17 32 disclosure to the public of information held by an officer or
17 33 an agency of the federal government or this state.
17 34 b. Subpoena or discovery, or admission into evidence, in
17 35 any private civil action or administrative process, unless

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18 1 with respect to any privilege held by the nationwide mortgage
18 2 licensing system and registry with respect to such information
18 3 or material, the person to whom such information or material
18 4 pertains waives, in whole or in part, that privilege.
18 5 4. This section supersedes any provision of chapter 22
18 6 relating to the disclosure of confidential supervisory
18 7 information or any information or material described in
18 8 subsection 1 of this section that is inconsistent with
18 9 subsection 1.
18 10 5. This section shall not apply with respect to
18 11 information or material relating to the employment history of,
18 12 and publicly adjudicated disciplinary and enforcement actions
18 13 against, mortgage loan originators that are included in the
18 14 nationwide mortgage licensing system and registry for access
18 15 by the public.
18 16 Sec. 17. NEW SECTION. 535D.16 INVESTIGATION AND
18 17 EXAMINATION AUTHORITY.
18 18 The superintendent may conduct investigations and
18 19 examinations as follows:
18 20 1. For purposes of initial licensing, license renewal,
18 21 license suspension, license conditioning, license revocation
18 22 or termination, or general or specific inquiry or
18 23 investigation to determine compliance with this chapter, the
18 24 superintendent may access, receive, and use any relevant
18 25 books, accounts, records, files, documents, information, or
18 26 evidence including but not limited to:
18 27 a. Criminal, civil, and administrative history
18 28 information, which is accessible to licensing authorities.
18 29 b. Personal history and experience information including
18 30 independent credit reports obtained from a consumer reporting
18 31 agency described in section 603(p) of the federal Fair Credit
18 32 Reporting Act.
18 33 c. Any other documents, information, or evidence the
18 34 superintendent deems relevant to the inquiry or investigation
18 35 regardless of the location, possession, control, or custody of

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19 1 such documents, information, or evidence.
19 2 2. For the purposes of investigating violations or
19 3 complaints arising under this chapter, or for the purposes of
19 4 examination, the superintendent may review, investigate, or
19 5 examine any licensee, individual, or person subject to this
19 6 chapter, as often as necessary in order to carry out the
19 7 purposes of this chapter. The superintendent may direct,
19 8 subpoena, or order the attendance of and examine under oath
19 9 all persons whose testimony may be required about the loans or
19 10 the business or subject matter of any such examination or
19 11 investigation, and may direct, subpoena, or order such person
19 12 to produce books, accounts, records, files, and any other
19 13 documents the superintendent deems relevant to the inquiry.
19 14 3. Each licensee, individual, or person subject to this
19 15 chapter shall make available to the superintendent upon
19 16 request the books and records relating to the operations of
19 17 such licensee, individual, or person. The superintendent
19 18 shall have access to such books and records and interview the
19 19 officers, principals, mortgage loan originators, employers,
19 20 employees, independent contractors, agents, and customers of
19 21 the licensee, individual, or person subject to this chapter
19 22 concerning their business.
19 23 4. Each licensee, individual, or person subject to this
19 24 chapter shall make or compile reports or prepare other
19 25 information as directed by the superintendent in order to
19 26 carry out the purposes of this section including but not
19 27 limited to the following:
19 28 a. Accounting compilations.
19 29 b. Information lists and data concerning loan transactions
19 30 in a format prescribed by the superintendent.
19 31 c. Such other information deemed necessary to carry out
19 32 the purposes of this section.
19 33 5. In making any examination or investigation authorized
19 34 by this chapter, the superintendent may control access to any
19 35 documents and records of the licensee or person under

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20 1 examination or investigation. The superintendent may take
20 2 possession of the documents and records or place a person in
20 3 exclusive charge of the documents and records in the place
20 4 where they are usually kept. During the period of control, an
20 5 individual or person shall not remove or attempt to remove any
20 6 of the documents or records except pursuant to a court order
20 7 or with the consent of the superintendent. Unless the
20 8 superintendent has reasonable grounds to believe the documents
20 9 or records of the licensee have been or are at risk of being
20 10 altered or destroyed for purposes of concealing a violation of
20 11 this chapter, the licensee or owner of the documents or
20 12 records shall have access to the documents or records as
20 13 necessary to conduct its ordinary business affairs.
20 14 6. In order to carry out the purposes of this section, the
20 15 superintendent may:
20 16 a. Retain attorneys, accountants, or other professionals
20 17 or specialists as examiners, auditors, or investigators to
20 18 conduct or assist in the conduct of examinations or
20 19 investigations.
20 20 b. Enter into agreements or relationships with other
20 21 government officials or regulatory associations in order to
20 22 improve efficiencies and reduce regulatory burden by sharing
20 23 resources, standardized or uniform methods or procedures, and
20 24 documents, records, information, or evidence obtained under
20 25 this section.
20 26 c. Use, hire, contract, or employ publicly or privately
20 27 available analytical systems, methods, or software to examine
20 28 or investigate the licensee, individual, or person subject to
20 29 this chapter.
20 30 d. Accept and rely on examination or investigation reports
20 31 made by other government officials, within or without this
20 32 state.
20 33 e. Accept audit reports made by an independent certified
20 34 public accountant for the licensee, individual, or person
20 35 subject to this chapter in the course of that part of the

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21 1 examination covering the same general subject matter as the
21 2 audit and may incorporate the audit report in the report of
21 3 the examination, report of investigation, or other writing of
21 4 the superintendent.
21 5 7. The authority of this section shall remain in effect,
21 6 whether such a licensee, individual, or person subject to this
21 7 chapter acts or claims to act under any licensing or
21 8 registration law of this state, or claims to act without such
21 9 authority.
21 10 8. A licensee, individual, or person subject to
21 11 investigation or examination under this section shall not
21 12 knowingly withhold, abstract, remove, mutilate, destroy, or
21 13 secrete any books, records, computer records, or other
21 14 information.
21 15 Sec. 18. NEW SECTION. 535D.17 PROHIBITED ACTS AND
21 16 PRACTICES.
21 17 It is a violation of this chapter for a person or
21 18 individual subject to this chapter to engage in any of the
21 19 following activities:
21 20 1. Directly or indirectly employ any scheme, device, or
21 21 artifice to defraud or mislead borrowers or lenders or to
21 22 defraud any person.
21 23 2. Engage in any unfair or deceptive practice toward any
21 24 person.
21 25 3. Obtain property by fraud or misrepresentation.
21 26 4. Solicit or enter into a contract with a borrower that
21 27 provides in substance that the person or individual subject to
21 28 this chapter may earn a fee or commission through "best
21 29 efforts" to obtain a loan even though no loan is actually
21 30 obtained for the borrower.
21 31 5. Solicit, advertise, or enter into a contract for
21 32 specific interest rates, points, or other financing terms
21 33 unless the terms are actually available at the time of
21 34 soliciting, advertising, or contracting.
21 35 6. Conduct any business covered by this chapter without

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22 1 holding a valid license as required under this chapter, or
22 2 assist or aid and abet any person in the conduct of business
22 3 under this chapter without a valid license as required under
22 4 this chapter.
22 5 7. Fail to make disclosures as required by this chapter or
22 6 any other applicable state or federal law including
22 7 regulations thereunder.
22 8 8. Fail to comply with this chapter or rules or
22 9 regulations promulgated under this chapter, or fail to comply
22 10 with any other state or federal law, including the rules and
22 11 regulations thereunder, applicable to any business authorized
22 12 or conducted under this chapter.
22 13 9. Make, in any manner, any false or deceptive statement
22 14 or representation.
22 15 10. Negligently make any false statement or knowingly and
22 16 willfully make any omission of material fact in connection
22 17 with any information or reports filed with a governmental
22 18 agency or the nationwide mortgage licensing system and
22 19 registry or in connection with any investigation conducted by
22 20 the superintendent or another governmental agency.
22 21 11. Make any payment, threat, or promise, directly or
22 22 indirectly, to any person for the purposes of influencing the
22 23 independent judgment of the person in connection with a
22 24 residential mortgage loan, or make any payment, threat, or
22 25 promise, directly or indirectly, to any appraiser of a
22 26 property, for the purposes of influencing the independent
22 27 judgment of the appraiser with respect to the value of the
22 28 property.
22 29 12. Collect, charge, attempt to collect or charge, or use
22 30 or propose any agreement purporting to collect or charge any
22 31 fee prohibited by this chapter.
22 32 13. Cause or require a borrower to obtain property
22 33 insurance coverage in an amount that exceeds the replacement
22 34 cost of the improvements as established by the property
22 35 insurer.

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23 1 14. Fail to truthfully account for moneys belonging to a
23 2 party to a residential mortgage loan transaction.
23 3 Sec. 19. NEW SECTION. 535D.18 REPORT TO NATIONWIDE
23 4 MORTGAGE LICENSING SYSTEM AND REGISTRY.
23 5 The superintendent shall regularly report violations of
23 6 this chapter, as well as enforcement actions and other
23 7 relevant information, to the nationwide mortgage licensing
23 8 system and registry subject to the confidentiality provisions
23 9 of section 535D.15.
23 10 Sec. 20. NEW SECTION. 535D.19 UNIQUE IDENTIFIER SHOWN.
23 11 The unique identifier of any person originating a
23 12 residential mortgage loan shall be clearly shown on all
23 13 residential mortgage loan application forms, solicitations, or
23 14 advertisements, including business cards or internet websites,
23 15 and any other documents as established by rule, regulation, or
23 16 order of the superintendent.
23 17 Sec. 21. NEW SECTION. 535D.20 OPERATING WITHOUT A
23 18 LICENSE == PENALTY.
23 19 A person who, without first obtaining a license under this
23 20 chapter, engages in the business or occupation of, or
23 21 advertises or holds the person out as, or claims to be, or
23 22 temporarily acts as, a mortgage loan originator in this state
23 23 is guilty of a class "D" felony and may be prosecuted by the
23 24 attorney general or a county attorney.
23 25 Sec. 22. NEW SECTION. 535D.21 ADMINISTRATIVE AUTHORITY.
23 26 The superintendent shall have broad administrative
23 27 authority to administer, interpret, and enforce this chapter
23 28 and to promulgate rules implementing this chapter.
23 29 Sec. 23. NEW SECTION. 535D.22 COMPLIANCE WITH FEDERAL
23 30 LAW.
23 31 If the United States department of housing and urban
23 32 development determines in writing that any provision of this
23 33 chapter or its application to any person or circumstance is
23 34 invalid under Title V of the federal Housing and Economic
23 35 Recovery Act of 2009, Pub. L. No. 110=289, the superintendent

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24 1 is authorized to adopt rules which waive or modify, in whole
24 2 or in part, requirements of this chapter as necessary to
24 3 achieve a determination by the United States department of
24 4 housing and urban development that this state is in compliance
24 5 with the federal law.
24 6 Sec. 24. TRANSITION PROVISIONS. If an individual
24 7 registrant who was registered under chapter 535B before
24 8 January 1, 2010, meets the qualifications for licensure in
24 9 section 535D.6, subsections 1, 2, 3, 6, and 7, as enacted by
24 10 this Act, but has not completed the prelicensing education
24 11 requirements pursuant to section 535D.7, as enacted by this
24 12 Act, or passed a written test that meets the requirements of
24 13 section 535D.8, as enacted by this Act, by January 1, 2010,
24 14 the superintendent may issue the individual a temporary
24 15 mortgage loan originator license under chapter 535D, as
24 16 enacted by this division of this Act. The temporary mortgage
24 17 loan originator license shall expire on December 31, 2010, and
24 18 beginning January 1, 2011, the individual must meet all of the
24 19 qualifications for licensure specified in section 535D.6, as
24 20 enacted by this Act, to obtain a license.
24 21 Sec. 25. EFFECTIVE DATE. This division of this Act takes
24 22 effect July 1, 2009.
24 23 DIVISION II
24 24 MORTGAGE
24 25 BANKERS AND BROKERS
24 26 Sec. 26. Section 535B.1, subsection 2, Code 2009, is
24 27 amended by striking the subsection.
24 28 Sec. 27. Section 535B.1, subsections 4 and 5, Code 2009,
24 29 are amended to read as follows:
24 30 4. "Mortgage banker" means a person who does one or more
24 31 of the following:
24 32 a. Makes at least four mortgage loans on residential real
24 33 property located in this state in a calendar year.
24 34 b. Originates at least four mortgage loans on residential
24 35 real property located in this state in a calendar year and

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25 1 sells four or more such loans in the secondary market.
25 2 c. Services at least four mortgage loans on residential
25 3 real property located in this state. However, a natural
25 4 person, who services less than fifteen mortgage loans on
25 5 residential real estate within the state and who does not sell
25 6 or transfer mortgage loans, is exempt from this paragraph if
25 7 that person is otherwise exempt from the provisions of this
25 8 chapter.
25 9 "Mortgage banker" does not include a person ~~whose job~~
~~25 10 responsibilities on behalf of a licensee or individual~~
~~25 11 registrant are to process mortgage loans, are solely clerical~~
~~25 12 in nature, or otherwise do not involve direct contact with~~
~~25 13 loan applicants~~ who is a licensed mortgage loan originator
25 14 under chapter 535D.
25 15 5. "Mortgage broker" means a person who arranges or
25 16 negotiates, or attempts to arrange or negotiate, at least four
25 17 mortgage loans or commitments for four or more such loans on
25 18 residential real property located in this state in a calendar
25 19 year. "Mortgage broker" does not include a person ~~whose job~~
~~25 20 responsibilities on behalf of a licensee or individual~~
~~25 21 registrant are to process mortgage loans, are solely clerical~~
~~25 22 in nature, or otherwise do not involve direct contact with~~
~~25 23 loan applicants~~ who is a licensed mortgage loan originator
25 24 under chapter 535D.
25 25 Sec. 28. Section 535B.4, subsection 7, Code 2009, is
25 26 amended to read as follows:
25 27 7. Applications for renewals of licenses ~~and individual~~
~~25 28 registrations~~ under this chapter must be filed with the
25 29 administrator before December 1 of the year of expiration on
25 30 forms prescribed by the administrator. A renewal application
25 31 must be accompanied by a fee of two hundred dollars for a
25 32 license to transact business solely as a mortgage broker, and
25 33 four hundred dollars for a license to transact business as a
25 34 mortgage banker. ~~The fee to renew an individual registration~~
~~25 35 shall be the fee determined pursuant to section 535B.4A.~~ The

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26 1 administrator may assess a late fee of ten dollars per day for
26 2 applications or registrations accepted for processing after
26 3 December 1.
26 4 Sec. 29. Section 535B.7, Code 2009, is amended to read as
26 5 follows:
26 6 535B.7 DISCIPLINARY ACTION.
26 7 1. The administrator may, pursuant to chapter 17A, take
26 8 disciplinary action against a licensee ~~or individual~~
~~26 9 registrant~~ if the administrator finds any of the following:
26 10 a. The licensee ~~or individual registrant~~ has violated a
26 11 provision of this chapter or a rule adopted under this chapter
26 12 or any other state or federal law applicable to the conduct of
26 13 its business including but not limited to chapters 535 and
26 14 535A.
26 15 b. A fact or condition exists which, if it had existed at
26 16 the time of the original application for the license ~~or~~
~~26 17 individual registration~~, would have warranted the
26 18 administrator to refuse originally to issue the license ~~or~~
~~26 19 individual registration~~.
26 20 c. The licensee is found upon investigation to be
26 21 insolvent, in which case the license shall be revoked
26 22 immediately.
26 23 d. The licensee ~~or individual registrant~~ has violated an
26 24 order of the administrator.
26 25 2. The administrator may impose one or more of the
26 26 following disciplinary actions against a licensee ~~or~~
~~26 27 individual registrant~~:
26 28 a. Revoke a license ~~or individual registration~~.
26 29 b. Suspend a license ~~or individual registration~~ until
26 30 further order of the administrator or for a specified period
26 31 of time.
26 32 c. Impose a period of probation under specified
26 33 conditions.
26 34 d. Impose civil penalties in an amount not to exceed five
26 35 thousand dollars for each violation.

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27 1 e. Issue a citation and warning respecting licensee ~~or~~
~~27 2 individual registrant~~ behavior.
27 3 f. Order the licensee ~~or individual registrant~~ to pay
27 4 restitution.
27 5 3. The administrator may order an emergency suspension of
27 6 a licensee's license ~~or an individual's registration~~ pursuant
27 7 to section 17A.18A. A written order containing the facts or
27 8 conduct which warrants the emergency action shall be timely
27 9 sent to the licensee ~~or individual registrant~~ by restricted
27 10 certified mail. Upon issuance of the suspension order, the
27 11 licensee ~~or individual registrant~~ must also be notified of the
27 12 right to an evidentiary hearing. A suspension proceeding
27 13 shall be promptly instituted and determined.
27 14 4. Except as provided in this section, a license ~~or~~
~~27 15 individual registration~~ shall not be revoked or suspended
27 16 except after notice and a hearing thereon in accordance with
27 17 chapter 17A.
27 18 5. A licensee may surrender a license ~~and an individual~~
~~27 19 registrant may surrender an individual registration~~ by
27 20 delivering to the administrator written notice of surrender,
27 21 but a surrender does not affect the licensee's ~~or individual~~
~~27 22 registrant's~~ civil or criminal liability for acts committed
27 23 before the surrender.
27 24 6. A revocation, suspension, or surrender of a license ~~or~~
~~27 25 individual registration~~ does not impair or affect the
27 26 obligation of a preexisting lawful contract between the
27 27 licensee ~~or individual registrant~~ and any person, including a
27 28 mortgagor.
27 29 Sec. 30. NEW SECTION. 535B.7A PROHIBITED ACTS.
27 30 It is a violation of this chapter for a licensee to engage
27 31 in any of the prohibited acts or practices in section 535D.16.
27 32 Sec. 31. Section 535B.8, Code 2009, is amended to read as
27 33 follows:
27 34 535B.8 OPERATING WITHOUT A LICENSE ~~OR REGISTRATION~~.
27 35 A person who, without first obtaining a license ~~or~~

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~~28 1 individual registration~~ under this chapter, engages in the
28 2 business or occupation of, or advertises or holds the person
28 3 out as, or claims to be, or temporarily acts as, a mortgage
28 4 banker or mortgage broker in this state is guilty of a class
28 5 "D" felony and may be prosecuted by the attorney general or a
28 6 county attorney.
28 7 Sec. 32. Section 535B.9, subsection 1, Code 2009, is
28 8 amended to read as follows:
28 9 1. An applicant for a license shall file with the
28 10 administrator a bond furnished by a surety company authorized
28 11 to do business in this state, together with evidence of
28 12 whether the applicant is seeking to transact business as a
28 13 mortgage broker or as a mortgage banker. ~~The~~ Until such time
28 14 as the superintendent pursuant to administrative rule
28 15 determines a bond amount that reflects the dollar value of
28 16 loans originated, the bond shall be in the amount of one
28 17 hundred thousand dollars. The bond shall be continuous in
28 18 nature until canceled by the surety with not less than thirty
28 19 days' notice in writing to the mortgage broker or mortgage
28 20 banker and to the administrator indicating the surety's
28 21 intention to cancel the bond on a specific date. The bond
28 22 shall be for the use of the state and any persons who may have
28 23 causes of action against the applicant. The bond shall be
28 24 conditioned upon the applicant's faithfully conforming to and
28 25 abiding by this chapter and any rules adopted under this
28 26 chapter and shall require that the surety pay to the state and
28 27 to any persons all moneys that become due or owing to the
28 28 state and to the persons from the applicant by virtue of this
28 29 chapter.
28 30 Sec. 33. Section 535B.10, subsection 2, Code 2009, is
28 31 amended to read as follows:
28 32 2. For the purposes of discovering violations of this
28 33 chapter or any related rules or for securing information
28 34 lawfully required under this chapter, the administrator may at
28 35 any time and as often as the administrator deems necessary,

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29 1 but in no event less frequently than once during each two=year
29 2 period, investigate the business and examine the books,
29 3 accounts, records, and files used by a licensee ~~or individual~~
~~29 4 registrant~~.
29 5 Sec. 34. Section 535B.14, Code 2009, is amended to read as
29 6 follows:
29 7 535B.14 RULEMAKING AUTHORITY.
29 8 The administrator may adopt, amend, or repeal rules to aid
29 9 in the administration and enforcement of this chapter,
29 10 including rules providing the grounds for denial of ~~an~~
~~29 11 individual registration~~ a license based on information
29 12 received as a result of a background check, character and
29 13 fitness grounds, and any other grounds for which ~~an individual~~
~~29 14 registrant or~~ a licensee may be disciplined.
29 15 Sec. 35. Section 535B.17, Code 2009, is amended to read as
29 16 follows:
29 17 535B.17 POWERS AND DUTIES OF THE ADMINISTRATOR == WAIVER
29 18 AUTHORITY.
29 19 In addition to any other duties imposed upon the
29 20 administrator by law, the administrator may participate in a
29 21 multistate automated licensing system for mortgage bankers,
29 22 mortgage brokers, and ~~individual registrants~~ mortgage loan
29 23 originators. For this purpose, the administrator may
29 24 establish by rule or order new requirements as necessary,
29 25 including but not limited to requirements that license
29 26 applicants ~~and individual registrant~~s submit to fingerprinting
29 27 and criminal history checks, and pay fees therefor.
29 28 Sec. 36. NEW SECTION. 535B.18 MORTGAGE CALL REPORTS.
29 29 Each licensee shall submit to the nationwide mortgage
29 30 licensing system and registry, as defined in section 535D.3,
29 31 reports of condition, which shall be in such form and shall
29 32 contain such information as the nationwide mortgage licensing
29 33 system and registry may require.
29 34 Sec. 37. Section 535B.4A, Code 2009, is repealed.
29 35 Sec. 38. Section 535B.9A, Code 2009, is repealed.

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30 1 Sec. 39. EFFECTIVE DATES.
30 2 1. The sections of this division of this Act amending
30 3 section 535B.9 and enacting sections 535B.7A and 535B.18 take
30 4 effect July 1, 2009.
30 5 2. The sections of this division of this Act amending
30 6 sections 535B.1, 535B.4, 535B.7, 535B.8, 535B.10, 535B.14, and
30 7 535B.17 to eliminate the classification of "individual
30 8 registrant" and repealing sections 535B.4A and 535B.9A take
30 9 effect January 1, 2010.
30 10 DIVISION III
30 11 REGULATED AND INDUSTRIAL LOANS
30 12 Sec. 40. Section 536.3, Code 2009, is amended by striking
30 13 the section and inserting in lieu thereof the following:
30 14 536.3 BOND.
30 15 An applicant for a license shall file with the
30 16 superintendent a bond furnished by a surety company authorized
30 17 to do business in this state. Until such time as the
30 18 superintendent through the administrative rule process
30 19 determines a bond amount that reflects the dollar value of
30 20 loans originated, the bond shall be in the amount of
30 21 twenty=five thousand dollars. The bond shall be continuous in
30 22 nature until canceled by the surety with not less than thirty
30 23 days' notice in writing to the licensee and to the
30 24 superintendent indicating the surety's intention to cancel the
30 25 bond on a specific date. The bond shall be for the use of the
30 26 state and any persons who may have causes of action against
30 27 the applicant. The bond shall be conditioned upon the
30 28 applicant's faithfully conforming to and abiding by this
30 29 chapter and any rules adopted under this chapter and shall
30 30 require that the surety pay to the state and to any persons
30 31 all moneys that become due or owing to the state and to the
30 32 persons from the applicant by virtue of this chapter.
30 33 Sec. 41. Section 536.6, subsection 1, Code 2009, is
30 34 amended to read as follows:
30 35 1. If the superintendent ~~shall find~~ finds at any time that

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31 1 the bond is insecure or exhausted or otherwise of doubtful
31 2 validity or collectibility, an additional bond to be approved
31 3 by the superintendent, with one or more sureties and of the
31 4 character specified in section 536.3, in ~~the~~ a sum ~~of not more~~
~~31 5 than twenty-five thousand dollars~~ not to exceed that amount
31 6 determined pursuant to section 536.3, shall be filed by the
31 7 licensee within ten days after written demand upon the
31 8 licensee by the superintendent.
31 9 Sec. 42. Section 536.11, Code 2009, is amended by adding
31 10 the following new subsection:
31 11 NEW SUBSECTION. 3. Each licensee making residential
31 12 mortgage loans shall submit to the nationwide mortgage
31 13 licensing system and registry reports of condition, which
31 14 shall be in such form and shall contain such information as
31 15 the nationwide mortgage licensing system and registry may
31 16 require. For purposes of this subsection, "nationwide
31 17 mortgage licensing system and registry" and "residential
31 18 mortgage loan" mean the same as defined in section 535D.3.
31 19 Sec. 43. NEW SECTION. 536.30 POWERS AND DUTIES OF THE
31 20 SUPERINTENDENT == NATIONWIDE SYSTEM.
31 21 In addition to any other duties imposed upon the
31 22 superintendent by law, the superintendent may require
31 23 applicants and licensees to be licensed through the nationwide
31 24 mortgage licensing system and registry as defined in section
31 25 535D.3. In order to carry out this requirement, the
31 26 superintendent may participate in the nationwide mortgage
31 27 licensing system and registry. For this purpose, the
31 28 superintendent may establish by rule or order new requirements
31 29 as necessary, including but not limited to requirements that
31 30 applicants, including officers and directors and those who
31 31 have control of the applicant, submit to fingerprinting,
31 32 criminal history checks, and pay fees therefor.
31 33 Sec. 44. Section 536A.7A, subsection 1, Code 2009, is
31 34 amended to read as follows:
31 35 1. An applicant for a license shall file with the

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32 1 superintendent a bond furnished by a surety company authorized
32 2 to do business in this state. ~~The~~ Until such time as the
32 3 superintendent pursuant to administrative rule determines a
32 4 bond amount that reflects the dollar value of the loans
32 5 originated, the bond shall be in the amount of twenty=five
32 6 thousand dollars. The bond shall be continuous in nature
32 7 until canceled by the surety with not less than thirty days'
32 8 notice in writing to the applicant and to the superintendent
32 9 indicating the surety's intention to cancel the bond on a
32 10 specific date. The bond shall be for the use of the state and
32 11 any persons who may have causes of action against the
32 12 applicant. The bond shall be conditioned upon the applicant's
32 13 faithfully conforming to and abiding by this chapter and any
32 14 rules adopted under this chapter and shall require that the
32 15 surety pay to the state and to any persons all moneys that
32 16 become due or owing to the state and to the persons from the
32 17 applicant by virtue of this chapter.
32 18 Sec. 45. Section 536A.14, Code 2009, is amended by adding
32 19 the following new subsection:
32 20 NEW SUBSECTION. 3. Each licensee making residential
32 21 mortgage loans shall submit to the nationwide mortgage
32 22 licensing system and registry reports of condition, which
32 23 shall be in such form and shall contain such information as
32 24 the nationwide mortgage licensing system and registry may
32 25 require. For purposes of this subsection, "nationwide
32 26 mortgage licensing system and registry" and "residential
32 27 mortgage loan" mean the same as defined in section 535D.3.
32 28 Sec. 46. NEW SECTION. 536A.32 POWERS AND DUTIES OF THE
32 29 SUPERINTENDENT == NATIONWIDE SYSTEM.
32 30 In addition to any other duties imposed upon the
32 31 superintendent by law, the superintendent may require
32 32 applicants and licensees to be licensed through the nationwide
32 33 mortgage licensing system and registry as defined in section
32 34 535D.3. In order to carry out this requirement, the
32 35 superintendent may participate in the nationwide mortgage

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33 1 licensing system and registry. For this purpose, the
33 2 superintendent may establish by rule or order new requirements
33 3 as necessary, including but not limited to requirements that
33 4 applicants, including officers and directors and those who
33 5 have control of the applicant, submit to fingerprinting,
33 6 criminal history checks, and pay fees therefor.
33 7 Sec. 47. EFFECTIVE DATE. This division of this Act takes
33 8 effect July 1, 2009.
33 9 EXPLANATION
33 10 This bill establishes licensure requirements relating to
33 11 the origination of mortgage loans.
33 12 The bill contains legislative intent provisions relating to
33 13 the importance of residential real estate financing to the
33 14 citizens and economy of this state and stating that the bill's
33 15 provisions are directed at protecting consumers and ensuring
33 16 that the mortgage lending industry is operating without
33 17 unfair, deceptive, or fraudulent practices on the part of
33 18 mortgage loan originators.
33 19 The bill provides, among other definitions, a definition of
33 20 a "mortgage loan originator" as an individual who for
33 21 compensation or gain, or in the expectation of compensation or
33 22 gain, takes a residential mortgage loan application or offers
33 23 or negotiates terms of a residential mortgage loan.
33 24 Exclusions from the definition include an individual engaged
33 25 solely as a loan processor or underwriter as defined in the
33 26 bill other than with the status of an independent contractor;
33 27 an individual who only performs real estate brokerage
33 28 activities and is licensed in accordance with state law,
33 29 unless the individual is compensated by a lender, a mortgage
33 30 broker, or other mortgage loan originator or by any agent of
33 31 such lender, mortgage broker, or mortgage loan originator; an
33 32 individual solely involved in extensions of credit relating to
33 33 federally defined timeshare plans; and an individual involved
33 34 solely in loss mitigation efforts, as defined in the bill,
33 35 provided the individual is employed by a residential mortgage

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34 1 loan servicer. The bill also provides a definition of the
34 2 "nationwide mortgage licensing system and registry" (hereafter
34 3 referred to as the "registry") as the mortgage licensing
34 4 system developed and maintained by the conference of state
34 5 bank supervisors and the American association of residential
34 6 mortgage regulators for the licensing and registration of
34 7 licensed mortgage loan originators.
34 8 The bill prohibits an individual from engaging in the
34 9 business of a mortgage loan originator with respect to any
34 10 residential real estate located in Iowa without first becoming
34 11 licensed pursuant to new Code chapter 535D. In addition, a
34 12 licensed mortgage loan originator must register with and
34 13 maintain a valid unique identifier issued by the nationwide
34 14 mortgage licensing system and registry. These provisions
34 15 apply to individuals engaged in the business of a mortgage
34 16 loan originator and registered under Code chapter 535B as an
34 17 individual registrant beginning January 1, 2010. The bill
34 18 provides exemptions from the licensing provisions for
34 19 registered mortgage loan originators as defined in the bill,
34 20 individuals who offer or negotiate terms of a residential
34 21 mortgage loan with or on behalf of an immediate family member,
34 22 individuals who offer or negotiate terms of a residential
34 23 mortgage loan secured by a dwelling that served as the
34 24 individual's residence, and licensed attorneys who negotiate
34 25 the terms of a residential mortgage loan on behalf of a client
34 26 as an ancillary matter to the attorney's representation of the
34 27 client, unless the attorney is compensated by a lender, a
34 28 mortgage broker, or mortgage loan originator or by any agent
34 29 of such lender, mortgage broker, or mortgage loan originator.
34 30 An additional exemption is provided for a licensed
34 31 manufactured housing retailer selling mobile, manufactured, or
34 32 modular homes under circumstances specified in the bill.
34 33 The bill authorizes the superintendent of banking to adopt
34 34 rules relating to the application and licensure process, and
34 35 relating to participation in the nationwide mortgage licensing

Senate File 355 - Introduced continued

35 1 system and registry, and permits the superintendent to waive
35 2 or modify Code chapter requirements as reasonably necessary to
35 3 participate in the registry.
35 4 The bill provides for information relative to an
35 5 applicant's identity to be submitted to the registry, and
35 6 specifies various conditions of licensure including specified
35 7 prior convictions, demonstrated financial responsibility and
35 8 character, completion of prelicensing education requirements
35 9 contained in the bill, and successful passage of a licensing
35 10 test qualified by the registry. The bill also addresses
35 11 standards for license renewal and nonrenewal, continuing
35 12 education requirements, duties and powers of the
35 13 superintendent relative to mortgage loan originator
35 14 regulation, and grounds for disciplinary action against a
35 15 licensee and civil enforcement authority on the part of the
35 16 superintendent. The bill requires the posting of a surety
35 17 bond, but provides that if the mortgage loan originator is
35 18 already the subject of a bond pursuant to Code chapter 535B,
35 19 536, or 536A, the existing bond will suffice. The bill
35 20 provides that if the superintendent determines that it is not
35 21 feasible to establish surety bonding requirements, the
35 22 superintendent may alternatively by rule establish a recovery
35 23 fund to be paid into by mortgage loan originators.
35 24 The bill addresses confidentiality, stating that the
35 25 requirements under any federal law or Code chapter 22 or 692
35 26 regarding the privacy or confidentiality of any information or
35 27 material provided to the nationwide mortgage licensing system
35 28 and registry, and any privilege arising under federal or state
35 29 law, including the rules of any federal or state court, with
35 30 respect to such information or material, shall continue to
35 31 apply to such information or material after the information or
35 32 material has been disclosed to the nationwide mortgage
35 33 licensing system and registry. The bill provides, however,
35 34 that this information and material may be shared with any
35 35 state or federal regulatory officials with mortgage industry

Senate File 355 - Introduced continued

36 1 oversight authority without the loss of privilege or
36 2 confidentiality protections. The bill authorizes the
36 3 superintendent to enter into agreements or sharing
36 4 arrangements with other governmental agencies, the conference
36 5 of state bank supervisors, the American association of
36 6 residential mortgage regulators, or other associations
36 7 representing governmental agencies. The bill further states
36 8 that confidentiality protections shall not apply with respect
36 9 to information or material relating to the employment history
36 10 of, and publicly adjudicated disciplinary and enforcement
36 11 actions against, mortgage loan originators that are included
36 12 in the nationwide mortgage licensing system and registry for
36 13 access by the public.
36 14 The bill contains provisions authorizing the superintendent
36 15 to conduct investigations and examinations relating to
36 16 licensing and violations of the new Code chapter, and
36 17 specifies a list of prohibited acts and practices. The bill
36 18 specifies that engaging in the business or occupation of, or
36 19 advertising or representing oneself to be, a mortgage loan
36 20 originator without possessing a license under the Code chapter
36 21 constitutes a class "D" felony punishable by confinement for
36 22 no more than five years and a fine of at least $750 but not
36 23 more than $7,500.
36 24 Additionally, the bill requires the superintendent to
36 25 regularly coordinate with and report information to the
36 26 registry, and requires the unique identifier assigned by the
36 27 registry to appear on all documents, cards, and websites
36 28 relating to a residential mortgage loan.
36 29 The bill provides that if the United States department of
36 30 housing and urban development determines in writing that any
36 31 provision of new Code chapter 535D or its application is
36 32 invalid under Title B of the federal Housing and Economic
36 33 Recovery Act of 2009, the superintendent is authorized to
36 34 adopt rules as necessary to ensure compliance with the Act.
36 35 These provisions enacting new Code chapter 535D are

Senate File 355 - Introduced continued

37 1 contained within division I of the bill, and take effect July
37 2 1, 2009. The bill provides that individuals with the status
37 3 of individual registrants under Code chapter 535B prior to
37 4 January 1, 2010, who meet licensing requirements under Code
37 5 chapter 535D but have not completed prelicensing education
37 6 requirements or passed the required written test may be issued
37 7 a temporary mortgage loan originator license. Beginning
37 8 January 1, 2011, such individuals must comply with all
37 9 requirements for licensure.
37 10 Division II of the bill modifies related provisions of Code
37 11 chapters 535B, 536, and 536A, dealing with mortgage bankers
37 12 and brokers, regulated loans, and industrial loans,
37 13 respectively. The bill deletes references to "individual
37 14 registrants" in Code chapter 535B, which are currently
37 15 identified as a natural person who is a mortgage banker or
37 16 mortgage broker and who is employed by, under contract with,
37 17 or is an agent of a licensee under Code chapter 535B. The
37 18 bill states that a mortgage banker or mortgage broker does not
37 19 include or refer to a licensed mortgage loan originator, makes
37 20 applicable the list of prohibited acts and practices in new
37 21 Code chapter 535D to mortgage bankers and mortgage brokers,
37 22 modifies bond requirements to provide for determination by the
37 23 superintendent by rule of a bond amount reflecting the dollar
37 24 value of loans originated by a mortgage banker or mortgage
37 25 broker, extends participation by the administrator under Code
37 26 chapter 535B in a multistate automated licensing system to one
37 27 including mortgage loan originators, and establishes registry
37 28 reporting requirements applicable to licensees.
37 29 The bill provides that sections of the division which
37 30 eliminate the classification of "individual registrant" take
37 31 effect January 1, 2010, with remaining sections taking effect
37 32 July 1, 2009.
37 33 With regard to Code chapter 536, dealing with regulated
37 34 loans and amended in division III of the bill, the bill
37 35 supplies new bond requirements containing a provision similar

Senate File 355 - Introduced continued

38 1 to that applicable to mortgage bankers and mortgage brokers
38 2 regarding determination by the superintendent of a dollar
38 3 value reflecting the amount of loans originated, and extends
38 4 similar registry reporting requirements and integration
38 5 provisions between the superintendent and the registry.
38 6 Substantially similar modifications are made with regard to
38 7 industrial loans regulated pursuant to Code chapter 536A.
38 8 Division III takes effect July 1, 2009.
38 9 LSB 1357SV 83
38 10 rn/nh/24

Senate File 356 - Introduced

SENATE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1266)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1388SV 83
jm/nh/5

Senate File 356 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.196, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. Except as otherwise provided, a driver's license, other
1 4 than an instruction permit, chauffeur's instruction permit, or
1 5 commercial driver's instruction permit issued under section
1 6 321.180, expires five years from the licensee's birthday
1 7 anniversary occurring in the year of issuance if the licensee
1 8 is between the ages of seventeen years eleven months and
1 9 seventy years on the date of issuance of the license. If the
1 10 licensee is under the age of seventeen years eleven months or
1 11 age seventy or over, the license is effective for a period of
1 12 two years from the licensee's birthday anniversary occurring
1 13 in the year of issuance. A licensee whose license is
1 14 restricted due to vision or other physical deficiencies may be
1 15 required to renew the license every two years. If a licensee
1 16 is a foreign national who is temporarily present in this
1 17 state, the license shall be issued only for the length of time
1 18 the foreign national is authorized to be present as ~~determined~~
1 19 verified by the department, not to exceed two years.
1 20 Sec. 2. NEW SECTION. 321.200A APPLICATION FOR REMOVAL OF
1 21 RECORD == IDENTITY THEFT == POSTCONVICTION RELIEF.
1 22 1. As used in this section, "identify theft" means the
1 23 same as provided in section 715A.8.
1 24 2. If a record of conviction for a violation of this
1 25 chapter or other law regulating the operation of a vehicle on
1 26 the highways of this state is entered against a person as the
1 27 result of identity theft committed against the person, the
1 28 person may make a written application to the department to
1 29 have the record of conviction removed from the records of the
1 30 department. Prior to issuing a ruling the department may
1 31 investigate the application. The department may deny or
1 32 approve the application at the discretion of the department.
1 33 If the department issues an approval of the application, the
1 34 person may commence postconviction proceedings pursuant to
1 35 section 822.3A. If the department denies approval of the

Senate File 356 - Introduced continued

application the person may not proceed under section 822.3A. The department shall not remove the record from the department's records until the department receives an order granting relief under chapter 822.

3. Upon receiving an order granting relief under chapter 822, the department shall rescind any administrative sanction imposed upon the person as a result of the conviction, unless the person would be subject to the sanction despite the removal of the record of conviction. The department may impose a new sanction if removal of the record of conviction would result in a lesser or different sanction.

4. This section does not preclude a person from seeking postconviction relief in other matters permitted by law.

5. The approval or denial of an application is not subject to contested case proceedings or further review as provided in chapter 17A.

6. The department may adopt rules pursuant to chapter 17A to implement this section.

Sec. 3. Section 822.3, Code 2009, is amended to read as follows:

822.3 HOW TO COMMENCE PROCEEDING == LIMITATION.

~~A~~ Except for proceedings commenced under section 822.3A, a proceeding is commenced by filing an application verified by the applicant with the clerk of the district court in which the conviction or sentence took place. However, if the applicant is seeking relief under section 822.2, subsection 1, paragraph "f", the application shall be filed with the clerk of the district court of the county in which the applicant is being confined within ninety days from the date the disciplinary decision is final. All other applications must be filed within three years from the date the conviction or decision is final or, in the event of an appeal, from the date the writ of procedendo is issued. However, this limitation does not apply to a ground of fact or law that could not have been raised within the applicable time period. Facts within

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3 1 the personal knowledge of the applicant and the authenticity
3 2 of all documents and exhibits included in or attached to the
3 3 application must be sworn to affirmatively as true and
3 4 correct. The supreme court may prescribe the form of the
3 5 application and verification. The clerk shall docket the
3 6 application upon its receipt and promptly bring it to the
3 7 attention of the court and deliver a copy to the county
3 8 attorney and the attorney general.
3 9 Sec. 4. NEW SECTION. 822.3A PROCEEDINGS INVOLVING
3 10 IDENTITY THEFT == DEPARTMENT OF TRANSPORTATION APPROVAL.
3 11 1. If the department of transportation issues an approval
3 12 of an application to remove a record pursuant to section
3 13 321.200A, a proceeding is commenced by filing an application
3 14 verified by the applicant with the clerk of the district court
3 15 in the county where the conviction occurred, or with the clerk
3 16 of the district court where the applicant resides. The
3 17 application filed with the clerk must include a copy of the
3 18 application for removal submitted pursuant to section 321.200A
3 19 and a certified copy of the approval issued by the department
3 20 of transportation.
3 21 2. The application must be filed with the clerk of the
3 22 district court within one year from the date the department of
3 23 transportation issued the approval pursuant to section
3 24 321.200A.
3 25 3. Facts within the personal knowledge of the applicant
3 26 and the authenticity of all documents and exhibits included in
3 27 or attached to the application must be sworn to affirmatively
3 28 as true and correct.
3 29 4. The clerk of the district court shall deliver a copy of
3 30 the application to the department of transportation, the
3 31 attorney general, the clerk of the district court and county
3 32 attorney where each conviction approved for removal occurred,
3 33 and the clerk of the district court where the applicant
3 34 resides.
3 35 5. The clerk of the district court shall also provide a

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4 1 copy of any order entered pursuant to section 822.6 or section
4 2 822.7 to the department of transportation, the attorney
4 3 general, and any clerk and county attorney entitled to receive
4 4 a copy of the application under subsection 4.
4 5 6. The supreme court may prescribe the form of the
4 6 application and verification.
4 7 Sec. 5. Section 822.6, Code 2009, is amended to read as
4 8 follows:
4 9 822.6 DETERMINATION OF RELIEF.
4 10 1. Within thirty days after the docketing of the
4 11 application, or within any further time the court may fix, the
4 12 state shall respond by answer or by motion which may be
4 13 supported by affidavits. At any time prior to entry of
4 14 judgment the court may grant leave to withdraw the
4 15 application. The court may make appropriate orders for
4 16 amendment of the application or any pleading or motion, for
4 17 pleading over, for filing further pleadings or motions, or for
4 18 extending the time of the filing of any pleading. In
4 19 considering the application the court shall take account of
4 20 substance regardless of defects of form. If the application
4 21 is not accompanied by the record of the proceedings challenged
4 22 therein, the respondent shall file with its answer the record
4 23 or portions thereof that are material to the questions raised
4 24 in the application.
4 25 2. When a court is satisfied, on the basis of the
4 26 application, the answer or motion, and the record, that the
4 27 applicant is not entitled to postconviction relief and no
4 28 purpose would be served by any further proceedings, it may
4 29 indicate to the parties its intention to dismiss the
4 30 application and its reasons for dismissal. The applicant
4 31 shall be given an opportunity to reply to the proposed
4 32 dismissal. In light of the reply, or on default thereof, the
4 33 court may order the application dismissed or grant leave to
4 34 file an amended application or direct that the proceedings
4 35 otherwise continue. Disposition on the pleadings and record

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5 1 is not proper if a material issue of fact exists.
5 2 3. ~~The~~ Except as provided in subsection 4, the court may
5 3 grant a motion by either party for summary disposition of the
5 4 application, when it appears from the pleadings, depositions,
5 5 answers to interrogatories, and admissions and agreements of
5 6 fact, together with any affidavits submitted, that there is no
5 7 genuine issue of material fact and the moving party is
5 8 entitled to judgment as a matter of law.
5 9 4. In proceedings commenced under section 822.3A, the
5 10 court may grant a motion by the applicant for summary
5 11 disposition of the application for any conviction if the
5 12 respective county attorney in the county where the conviction
5 13 approved for removal occurred, affirmatively indicates the
5 14 state has no resistance to the application.
5 15 EXPLANATION
5 16 This bill establishes a procedure to remove a conviction
5 17 relating to the operation of a motor vehicle from a driving
5 18 record which was entered due to identity theft and requires
5 19 verification of status in regards to the driver's license of a
5 20 foreign national.
5 21 The bill specifies that the department of transportation is
5 22 authorized to issue a driver's license to a foreign national
5 23 only for the length of time the foreign national is authorized
5 24 to be present in the United States as verified by the
5 25 department, not to exceed two years. Current law specifies
5 26 the department is to determine the length of time a foreign
5 27 national is authorized to be present in the United States.
5 28 Under the bill, if a record of conviction for a violation
5 29 of Code chapter 321 or other law regulating the operation of a
5 30 vehicle on the highways of this state is entered against a
5 31 person as the result of identity theft, the person may make a
5 32 written application to the department of transportation to
5 33 have the record of conviction removed from the records of the
5 34 department.
5 35 The bill provides that the department of transportation may

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6 1 deny or approve the application at the discretion of the
6 2 department. If the department approves the application the
6 3 applicant may commence postconviction proceedings pursuant to
6 4 new Code section 822.3A created in the bill. The approval or
6 5 denial of an application is not subject to contested case
6 6 proceedings or further review as provided in Code chapter 17A.
6 7 Under the bill, if the department of transportation issues
6 8 an approval to remove a record, a postconviction proceeding is
6 9 commenced by filing an application verified by the applicant
6 10 with the clerk of the district court in the county where the
6 11 conviction occurred, or with the clerk of the district court
6 12 where the applicant resides. The application for
6 13 postconviction relief must be filed with the clerk of the
6 14 district court within one year from the date the department of
6 15 transportation issued the approval. The bill provides that
6 16 the clerk of the district court shall deliver a copy of the
6 17 application for postconviction relief to the department of
6 18 transportation; the attorney general; the clerk of the
6 19 district court and the county attorney where each conviction
6 20 approved for removal occurred; and the clerk of the district
6 21 court where the applicant resides.
6 22 In the postconviction proceedings the court may grant a
6 23 motion by the applicant for summary disposition of the
6 24 application for any conviction if the respective county
6 25 attorney in the county where the conviction approved for
6 26 removal occurred, affirmatively indicates the state has no
6 27 resistance to the application.
6 28 If postconviction relief is granted under the bill, the
6 29 department of transportation shall rescind any administrative
6 30 sanction entered against the person as a result of the
6 31 conviction, unless the person would be subject to the sanction
6 32 despite the removal of the record of conviction. The
6 33 department may impose a new sanction if removal of the record
6 34 of conviction would result in a lesser or different sanction.
6 35 LSB 1388SV 83

Senate File 356 - Introduced continued

7 1 jm/nh/5

Senate File 357 - Introduced

SENATE FILE
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 1071)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, and providing penalties.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1409SV 83
ak/rj/8

Senate File 357 - Introduced continued

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1 1 DIVISION I
1 2 WAGE PAYMENT COLLECTION PENALTIES
1 3 Section 1. Section 91A.12, subsection 1, Code 2009, is
1 4 amended to read as follows:
1 5 1. Any employer who violates the provisions of this
1 6 chapter or the rules promulgated under it shall be subject to
1 7 a civil money penalty of not more than ~~one~~ five hundred
1 8 dollars per pay period for each violation. The commissioner
1 9 may recover such civil money penalty according to the
1 10 provisions of subsections 2 to 5. Any civil money penalty
1 11 recovered shall be deposited in the general fund of the state.
1 12 DIVISION II
1 13 CHILD LABOR VIOLATION PENALTIES
1 14 Sec. 2. Section 92.11, subsection 2, paragraph c, Code
1 15 2009, is amended to read as follows:
1 16 c. ~~In~~ For cases where ~~none of~~ the ~~above=named~~ proofs
1 17 designated in paragraphs "a" and "b" are not obtainable,
1 18 documentation issued by the federal government that is deemed
1 19 by the commissioner to be sufficient evidence of age, or an
1 20 affidavit signed by a licensed ~~a certificate, signed by the~~
~~1 21 local medical inspector of schools, or if there be no such~~
~~1 22 inspector, then by a~~ physician ~~appointed by the local board of~~
~~1 23 education,~~ certifying that in the ~~inspector's or~~ physician's
1 24 opinion the applicant for the work permit is fourteen years of
1 25 age or more.
1 26 Sec. 3. Section 92.19, Code 2009, is amended to read as
1 27 follows:
1 28 92.19 VIOLATIONS BY PARENT OR GUARDIAN.
1 29 1. ~~No~~ A parent, guardian, or other person, having under
1 30 the parent's, guardian's, or other person's control any person
1 31 under eighteen years of age, shall ~~willfully~~ not permit said
1 32 person to work or be employed in violation of the provisions
1 33 of this chapter.
1 34 2. ~~No~~ A person shall ~~willfully~~ not make, certify to, or
1 35 cause to be made or certified any statement, certificate, or

Senate File 357 - Introduced continued

other paper for the purpose of procuring the employment of any person in violation of this chapter.

3. ~~No~~ A person shall not make, file, execute, or deliver any statement, certificate, or other paper containing false statements for the purpose of procuring employment of any person in violation of this chapter.

4. ~~No~~ A person, firm, or corporation, or any agent thereof shall ~~willfully~~ not conceal or permit a person to be employed in violation of this chapter.

5. ~~No~~ A person, firm, or corporation shall not refuse to allow any authorized persons to inspect the place of business or provide information necessary to the enforcement of this chapter.

Sec. 4. Section 92.20, Code 2009, is amended to read as follows:

92.20 PENALTY.

1. The parent, guardian, or person in charge of any migratory worker or of any child who ~~shall engage~~ engages in any street occupation in violation of any of the provisions of this chapter shall be guilty of a ~~simple~~ serious misdemeanor.

2. Any person who furnishes or sells to any minor child any article of any description ~~when~~ which the person knows or should have known ~~that said~~ the minor intends to sell in violation of the provisions of this chapter, shall be guilty of a ~~simple~~ serious misdemeanor.

3. Any other violation of this chapter for which a penalty is not specifically provided~~, shall be guilty of~~ constitutes a ~~simple~~ serious misdemeanor.

4. Every day during which any violation of this chapter continues ~~shall constitute~~ constitutes a separate and distinct offense, and the employment of any person in violation of this chapter ~~shall~~, with respect to each person so employed, ~~constitute~~ constitutes a separate and distinct offense.

Sec. 5. Section 92.21, Code 2009, is amended to read as follows:

Senate File 357 - Introduced continued

3 1 92.21 RULES AND ORDERS OF LABOR COMMISSIONER.
3 2 1. The labor commissioner may adopt rules to more
3 3 specifically define the occupations and equipment permitted or
3 4 prohibited in this chapter, to determine occupations for which
3 5 work permits are required, and to issue general and special
3 6 orders prohibiting or allowing the employment of persons under
3 7 eighteen years of age in any place of employment defined in
3 8 this chapter as hazardous to the health, safety, and welfare
3 9 of the persons.
3 10 2. The labor commissioner shall adopt rules specifically
3 11 defining the civil penalty amount to be assessed for
3 12 violations of this chapter.
3 13 Sec. 6. Section 92.22, Code 2009, is amended to read as
3 14 follows:
3 15 92.22 LABOR COMMISSIONER TO ENFORCE.
3 16 1. The labor commissioner shall enforce this chapter. An
3 17 employer who violates this chapter or the rules adopted
3 18 pursuant to this chapter is subject to a civil penalty of not
3 19 more than ten thousand dollars for each violation.
3 20 2. The commissioner shall notify the employer of a
3 21 proposed civil penalty by service in the same manner as an
3 22 original notice or by certified mail. If, within fifteen
3 23 working days from the receipt of the notice, the employer
3 24 fails to file a notice of contest in accordance with rules
3 25 adopted by the commissioner pursuant to chapter 17A, the
3 26 penalty, as proposed, shall be deemed final agency action for
3 27 purposes of judicial review.
3 28 3. The commissioner shall notify the department of revenue
3 29 upon final agency action regarding the assessment of a penalty
3 30 against an employer. Interest shall be calculated from the
3 31 date of final agency action.
3 32 4. Judicial review of final agency action pursuant to this
3 33 section may be sought in accordance with the terms of section
3 34 17A.19. If no petition for judicial review is filed within
3 35 sixty days after service of the final agency action of the

Senate File 357 - Introduced continued

4 1 commissioner, the commissioner's findings of fact and final
4 2 agency action shall be conclusive in connection with any
4 3 petition for enforcement which is filed by the commissioner
4 4 after the expiration of the sixty=day period. In any such
4 5 case, the clerk of court, unless otherwise ordered by the
4 6 court, shall forthwith enter a decree enforcing the final
4 7 agency action and shall transmit a copy of the decree to the
4 8 commissioner and the employer named in the petition.
4 9 5. Any penalties recovered pursuant to this section shall
4 10 be remitted by the commissioner to the treasurer of state for
4 11 deposit in the general fund of the state.
4 12 6. Mayors and police officers, sheriffs, school
4 13 superintendents, and school truant and attendance officers,
4 14 within their several jurisdictions, shall ~~co=operate~~ cooperate
4 15 in the enforcement of this chapter and furnish the
4 16 commissioner and the commissioner's designees with all
4 17 information coming to their knowledge regarding violations of
4 18 this chapter. All such officers and any person authorized in
4 19 writing by a court of record shall have the authority to
4 20 enter, for the purpose of investigation, any of the
4 21 establishments and places mentioned in this chapter and to
4 22 freely question any person therein as to any violations of
4 23 this chapter.
4 24 7. County attorneys shall investigate all complaints made
4 25 to them of violations of this chapter, and prosecute all such
4 26 cases of violation within their respective counties.
4 27 EXPLANATION
4 28 Division I of this bill increases the monetary civil
4 29 penalty for a violation of the wage payment collection law
4 30 from $100 to $500 for each violation. The bill also specifies
4 31 that the monetary civil penalty shall be assessed per pay
4 32 period for each violation.
4 33 Division II of the bill makes several changes relating to
4 34 child labor laws in Code chapter 92. In Code section
4 35 92.11(2)(c), the bill allows the labor commissioner to

Senate File 357 - Introduced continued

5 1 consider federal documents for a child to verify the child's
5 2 age in order to obtain a child labor permit. The bill strikes
5 3 references to "local medical inspector of schools" as a source
5 4 for verifying a child's age. In Code section 92.19, the
5 5 standard of liability for a violation is amended from willful
5 6 to strict liability.
5 7 In Code section 92.21, the commissioner is authorized to
5 8 define civil penalties for violations of Code chapter 92.
5 9 The penalties for a criminal child labor violation are
5 10 increased from a simple misdemeanor to a serious misdemeanor
5 11 in Code section 92.20. A serious misdemeanor is punishable by
5 12 confinement for no more than one year and a fine of at least
5 13 $315 but not more than $1,875.
5 14 In Code section 92.22, the bill authorizes the commissioner
5 15 to assess a civil penalty of up to $10,000 for each violation
5 16 of Code chapter 92 or any rules adopted pursuant to the
5 17 chapter. The bill also establishes administrative procedures,
5 18 including notice, in accordance with Code chapter 17A. The
5 19 commissioner's decision shall be considered final agency
5 20 action for purposes of judicial review. The commissioner must
5 21 notify the department of revenue of any penalties assessed
5 22 against the employer. Interest is calculated from the date of
5 23 the final penalty determination. Judicial review of the final
5 24 agency action may be sought following procedures according to
5 25 Code section 17A.19.
5 26 Any penalties that the commissioner receives under Code
5 27 chapter 92 shall be remitted by the commissioner for deposit
5 28 in the general fund of the state.
5 29 LSB 1409SV 83
5 30 ak/rj/8

Senate File 358 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 221)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the recognition and enforcement of foreign=country money judgments and providing for the Act's applicability.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1959SV 83
da/rj/5

Senate File 358 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 UNIFORM FOREIGN=COUNTRY MONEY JUDGMENTS RECOGNITION ACT
1 3 Section 1. NEW SECTION. 626B.101 SHORT TITLE.
1 4 This chapter may be cited as the "Uniform Foreign=Country
1 5 Money Judgments Recognition Act".
1 6 Sec. 2. NEW SECTION. 626B.102 DEFINITIONS.
1 7 As used in this chapter:
1 8 1. "Foreign country" means a government other than any of
1 9 the following:
1 10 a. The United States.
1 11 b. A state, district, commonwealth, territory, or insular
1 12 possession of the United States.
1 13 c. Any other government with regard to which the decision
1 14 in this state as to whether to recognize a judgment of that
1 15 government's courts is initially subject to determination
1 16 under the full faith and credit clause of Article IV, section
1 17 1, of the Constitution of the United States.
1 18 d. Any Indian or Alaska native tribe, band, nation,
1 19 pueblo, village, or community that the United States secretary
1 20 of the interior recognizes as an Indian tribe.
1 21 2. "Foreign=country judgment" means a judgment of a court
1 22 of a foreign country.
1 23 Sec. 3. NEW SECTION. 626B.103 APPLICABILITY.
1 24 1. Except as otherwise provided in subsection 2, this
1 25 chapter applies to a foreign=country judgment to the extent
1 26 that all of the following apply to the judgment:
1 27 a. It grants or denies recovery of a sum of money.
1 28 b. Under the law of the foreign country where rendered, it
1 29 is final, conclusive, and enforceable.
1 30 2. This chapter does not apply to a foreign=country
1 31 judgment, even if the judgment grants or denies recovery of a
1 32 sum of money, to the extent that the judgment is any of the
1 33 following:
1 34 a. A judgment for taxes.
1 35 b. A fine or other penalty.

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2 1 c. A judgment for divorce, support, or maintenance, or
2 2 other judgment rendered in connection with domestic relations.
2 3 3. A party seeking recognition of a foreign=country
2 4 judgment has the burden of establishing that this chapter
2 5 applies to the foreign=country judgment.
2 6 Sec. 4. NEW SECTION. 626B.104 STANDARDS FOR RECOGNITION
2 7 OF FOREIGN=COUNTRY JUDGMENT.
2 8 1. Except as otherwise provided in subsections 2 and 3, a
2 9 court of this state shall recognize a foreign=country judgment
2 10 to which this chapter applies.
2 11 2. A court of this state shall not recognize a
2 12 foreign=country judgment if any of the following applies:
2 13 a. The judgment was rendered under a judicial system that
2 14 does not provide impartial tribunals or procedures compatible
2 15 with the requirements of due process of law.
2 16 b. The foreign court did not have personal jurisdiction
2 17 over the defendant.
2 18 c. The foreign court did not have jurisdiction over the
2 19 subject matter.
2 20 3. A court of this state need not recognize a
2 21 foreign=country judgment if any of the following apply:
2 22 a. The defendant in the proceeding in the foreign court
2 23 did not receive notice of the proceeding in sufficient time to
2 24 enable the defendant to defend.
2 25 b. The judgment was obtained by fraud that deprived the
2 26 losing party of an adequate opportunity to present its case.
2 27 c. The judgment or the cause of action on which the
2 28 judgment is based is repugnant to the public policy of this
2 29 state or of the United States.
2 30 d. The judgment conflicts with another final and
2 31 conclusive judgment.
2 32 e. The proceeding in the foreign court was contrary to an
2 33 agreement between the parties under which the dispute in
2 34 question was to be determined otherwise than by proceedings in
2 35 that foreign court.

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3 1 f. In the case of jurisdiction based only on personal
3 2 service, the foreign court was a seriously inconvenient forum
3 3 for the trial of the action.
3 4 g. The judgment was rendered in circumstances that raise
3 5 substantial doubt about the integrity of the rendering court
3 6 with respect to the judgment.
3 7 h. The specific proceeding in the foreign court leading to
3 8 the judgment was not compatible with the requirements of due
3 9 process of law.
3 10 4. A party resisting recognition of a foreign=country
3 11 judgment has the burden of establishing that a ground for
3 12 nonrecognition stated in subsection 2 or 3 exists.
3 13 Sec. 5. NEW SECTION. 626B.105 PERSONAL JURISDICTION.
3 14 1. A foreign=country judgment shall not be refused
3 15 recognition for lack of personal jurisdiction if any of the
3 16 following apply:
3 17 a. The defendant was served with process personally in the
3 18 foreign country.
3 19 b. The defendant voluntarily appeared in the proceeding,
3 20 other than for the purpose of protecting property seized or
3 21 threatened with seizure in the proceeding or of contesting the
3 22 jurisdiction of the court over the defendant.
3 23 c. The defendant, before the commencement of the
3 24 proceeding, had agreed to submit to the jurisdiction of the
3 25 foreign court with respect to the subject matter involved.
3 26 d. The defendant was domiciled in the foreign country when
3 27 the proceeding was instituted or was a corporation or other
3 28 form of business organization that had its principal place of
3 29 business in, or was organized under the laws of, the foreign
3 30 country.
3 31 e. The defendant had a business office in the foreign
3 32 country and the proceeding in the foreign court involved a
3 33 cause of action arising out of business done by the defendant
3 34 through that office in the foreign country.
3 35 f. The defendant operated a motor vehicle or airplane in

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4 1 the foreign country and the proceeding involved a cause of
4 2 action arising out of that operation.
4 3 2. The list of bases for personal jurisdiction in
4 4 subsection 1 is not exclusive. The courts of this state may
4 5 recognize bases of personal jurisdiction other than those
4 6 listed in subsection 1 as sufficient to support a
4 7 foreign=country judgment.
4 8 Sec. 6. NEW SECTION. 626B.106 PROCEDURE FOR RECOGNITION
4 9 OF FOREIGN=COUNTRY JUDGMENT.
4 10 1. If recognition of a foreign=country judgment is sought
4 11 as an original matter, the issue of recognition shall be
4 12 raised by filing an action seeking recognition of the
4 13 foreign=country judgment.
4 14 2. If recognition of a foreign=country judgment is sought
4 15 in a pending action, the issue of recognition may be raised by
4 16 counterclaim, cross=claim, or affirmative defense.
4 17 Sec. 7. NEW SECTION. 626B.107 EFFECT OF RECOGNITION OF
4 18 FOREIGN=COUNTRY JUDGMENT.
4 19 If the court in a proceeding under section 626B.106 finds
4 20 that the foreign=country judgment is entitled to recognition
4 21 under this chapter then, to the extent that the
4 22 foreign=country judgment grants or denies recovery of a sum of
4 23 money, the foreign=country judgment is all of the following:
4 24 1. Conclusive between the parties to the same extent as
4 25 the judgment of a sister state entitled to full faith and
4 26 credit in this state would be conclusive.
4 27 2. Enforceable in the same manner and to the same extent
4 28 as a judgment rendered in this state.
4 29 Sec. 8. NEW SECTION. 626B.108 STAY OF PROCEEDINGS
4 30 PENDING APPEAL OF FOREIGN=COUNTRY JUDGMENT.
4 31 If a party establishes that an appeal from a
4 32 foreign=country judgment is pending or will be taken, the
4 33 court may stay any proceedings with regard to the
4 34 foreign=country judgment until the appeal is concluded, the
4 35 time for appeal expires, or the appellant has had sufficient

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5 1 time to prosecute the appeal and has failed to do so.
5 2 Sec. 9. NEW SECTION. 626B.109 STATUTE OF LIMITATIONS.
5 3 An action to recognize a foreign=country judgment must be
5 4 commenced within the earlier of the time during which the
5 5 foreign=country judgment is effective in the foreign country
5 6 or fifteen years from the date that the foreign=country
5 7 judgment became effective in the foreign country.
5 8 Sec. 10. NEW SECTION. 626B.110 UNIFORMITY OF
5 9 INTERPRETATION.
5 10 In applying and construing this chapter, consideration must
5 11 be given to the need to promote uniformity of the law with
5 12 respect to its subject matter among states that enact the
5 13 "Uniform Foreign=Country Money Judgments Recognition Act".
5 14 Sec. 11. NEW SECTION. 626B.111 SAVING CLAUSE.
5 15 This chapter does not prevent the recognition under
5 16 principles of comity or otherwise of a foreign=country
5 17 judgment not within the scope of this chapter.
5 18 Sec. 12. APPLICABILITY TO ACTIONS COMMENCED ON OR AFTER
5 19 THE EFFECTIVE DATE OF THIS ACT. This Act applies to all
5 20 actions commenced on or after the effective date of this Act
5 21 in which the issue of recognition of a foreign=country
5 22 judgment is raised.
5 23 DIVISION II
5 24 CONFORMING PROVISIONS
5 25 Sec. 13. Section 624.24, Code 2009, is amended to read as
5 26 follows:
5 27 624.24 WHEN JUDGMENT LIEN ATTACHES.
5 28 When the real estate lies in the county wherein the
5 29 judgment of the district court of this state or of the circuit
5 30 or district courts of the United States was entered in the
5 31 judgment docket and lien index kept by the clerk of the court
5 32 having jurisdiction, the lien shall attach from the date of
5 33 such entry of judgment, but if in another it will not attach
5 34 until an attested copy of the judgment is filed in the office
5 35 of the clerk of the district court of the county in which the

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real estate lies except for a foreign ~~judgments~~ judgment pursuant to ~~chapters~~ chapter 626A, ~~and~~ foreign=country money judgment pursuant to chapter 626B, ~~and~~ or tribal ~~judgments as defined in section 626D.2~~ court judgment pursuant to chapter 626D, which shall not attach until ~~an appeal is~~ proceedings to challenge such judgment as authorized by its chapter have been concluded, and the ~~time for the appeal has expired, or the stay of execution has expired or was vacated pursuant to section 626A.4, 626B.3, 626B.5, or 626D.7~~ district court finds that any such judgment is entitled to recognition. In such cases, the lien shall attach on the date the clerk of court files an attested copy of the judgment in the office of the clerk of the district court of the county in which the real estate lies ~~in any of the following circumstances:~~

~~1. The foreign or tribal judgment has not been appealed and the time for filing an appeal has expired~~.

~~2. The foreign or tribal judgment has been appealed and the judgment has been affirmed on appeal and is not subject to further appeal.~~

~~3. An appeal from a foreign or tribal judgment has been filed and a stay from such judgment has not been granted by the district court to the appealing party.~~

DIVISION III
REPEALS

Sec. 14. Sections 626B.1, 626B.2, 626B.3, 626B.4, 626B.5, 626B.6, 626B.7, and 626B.8, Code 2009, are repealed.

EXPLANATION

BACKGROUND. This bill provides for the enactment of the "Uniform Foreign=Country Money Judgments Recognition Act" promulgated in 2005 by the National Conference of Commissioners on Uniform State Laws (NCCUSL). Its purpose is to provide for the uniform enforcement of foreign=country judgments in all state courts. The bill is a revision of a model act adopted by NCCUSL in 1962, and enacted by the general assembly in 1989 (1989 Iowa Acts, chapter 173). The

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7 1 bill replaces the provisions of the old model Act and enacts
7 2 new provisions in the same Code chapter 626B.
7 3 OPERATION. The bill provides for how a state court may
7 4 recognize a foreign=country judgment for purposes of
7 5 enforcement. Once recognized, the judgment creditor may
7 6 proceed against a judgment debtor's property to satisfy the
7 7 judgment amount. In addition, once the foreign=country
7 8 judgment is recognized, it is conclusive between the parties
7 9 (Code section 626B.107(1)) and may be enforced as if it were a
7 10 judgment of a sister state, subject to full faith and credit
7 11 (Code section 626B.107(2)).
7 12 In order for district court to recognize a foreign=country
7 13 judgment district, two conditions must be satisfied. First,
7 14 the judgment must grant or deny the recovery of money (Code
7 15 section 626.103(1)(a)) and second, the judgment must be final,
7 16 conclusive, and enforceable in that foreign=country country
7 17 (Code section 626B.103(1)(b)).
7 18 EXCEPTIONS. Two classes of exceptions apply to deny
7 19 recognition. First, certain money judgments are excluded
7 20 including judgments on taxes, fines or other penalties, and
7 21 judgments relating to divorce or domestic relations (Code
7 22 section 626B.103(1)(b)). Second, the foreign=country
7 23 proceedings or the foreign=country judgment are excluded if
7 24 they are objectionable. In some cases, denial is mandatory
7 25 and in other cases it is left to the discretion of the
7 26 district court. The district court must deny recognition if
7 27 the foreign=country court was biased or provided inadequate
7 28 standards for due process or there was a lack of jurisdiction,
7 29 either personal jurisdiction over the defendant or subject
7 30 matter jurisdiction (Code section 626B.104(2)). There are
7 31 detailed standards set forth for when personal jurisdiction
7 32 standards are satisfied (Code section 626B.105). In addition,
7 33 the district court may deny recognition based on any one of a
7 34 number of grounds generally based on serious defects in the
7 35 foreign=country court's proceedings, conflicts with another

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8 1 final and conclusive judgment, or because of public policy
8 2 (Code section 626B.104(3)).
8 3 PROCEDURE. The party seeking to enforce a foreign=country
8 4 judgment may bring an original cause of action in district
8 5 court (Code section 626B.106(1)) or may file a counterclaim,
8 6 cross=claim, or affirmative defense in a pending action (Code
8 7 section 626B.106(2)). The party seeking recognition of the
8 8 foreign=country judgment has the burden to prove that it is
8 9 subject to the bill's provisions (Code section 626B.103(3)).
8 10 Once it is determined that recognition may be granted, the
8 11 burden shifts to the resisting party to prove a specific
8 12 ground exists for denying recognition (Code section
8 13 626B.104(4)). The district court may stay a proceeding if a
8 14 party establishes that an appeal of a foreign=country judgment
8 15 is pending, until the issue is resolved (Code section
8 16 626B.108).
8 17 STATUTE OF LIMITATIONS. A special statute of limitations
8 18 applies to enforcement of a foreign=country judgment. The
8 19 limitation either applies at the end of the period in the
8 20 foreign country when the judgment can no longer be enforced
8 21 under its law, or if there is no statute of limitations in the
8 22 foreign country, after 15 years from the time the judgment is
8 23 effective in the foreign country, whichever is earlier (Code
8 24 section 626B.109).
8 25 APPLICABILITY. The new provisions in the bill apply to all
8 26 actions commenced on or after the effective date of the bill
8 27 in which the issue of recognition of a foreign=country
8 28 judgment is raised.
8 29 DEVIATION FROM THE MODEL ACT. The bill provides that a
8 30 foreign country does not include an Indian or Alaska native
8 31 community that the United States secretary of the interior
8 32 recognizes as an Indian tribe (these judgments are recognized
8 33 in Code chapter 626D).
8 34 CONFORMING PROVISIONS. The bill amends Code section 626.24
8 35 which provides for the attachment of a lien in cases of

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9 1 foreign=country money judgments (Code chapter 626B) as well as
9 2 a foreign judgment (Code chapter 626A) or tribal judgment
9 3 (Code chapter 626D). In all these cases, a lien cannot attach
9 4 until proceedings to challenge the judgment have been
9 5 concluded and the judgment is recognized by the district
9 6 court.
9 7 LSB 1959SV 83
9 8 da/rj/5

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SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1016)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the establishment and implementation of a statewide writing assessment for public school students in grades three, six, and ten.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1261SV 83
kh/nh/24

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1 1 Section 1. Section 256.7, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 30. Adopt rules establishing a statewide
1 4 writing assessment for students in grade levels three, six,
1 5 and ten. The assessment shall measure the essential writing
1 6 skills identified in the Iowa core curriculum, including but
1 7 not limited to effective writing process; knowledge of
1 8 purpose, audience, and format; writing in a variety of genres;
1 9 using writing as a tool for learning; and writing on demand.
1 10 a. The rules shall require school districts to administer
1 11 the assessment to all students at the grade levels three, six,
1 12 and ten who are also administered the regular statewide
1 13 assessments in reading, mathematics, and science. School
1 14 districts shall begin administering the assessments to
1 15 students in grade ten in the 2012=2013 school year, and
1 16 students in grades three and six in the 2013=2014 school year,
1 17 but may administer the assessments prior to those school years
1 18 if the department makes the assessments available prior to
1 19 those school years.
1 20 b. The department shall collaborate with appropriate
1 21 stakeholders on the development of the statewide writing
1 22 assessment. The department shall create a mechanism for
1 23 collecting and reporting data resulting from the
1 24 administration of the statewide writing assessment and shall
1 25 include the data in the next following annual condition of
1 26 education report.
1 27 Sec. 2. Section 284.6, subsection 8, Code 2009, is amended
1 28 to read as follows:
1 29 8. For each year in which a school district receives funds
1 30 allocated for distribution to school districts for
1 31 professional development pursuant to section 284.13,
1 32 subsection 1, paragraph "d", the school district shall create
1 33 quality professional development opportunities. The goal for
1 34 the use of the funds is to provide one additional contract day
1 35 or the equivalent thereof for professional development and use

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of the funds is limited to providing professional development to teachers, including additional salaries for time beyond the normal negotiated agreement; pay for substitute teachers, professional development materials, speakers, and professional development content; professional development for assessing the statewide writing assessments administered in accordance with section 256.7, subsection 30; and costs associated with implementing the individual professional development plans. The use of the funds shall be balanced between school district, attendance center, and individual professional development plans, making every reasonable effort to provide equal access to all teachers.

EXPLANATION

This bill requires the state board of education to establish a statewide writing assessment for students in grades three, six, and 10, and requires school districts to begin administering the assessments to students in grade 10 in the 2012=2013 school year and in grades 3 and 6 in the 2013=2014 school year. School districts are authorized to use state funds allocated to the school districts for professional development to provide professional development to statewide writing assessment assessors.

The assessment must be designed to measure the essential writing skills identified in the Iowa core curriculum, including but not limited to effective writing process; knowledge of purpose, audience, and format; writing in a variety of genres; using writing as a tool for learning; and writing on demand.

The department of education is directed to collaborate with appropriate stakeholders on the development of the assessment, create a mechanism for collecting data and reporting the data resulting from administration of the assessments, and to include the data in the next following annual condition of education report published by the department.

LSB 1261SV 83

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3 1 kh/nh/24

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SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1101)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1368SV 83
kh/sc/5

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PAG LIN

1 1 Section 1. Section 256.11, subsection 10, paragraph b,
1 2 subparagraph (5), Code 2009, is amended to read as follows:
1 3 (5) After visiting the school district or nonpublic
1 4 school, the accreditation committee shall determine whether
1 5 the accreditation standards have been met and shall make a
1 6 report to the director, together with a recommendation whether
1 7 the school district or nonpublic school shall remain
1 8 accredited. ~~The accreditation committee shall report~~
~~1 9 strengths and weaknesses, if any, for each standard and shall~~
~~1 10 advise the school or school district of available resources~~
~~1 11 and technical assistance to further enhance strengths and~~
~~1 12 improve areas of weakness. A school district or nonpublic~~
~~1 13 school shall be provided with the opportunity to respond to~~
~~1 14 the accreditation committee's report.~~ If the recommendation
1 15 is that a school district or nonpublic school not remain
1 16 accredited, the accreditation committee shall provide the
1 17 school district or nonpublic school with a report that
1 18 includes a list of all of the deficiencies, a plan prescribing
1 19 the actions that must be taken to correct the deficiencies,
1 20 and a deadline date for completion of the prescribed actions.
1 21 The accreditation committee shall advise the school district
1 22 or nonpublic school of available resources and technical
1 23 assistance to improve areas of weakness. The school district
1 24 or nonpublic school shall be provided with the opportunity to
1 25 respond to the accreditation committee's report. The director
1 26 shall review the accreditation committee's report and the
1 27 response of the school district or nonpublic school and shall
1 28 provide a report to the state board along with copies of the
1 29 accreditation committee's report, the response to the
1 30 accreditation committee's report, and other pertinent
1 31 information. At the request of the school district or
1 32 nonpublic school, the school district or nonpublic school may
1 33 appear before the state board and address the state board
1 34 directly regarding any part of the plan specified in the
1 35 report. The state board may modify the plan. During the

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2 1 period of time specified in the plan for its implementation by
2 2 a school district or nonpublic school, the school district or
2 3 school shall remain accredited.
2 4 Sec. 2. Section 256.11, subsections 11 and 12, Code 2009,
2 5 are amended by striking the subsections and inserting in lieu
2 6 thereof the following:
2 7 11. The accreditation committee shall revisit the school
2 8 district or nonpublic school and shall determine whether the
2 9 deficiencies in the standards have been corrected.
2 10 a. The accreditation team shall make a report and
2 11 recommendation to the director and the state board. The
2 12 committee recommendation shall specify whether the school
2 13 district or nonpublic school shall remain accredited. For a
2 14 school district, the committee report and recommendation shall
2 15 also specify under what conditions the district may remain
2 16 accredited. The conditions may include but are not limited to
2 17 providing temporary oversight authority, operational
2 18 authority, or both oversight and operational authority to the
2 19 director and the state board for some or all aspects of the
2 20 school district in order to bring the school district into
2 21 compliance with minimum standards.
2 22 b. The state board shall review the report and
2 23 recommendation, may request additional information, and shall
2 24 determine whether the deficiencies have been corrected.
2 25 c. If the deficiencies have not been corrected, and the
2 26 conditional accreditation alternatives contained in the report
2 27 are not mutually acceptable to the state board and the local
2 28 board, the state board shall merge the territory of the school
2 29 district with one or more contiguous school districts at the
2 30 end of the school year. The state board may place a district
2 31 under receivership for the remainder of the school year. The
2 32 receivership shall be under the direct supervision and
2 33 authority of the area education agency in which the district
2 34 is located. The decision of whether to merge the school
2 35 district and require payment of tuition for the district's

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3 1 students or to place the district under receivership shall be
3 2 based upon a determination by the state board of the best
3 3 interests of the students, parents, residents of the
3 4 community, teachers, administrators, and school district board
3 5 members and upon the recommendations of the accreditation
3 6 committee and the director.
3 7 d. In the case of a nonpublic school, if the deficiencies
3 8 have not been corrected, the state board may declare a
3 9 nonpublic school to be nonaccredited. The removal of
3 10 accreditation shall take effect on the date established by the
3 11 resolution of the state board, which shall be no later than
3 12 the end of the school year in which the nonpublic school is
3 13 declared to be nonaccredited.
3 14 12. If the state board removes accreditation from a school
3 15 district and merges the territory of the school district with
3 16 one or more contiguous school districts, the district whose
3 17 accreditation is removed ceases to exist as a school
3 18 corporation on the effective date set by the state board for
3 19 removal of accreditation. Notwithstanding any other provision
3 20 of law, the contiguous school districts receiving territory of
3 21 the former school district whose accreditation was removed are
3 22 not considered successor school corporations of the former
3 23 district.
3 24 a. Division of assets and liabilities of the school
3 25 district whose accreditation was removed shall be as provided
3 26 in sections 275.29 through 275.31.
3 27 (1) If one or more of the contiguous school districts
3 28 receiving assets and liabilities of the school district whose
3 29 accreditation was removed utilizes the equalization levy, only
3 30 that territory in the school district imposing the
3 31 equalization levy that comprises territory of the former
3 32 school district shall be taxed.
3 33 (2) Income surtax revenue and revenues generated by
3 34 property taxes shall be distributed proportionately based on
3 35 taxable value of the territory received by one or more school

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4 1 districts contiguous to the former school district whose
4 2 accreditation was removed.
4 3 (3) Revenues that are based on student enrollment shall be
4 4 distributed based on percentages of students of the school
4 5 district whose accreditation was removed who now reside in
4 6 territory received by one or more school districts contiguous
4 7 to the school district whose accreditation was removed.
4 8 b. Prior to the effective date set by the state board for
4 9 removal of accreditation, the school district whose
4 10 accreditation is to be removed shall remain responsible for,
4 11 and may retain such authority as is necessary to complete, all
4 12 of the following:
4 13 (1) Execution of one or more quitclaim deeds, in
4 14 fulfillment of the merger of territory received by one or more
4 15 contiguous school districts from the former school district
4 16 whose accreditation was removed.
4 17 (2) Preparation of and payment for a final audit of all
4 18 the district's financial accounts.
4 19 (3) Preparation and certification of a final certified
4 20 annual report to the department.
4 21 c. The provisions of section 275.57 apply when removal of
4 22 accreditation from a school district and merger of its
4 23 territory with a contiguous school district that is currently
4 24 divided into director districts leads to the formation of new
4 25 director districts.
4 26 Sec. 3. Section 275.53, Code 2009, is amended to read as
4 27 follows:
4 28 275.53 DISSOLUTION PROPOSAL.
4 29 1. The commission shall send a copy of its dissolution
4 30 proposal or shall inform the board that it cannot agree upon a
4 31 dissolution proposal not later than one year following the
4 32 date of the organizational meeting of the commission. The
4 33 commission shall also send a copy of the dissolution proposal
4 34 ~~by registered mail~~ to the boards of directors of all school
4 35 districts to which area of the affected school district will

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be attached. If the board of a district to which area of the affected school district will be attached objects to the attachment, within ten days following receipt of the dissolution proposal the board shall send its objections in writing to the commission. The commission may consider the objections and may modify the dissolution proposal. If the dissolution proposal is modified, the commission shall notify ~~by registered mail~~ the boards of directors of all school districts to which area of the affected school district will be attached.

2. Notifications required under subsection 1 shall be delivered using one of the following methods:

a. Mail bearing a United States postal service postmark.

b. Hand delivery.

c. Facsimile transmission.

d. Electronic delivery.

3. If the commission cannot agree upon a dissolution proposal prior to the expiration of its term, the board may appoint a new commission.

Sec. 4. Section 275.54, Code 2009, is amended to read as follows:

275.54 HEARING.

1. Within ten days following the filing of the dissolution proposal with the board, the board shall fix a date for a hearing on the proposal which shall not be more than sixty days after the dissolution petition was filed with the board. The board shall publish notice of the date, time, and location of the hearing at least ten days prior to the date of the hearing by one publication in a newspaper in general circulation in the district. The notice shall include the content of the dissolution proposal. A person residing or owning land in the school district may present evidence and arguments at the hearing. The president of the board shall preside at the hearing. The board shall review testimony from the hearing and shall adopt or amend and adopt the dissolution

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6 1 proposal.
6 2 2. The board shall notify ~~by registered mail~~ the boards of
6 3 directors of all school districts to which area of the
6 4 affected school district will be attached and the director of
6 5 the department of education of the contents of the dissolution
6 6 proposal adopted by the board. The notification shall be
6 7 delivered using one of the following methods:
6 8 a. Mail bearing a United States postal service postmark.
6 9 b. Hand delivery.
6 10 c. Facsimile transmission.
6 11 d. Electronic delivery.
6 12 3. If the board of a district to which area of the
6 13 affected school district will be attached objects to the
6 14 attachment, that portion of the dissolution proposal will not
6 15 be included in the proposal voted upon under section 275.55
6 16 and the director of the department of education shall attach
6 17 the area to a contiguous school district.
6 18 4. If the board of a district to which area of the
6 19 affected school district will be attached objects to the
6 20 division of assets and liabilities contained in the
6 21 dissolution proposal, ~~section 275.30 applies for the division~~
6 22 ~~of assets and liabilities to that district~~ the matter shall be
6 23 decided by a panel of disinterested arbitrators. The panel
6 24 shall consist of one arbitrator selected by each affected
6 25 district objecting to the provisions of the dissolution
6 26 proposal, one selected by each affected district in favor of
6 27 the provisions of the dissolution proposal, and one selected
6 28 by each dissolving district. If the number of arbitrators
6 29 selected is even, a disinterested arbitrator shall be selected
6 30 by the administrator of the area education agency to which the
6 31 dissolving district or districts belong. The decision of the
6 32 arbitrators shall be made in writing and filed with the
6 33 secretary of the new corporation. A party to the proceedings
6 34 may appeal the decision to the district court by serving
6 35 notice on the secretary of the new school corporation within

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7 1 twenty days after the decision is filed. The appeal shall be
7 2 tried in equity and a decree entered determining the entire
7 3 matter, including the levy, collection, and distribution of
7 4 any necessary taxes.
7 5 5. If a dissolution proposal adopted by a board contains
7 6 provisions that ninety=five percent or more of the taxable
7 7 valuation of the dissolving district would be assumed and
7 8 attached to a single school district, the dissolving school
7 9 district shall cease further proceedings to dissolve and shall
7 10 comply with reorganization procedures specified in this
7 11 chapter.
7 12 Sec. 5. Section 275.55, subsections 1 and 2, Code 2009,
7 13 are amended to read as follows:
7 14 1. After the final hearing on the dissolution proposal,
7 15 the board of the school district shall submit the proposition
7 16 to the voters at ~~an~~ the next election held on a date specified
7 17 in section 39.2, subsection 4, paragraph "c". However, the
7 18 date of the final hearing on the dissolution proposal must be
7 19 not less than thirty nor more than sixty days before the
7 20 election. The proposition submitted to the voters residing in
7 21 the school district shall describe each separate area to be
7 22 attached to a contiguous school district and shall name the
7 23 school district to which it will be attached. In addition to
7 24 the description, a map may be included in the summary of the
7 25 question on the ballot.
7 26 2. The board shall give written notice of the ~~proposed~~
7 27 ~~date of the~~ election to the county commissioner of elections.
7 28 The county commissioner of elections shall give notice of the
7 29 election by one publication in the same newspaper in which the
7 30 previous notice was published about the hearing, which
7 31 publication shall not be less than four nor more than twenty
7 32 days prior to the election.
7 33 EXPLANATION
7 34 This bill makes a number of changes relating to the
7 35 accreditation of school districts and nonpublic schools and

Senate File 360 - Introduced continued

8 1 the reorganization of school districts.
8 2 The bill retains but moves specific language under the
8 3 educational standards provision of the Code to new subsections
8 4 and strikes language which requires a school district that has
8 5 lost its accreditation to pay tuition for its resident
8 6 students to an accredited school district.
8 7 The bill provides that, at the request of the school
8 8 district or nonpublic school, the school district or nonpublic
8 9 school may appear before the state board and address the state
8 10 board directly regarding any part of the accreditation
8 11 committee's plan. The state board may modify the plan.
8 12 During the period of time specified in the plan for its
8 13 implementation by a school district or nonpublic school, the
8 14 school district or school shall remain accredited. The bill
8 15 requires that the accreditation committee's recommendation
8 16 specify under what conditions a school district may remain
8 17 accredited.
8 18 The bill adds language to the educational standards
8 19 provision relating to the utilization of the equalization levy
8 20 by a school district receiving the assets and liabilities of a
8 21 school district whose accreditation was removed, an
8 22 arbitration process when the affected school districts cannot
8 23 agree to the division of assets and liabilities, income surtax
8 24 revenue and other revenues generated by property taxes in the
8 25 taxable land received by school districts contiguous to the
8 26 former school district, and the distribution of revenues based
8 27 on percentages of students in the former school district who
8 28 now reside in the territory received by other accredited
8 29 school districts. The bill also charges the former school
8 30 district with the responsibility and authority to complete
8 31 execution of quitclaim deeds in fulfillment of the merger of
8 32 territory, preparation of and payment for a final audit of the
8 33 former district's financial accounts, and preparation and
8 34 certification of a final certified annual report to the
8 35 department.

Senate File 360 - Introduced continued

The bill makes the provisions of Code section 275.57, relating to changing director district boundaries following dissolution, applicable when removal of accreditation from a school district and merger of its territory to one or more contiguous school districts leads to the formation of new director districts.

The bill also strikes the current requirement that dissolution proposals and notifications of public hearings on dissolution proposals must be delivered by registered mail and instead allows delivery by the United States postal service, hand delivery, facsimile transmission, or electronic delivery. After the final hearing on a dissolution proposal, the bill requires the school district to submit the proposition at an election held on the next possible statutory special election date. However, the date of the final hearing on the proposal must be not less than 30 nor more than 60 days before the election.

LSB 1368SV 83
kh/sc/5

Senate File 361 - Introduced

SENATE FILE
BY COMMITTEE ON REBUILD IOWA

(SUCCESSOR TO SSB 1270)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act providing appropriations to support soil and water conservation efforts.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2652SV 83
da/rj/5

Senate File 361 - Introduced continued

PAG LIN

1 1 Section 1. STUDY OF THE IMPACTS OF AGRICULTURAL LAND
1 2 MANAGEMENT ON IOWA HYDROLOGY. There is appropriated from the
1 3 general fund of the state to the department of agriculture and
1 4 land stewardship for the fiscal period beginning July 1, 2009,
1 5 and ending June 30, 2011, the following amount, or so much
1 6 thereof as is necessary, to be used for the purposes
1 7 designated:
1 8 For purposes of establishing a research project to study
1 9 the impact of agricultural land management on Iowa's
1 10 hydrology, including salaries, support, maintenance, and
1 11 miscellaneous purposes:
1 12 ..... $ 790,500
1 13 1. The department may use a combination of new and
1 14 existing sites to evaluate all of the following:
1 15 a. The use of hydrologic modeling tools to evaluate how
1 16 watersheds could be designed or redesigned to reduce the
1 17 downstream hydrologic footprint and water quality impacts of
1 18 Iowa agriculture under a range of precipitation patterns,
1 19 including but not limited to extreme precipitation events, and
1 20 under a range of extreme precipitation event frequencies.
1 21 b. The impact of long=term soil and water practices on
1 22 surface water runoff using plot=scale measurements by
1 23 addressing how tillage practices impact surface water runoff
1 24 under a range of natural precipitation patterns and whether
1 25 reduced tillage practices reduce volumes and rates of surface
1 26 water runoff.
1 27 c. The impact of buffers and complete conversion of crop
1 28 land to perennial vegetation on surface water runoff using
1 29 hill=slope scale measurements.
1 30 d. The drainage impacts on surface water runoff on
1 31 field=scale areas, including the impact of subsurface drainage
1 32 on surface runoff using small field=scale areas under drained
1 33 versus undrained conditions.
1 34 e. The impact of various drainage system designs on the
1 35 contribution of surface water runoff and subsurface water

Senate File 361 - Introduced continued

2 1 drainage to total water flow from the drainage district.
2 2 2. The department shall submit a report to the governor
2 3 and the general assembly which includes a summary of its
2 4 methodology, the findings of the study, and any
2 5 recommendations, by January 15, 2011.
2 6 Sec. 2. SURFACE WATER CONTROL. There is appropriated from
2 7 the general fund of the state to the department of agriculture
2 8 and land stewardship for the fiscal year beginning July 1,
2 9 2009, and ending June 30, 2010, the following amount, or so
2 10 much thereof as is necessary, to be used for the purposes
2 11 designated:
2 12 For purposes of supporting urban conservation efforts to
2 13 provide for effective surface water control, including
2 14 salaries, support, maintenance, miscellaneous purposes, and
2 15 for not more than the following full=time equivalent
2 16 positions:
2 17 ..... $ 450,000
2 18 ..... FTEs 6.00
2 19 1. The appropriation and authorization of full=time
2 20 equivalent positions provided in this section shall be used to
2 21 supplement the number of technicians employed by the
2 22 department to assist communities in this state to plan
2 23 strategies for water storage, drainage, and movement,
2 24 including but not limited to storm water control measures, as
2 25 determined by the department.
2 26 2. Notwithstanding section 8.33, moneys appropriated in
2 27 this section to the department of agriculture and land
2 28 stewardship that remain unencumbered or unobligated at the
2 29 close of the fiscal year shall not revert but shall remain
2 30 available for expenditure for the purposes designated until
2 31 the close of the fiscal year beginning July 1, 2012.
2 32 Sec. 3. EMERGENCY RESTORATION OF SOIL AND WATER
2 33 CONSERVATION PRACTICES NOT COVERED BY FEDERAL OPERATION AND
2 34 MAINTENANCE AGREEMENTS. There is appropriated from the
2 35 general fund of the state to the department of agriculture and

Senate File 361 - Introduced continued

3 1 land stewardship for the fiscal year beginning July 1, 2009,
3 2 and ending June 30, 2010, the following amount, or so much
3 3 thereof as is necessary, to be used for the purposes
3 4 designated:
3 5 For the restoration of permanent soil and water
3 6 conservation practices in order to prevent future erosion, in
3 7 excess of the applicable soil loss limits, caused by the
3 8 disaster emergency associated with the 2008 precipitation
3 9 event:
3 10 ..... $ 6,000,000
3 11 1. The moneys appropriated in this section shall be used
3 12 to provide one=time financing on a cost=share basis as
3 13 provided in chapter 161A, division V, part 2, to assist
3 14 landowners to reconstruct or repair soil and water
3 15 conservation practices which were constructed or maintained
3 16 under an operation and maintenance agreement executed with the
3 17 United States department of agriculture pursuant to 7 C.F.R.
3 18 pt. 654, if the landowners are not eligible to finance the
3 19 restoration under that agreement.
3 20 2. Notwithstanding section 8.33, moneys appropriated in
3 21 this section to the department of agriculture and land
3 22 stewardship that remain unencumbered or unobligated at the
3 23 close of the fiscal year shall not revert but shall remain
3 24 available for expenditure for the purposes designated until
3 25 the close of the fiscal year beginning July 1, 2012.
3 26 Sec. 4. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP).
3 27 There is appropriated from the environment first fund created
3 28 in section 8.57A to the department of agriculture and land
3 29 stewardship for the fiscal year beginning July 1, 2008, and
3 30 ending June 30, 2009, the following amount, or so much thereof
3 31 as is necessary, to be used for the purposes designated:
3 32 For the conservation reserve enhancement program as
3 33 provided in 7 C.F.R. pt. 1410, to restore and construct
3 34 wetlands for the purposes of intercepting tile line runoff,
3 35 reducing nutrient loss, improving water quality, and enhancing

Senate File 361 - Introduced continued

4 1 agricultural production practices:
4 2 ..... $ 500,000
4 3 Sec. 5. WATER RESOURCES PROJECTS. There is appropriated
4 4 from the general fund of the state to the office of the
4 5 governor for the use of the water resources coordinating
4 6 council established in section 466B.3, for the fiscal year
4 7 beginning July 1, 2009, and ending June 30, 2010, the
4 8 following amount, or so much thereof as is necessary, to be
4 9 used for the purposes of developing and implementing
4 10 designated water resource projects in cooperation with other
4 11 state agencies, local governments, or other organizations
4 12 agreeing to participate in the projects, as follows:
4 13 1. WATER QUALITY RESEARCH AND MARKETING CAMPAIGN PROJECT
4 14 To provide for a water quality research and marketing
4 15 campaign project to provide for a greater public conservation
4 16 ethic:
4 17 ..... $ 1,000,000
4 18 2. WATERSHED ASSESSMENT PROJECTS
4 19 a. To provide for watershed assessment projects:
4 20 ..... $ 10,000,000
4 21 (1) Of the amount appropriated in this paragraph "a",
4 22 $5,000,000 is allocated to assess the state's largest regional
4 23 watersheds, including updating completed assessments, and
4 24 publishing the results of the assessments.
4 25 (2) Of the amount appropriated in this paragraph "a",
4 26 $5,000,000 is allocated to assess priority subwatersheds
4 27 following the completion of a regional watershed assessment as
4 28 provided in subparagraph (1), including updating completed
4 29 assessments, and publishing the results of the assessments.
4 30 The amount may be used for planning, including developing
4 31 objectives, accounting for the physical, social, and financial
4 32 resources of the subwatershed, and implementing a process that
4 33 measures results.
4 34 b. Notwithstanding section 8.33, moneys appropriated in
4 35 paragraph "a" that remain unencumbered or unobligated at the

Senate File 361 - Introduced continued

5 1 close of the fiscal year shall not revert but shall remain
5 2 available for expenditure for the purposes designated until
5 3 the close of the fiscal year beginning July 1, 2014.
5 4 3. COMMUNITY=BASED WATERSHED MONITORING AND MEASURING
5 5 PROJECTS
5 6 a. To provide technical and financial support for
5 7 community=based watershed monitoring and measurement projects:
5 8 ..... $ 2,500,000
5 9 b. The projects shall provide local communities with
5 10 information regarding essential water resource questions for
5 11 their community, and to support enhanced local planning and
5 12 local data collection.
5 13 EXPLANATION
5 14 GENERAL. This bill appropriates moneys from the general
5 15 fund of the state to the department of agriculture and land
5 16 stewardship for fiscal periods beginning July 1, 2009, for
5 17 purposes of supporting soil and water conservation efforts.
5 18 STUDY OF THE IMPACTS OF AGRICULTURAL LAND MANAGEMENT ON
5 19 IOWA HYDROLOGY. The bill appropriates moneys to study the
5 20 impact of agricultural land management on Iowa's hydrology at
5 21 new and existing sites. The department must submit a report
5 22 of its findings to the general assembly in 2011.
5 23 SURFACE WATER CONTROL. The bill appropriates moneys to
5 24 support urban conservation efforts, including by supplementing
5 25 the number of technicians employed by the department to assist
5 26 communities to plan strategies for water storage, drainage,
5 27 and movement. Moneys appropriated to the department do not
5 28 revert at the close of the fiscal year but remain available
5 29 for expenditure until the close of the fiscal year beginning
5 30 July 1, 2012.
5 31 EMERGENCY RESTORATION OF SOIL AND WATER CONSERVATION
5 32 PRACTICES NOT COVERED BY FEDERAL OPERATION AND MAINTENANCE
5 33 AGREEMENTS. The bill appropriates moneys to restore permanent
5 34 soil and water conservation practices in order to prevent
5 35 future erosion, in excess of applicable soil loss limits,

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6 1 associated with the 2008 snowmelt and rains (precipitation
6 2 event). The moneys must be used to provide one=time financing
6 3 on a cost=share basis to reconstruct or repair soil and water
6 4 conservation practices which were constructed or maintained
6 5 under an operation and maintenance agreement executed with the
6 6 United States department of agriculture. Moneys appropriated
6 7 to the department do not revert at the close of the fiscal
6 8 year but remain available for expenditure until the close of
6 9 the fiscal year beginning July 1, 2012.
6 10 CONSERVATION RESERVE ENHANCEMENT PROGRAM. The bill
6 11 appropriates moneys from the environment first fund to the
6 12 department of agriculture and land stewardship to be used for
6 13 the federal conservation reserve enhancement program to
6 14 restore and construct wetlands for the purposes of
6 15 intercepting tile line runoff, reducing nutrient loss,
6 16 improving water quality, and enhancing agricultural production
6 17 practices.
6 18 WATER RESOURCES PROJECTS. The bill appropriates moneys to
6 19 the office of the governor for use by the water resources
6 20 coordinating council to be used for the purposes of developing
6 21 and implementing designated water resource projects in
6 22 cooperation with other state agencies, local governments, or
6 23 other organizations agreeing to participate in a number of
6 24 projects. It provides for a water quality research and
6 25 marketing campaign project to provide for greater public
6 26 conservation ethic. It provides for watershed assessment
6 27 projects to assess regional watersheds and priority
6 28 subwatersheds, for which moneys that remain unencumbered or
6 29 unobligated at the close of the fiscal year do not revert but
6 30 remain available for expenditure until the close of the fiscal
6 31 year beginning July 1, 2014. Finally, it provides for
6 32 community=based watershed monitoring and measuring projects.
6 33 LSB 2652SV 83
6 34 da/rj/5

Senate File 362 - Introduced

SENATE FILE
BY COMMITTEE ON ENVIRONMENT
AND ENERGY INDEPENDENCE

(SUCCESSOR TO SSB 1273)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act authorizing cities to establish storm water drainage system utility districts for purposes of special assessments.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2084SV 83
md/sc/8

Senate File 362 - Introduced continued

PAG LIN

1 1 Section 1. Section 384.38, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. A city may establish, by ordinance or by resolution
1 4 adopted as an ordinance after twenty days' notice published in
1 5 accordance with section 362.3, and a public hearing, one or
1 6 more districts and schedules of fees for the connection of
1 7 property to the city sewer utility, ~~or~~ water utility, or storm
1 8 water drainage system utility. If the governing body directs
1 9 that notice be made by mail, the notice shall be as required
1 10 in section 384.50. Each person whose property will be served
1 11 by connecting to the city sewer utility, ~~or~~ water utility, or
1 12 storm water drainage system utility shall pay a connection fee
1 13 to the city. The ordinance shall be certified by the city and
1 14 recorded in the office of the county recorder of the county in
1 15 which a district is located. The connection fees are due and
1 16 payable when a utility connection application is filed with
1 17 the city. A connection fee may include the equitable cost of
1 18 extending the utility to the properties, including reasonable
1 19 interest from the date of construction to the date of payment.
1 20 All fees collected under this subsection shall be paid to the
1 21 city treasurer. The moneys collected as fees shall only be
1 22 used for the purposes of operating the utility, or to pay debt
1 23 service on obligations issued to finance improvements or
1 24 extensions to the utility.
1 25 This subsection shall not apply when a city annexation plan
1 26 includes annexation of an area adjoining the city and a
1 27 petition has not been presented as provided in section 384.41
1 28 for a city sewer utility, ~~or~~ water utility, or storm water
1 29 drainage system utility connection. Until annexation takes
1 30 place, or the annexation plan is abandoned, the state mandate
1 31 contained in section 455B.172, subsections 3, 4, and 5, shall
1 32 not apply unless the individual property owner voluntarily
1 33 pays the connection fee and requests to be connected to the
1 34 city sewer utility, ~~or~~ water utility, or storm water drainage
1 35 system utility.

Senate File 362 - Introduced continued

EXPLANATION

Current law provides cities the authority to establish, by ordinance after notice and a public hearing, one or more districts and schedules of fees for the connection of property to the city sewer or water utility. Each person whose property will be served by connecting to the city sewer or water utility is required to pay a connection fee to the city when the application for connection is filed. A connection fee may include the equitable cost of extending the utility to the properties, including reasonable interest from the date of construction to the date of payment.

This bill authorizes cities to establish districts and schedules of fees for the connection of property to storm water drainage system utilities using the same procedure and requirements that currently exist for city sewer and water utility districts.

LSB 2084SV 83
md/sc/8

Senate File 363 - Introduced

SENATE FILE
BY COMMITTEE ON REBUILD IOWA

(SUCCESSOR TO SSB 1239)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities in response to a natural disaster, designating certain activities as essential corporate purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, and including effective date and retroactive applicability date provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2190SV 83
md/sc/24

Senate File 363 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 LEGALIZING ACT
1 3 Section 1. CERTAIN PRIOR PROCEEDINGS AND ACTIONS LEGALIZED
1 4 == AMENDMENT OF BUDGETS. All proceedings conducted or actions
1 5 taken by or on behalf of a city related to the emergency
1 6 repair or reconstruction of public improvements damaged by a
1 7 natural disaster during the period of time beginning May 1,
1 8 2008, and ending August 31, 2008, and related to all natural
1 9 disaster=related expenditures by a city in excess of an
1 10 original or previously amended city budget for the fiscal year
1 11 ending June 30, 2008, that were conducted or taken in
1 12 violation of the requirements of section 384.18 prior to the
1 13 effective date of this division of this Act are hereby
1 14 legalized and validated, and, to that extent, this Act applies
1 15 retroactively to the date such proceedings were conducted or
1 16 actions were taken. A city that is subject to this division
1 17 of this Act, shall by June 30, 2009, amend its budget for the
1 18 fiscal year ending June 30, 2008, to reflect any actions taken
1 19 and subsequently legalized and validated by this division of
1 20 this Act.
1 21 Sec. 2. EFFECTIVE DATE. This division of this Act, being
1 22 deemed of immediate importance, takes effect upon enactment.
1 23 DIVISION II
1 24 LOCAL FINANCING
1 25 AND PUBLIC CONSTRUCTION BIDDING
1 26 Sec. 3. Section 16.131, Code 2009, is amended by adding
1 27 the following new subsection:
1 28 NEW SUBSECTION. 7. Notwithstanding any provision of this
1 29 chapter to the contrary, moneys deposited in the revolving
1 30 loan funds may be used in any manner permitted or required by
1 31 applicable federal law.
1 32 Sec. 4. Section 76.1, Code 2009, is amended to read as
1 33 follows:
1 34 76.1 MANDATORY RETIREMENT.
1 35 1. Hereafter issues of bonds of every kind and character

Senate File 363 - Introduced continued

by counties, cities, and school corporations shall be consecutively numbered.

2. a. The annual levy shall be sufficient to pay the interest and approximately such portion of the principal of the bonds as will retire them in a period not exceeding twenty years from date of issue, except as provided in paragraph "b".

b. General obligation bonds issued for the purposes specified in section 331.441, subsection 2, paragraph "b", subparagraphs (18) through (20), or in section 384.24, subsection 3, paragraphs "w" through "z", and bonds issued to refund or refinance bonds issued for those purposes, may mature and be retired in a period not exceeding thirty years from date of issue.

3. Each issue of bonds shall be scheduled to mature ~~serially~~ in the same order as numbered.

Sec. 5. Section 76.2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 6. Section 262.34, Code 2009, is amended by adding the following new subsection:

Senate File 363 - Introduced continued

3 1 NEW SUBSECTION. 1A. Notwithstanding subsection 1, when a
3 2 delay in undertaking a repair, restoration, or reconstruction
3 3 of a public improvement might cause serious loss or injury at
3 4 an institution under the control of the state board of
3 5 regents, the executive director of the board, or the board,
3 6 shall make a finding of the need to institute emergency
3 7 procedures under this subsection. The board by separate
3 8 action shall approve the emergency procedures to be employed.
3 9 Sec. 7. Section 331.301, subsection 10, paragraph e,
3 10 unnumbered paragraph 1, Code 2009, is amended to read as
3 11 follows:
3 12 The board may authorize a lease or lease=purchase contract
3 13 which is payable from the general fund ~~and which~~ if the
3 14 contract would not cause the total of lease and lease=purchase
3 15 payments ~~of the county~~ due from the general fund of the county
3 16 in any single future fiscal year for all lease or
3 17 lease=purchase contracts in force on the date of the
3 18 authorization, excluding payments to exercise purchase options
3 19 or to pay the expenses of operation or ownership of the
3 20 property, to exceed ten percent of the last certified general
3 21 fund budget amount in accordance with the following
3 22 procedures:
3 23 Sec. 8. Section 331.402, subsection 3, paragraph d,
3 24 unnumbered paragraph 1, Code 2009, is amended to read as
3 25 follows:
3 26 The board may authorize a loan agreement which is payable
3 27 from the general fund ~~and which~~ if the loan agreement would
3 28 not cause the total of scheduled annual payments of principal
3 29 or interest or both principal and interest ~~of the county~~ due
3 30 from the general fund of the county in any single future
3 31 fiscal year with respect to all loan agreements in force on
3 32 the date of the authorization to exceed ten percent of the
3 33 last certified general fund budget amount in accordance with
3 34 the following procedures:
3 35 Sec. 9. Section 331.441, subsection 2, paragraph b, Code

Senate File 363 - Introduced continued

4 1 2009, is amended by adding the following new subparagraphs:
4 2 NEW SUBPARAGRAPH. (18) The remediation, restoration,
4 3 repair, cleanup, replacement, and improvement of property,
4 4 buildings, equipment, and public facilities that have been
4 5 damaged by a disaster as defined in section 29C.2.
4 6 NEW SUBPARAGRAPH. (19) The reimbursement of the county's
4 7 general fund or other funds of the county for expenditures
4 8 made related to remediation, restoration, repair, and cleanup
4 9 of damage caused by a disaster as defined in section 29C.2.
4 10 NEW SUBPARAGRAPH. (20) The administrative expenses
4 11 incurred by a county as the result of undertaking an essential
4 12 county purpose under subparagraphs (18) and (19).
4 13 Sec. 10. Section 364.4, subsection 4, paragraph e,
4 14 unnumbered paragraph 1, Code 2009, is amended to read as
4 15 follows:
4 16 The governing body may authorize a lease or lease=purchase
4 17 contract which is payable from the general fund ~~and which~~ if
4 18 the contract would not cause the total of annual lease or
4 19 lease=purchase payments ~~of the city~~ due from the general fund
4 20 of the city in any single future fiscal year for all lease or
4 21 lease=purchase contracts in force on the date of the
4 22 authorization, excluding payments to exercise purchase options
4 23 or to pay the expenses of operation or ownership of the
4 24 property, to exceed ten percent of the last certified general
4 25 fund budget amount in accordance with the following
4 26 procedures:
4 27 Sec. 11. Section 384.24, subsection 3, Code 2009, is
4 28 amended by adding the following new paragraphs:
4 29 NEW PARAGRAPH. w. The remediation, restoration, repair,
4 30 cleanup, replacement, and improvement of property, buildings,
4 31 equipment, and public facilities that have been damaged by a
4 32 disaster as defined in section 29C.2.
4 33 NEW PARAGRAPH. x. The reimbursement of the city's general
4 34 fund or other funds of the city for expenditures made related
4 35 to remediation, restoration, repair, and cleanup of damage

Senate File 363 - Introduced continued

5 1 caused by a disaster as defined in section 29C.2.
5 2 NEW PARAGRAPH. y. The acquisition, construction,
5 3 extension, improvement, repair, and equipping of public
5 4 buildings, and the acquisition of real estate needed for such
5 5 purposes, if the principal amount of the bonds does not exceed
5 6 the following limits:
5 7 (1) Four hundred thousand dollars in a city having a
5 8 population of five thousand or less.
5 9 (2) Seven hundred thousand dollars in a city having a
5 10 population of more than five thousand but not more than
5 11 seventy=five thousand.
5 12 (3) One million dollars in a city having a population of
5 13 more than seventy=five thousand.
5 14 NEW PARAGRAPH. z. The administrative expenses incurred by
5 15 a city as the result of undertaking an essential corporate
5 16 purpose under paragraphs "w" and "x".
5 17 Sec. 12. Section 384.24A, subsection 4, unnumbered
5 18 paragraph 1, Code 2009, is amended to read as follows:
5 19 The governing body may authorize a loan agreement which is
5 20 payable from the general fund ~~and which~~ if the loan agreement
5 21 would not cause the total of scheduled annual payments of
5 22 principal or interest or both principal and interest ~~of the~~
~~5 23 city~~ due from the general fund ~~of the city~~ in any single
5 24 future fiscal year with respect to all loan agreements in
5 25 force on the date of the authorization to exceed ten percent
5 26 of the last certified general fund budget amount in accordance
5 27 with the following procedures:
5 28 Sec. 13. Section 384.103, subsection 2, Code 2009, is
5 29 amended to read as follows:
5 30 2. When emergency repair of a public improvement is
5 31 necessary and the delay of advertising and a public letting
5 32 might cause serious loss or injury to the city, the chief
5 33 officer or official of the governing body of the city or the
5 34 governing body shall~~, by resolution,~~ make a finding of the
5 35 necessity to institute emergency proceedings under this

Senate File 363 - Introduced continued

6 1 section, and shall procure a certificate from a competent
6 2 licensed professional engineer or registered architect, ~~not in~~
~~6 3 the regular employ of the city,~~ certifying that emergency
6 4 repairs are necessary.
6 5 In that event the chief officer or official of the
6 6 governing body or the governing body may accept, enter into,
6 7 and make payment under a contract for emergency repairs
6 8 without holding a public hearing and advertising for bids, and
6 9 the provisions of chapter 26 do not apply.
6 10 Sec. 14. Section 419.1, subsection 12, Code 2009, is
6 11 amended by adding the following new paragraph:
6 12 NEW PARAGRAPH. c. Land, buildings, or improvements that
6 13 are eligible for financing from midwestern disaster area bonds
6 14 authorized under the federal Emergency Economic Stabilization
6 15 Act of 2008, Pub. L. No. 110=185.
6 16 NEW PARAGRAPH. d. Land, buildings, improvements, and
6 17 activities for which tax exempt financing is authorized by the
6 18 Internal Revenue Code, together with any other financing
6 19 necessary or desirable in connection with such activity.
6 20 Sec. 15. Section 419.17, subsection 2, Code 2009, is
6 21 amended by striking the subsection.
6 22 Sec. 16. Section 455B.297, Code 2009, is amended by adding
6 23 the following new unnumbered paragraph:
6 24 NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of
6 25 this chapter to the contrary, moneys deposited in the
6 26 revolving loan funds may be used in any manner permitted or
6 27 required by applicable federal law.
6 28 Sec. 17. Section 419.8, Code 2009, is repealed.
6 29 Sec. 18. EFFECTIVE DATE. This division of this Act, being
6 30 deemed of immediate importance, takes effect upon enactment.
6 31 EXPLANATION
6 32 This bill relates to disaster recovery by making changes
6 33 relating to local bonding, contract letting, lease or
6 34 lease=purchase contract requirements, loan agreement
6 35 requirements, the definitions of essential county purpose and

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7 1 essential corporate purpose, emergency contract letting
7 2 requirements for institutions under the control of the board
7 3 of regents, and the definition of "project" for purposes of
7 4 municipal contributions to projects under Code chapter 419,
7 5 and by authorizing certain disaster=affected cities to amend
7 6 their budgets for the fiscal year ending June 30, 2008.
7 7 Division I of the bill provides that all proceedings
7 8 conducted or actions taken by or on behalf of a city related
7 9 to the emergency repair or reconstruction of public
7 10 improvements damaged by a natural disaster during the period
7 11 of time beginning May 1, 2008, and ending August 31, 2008, and
7 12 related to all natural disaster=related expenditures by a city
7 13 in excess of an original or previously amended city budget for
7 14 the fiscal year ending June 30, 2008, that were conducted or
7 15 taken in violation of the requirements of Code section 384.18
7 16 prior to the effective date of this division of this Act are
7 17 legalized and validated. Division I requires those cities
7 18 that are subject to the division to amend their budgets for
7 19 the fiscal year ending June 30, 2008.
7 20 Division I of the bill takes effect upon enactment and
7 21 applies retroactively to the date of any proceeding or action
7 22 legalized and validated under the division.
7 23 Division II of the bill amends the definitions of
7 24 "essential corporate purpose" and "essential county purpose"
7 25 to include the remediation, restoration, repair, cleanup,
7 26 replacement, and improvement of property, buildings,
7 27 equipment, and public facilities that have been damaged by a
7 28 disaster; the reimbursement of a city or county general fund
7 29 or other funds for expenditures made related to remediation,
7 30 restoration, repair, and cleanup of damage caused by a
7 31 disaster; and administrative expenses incurred by a city or
7 32 county as the result of undertaking the new disaster=related
7 33 essential corporate purposes or essential county purposes.
7 34 Division II also amends Code section 76.1 by providing that
7 35 general obligation bonds issued for these new disaster=related

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8 1 essential corporate purposes and essential county purposes,
8 2 and bonds issued to refund or refinance those bonds, may
8 3 mature and be retired in a period not exceeding 30 years from
8 4 the date of issue.
8 5 Division II also amends the definition of "essential
8 6 corporate purpose" to include the acquisition, construction,
8 7 extension, improvement, repair, and equipping of public
8 8 buildings, subject to limitations based on population.
8 9 Division II amends the definition of "project" under Code
8 10 section 419.1, relating to municipal funding of certain
8 11 projects, to include projects that, in addition to the use of
8 12 tax exempt financing, include any other financing necessary or
8 13 desirable in connection with the project and to include
8 14 projects that are eligible for financing from midwestern
8 15 disaster area bonds under the federal Emergency Economic
8 16 Stabilization Act of 2008. The definition of "project" in
8 17 Code section 419.1 also applies to the Iowa finance
8 18 authority's bond bank program under Code section 16.102.
8 19 Division II also repeals Code section 419.8, which restricts
8 20 the use of land owned by the municipality for a project and
8 21 requires the entire cost of any project to be paid out of the
8 22 proceeds from the sale of bonds issued under Code chapter 419
8 23 and not from any other funds of the city, except for donations
8 24 of property or money received by the city to be used as a part
8 25 of a project.
8 26 Division II amends procedures for certain emergency repairs
8 27 under Code section 384.103. Division II provides that when
8 28 emergency repair of a public improvement is necessary and the
8 29 delay of advertising and a public letting would cause serious
8 30 loss or injury to the city, the chief officer or official of
8 31 the governing body of the city, or the governing body, shall
8 32 make a finding of the necessity to institute emergency
8 33 proceedings and shall procure a certificate from a competent
8 34 licensed professional engineer or registered architect
8 35 certifying that emergency repairs are necessary. Division II

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9 1 also provides that upon receiving the certificate, the chief
9 2 officer or official of the governing body of the city, or the
9 3 governing body, may accept, enter into, and make payment under
9 4 a contract for emergency repairs without satisfying the
9 5 advertising and public hearing requirements of Code chapter
9 6 26.
9 7 Division II amends Code section 262.34 by authorizing an
9 8 institution under the control of the board of regents to
9 9 authorize, adopt, and implement emergency public bidding and
9 10 contract letting requirements if a delay in undertaking a
9 11 repair, restoration, or reconstruction of a public improvement
9 12 might cause serious loss or injury at the institution.
9 13 Division II amends city and county requirements for lease
9 14 or lease=purchase contracts and loan agreements by specifying
9 15 that such contracts or agreements may not be authorized if the
9 16 contract or agreement would cause payments from the city or
9 17 county general fund to exceed 10 percent of the last city or
9 18 county certified general fund budget unless certain procedures
9 19 are followed.
9 20 Division II provides that money deposited in the revolving
9 21 loan funds created under Code section 455B.295, relating to
9 22 clean water projects, may be used in any manner permitted or
9 23 required by applicable federal law.
9 24 Division II of the bill takes effect upon enactment.
9 25 LSB 2190SV 83
9 26 md/sc/24

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SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1202)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing effective date and applicability provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1471SV 83
rh/rj/5

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PAG LIN

1 1 Section 1. NEW SECTION. 614.18A JUDGMENT AND DECREE
1 2 AFFECTING REAL PROPERTY.
1 3 In an action in which the court had jurisdiction of the
1 4 aggrieved party, a motion or other legal proceeding attacking
1 5 the validity of the judgment or decree based on noncompliance
1 6 with the requirements of rule of civil procedure 1.972 shall
1 7 not affect the interests of any purchaser or mortgagee for
1 8 value of the real property involved unless the motion or
1 9 proceeding is initiated within thirty days after the recording
1 10 of the sheriff's deed or within ninety days after the filing
1 11 of a judgment or decree not providing for the issuance of a
1 12 sheriff's deed.
1 13 Sec. 2. Section 615.1, subsection 1, Code 2009, is amended
1 14 to read as follows:
1 15 1. After the expiration of a period of two years from the
1 16 date of entry of judgment, exclusive of any time during which
1 17 execution on the judgment was stayed pending a bankruptcy
1 18 action or order of court, a judgment entered in ~~either~~ any of
1 19 the following actions shall be null and void, all liens shall
1 20 be extinguished, and no execution shall be issued ~~for any~~
1 21 ~~purpose other than~~ except as a setoff or counterclaim:
1 22 a. (1) ~~An~~ For a real estate mortgage, deed of trust, or
1 23 real estate contract executed prior to July 1, 2009, an action
1 24 for the foreclosure of ~~a~~ the real estate mortgage, deed of
1 25 trust, or real estate contract upon property which at the time
1 26 ~~of judgment~~ the foreclosure is commenced is either used for an
1 27 agricultural purpose as defined in section 535.13 or as a
1 28 one=family or two=family dwelling which is the residence of
1 29 the mortgagor.
1 30 (2) For a real estate mortgage, deed of trust, or real
1 31 estate contract executed on or after July 1, 2009, an action
1 32 for the foreclosure of the real estate mortgage, deed of
1 33 trust, or real estate contract upon property which at the time
1 34 of the execution of the mortgage, deed, or contract is either
1 35 used for, or is being acquired for, an agricultural purpose as

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2 1 defined in section 535.13 or as a one=family or two=family
2 2 dwelling which is the residence of the mortgagor.
2 3 b. An action on a claim for rent.
2 4 Sec. 3. Section 626.81, Code 2009, is amended to read as
2 5 follows:
2 6 626.81 SALE POSTPONED.
2 7 When there are no bidders, or when the amount offered is
2 8 grossly inadequate, ~~or~~ when from any cause the sale is
2 9 prevented from taking place on the day fixed, when requested
2 10 by the judgment creditor, or when the parties so agree, the
2 11 officer may postpone the sale ~~for not more than three days~~
2 12 without being required to give any further notice thereof,
2 13 which postponement shall be publicly announced at the time the
2 14 sale was to have been made, but not more than two such
2 15 adjournments of not more than sixty days in the aggregate
2 16 shall be made, except by agreement of the parties in writing
2 17 and made a part of the return upon the execution.
2 18 Sec. 4. NEW SECTION. 654.1A MAINTENANCE OF MORTGAGOR
2 19 PROTECTIONS == DISCONTINUATION OF OCCUPATION.
2 20 For purposes of sections 615.1, 615.3, 628.28, 654.2D,
2 21 654.20, 654.21, and 654.26, property shall be deemed the
2 22 residence of and occupied by the mortgagor where occupation
2 23 has ceased because of the effects of natural disaster, injury
2 24 to the property not willfully caused by the mortgagor, or the
2 25 mortgagor's state military service or federal military service
2 26 as those terms are defined in section 29A.1.
2 27 Sec. 5. NEW SECTION. 654.4A SERVICE OF PROCESS == IN REM
2 28 RELIEF.
2 29 In addition to any other form of service authorized by law,
2 30 where in rem relief is the only relief requested in a
2 31 foreclosure action against either a party or a person to be
2 32 served with a notice pursuant to section 654.15B, all of the
2 33 following shall apply:
2 34 1. If the person to be served is a judgment creditor,
2 35 service may be made by certified mail, with proof of delivery,

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3 1 to the judgment creditor's registered agent or to the judgment
3 2 creditor at the judgment creditor's principal place of
3 3 business in the state where the business is organized, as
3 4 indicated by the records in the office of the secretary of
3 5 state, or to the judgment creditor at the last address
3 6 indicated in the case in which the judgment was entered.
3 7 2. Upon affidavit that service cannot be made on a
3 8 judgment creditor either pursuant to subsection 1 or by
3 9 personal service in this state, service may be made by
3 10 certified mail, with proof of delivery, on the judgment
3 11 creditor's attorney of record if that attorney is a practicing
3 12 attorney in this state, along with a copy of this section, and
3 13 a payment of ten dollars. The attorney shall forward the
3 14 notice by ordinary mail to the judgment creditor's last known
3 15 address but the attorney shall have no further duties under
3 16 this section with respect to the notice.
3 17 3. An attorney who agrees to accept service on behalf of a
3 18 judgment creditor may charge a reasonable fee, not to exceed
3 19 ten dollars, for accepting service.
3 20 4. If a person, other than a governmental taxing unit, is
3 21 an interested person with respect to a decedent's estate in
3 22 probate, the person may be named generally as a person
3 23 interested in the decedent's estate and service of process
3 24 shall be made by personal service or certified mail, along
3 25 with proof of delivery, on the attorney for the personal
3 26 representative. If the estate is probated in this state and a
3 27 person has requested notice pursuant to section 633.42, the
3 28 mortgagee shall also serve that person by ordinary mail at the
3 29 address specified in the request for notice. A person so
3 30 served may intervene as a named defendant as a matter of
3 31 right.
3 32 5. If a defendant, other than a governmental taxing unit,
3 33 is a person whose identity is not reasonably ascertainable,
3 34 and the person has an interest in a decedent's estate not
3 35 probated in this state, such person may be named generally as

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4 1 a person with an interest in the decedent's estate and service
4 2 of process shall be made by publication unless the mortgagee
4 3 has actual notice that the decedent's estate is probated in
4 4 another state. A person so served may intervene as a named
4 5 defendant as a matter of right.
4 6 Sec. 6. NEW SECTION. 654.4B ACCELERATION OF INDEBTEDNESS
4 7 == NOTICE OF MORTGAGE MEDIATION ASSISTANCE.
4 8 1. Prior to commencing a foreclosure on the accelerated
4 9 balance of a mortgage loan and after termination of any
4 10 applicable cure period, including but not limited to those
4 11 provided in section 654.2A or 654.2D, a creditor shall give
4 12 the borrower a fourteen=day demand for payment of the
4 13 accelerated balance to qualify for an award of attorney fees
4 14 under section 625.25 on the accelerated balance.
4 15 2. a. Prior to commencing an action under this chapter on
4 16 a one=family or two=family dwelling that is the residence of
4 17 the owner, the creditor shall inform the owner of the
4 18 availability of counseling and mediation on a form as the
4 19 attorney general may prescribe. The notice required by this
4 20 section shall be mailed by ordinary mail to the owner along
4 21 with the notice of acceleration or other initial communication
4 22 from the attorney representing the creditor in the action, and
4 23 shall also be served on the owner with the original notice and
4 24 petition seeking foreclosure. If, following application by
4 25 the owner or on its own motion, the court finds that the
4 26 notice was not served on the owner as required by this
4 27 subsection and that the owner desires counseling or mediation,
4 28 the court shall grant to the owner a delay of the sheriff's
4 29 sale or, in the event the sheriff's sale has occurred and the
4 30 mortgagee or its affiliate was the winning bidder at the
4 31 sheriff's sale, a delay of the recording of the sheriff's
4 32 deed. In either case, the delay shall not exceed sixty days.
4 33 If the affidavit of service for the original notice in the
4 34 court file indicates that the notice required by this
4 35 subsection was served on the owner, there shall be a

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5 1 rebuttable presumption that the notice was served as required
5 2 by this subsection. The court may grant an application for a
5 3 delay pursuant to this subsection ex parte only if the court
5 4 file does not show service of the notice on the owner along
5 5 with the original notice. Objection to the failure of the
5 6 mortgagee to serve the notice is barred unless an application
5 7 under this subsection is timely filed and is granted before
5 8 the date of the sale or recording, respectively. If the court
5 9 delays the sheriff's sale, the new sale date and time shall be
5 10 announced orally by the sheriff at the time previously
5 11 scheduled for sale, and the mortgagee need not republish and
5 12 serve notice of the rescheduled sale.
5 13 b. This subsection is repealed July 1, 2011.
5 14 Sec. 7. Section 654.5, Code 2009, is amended to read as
5 15 follows:
5 16 654.5 JUDGMENT == SALE AND REDEMPTION.
5 17 1. When a mortgage or deed of trust is foreclosed, the
5 18 court shall do all of the following:
5 19 a. ~~render~~ Render judgment for the entire amount found to
5 20 be due~~, and must direct~~.
5 21 b. Direct the mortgaged property, or so much thereof as is
5 22 necessary, to be sold to satisfy the judgment, with interest
5 23 and costs.
5 24 c. Determine issues of title raised in the pleadings to
5 25 establish the rights and priorities of the parties and persons
5 26 served with notice pursuant to section 654.15B in the property
5 27 subject to foreclosure as may be reasonably necessary to allow
5 28 a purchaser at a sheriff's sale to obtain clear title.
5 29 2. A special execution shall issue ~~accordingly~~ under such
5 30 conditions as the decree may prescribe, and the sale under the
5 31 special execution is subject to redemption as in cases of sale
5 32 under general execution unless the plaintiff has elected
5 33 foreclosure without redemption under section 654.20.
5 34 3. The clerk shall provide a copy of the decree by
5 35 ordinary or electronic mail to all parties in the foreclosure

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6 1 proceeding and all persons served with notices under section
6 2 654.15B.
6 3 Sec. 8. Section 654.15B, Code 2009, is amended to read as
6 4 follows:
6 5 654.15B RIGHT TO INTERVENE == NOTICE.
6 6 A lender may serve a judgment creditor in a foreclosure
6 7 action with notice in substantially the following form
6 8 advising the creditor that the property that is the subject of
6 9 the foreclosure action shall be foreclosed and describing the
6 10 creditor's interest in the action and that unless such
6 11 creditor intervenes in the foreclosure action such creditor
6 12 shall lose the creditor's interest in the mortgaged property.
6 13 Unless the creditor intervenes within thirty days of the
6 14 service of notice, the court may adjudicate the creditor's
6 15 rights against the property as if the creditor had been added
6 16 as a defendant and default had been entered against the
6 17 defendant. If a creditor cannot be located for personal
6 18 service, the plaintiff may, at any time prior to sixty days
6 19 before the date of trial, amend the petition as a matter of
6 20 right to add the creditor as a defendant for service by
6 21 publication as provided by rule. The notice prescribed by
6 22 this section is as follows:
6 23 NOTICE OF PENDING FORECLOSURE
6 24 To: (Name and address of creditor)
6 25 Date: (Enter date)
6 26 ~~Plaintiff~~ (Name of foreclosing party) has filed a
6 27 foreclosure of mortgage against the property of (titleholder)
6 28 located at (street address of property) which is legally
6 29 described as (legal description). This foreclosure was filed
6 30 as (Plaintiff v. Defendant), Case # (..), in the Iowa District
6 31 Court for (.....) County and is intended to foreclose a
6 32 mortgage dated (date of mortgage) and recorded on (date of
6 33 recording) in the (county recorder's office). You have an
6 34 apparent interest in the property because ~~(description of~~
~~6 35 creditor's interest)~~ of an apparent judgment lien in (short

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7 1 caption of case, case number, court where judgment entered,
7 2 and judgment date). If you desire to protect this interest,
7 3 you have the right to intervene in the foreclosure action
7 4 within thirty days of the service of notice by filing an
7 5 intervention with the clerk of court in (.....) County.
7 6 Unless you intervene in the foreclosure, the foreclosure may
7 7 eliminate any interest you have in the property but will not
7 8 otherwise affect your rights. If you have any questions about
7 9 this notice, contact your attorney. Whether or not you
7 10 intervene, the foreclosure may have certain tax consequences
7 11 to you about which you should consult your tax advisor.
7 12 .....
7 13 Name, address, and telephone number of attorney representing
7 14 ~~plaintiff~~ (name of foreclosing party).
7 15 Sec. 9. Section 654.17, Code 2009, is amended to read as
7 16 follows:
7 17 654.17 RECISION OF FORECLOSURE.
7 18 1. At any time prior to the recording of the sheriff's
7 19 deed, and before the mortgagee's rights become unenforceable
7 20 by operation of the statute of limitations, the judgment
7 21 creditor, or the judgment creditor who is the successful
7 22 bidder at the sheriff's sale, ~~with the written consent of the~~
7 23 ~~mortgagor~~ may rescind the foreclosure action by filing a
7 24 notice of recision with the clerk of court in the county in
7 25 which the property is located along with a filing fee of fifty
7 26 dollars. In addition, if the original loan documents are
7 27 contained in the court file, the mortgagee shall pay a fee of
7 28 twenty=five dollars to the clerk of the district court. Upon
7 29 the payment of the fee, the clerk shall make copies of the
7 30 original loan documents for the court file, and return the
7 31 original loan documents to the mortgagee.
7 32 2. Upon the filing of the notice of recision, the mortgage
7 33 loan shall be enforceable according to the original terms of
7 34 the mortgage loan and the rights of all persons with an
7 35 interest in the property may be enforced as if the foreclosure

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had not been filed. However, any findings of fact or law shall be preclusive for purposes of any future action unless the court, upon hearing, rules otherwise and the mortgagee shall be permanently barred from a deficiency judgment if the judgment rescinded was subject to the provisions of section 615.1. The mortgagee may charge the mortgagor ~~shall be assessed~~ for the costs, including reasonable attorney fees, of foreclosure and recision if ~~provided by the mortgage agreement~~ agreed to in writing by the mortgagor.

Sec. 10. NEW SECTION. 654.17B DIVESTMENT OF JUNIOR LIENS PURSUANT TO LOAN MODIFICATION.

1. The foreclosing mortgagee and the mortgagor, including any successor in interest of the original mortgagor, of a nonagricultural one=family or two=family dwelling occupied as a residence by the mortgagor may agree in writing to a modification of the mortgage obligation to allow the mortgagor to continue to reside on the property. If such a modification provides for a reduction of at least ten percent in the net present value of the indebtedness owing to the mortgagee, the foreclosing mortgagee and the mortgagor may move that the court divest any junior liens against the property. If the court approves divestment, the court shall order that the junior lienholder be served personally with copies of the loan modification agreement, a verified current balance of the loan as modified, and the court's order that the junior lienholder's interest in the property be divested unless the junior lienholder, within forty=five days of service, either acts pursuant to section 654.8 to obtain an assignment of the mortgagee's rights as modified or moves to quash the proposed divestment by establishing that the value of the property exceeds the amount of the mortgage debt prior to its modification. Such divestment shall prohibit the junior lienholder from any subsequent action to enforce the junior lienholder's debt against the mortgaged property, subject to the provisions of chapter 615, and shall not otherwise

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prejudice any personal right of action the junior lienholder may have to proceed against the mortgagor's other assets.

2. This section is repealed July 1, 2014.

Sec. 11. Section 655A.3, subsection 1, paragraph a, Code 2009, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Specify a postal or electronic mail address where rejection of the notice may be served.

Sec. 12. Section 655A.4, Code 2009, is amended to read as follows:

655A.4 SERVICE.

Notice ~~or rejection of notice~~ under this chapter shall be served as provided in the rules of civil procedure for service of original notice. Rejection of notice under this chapter shall be served by ordinary or electronic mail addressed as provided in the notice, or if no address is provided, to the last address of the mortgagee known to the mortgagor.

Sec. 13. Section 655A.6, Code 2009, is amended to read as follows:

655A.6 REJECTION OF NOTICE.

If either the mortgagor, or successor in interest of record including a contract purchaser, within thirty days of service of the notice pursuant to section 655A.3, files with the recorder of the county where the mortgaged property is located, a rejection of the notice reasonably identifying ~~by a document reference number~~ the notice which is rejected together with proofs of service required under section 655A.4 that the rejection has been served on the mortgagee, the notice served upon the mortgagor pursuant to section 655A.3 is of no force or effect.

Sec. 14. Section 655A.8, Code 2009, is amended to read as follows:

655A.8 EFFECT OF FORECLOSURE == REOPENING.

Upon completion of the filings required under section 655A.7 and if no rejection of notice has been filed pursuant to section 655A.6, then without further act or deed:

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10 1 1. The mortgagee acquires and succeeds to all interest of
10 2 the mortgagor in the real estate.
10 3 2. All liens which are inferior to the lien of the
10 4 foreclosed mortgage are extinguished.
10 5 3. The indebtedness secured by the foreclosed mortgage is
10 6 extinguished.
10 7 4. If, after completion of the filings required under
10 8 section 655A.7, it appears that a junior lienholder was not
10 9 properly served with a notice pursuant to section 655A.3, the
10 10 mortgagee may serve the lienholder with an amended notice
10 11 specifying the provisions of the mortgage currently in
10 12 default. Unless the junior lienholder performs, within thirty
10 13 days pursuant to section 655A.5, the mortgagee may file a
10 14 supplemental affidavit indicating service and nonperformance
10 15 to extinguish the lien.
10 16 5. A foreclosure under this chapter shall not bar a
10 17 mortgagee or its successor in interest from action under
10 18 chapter 654 to resolve matters which have not been resolved
10 19 under this chapter.
10 20 Sec. 15. Section 655A.9, Code 2009, is amended to read as
10 21 follows:
10 22 655A.9 APPLICATION OF CHAPTER.
10 23 This chapter does not apply to real estate used for an
10 24 agricultural purpose as defined in section 535.13, or to a one
10 25 or two family dwelling which is, at the time of the initiation
10 26 of the foreclosure, occupied by ~~an~~ a legal or equitable
10 27 titleholder.
10 28 Sec. 16. EFFECTIVE DATE. The section of this Act enacting
10 29 section 654.4B, being deemed of immediate importance, takes
10 30 effect upon enactment.
10 31 Sec. 17. APPLICABILITY.
10 32 1. The section of this Act enacting section 614.18A
10 33 applies to sheriff's deeds recorded and judgments entered on
10 34 or after the effective date of this Act.
10 35 2. The portion of the section of this Act amending section

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615.1, subsection 1, paragraph "a", by designating subparagraph (1) applies to judgments entered on or after the effective date of this Act.

3. The sections of this Act enacting sections 654.1A, 654.4A and 654.17B and the section of this Act amending section 654.15B apply to all actions commenced on or after the effective date of this Act.

4. The sections of this Act amending sections 655A.3, 655A.4, 655A.6, 655A.8, and 655A.9 apply to all nonjudicial foreclosures of nonagricultural mortgages commenced on or after the effective date of this Act.

5. The section of this Act enacting section 654.4B, subsection 1, and sections 626.81, 654.5, and 654.17 apply to judgments entered on or after the effective date of this Act.

Sec. 18. The section of this Act amending section 655A.9 is intended to be a continuation of the prior statute pursuant to section 4.10 and the amendment does not affect the prior operation of the statute or any prior action taken under the statute pursuant to section 4.13, subsection 1.

EXPLANATION

This bill relates to civil actions including certain limitations on actions, judgments, and executions, and including actions relating to the foreclosure of real estate mortgages, and provides applicability provisions.

The bill provides that in an action in which the court had jurisdiction of the aggrieved party, a motion or other legal proceeding attacking the validity of the judgment or decree based on failure to comply with the rules of civil procedure relating to the entry of default judgments shall not affect the interests of any purchaser or mortgagee for value of the real property involved unless the motion or proceeding is initiated within 30 days after the recording of the sheriff's deed or within 90 days after the filing of a judgment or decree not providing for the issuance of a sheriff's deed.

The bill provides that, in regard to an execution on a

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12 1 judgment in a foreclosure action, a judgment entered in either
12 2 of the following situations shall be null and void, all liens
12 3 shall be extinguished, and no execution shall be issued for
12 4 any purpose except as a setoff or counterclaim:
12 5 1. For a real estate mortgage, deed of trust, or real
12 6 estate contract executed prior to July 1, 2009, an action for
12 7 the foreclosure of a real estate mortgage, deed of trust, or
12 8 real estate contract upon property which at the time the
12 9 foreclosure is commenced is either used for an agricultural
12 10 purpose or as a one=family or two=family dwelling which is the
12 11 residence of the mortgagor, borrower, or vendee.
12 12 2. For a real estate mortgage, deed of trust, or real
12 13 estate contract executed on or after July 1, 2009, an action
12 14 for the foreclosure of a real estate mortgage, deed of trust,
12 15 or real estate contract upon property which at the time of the
12 16 execution of the mortgage, deed of trust, or real estate
12 17 contract is either used for, or is being acquired for, an
12 18 agricultural purpose as defined in Code section 535.13 or as a
12 19 one=family or two=family dwelling which is the residence of
12 20 the mortgagor, borrower, or vendee.
12 21 The bill expands the options for allowing postponements of
12 22 a sheriff's sale to include allowing a postponement upon a
12 23 request by a judgment creditor and also extends the number of
12 24 allowable postponements from two postponements of not more
12 25 than three days each to two postponements not to exceed a
12 26 total of 60 days in the aggregate.
12 27 The bill establishes a provision preserving mortgage
12 28 protections for a mortgagor in situations where the mortgagor
12 29 ceases to occupy the mortgagor's residence because of the
12 30 effects of natural disasters, injuries to the property, and
12 31 relocations due to military service. This provision applies
12 32 to all actions commenced on or after the effective date of the
12 33 bill.
12 34 The bill provides specific service of process provisions
12 35 for judgment creditors and their attorneys as well as

Senate File 364 - Introduced continued

13 1 executors and administrators of a decedent's estate where in
13 2 rem relief is the only relief requested in a foreclosure
13 3 action.
13 4 The bill provides that prior to commencing a foreclosure on
13 5 the accelerated balance of a mortgage loan, and after
13 6 termination of any applicable cure period, a creditor must
13 7 give the borrower a 14=day demand for payment of the
13 8 accelerated balance to apply for an award of attorney fees on
13 9 the accelerated balance. The bill also requires a mortgage
13 10 foreclosure attorney to notify a homeowner about the
13 11 availability of counseling and mediation services as the
13 12 attorney general may prescribe. Failure to provide such
13 13 notice to a homeowner allows the homeowner to obtain a delay
13 14 of the recording of the sheriff's sale or delay of the
13 15 recording of the sheriff's deed, not to exceed 60 days, to
13 16 obtain mortgage counseling and mediation. This provision
13 17 takes effect upon enactment.
13 18 The bill requires courts to determine the rights of all
13 19 persons joined as parties or receiving notices of their right
13 20 to intervene in a foreclosure action where title issues have
13 21 been raised by the pleadings and resolution of such issues is
13 22 necessary to provide clear title to persons purchasing the
13 23 land at a sheriff's sale.
13 24 The bill amends notice provisions relating to pending
13 25 foreclosures to require a mortgagee to provide additional
13 26 information relevant to a judgment creditor's decision to
13 27 intervene in a foreclosure action.
13 28 The bill eliminates the requirement that the mortgagor
13 29 consent to a recision of a foreclosure action.
13 30 The bill eliminates deficiency judgments against the
13 31 mortgagee if such judgments would otherwise be restricted and
13 32 limits the assessment of costs, including reasonable attorney
13 33 fees, of foreclosure and recision actions to those agreed to
13 34 in writing by the mortgagor.
13 35 The bill allows first mortgage lenders to make loan

Senate File 364 - Introduced continued

14 1 modifications to allow the mortgagor to continue to reside in
14 2 the mortgagor's home and to eliminate unnecessary junior
14 3 lienholders.
14 4 The bill provides that a notice in a nonjudicial
14 5 foreclosure shall contain a postal or electronic mail address
14 6 where rejection of the notice may be served, provides that a
14 7 rejection of a notice shall be served according to the rules
14 8 of civil procedure for service of original notice, and
14 9 eliminates the requirement that a rejection of the notice
14 10 reference a document reference number.
14 11 The bill allows for the reopening of a nonjudicial
14 12 foreclosure to resolve title issues where a junior lienholder
14 13 was not properly served with a notice.
14 14 The bill prohibits the use of a nonjudicial foreclosure in
14 15 circumstances where the real estate that is the subject of the
14 16 foreclosure is a one=family or two=family home occupied by a
14 17 legal titleholder. This provision applies to all nonjudicial
14 18 foreclosures of nonagricultural mortgages commenced on or
14 19 after the effective date of the bill.
14 20 The bill provides applicability provisions and for some
14 21 future repeals.
14 22 LSB 1471SV 83
14 23 rh/rj/5

Senate File 365 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1244)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1165SV 83
rh/rj/14

Senate File 365 - Introduced continued

PAG LIN

1 1 Section 1. Section 614.14, subsection 6, Code 2009, is
1 2 amended to read as follows:
1 3 6. An interest in real estate ~~currently or previously~~ held
1 4 of record at any time by a trust shall be deemed to be held of
1 5 record by the trustee of such trust.
1 6 Sec. 2. Section 633.40, subsection 1, Code 2009, is
1 7 amended to read as follows:
1 8 1. COURT PRESCRIBING NOTICE. Except as otherwise provided
1 9 in this probate code, the court shall fix the time and place
1 10 of hearing of any matter requiring notice and shall prescribe
1 11 ~~the time and manner of service of the notice of such hearing~~ a
1 12 time for the hearing not less than twenty days after the date
1 13 the notice is served unless the court finds by clear and
1 14 convincing evidence that a shorter time period will not unduly
1 15 prejudice any party receiving such notice. The court shall
1 16 also prescribe the manner of service of the notice of such
1 17 hearing.
1 18 Sec. 3. Section 633.237, subsection 4, Code 2009, is
1 19 amended to read as follows:
1 20 4. The notice provisions under subsections 1 and 2 are not
1 21 applicable if the surviving spouse is a personal
1 22 representative of the estate or a trustee of a revocable trust
1 23 or if the surviving spouse or the spouse's conservator files,
1 24 at any time, an election to take under the will, receive the
1 25 intestate share, or take under the revocable trust. If the
1 26 surviving spouse fails to file an election under this section
1 27 within four months of the decedent's death, it shall be
1 28 conclusively presumed that the surviving spouse elects to take
1 29 under the will, receive the intestate share, or take under the
1 30 revocable trust.
1 31 Sec. 4. Section 633.238, subsection 1, unnumbered
1 32 paragraph 1, Code 2009, is amended to read as follows:
1 33 The elective share of the surviving spouse shall be limited
1 34 to all of the following:
1 35 Sec. 5. Section 633.246, Code 2009, is amended to read as

Senate File 365 - Introduced continued

2 1 follows:
2 2 633.246 ELECTION NOT SUBJECT TO CHANGE.
2 3 An election by or on behalf of a surviving spouse to take
2 4 the share provided in ~~either~~ section 633.211, 633.212,
2 5 633.236, 633.238, ~~or~~ 633.240, or 633.244 ~~hereof once made~~
2 6 shall be binding and shall not be subject to change except for
2 7 such causes as would justify an equitable decree for the
2 8 rescission of a deed.
2 9 Sec. 6. Section 633.350, Code 2009, is amended to read as
2 10 follows:
2 11 633.350 TITLE TO DECEDENT'S ESTATE == WHEN PROPERTY PASSES
2 12 == POSSESSION AND CONTROL THEREOF == LIABILITY FOR
2 13 ADMINISTRATION EXPENSES, DEBTS, AND FAMILY ALLOWANCE.
2 14 Except as otherwise provided in this probate code, when a
2 15 person dies, the title to the person's property, real and
2 16 personal, passes to the person to whom it is devised by the
2 17 person's last will, or, in the absence of such disposition, to
2 18 the persons who succeed to the estate as provided in this
2 19 probate code, but all of the property shall be subject to the
2 20 possession of the personal representative as provided in
2 21 section 633.351 and to the control of the court for the
2 22 purposes of administration, sale, or other disposition under
2 23 the provisions of law, and such property, except homestead and
2 24 other exempt property, shall be chargeable with the payment of
2 25 debts and charges against the estate. There shall be no
2 26 priority as between real and personal property, except as
2 27 provided in this probate code or by the will of the decedent.
2 28 If real property is titled at any time in a decedent's estate,
2 29 such property shall be treated as titled in the name of the
2 30 personal representative of the estate.
2 31 Sec. 7. Section 633.376, Code 2009, is amended to read as
2 32 follows:
2 33 633.376 ALLOWANCE TO CHILDREN WHO DO NOT RESIDE WITH
2 34 SURVIVING SPOUSE.
2 35 1. The court may also make an allowance to a child of the

Senate File 365 - Introduced continued

3 1 decedent who is less than eighteen years of age or who is
3 2 between the ages of eighteen and twenty=two years who is
3 3 regularly attending an accredited school in pursuance of a
3 4 course of study leading to a high school diploma or its
3 5 equivalent, or regularly attending a course of
3 6 vocational=technical training either as a part of a regular
3 7 school program or under special arrangements adapted to the
3 8 individual person's needs; or is, in good faith, a full=time
3 9 student in a college, university, or community college; or has
3 10 been accepted for admission to a college, university, or
3 11 community college and the next regular term has not yet begun;
3 12 or a child of any age who is dependent because of physical or
3 13 mental disability; who does not reside with the surviving
3 14 spouse, of an amount it deems reasonable in the light of the
3 15 assets and condition of the estate, to provide for the child's
3 16 proper support during the period of twelve months.
3 17 2. The estate's personal representative shall cause
3 18 written notice to be mailed pursuant to section 633.40,
3 19 subsection 5, to the legal guardian of each child qualified
3 20 under subsection 1 and to each child who has no legal
3 21 guardian. The notice shall inform the child and the child's
3 22 guardian, if applicable, of the right to apply, within four
3 23 months after service of the notice, for support for a period
3 24 of twelve months following the decedent's death. If an
3 25 application for support has not been filed within four months
3 26 after service of the notice by or on behalf of the child
3 27 qualifying for support under subsection 1, the child shall be
3 28 deemed to have waived the right to support under this section.
3 29 A child who qualifies for support under this section may waive
3 30 the child's right to such support by filing an affidavit
3 31 acknowledging receipt of notice and irrevocably waiving the
3 32 child's right to support under this section.
3 33 Sec. 8. Section 633.639, Code 2009, is amended to read as
3 34 follows:
3 35 633.639 TITLE TO WARD'S PROPERTY.

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4 1 The title to all property of the ward is in the ward and
4 2 not the conservator subject, however, to the possession of the
4 3 conservator and to the control of the court for the purposes
4 4 of administration, sale or other disposition, under the
4 5 provisions of the law. Any real property titled at any time
4 6 in the name of a conservatorship shall be deemed to be titled
4 7 in the ward's name subject to the conservator's right of
4 8 possession.
4 9 Sec. 9. Section 633A.2203, Code 2009, is amended to read
4 10 as follows:
4 11 633A.2203 ~~MODIFICATION OR~~ TERMINATION OF IRREVOCABLE TRUST
4 12 OR MODIFICATION OF DISPOSITIVE PROVISIONS OF IRREVOCABLE TRUST
4 13 BY COURT.
4 14 1. An irrevocable trust may be terminated or its
4 15 dispositive provisions modified by the court with the consent
4 16 of all of the beneficiaries if continuance of the trust on the
4 17 same or different terms is not necessary to carry out a
4 18 material purpose.
4 19 2. Upon termination of the trust, the court shall order
4 20 the distribution of trust property in accordance with the
4 21 probable intention of the settlor.
4 22 3. For purposes of this section, the consent of a person
4 23 who may bind a beneficiary is considered the consent of the
4 24 beneficiary.
4 25 4. For the purposes of this section, removal of the
4 26 trustee or the addition of a provision to the trust instrument
4 27 allowing a beneficiary or a group of beneficiaries to remove
4 28 the trustee or to appoint a new trustee shall not be allowed
4 29 as a modification under this section. This subsection shall
4 30 not operate to limit the scope of dispositive provisions for
4 31 the purposes of this section.
4 32 Sec. 10. Section 633A.4502, Code 2009, is amended to read
4 33 as follows:
4 34 633A.4502 BREACH OF TRUST == ACTIONS.
4 35 1. ~~To~~ Except as provided in section 633A.4213, to remedy a

Senate File 365 - Introduced continued

5 1 breach of trust which has occurred or may occur, a beneficiary
5 2 or cotrustee of the trust may request the court to do any of
5 3 the following:
5 4 ~~1.~~ a. Compel the trustee to perform the trustee's duties.
5 5 ~~2.~~ b. Enjoin the trustee from committing a breach of
5 6 trust.
5 7 ~~3.~~ c. Compel the trustee to redress a breach of trust by
5 8 payment of money or otherwise.
5 9 ~~4.~~ d. Appoint a receiver or temporary trustee to take
5 10 possession of the trust property and administer the trust.
5 11 ~~5.~~ e. Remove the trustee.
5 12 ~~6.~~ f. Reduce or deny compensation to the trustee.
5 13 ~~7.~~ g. Subject to section 633A.4603, nullify an act of the
5 14 trustee, impose an equitable lien or a constructive trust on
5 15 trust property, or trace trust property wrongfully disposed of
5 16 and recover the property or its proceeds.
5 17 ~~8.~~ h. Order any other appropriate relief.
5 18 2. This section does not apply to any trust created prior
5 19 to July 1, 2002, and applies to trusts created on or after
5 20 July 1, 2002, unless the settlor has specifically waived the
5 21 requirements of this section in the trust instrument. Waiver
5 22 of this section shall not bar any beneficiary's common law
5 23 right to an accounting, and shall not provide any immunity to
5 24 a trustee, acting under the terms of the trust, for liability
5 25 to any beneficiary who discovers facts giving rise to a cause
5 26 of action against the trustee.
5 27 Sec. 11. Section 635.8, subsection 1, unnumbered paragraph
5 28 1, Code 2009, is amended to read as follows:
5 29 The personal representative shall file with the court a
5 30 closing statement and proof of service thereof within a
5 31 reasonable time from the date of issuance of the letters of
5 32 appointment, and the closing statement shall be verified or
5 33 affirmed under penalty of perjury, stating all of the
5 34 following:
5 35 Sec. 12. Section 637.421, Code 2009, is amended to read as

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6 1 follows:
6 2 637.421 DEFERRED COMPENSATION, ANNUITIES, AND SIMILAR
6 3 PAYMENTS.
6 4 1. ~~This section applies to payments~~ For purposes of this
6 5 section, the following definitions shall apply:
6 6 a. "Payments" means a payment that a trustee may receive
6 7 over a fixed number of years or during the life of one or more
6 8 individuals because of services rendered or property
6 9 transferred to the payor in exchange for future payments. ~~The~~
~~6 10 payments~~ "Payments" include those made in ~~cash~~ money or
6 11 property from the payor's general assets or from a separate
6 12 fund created by the payor~~, including~~. For purposes of
6 13 subsections 4, 5, 6, and 7, "payments" also includes any
6 14 payment from a separate fund regardless of the reason for the
6 15 payment.
6 16 b. "Separate fund" includes a private or commercial
6 17 annuity, an individual retirement account, and a pension,
6 18 profit sharing, stock bonus, or stock ownership plan. ~~This~~
~~6 19 section does not apply to payments to which section 637.422~~
~~6 20 applies.~~
6 21 2. To the extent that a payment is characterized as
6 22 interest, ~~or~~ a dividend or a payment made in lieu of interest
6 23 or a dividend, ~~it must be allocated~~ a trustee shall allocate
6 24 the payment to income. The trustee shall allocate to
6 25 principal the balance of the payment and any other payment
6 26 received in the same accounting period that is not
6 27 characterized as interest, a dividend, or an equivalent
6 28 payment ~~must be allocated to principal~~.
6 29 3. If no part of a payment is characterized as interest, a
6 30 dividend, or an equivalent payment, and all or part of the
6 31 payment is required to be made, a trustee shall allocate to
6 32 income ten percent of the part that is required to be made
6 33 during the accounting period and the balance to principal. If
6 34 no part of a payment is required to be made or the payment
6 35 received is the entire amount to which the trustee is

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7 1 entitled, the trustee shall allocate the entire payment ~~must~~
~~7 2 be allocated~~ to principal. For purposes of this subsection, a
7 3 payment is not required to be made to the extent that the
7 4 payment is made because the trustee exercises a right of
7 5 withdrawal.
7 6 4. ~~If, to obtain an estate tax marital deduction for a~~
~~7 7 trust, a trustee must allocate more of a payment to income~~
~~7 8 than provided for by this section, the trustee shall allocate~~
~~7 9 to income the additional amount necessary to obtain the~~
~~7 10 marital deduction.~~ Except as otherwise provided in subsection
7 11 5, subsections 6 and 7 apply, and subsections 2 and 3 do not
7 12 apply in determining the allocation of a payment made from a
7 13 separate fund to any of the following:
7 14 a. A trust to which an election to qualify for a marital
7 15 deduction had been made under section 2056(b)(7) of the
7 16 Internal Revenue Code of 1986, as amended.
7 17 b. A trust that qualifies for a marital deduction under
7 18 section 2056(b)(5) of the Internal Revenue Code of 1986, as
7 19 amended.
7 20 5. Subsections 4, 6, and 7 do not apply if and to the
7 21 extent that the series of payments would, without the
7 22 application of subsection 4, qualify for a marital deduction
7 23 under section 2056(b)(7)(c) of the Internal Revenue Code of
7 24 1986, as amended.
7 25 6. A trustee shall determine the internal income of each
7 26 separate fund for the accounting period as if the separate
7 27 fund were a trust subject to this chapter. Upon request of
7 28 the surviving spouse, the trustee shall demand that the person
7 29 administering the separate fund to distribute such internal
7 30 income to the trust. The trustee shall allocate a payment
7 31 from the separate fund to income to the extent of the internal
7 32 income of the separate fund and distribute that amount to the
7 33 surviving spouse. The trustee shall allocate the balance to
7 34 principal. Upon request of the surviving spouse, the trustee
7 35 shall allocate principal to income to the extent the internal

Senate File 365 - Introduced continued

8 1 income of the separate fund exceeds payments made from the
8 2 separate fund to the trust during the accounting period.
8 3 7. If a trustee cannot determine the internal income of a
8 4 separate fund but can determine the value of the separate
8 5 fund, the internal income of the separate fund is deemed to
8 6 equal four percent of the value of the fund according to the
8 7 most recent statement of the value prior to the beginning of
8 8 the accounting period. If the trustee is unable to determine
8 9 the internal income of the separate fund and the fund's value,
8 10 the internal income of the fund is deemed to equal the product
8 11 of the interest rate and the present value of the expected
8 12 future payments as determined pursuant to section 7520 of the
8 13 Internal Revenue Code of 1986, as amended.
8 14 8. This section does not apply to a payment made under
8 15 section 637.422.
8 16 Sec. 13. Section 637.505, subsections 3 and 4, Code 2009,
8 17 are amended to read as follows:
8 18 3. A tax required to be paid by a trustee on the trust's
8 19 share of an entity's taxable income must be paid
8 20 ~~proportionately,~~ according to all of the following principles:
8 21 a. From income, to the extent that receipts from the
8 22 entity are allocated only to income.
8 23 b. From principal, to the extent that ~~the following~~
~~8 24 principles are observed:~~
8 25 ~~(1) Receipts~~ receipts from the entity are allocated only
8 26 to principal.
8 27 ~~(2) The trust's share of the entity's taxable income~~
~~8 28 exceeds the total receipts in paragraph "a" and in~~
~~8 29 subparagraph (1).~~
8 30 c. Proportionately from principal and income to the extent
8 31 that receipts from the entity are allocated to both income and
8 32 principal.
8 33 d. From principal to the extent that the tax exceeds the
8 34 total receipts from the entity.
8 35 4. ~~For purposes of this section, receipts allocated to~~

~~Senate File 365 - Introduced continued~~

~~9 1 principal or income shall be reduced by the amount distributed~~
~~9 2 to a beneficiary from principal or income for which the trust~~
~~9 3 receives a deduction in calculating the tax~~ After applying
9 4 subsections 1 through 3, the trustee shall adjust income or
9 5 principal receipts to the extent that the taxes of the trust
9 6 are reduced because the trust receives a deduction for
9 7 payments made to a beneficiary.
9 8 Sec. 14. APPLICABILITY AND RETROACTIVITY.
9 9 1. The section of this Act amending section 614.14 applies
9 10 retroactively to all trusts in existence on and after July 1,
9 11 1999.
9 12 2. The section of this Act amending section 633.40,
9 13 subsection 1, applies to orders setting hearings entered on or
9 14 after July 1, 2009.
9 15 3. The sections of this Act amending section 633.237,
9 16 subsection 4, section 633.238, subsection 1, and section
9 17 633.246 apply to estates of decedents and revocable trusts of
9 18 settlors dying on or after July 1, 2009.
9 19 4. The sections of this Act amending sections 633.350 and
9 20 633.639 apply retroactively to conveyances occurring on or
9 21 after July 1, 1999.
9 22 5. The sections of this Act amending sections 633.376 and
9 23 635.8 apply to estates of decedents dying on or after July 1,
9 24 2009.
9 25 6. The section of this Act amending section 633A.2203
9 26 applies to all proceedings to modify dispositive provisions of
9 27 or to terminate an irrevocable trust on or after July 1, 2009,
9 28 regardless of the date the trust was created.
9 29 7. The sections of this Act amending sections 637.421 and
9 30 637.505 apply as of the decedent's date of death for marital
9 31 trusts funded beginning on or after January 1, 2009. For all
9 32 other marital trusts, these amendments apply as of January 1,
9 33 2009.
9 34 EXPLANATION
9 35 This bill relates to trusts and estates including the

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10 1 administration of small estates and includes retroactive and
10 2 other applicability provisions.
10 3 The bill provides that an interest in real estate held of
10 4 record at any time by a trust shall be deemed to be held of
10 5 record by the trustee of such trust. This provision applies
10 6 retroactively to all trusts in existence on or after July 1,
10 7 1999.
10 8 The bill provides that a probate court shall prescribe a
10 9 time for the hearing not less than 20 days after the date the
10 10 notice in a probate proceeding is served unless the court
10 11 finds by clear and convincing evidence that a shorter time
10 12 period will not unduly prejudice any party receiving such
10 13 notice. The court shall also prescribe the manner in which
10 14 the notice shall be served. This provision applies to orders
10 15 setting hearings entered on or after July 1, 2009.
10 16 The bill provides that the specific requirements for notice
10 17 provisions applicable to a situation where a personal
10 18 representative of the estate of the decedent, who is the
10 19 spouse, is appointed, are not applicable if the surviving
10 20 spouse or the spouse's conservator files, at any time, an
10 21 election to take under the will, receive the intestate share,
10 22 or take under the revocable trust. This provision applies to
10 23 estates of decedents and revocable trusts of settlors dying on
10 24 or after July 1, 2009.
10 25 The bill limits the elective share of the surviving spouse
10 26 who elects to take against a decedent's will to the elective
10 27 share portions contained in Code section 633.238 and does not
10 28 include nonprobate or nontrust assets. This provision applies
10 29 to estates of decedents and revocable trusts of settlors dying
10 30 on or after July 1, 2009.
10 31 The bill adds the spousal share provisions of the probate
10 32 code based upon the circumstances in existence at the time of
10 33 the decedent's death to a provision relating to the elective
10 34 share of the surviving spouse that provides that an election
10 35 of a surviving spouse is not subject to change except for a

Senate File 365 - Introduced continued

11 1 situation that would justify an equitable decree for the
11 2 recision of a deed. This provision applies to estates of
11 3 decedents and revocable trusts of settlors dying on or after
11 4 July 1, 2009.
11 5 The bill provides that if real property is titled at any
11 6 time in a decedent's estate, such property shall be treated as
11 7 titled in the name of the personal representative of the
11 8 estate. This provision applies retroactively to conveyances
11 9 occurring on or after July 1, 1999.
11 10 The bill provides specific notice provisions for a minor
11 11 child or the legal guardian of a minor child of a decedent who
11 12 does not reside with a surviving spouse of the child's right
11 13 to request a family allowance from the decedent's estate.
11 14 This provision applies to estates of decedents dying on or
11 15 after July 1, 2009.
11 16 The bill provides that any real property titled at any time
11 17 in the name of a conservatorship shall be deemed to be titled
11 18 in the ward's name subject to the conservator's right of
11 19 possession. This provision applies to conveyances occurring
11 20 on or after July 1, 1999.
11 21 The bill specifies that Code section 633A.2203 applies to
11 22 the termination of an irrevocable trust or the modification of
11 23 the dispositive provisions of an irrevocable trust. The bill
11 24 also specifies that Code section 633A.2203 shall not be used
11 25 to remove or replace a trustee. This provision applies to all
11 26 proceedings to modify dispositive provisions of or to
11 27 terminate an irrevocable trust on or after July 1, 2009,
11 28 regardless of the date the trust was created.
11 29 The bill creates an exception for remedying a breach of
11 30 trust which has occurred or may occur in the future. The
11 31 exception relates generally to a trustee's duty to keep the
11 32 qualified beneficiaries of a trust reasonably informed about
11 33 the administration of the trust for remedying a breach of
11 34 trust which has occurred or may occur in the future. This
11 35 provision does not apply to any trust created prior to July 1,

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12 1 2002, and applies to trusts created on or after July 1, 2002,
12 2 unless the settlor has specifically waived the requirements of
12 3 Code section 633A.4502 in the trust instrument. Waiver of
12 4 Code section 633A.4502 shall not bar a beneficiary's common
12 5 law right to an accounting and shall not provide any immunity
12 6 to a trustee, acting under the terms of a trust, for liability
12 7 to any beneficiary who discovers facts giving rise to a cause
12 8 of action against the trustee.
12 9 The bill requires a personal representative of a small
12 10 estate to file proof of service of a closing statement. This
12 11 provision applies to estates of decedents dying on or after
12 12 July 1, 2009.
12 13 The bill makes changes to provisions in Iowa's uniform
12 14 principal and income Act (UPIA, Code chapter 637), which
12 15 generally provides certain procedures for trustees who
12 16 administer trusts and personal representatives who administer
12 17 estates to allocate receipts and payments to principal and
12 18 income. The changes relate to certain payments including
12 19 payments characterized as interest, a dividend, or an
12 20 equivalent payment, that a trustee may receive over a fixed
12 21 number of years or during the life of one or more individuals
12 22 because of services rendered or property transferred to the
12 23 payor in exchange for future payments. The changes also
12 24 relate to income taxes required to be paid by a trustee. The
12 25 changes to the UPIA in the bill are necessary to address
12 26 concerns by the Internal Revenue Service that would otherwise
12 27 disqualify certain retirement accounts from eligibility for a
12 28 marital deduction. Such provisions apply as of the date of
12 29 the decedent's death for marital trusts funded beginning on or
12 30 after January 1, 2009. For all other marital trusts, such
12 31 provisions apply on or after January 1, 2009.
12 32 LSB 1165SV 83
12 33 rh/rj/14

Senate File 366 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1216)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the emancipation of a minor and family in need of assistance proceedings.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2058SV 83
jm/rj/14

Senate File 366 - Introduced continued

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1 1 Section 1. Section 232.125, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. Such a petition may be filed by the child's parent,
1 4 guardian or custodian, ~~or~~ by the child, or on the court's own
1 5 motion as provided in section 232C.2. The judge, county
1 6 attorney, or juvenile court officer may authorize such parent,
1 7 guardian, custodian, or child to file a petition with the
1 8 clerk of the court without the payment of a filing fee.
1 9 Sec. 2. Section 232.127, Code 2009, is amended by adding
1 10 the following new subsection:
1 11 NEW SUBSECTION. 11. If after hearing pursuant to this
1 12 section, the court finds, by clear and convincing evidence,
1 13 that no remedy is available that would result in strengthening
1 14 or maintaining the familial relationship, the court may order
1 15 the minor emancipated pursuant to section 232C.3, subsection
1 16 4.
1 17 Sec. 3. NEW SECTION. 232C.1 EMANCIPATION PETITION ==
1 18 HEARING.
1 19 1. A minor who desires to become emancipated may file a
1 20 petition for an order of emancipation in juvenile court if all
1 21 of the following apply:
1 22 a. The minor is sixteen years of age or older.
1 23 b. The minor is a resident of this state.
1 24 c. The minor is not in the care, custody, or control of
1 25 the state.
1 26 2. A petition filed pursuant to this section shall contain
1 27 the following:
1 28 a. The petitioner's name, mailing address, and date of
1 29 birth.
1 30 b. The name, mailing address of the petitioner's parents
1 31 or legal guardian.
1 32 c. Specific facts to support the petition including but
1 33 not limited to the following:
1 34 (1) The minor has demonstrated financial self=sufficiency,
1 35 including proof of employment or other means of support, which

Senate File 366 - Introduced continued

2 1 does not include assistance or subsidies from a federal,
2 2 state, or local governmental agency.
2 3 (2) The minor has demonstrated an ability to manage the
2 4 personal affairs of the minor.
2 5 (3) The minor has demonstrated an ability and commitment
2 6 to obtain and maintain education, vocational training, or
2 7 employment.
2 8 (4) Any other information considered necessary to support
2 9 the petition.
2 10 d. Any one of the following:
2 11 (1) Documentation that the minor has been living on the
2 12 minor's own for at least three consecutive months.
2 13 (2) A statement explaining the reasons the minor believes
2 14 the home of the minor's parents or legal guardian is not a
2 15 healthy or safe environment.
2 16 (3) A notarized statement that contains written consent to
2 17 emancipation by the minor's parents or legal guardian.
2 18 3. The court shall hold a hearing on the petition within
2 19 ninety days of the filing of the petition. Notice of the
2 20 hearing, with a copy of the petition attached, shall be served
2 21 by personal service on the minor's parent or legal guardian at
2 22 least thirty days prior to the hearing date. Any other
2 23 parties shall be notified as provided by the rules of civil
2 24 procedure for service of an original notice.
2 25 4. The minor may participate in the court proceedings on
2 26 the minor's own behalf, or may be represented by the minor's
2 27 own counsel, or the court may appoint a guardian ad litem on
2 28 behalf of the minor.
2 29 Sec. 4. NEW SECTION. 232C.2 STAY == MEDIATION ==
2 30 REFERRAL TO FAMILY IN NEED OF ASSISTANCE.
2 31 1. Prior to an emancipation hearing held pursuant to
2 32 section 232C.1, the court, on its own motion, may stay the
2 33 proceedings, and refer the parties to mediation, or request
2 34 that the department of human services investigate any
2 35 allegations of child abuse or neglect contained in the

Senate File 366 - Introduced continued

3 1 petition, and order that a written report be prepared and
3 2 filed by the department.
3 3 2. If a minor's parent or guardian objects to the petition
3 4 filed pursuant to section 232C.1, the juvenile court shall
3 5 stay the proceedings and refer the parties to mediation unless
3 6 the juvenile court finds that mediation would not be in the
3 7 best interests of the minor.
3 8 3. If an agreement is reached through mediation, the
3 9 parties shall file the signed agreement with the juvenile
3 10 court.
3 11 4. Notwithstanding subsections 1 through 3, the juvenile
3 12 court, on its own motion, may discontinue emancipation
3 13 proceedings pursuant to this chapter and interpret the
3 14 petition as a petition to initiate family in need of
3 15 assistance proceedings and consider the petition under
3 16 sections 232.122 through 232.127.
3 17 Sec. 5. NEW SECTION. 232C.3 DETERMINATION OF
3 18 EMANCIPATION == BEST INTERESTS OF THE MINOR.
3 19 1. The juvenile court shall determine emancipation based
3 20 on the best interests of the minor and shall consider all
3 21 relevant factors including the following:
3 22 a. The potential risks and consequences of emancipation
3 23 and whether the minor understands the risks and consequences
3 24 of emancipation.
3 25 b. The ability of the minor to be financially
3 26 self=sufficient.
3 27 c. The education level of the minor and success achieved
3 28 in school.
3 29 d. The criminal record of the minor.
3 30 e. The desires of the minor.
3 31 f. The recommendations of the parents or guardian of the
3 32 minor.
3 33 2. The minor has the burden of proving by clear and
3 34 convincing evidence that the requirements for ordering
3 35 emancipation under this section have been met.

Senate File 366 - Introduced continued

4 1 3. The juvenile court shall carefully consider the best
4 2 interests of the minor and after hearing and consideration of
4 3 the factors enumerated in this section, the juvenile court may
4 4 order the minor emancipated or deny the petition for
4 5 emancipation.
4 6 4. If after referral of a petition for the initiation of
4 7 family in need of assistance proceedings pursuant to section
4 8 232C.2, the juvenile court finds, by clear and convincing
4 9 evidence, that no remedy is available that would result in
4 10 strengthening or maintaining the familial relationship under
4 11 the family in need of assistance proceedings pursuant to
4 12 sections 232.122 through 232.127, the juvenile court may order
4 13 the minor emancipated as provided in this section.
4 14 Sec. 6. NEW SECTION. 232C.4 EFFECT OF EMANCIPATION
4 15 ORDER.
4 16 1. An emancipation order shall have the same effect as a
4 17 child reaching the age of majority with respect to but not
4 18 limited to the following:
4 19 a. The ability to sue or be sued in the child's own name.
4 20 b. The right to enter into a binding contract.
4 21 c. The right to establish a legal residence.
4 22 d. The right to incur debts.
4 23 e. The right to consent to medical, dental, or psychiatric
4 24 care.
4 25 2. An emancipation order shall have the same effect as the
4 26 child reaching the age of majority and the parents are exempt
4 27 from the following:
4 28 a. Future child support obligations for the emancipated
4 29 child.
4 30 b. An obligation to provide medical support for the
4 31 emancipated child, unless deemed necessary by the court.
4 32 c. Tort liability for the actions of the child after
4 33 emancipation.
4 34 d. A right to the income or property of the emancipated
4 35 child.

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5 1 e. A responsibility for the debts of the emancipated
5 2 child.
5 3 3. An emancipated minor shall remain subject to voting
5 4 restrictions under chapter 48A, gambling restrictions under
5 5 chapter 99B, 99D, 99F, 99G, or 725, alcohol restrictions under
5 6 chapter 123, compulsory attendance requirements under chapter
5 7 299, and cigarette tobacco restrictions under chapter 453A.
5 8 4. An emancipated child shall not be considered an adult
5 9 for prosecution except as provided in section 232.8.
5 10 5. Notwithstanding sections 232.147 through 232.151, the
5 11 emancipation order shall be released by the juvenile court
5 12 subject to rules prescribed by the supreme court.
5 13 6. A parent who is absolved of child support obligations
5 14 pursuant to an emancipation order shall notify the child
5 15 support recovery unit of the department of human services of
5 16 the emancipation.
5 17 EXPLANATION
5 18 This bill relates to a petition for the emancipation of a
5 19 minor and family in need of assistance proceedings.
5 20 The bill provides that a minor 16 years of age or older may
5 21 file a petition for an order of emancipation in juvenile court
5 22 provided the minor is a resident of the state, and is not in
5 23 the care, custody, or control of a state agency.
5 24 The bill requires the petition for emancipation to include
5 25 facts supporting the financial self=sufficiency of the minor
5 26 which shall not include assistance or subsidies from a
5 27 governmental agency, and shall include the ability and
5 28 commitment of the minor to manage the personal affairs of the
5 29 minor, the ability and commitment of the minor to obtain
5 30 educational training or employment, and any other information
5 31 considered relevant to support the petition.
5 32 Under the bill, the petition shall also include
5 33 documentation of the minor living on the minor's own for at
5 34 least three months, a statement explaining the reasons the
5 35 minor believes the home of the minor's parents or guardian is

Senate File 366 - Introduced continued

6 1 not a healthy or safe environment, or a notarized statement
6 2 that contains written consent to emancipation by the minor's
6 3 parents or guardian.
6 4 The bill provides that the juvenile court shall hold a
6 5 hearing on the petition within 90 days of the filing of the
6 6 petition. Notice of the hearing shall be by personal service
6 7 upon the child's parent or legal guardian at least 30 days
6 8 prior to the hearing date.
6 9 The bill provides that prior to any hearing on
6 10 emancipation, the juvenile court may stay the proceedings, and
6 11 refer the minor and the minor's parents or guardian to
6 12 mediation, or request the department of human services to
6 13 investigate any abuse or neglect allegations of the minor and
6 14 file a report with the court.
6 15 The bill allows the court, on its own motion, to
6 16 discontinue emancipation proceedings and interpret the
6 17 emancipation petition as a petition to initiate family in need
6 18 of assistance proceedings and to consider the petition under
6 19 Code sections 232.122 through 232.127. If after referral of a
6 20 petition for the initiation of family in need of assistance
6 21 proceedings, the court finds, by clear and convincing
6 22 evidence, that no remedy is available that would result in
6 23 strengthening or maintaining the familial relationship under
6 24 the family in need of assistance proceedings, the court may
6 25 order the minor emancipated under the bill.
6 26 The bill requires the juvenile court to determine
6 27 emancipation based upon the best interests of the minor.
6 28 Under the bill, the juvenile court shall consider all relevant
6 29 factors including the potential risks and consequences of
6 30 emancipation, the ability of the minor to be self=sufficient,
6 31 the education level of the minor, the minor's criminal record,
6 32 and the desires of the minor and the minor's parents or
6 33 guardian.
6 34 If the court orders emancipation of the child, the effect
6 35 of the order shall be that the minor has the power to sue or

Senate File 366 - Introduced continued

be sued, enter into binding contracts, establish a legal residence, incur debts, and make medical decisions.

An emancipated minor under the bill remains subject to voting, alcohol, gambling, and tobacco restrictions as provided by law. An emancipated minor is also required to attend school as provided in Code chapter 299.

If the court orders emancipation of the child, the parents or guardian of the child are exempt from making future child support payments, providing medical support, unless deemed necessary by the court, tort liability for actions after emancipation, rights to the income or property of the emancipated child, and from the responsibility of any debts incurred after emancipation.

The bill requires a parent who has been absolved of child support obligations to notify the child support recovery unit of the department of human services of the emancipation.

The bill provides that an emancipated child shall not be considered an adult for prosecution except as provided in section 232.8.

LSB 2058SV 83
jm/rj/14

Senate File 367 - Introduced

SENATE FILE
BY COMMITTEE ON REBUILD IOWA

(SUCCESSOR TO SSB 1194)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to flood damage prevention and insurance.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2143SV 83
tm/rj/8

Senate File 367 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 STORM WATER MANAGEMENT STANDARDS
1 3 Section 1. Section 8A.321, subsection 7, Code 2009, is
1 4 amended by adding the following new paragraph:
1 5 NEW PARAGRAPH. c. For real property projects beginning
1 6 construction on or after July 1, 2010, a project must
1 7 incorporate applicable storm water management standards
1 8 adopted pursuant to section 455B.277A.
1 9 Sec. 2. NEW SECTION. 15A.5 ECONOMIC DEVELOPMENT
1 10 FINANCIAL ASSISTANCE == STORM WATER MANAGEMENT STANDARDS.
1 11 Financial assistance for economic development shall not be
1 12 given for purposes of a vertical infrastructure project unless
1 13 the project incorporates applicable storm water management
1 14 standards adopted pursuant to section 455B.277A. For purposes
1 15 of this section, "vertical infrastructure" means the same as
1 16 defined in section 8.57, subsection 6, paragraph "c". This
1 17 section applies to projects that begin construction on or
1 18 after July 1, 2010.
1 19 Sec. 3. Section 262.9, subsection 4, Code 2009, is amended
1 20 to read as follows:
1 21 4. Manage and control the property, both real and
1 22 personal, belonging to the institutions. ~~The board shall~~
~~1 23 purchase~~ For any construction project beginning on or after
1 24 July 1, 2010, the project must incorporate applicable storm
1 25 water management standards adopted pursuant to section
1 26 455B.277A.
1 27 4A. Purchase or require the purchase of, when the price is
1 28 reasonably competitive and the quality as intended,
1 29 soybean=based inks. All inks purchased that are used
1 30 internally or are contracted for by the board shall be
1 31 soybean=based to the extent formulations for such inks are
1 32 available.
1 33 a. The department of natural resources shall review the
1 34 procurement specifications currently used by the board to
1 35 eliminate, wherever possible, discrimination against the

Senate File 367 - Introduced continued

2 1 procurement of products manufactured with soybean=based inks.
2 2 b. The department of natural resources shall assist the
2 3 board in locating suppliers of recycled content products and
2 4 soybean=based inks and collecting data on recycled content and
2 5 soybean=based ink purchases.
2 6 c. The board, in conjunction with the department of
2 7 natural resources, shall adopt rules to carry out the
2 8 provisions of this ~~section~~ subsection.
2 9 d. The department of natural resources shall cooperate
2 10 with the board in all phases of implementing this ~~section~~
2 11 subsection.
2 12 Sec. 4. NEW SECTION. 455B.277A STORM WATER MANAGEMENT
2 13 STANDARDS.
2 14 1. By January 1, 2010, the department of natural
2 15 resources, in cooperation with the department of agriculture
2 16 and land stewardship, shall adopt storm water management
2 17 standards designed to limit water runoff, reduce future flood
2 18 damage, and improve water quality.
2 19 2. All cities and counties shall adopt development
2 20 standards to incorporate storm water management standards
2 21 adopted pursuant to subsection 1 and limit development in a
2 22 five hundred year flood plain unless the development is
2 23 designed to mitigate future flood damage.
2 24 3. On or after January 1, 2010, a city or county shall not
2 25 approve public funding or the use of tax increment financing
2 26 for any project or development that does not conform to storm
2 27 water management standards.
2 28 4. On or after January 1, 2010, a city or county shall not
2 29 approve public funding or the use of tax increment financing
2 30 for any project or development within a five hundred year
2 31 flood plain that is not designed to mitigate future flood
2 32 damage.
2 33 DIVISION II
2 34 FLOOD INSURANCE
2 35 Sec. 5. Section 29C.6, subsection 17, Code 2009, is

Senate File 367 - Introduced continued

3 1 amended by adding the following new paragraph:
3 2 NEW PARAGRAPH. c. State participation in funding
3 3 financial assistance under paragraph "a" is contingent upon
3 4 the county or city participating in the national flood
3 5 insurance program pursuant to section 455B.262A.
3 6 Sec. 6. NEW SECTION. 455B.262A NATIONAL FLOOD INSURANCE
3 7 PROGRAM.
3 8 1. All counties and cities in this state that have a flood
3 9 insurance rate map or a flood hazard boundary map published by
3 10 the federal emergency management agency that identifies
3 11 special flood hazard areas within their political boundaries
3 12 shall meet the requirements for participation in the national
3 13 flood insurance program administered by the federal emergency
3 14 management agency on or before July 1, 2010. Those counties
3 15 and cities for which the federal emergency management agency
3 16 has published after July 1, 2010, a flood insurance rate map
3 17 that identifies special flood hazard areas within their
3 18 political boundaries shall have twelve months from the map's
3 19 effective date to meet the requirement for participation in
3 20 the national flood insurance program. Each county or city
3 21 shall agree to manage flood hazard areas within its
3 22 jurisdiction by adopting regulatory standards that meet or
3 23 exceed statewide flood plain management standards and the
3 24 minimum requirements of the national flood insurance program.
3 25 2. The department shall assist counties and cities with
3 26 developing and administering local flood plain management
3 27 programs and with otherwise meeting the requirements for
3 28 participation in the national flood insurance program.
3 29 3. A county or city may apply to the department for a
3 30 waiver from the participation requirements in this section.
3 31 The department may grant a waiver if it determines that the
3 32 potential for flood damage in the county or city does not
3 33 justify participation.
3 34 4. State participation in funding financial assistance
3 35 under section 29C.6, subsection 17, paragraph "a", is

Senate File 367 - Introduced continued

4 1 contingent upon the county or city participating in the
4 2 national flood insurance program pursuant to this section. A
4 3 county or city receiving a waiver pursuant to subsection 3 is
4 4 not eligible to receive state participation in funding
4 5 financial assistance under section 29C.6, subsection 17,
4 6 paragraph "a".
4 7 Sec. 7. NEW SECTION. 505.41 FLOOD INSURANCE.
4 8 On or after July 1, 2010, any person owning an insurable
4 9 structure in a five hundred year flood plain as determined by
4 10 the federal emergency management agency who fails to purchase
4 11 insurance providing coverage against direct or indirect or
4 12 consequential loss or damage, including loss of use or
4 13 occupancy and the depreciation of property lost or damaged by
4 14 flood shall not be eligible to receive any flood
4 15 disaster=related financial assistance from the state.
4 16 Sec. 8. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 17 3, shall not apply to this division of this Act.
4 18 DIVISION III
4 19 WATERSHED IMPROVEMENT FUND
4 20 Sec. 9. Section 466A.2, subsection 2, paragraph c, Code
4 21 2009, is amended by adding the following new subparagraphs:
4 22 NEW SUBPARAGRAPH. (8) Structures and conservation systems
4 23 for the prevention and mitigation of floods within the
4 24 watershed of the project.
4 25 NEW SUBPARAGRAPH. (9) Removal of channels of waterways to
4 26 allow waterways to meander.
4 27 DIVISION IV
4 28 FLOOD MITIGATION PLANNING
4 29 Sec. 10. Section 466B.1, Code 2009, is amended to read as
4 30 follows:
4 31 466B.1 SHORT TITLE.
4 32 This chapter shall be known and may be cited as the
4 33 "Surface Water Protection and Flood Mitigation Act".
4 34 Sec. 11. Section 466B.3, subsection 3, Code 2009, is
4 35 amended by adding the following new paragraph:

Senate File 367 - Introduced continued

5 1 NEW PARAGRAPH. d. Whether the potential for flood damage
5 2 in each watershed in the state has been reduced.
5 3 Sec. 12. Section 466B.3, subsection 4, Code 2009, is
5 4 amended by adding the following new paragraph:
5 5 NEW PARAGRAPH. m. The dean of the college of engineering
5 6 at the university of Iowa or the dean's designee.
5 7 Sec. 13. Section 466B.3, subsection 6, paragraph b,
5 8 subparagraph (9), Code 2009, is amended to read as follows:
5 9 (9) Review best available technologies on a regular basis,
5 10 so that investments of time and program resources can be
5 11 prioritized and directed to projects that will best and most
5 12 effectively improve water quality and reduce flood damage
5 13 within regional and community subwatersheds.
5 14 Sec. 14. Section 466B.3, subsection 6, Code 2009, is
5 15 amended by adding the following new paragraph:
5 16 NEW PARAGRAPH. c. The council shall develop
5 17 recommendations for policies and funding promoting a watershed
5 18 management approach to reduce the adverse impact of future
5 19 flooding on this state's residents, businesses, communities,
5 20 and soil and water quality. Policy and funding
5 21 recommendations shall be submitted to the governor, the
5 22 general assembly, and the rebuild Iowa office not later than
5 23 November 15, 2009. The council shall consider policies and
5 24 funding options for various strategies to reduce the impact of
5 25 flooding including but not limited to additional flood plain
5 26 regulation; wetland protection, restoration, and construction;
5 27 conservation easements and other land management; perennial
5 28 ground cover and other agricultural conservation practices;
5 29 pervious pavement, bioswales, and other urban conservation
5 30 practices; and permanent or temporary water retention
5 31 structures. In developing recommendations, the council shall
5 32 consult with the rebuild Iowa office, hydrological and land
5 33 use experts, representatives of cities, counties, and soil and
5 34 water conservation districts, and other urban and regional
5 35 planning experts.

Senate File 367 - Introduced continued

6 1 Sec. 15. Section 466B.4, subsection 1, Code 2009, is
6 2 amended by adding the following new paragraph:
6 3 NEW PARAGRAPH. e. The land in watersheds and flood plains
6 4 should be managed to reduce flooding, reduce flood damage,
6 5 ameliorate the effects of drought, improve water quality,
6 6 improve habitat and the natural environment, increase
6 7 renewable energy production, and enhance economic and
6 8 recreational opportunities.
6 9 EXPLANATION
6 10 This bill relates to flood damage prevention and insurance.
6 11 DIVISION I. Division I of the bill relates to storm water
6 12 management standards.
6 13 The division requires the department of natural resources,
6 14 in cooperation with the department of agriculture and land
6 15 stewardship, to adopt storm water management standards
6 16 designed to limit water runoff, reduce flood damage, and
6 17 improve water quality. The division requires all cities and
6 18 counties to adopt development standards to incorporate storm
6 19 water management standards adopted pursuant to this division.
6 20 The division prohibits a city or county from approving public
6 21 funding or the use of tax increment financing for any project
6 22 or development that does not conform to storm water management
6 23 standards or that is located in a 500=year flood plain that is
6 24 not designed to mitigate future flood damage.
6 25 The division requires the department of administrative
6 26 services, for real property projects beginning construction on
6 27 or after July 1, 2010, to incorporate storm water management
6 28 standards adopted pursuant to this division.
6 29 The division requires that financial assistance for
6 30 economic development shall not be given for purposes of a
6 31 vertical infrastructure project unless the project
6 32 incorporates storm water management standards adopted pursuant
6 33 to this division.
6 34 The division requires the state board of regents, for
6 35 construction projects beginning on or after July 1, 2010, to

Senate File 367 - Introduced continued

7 1 incorporate storm water management standards adopted pursuant
7 2 to this division.
7 3 DIVISION II. Division II of the bill relates to flood
7 4 insurance.
7 5 The division requires all counties and cities in the state
7 6 that have a flood insurance rate map or a flood hazard
7 7 boundary map published by the federal emergency management
7 8 agency that identifies special flood hazard areas within their
7 9 political boundaries to meet the requirements for
7 10 participation in the national flood insurance program
7 11 administered by the federal emergency management agency on or
7 12 before July 1, 2010. The division requires the department of
7 13 natural resources to assist counties and cities in meeting the
7 14 participation requirements. The division allows the
7 15 department to grant waivers if it determines that the
7 16 potential for flood damage in the county or city does not
7 17 justify participation. The division provides that to receive
7 18 state participation in funding financial assistance under Code
7 19 section 29C.6, subsection 17, a city or county must meet the
7 20 participation requirements for the national flood insurance
7 21 program. The division provides that a county or city
7 22 receiving a waiver is not eligible to receive such assistance.
7 23 The division provides that, on or after July 1, 2010, any
7 24 person owning an insurable structure in a 500=year flood plain
7 25 who fails to purchase insurance providing coverage against
7 26 flood damage shall not be eligible to receive any flood
7 27 disaster=related financial assistance from the state.
7 28 The division may include a state mandate as defined in Code
7 29 section 25B.3. The division makes inapplicable Code section
7 30 25B.2, subsection 3, which would relieve a political
7 31 subdivision from complying with a state mandate if funding for
7 32 the cost of the state mandate is not provided or specified.
7 33 Therefore, political subdivisions are required to comply with
7 34 any state mandate included in the division.
7 35 DIVISION III. Division III of the bill relates to the

Senate File 367 - Introduced continued

8 1 watershed improvement fund.
8 2 The division adds priorities for use of moneys in the
8 3 watershed improvement fund to include use of moneys for
8 4 structures and conservation systems for the prevention and
8 5 mitigation of floods within the watershed of the project and
8 6 removal of channels of waterways to allow waterways to
8 7 meander.
8 8 DIVISION IV. Division IV of the bill relates to flood
8 9 mitigation planning.
8 10 The division adds criteria to measure the success of the
8 11 efforts of the water resources coordinating council.
8 12 The division adds the dean of the college of engineering at
8 13 the university of Iowa as a member of the water resources
8 14 coordinating council.
8 15 The division amends the duties of the water resources
8 16 coordinating council to include the review of best available
8 17 technologies on a regular basis, so that investments of time
8 18 and program resources can be prioritized and directed to
8 19 projects that will best and most effectively reduce flood
8 20 damage within a regional or community subwatershed.
8 21 The division adds a duty for the water resources
8 22 coordinating council. The division requires the council to
8 23 develop recommendations for policies and funding promoting a
8 24 watershed management approach to reduce the adverse impact of
8 25 future flooding on the state's residents, businesses,
8 26 communities, and soil and water quality.
8 27 The division amends the legislative findings included in
8 28 Code chapter 466B.
8 29 LSB 2143SV 83
8 30 tm/rj/8

Senate File 368 - Introduced

SENATE FILE
BY COMMITTEE ON ENVIRONMENT
AND ENERGY INDEPENDENCE

(SUCCESSOR TO SF 172)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act directing the office of energy independence to establish a community grant program for energy efficiency projects, and allocating appropriated amounts for purposes of funding the program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2290SV 83
rn/nh:sc/8

Senate File 368 - Introduced continued

PAG LIN

1 1 Section 1. Section 469.10, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4A. Of the moneys appropriated to the
1 4 office and deposited in the fund, notwithstanding section
1 5 469.9, subsection 4, the board shall utilize four percent of
1 6 the amount appropriated for each fiscal year for purposes of
1 7 awarding grants for energy efficiency projects pursuant to the
1 8 community grant program established in section 469.11. Of the
1 9 moneys allocated pursuant to this section for each fiscal
1 10 year, the office may utilize up to one hundred thousand
1 11 dollars for administrative costs. Moneys allocated to the
1 12 program which remain unawarded at the close of the fiscal year
1 13 may be utilized by the office for any other purpose specified
1 14 in and consistent with this subchapter.
1 15 Sec. 2. NEW SECTION. 469.11 ENERGY EFFICIENCY PROJECTS
1 16 == COMMUNITY GRANT PROGRAM.
1 17 1. The office shall establish a community grant program
1 18 with the objective of assisting communities and organizations
1 19 to implement projects intended to reduce energy consumption
1 20 and make communities in this state more sustainable and energy
1 21 efficient.
1 22 2. Eligible applicants for the program shall include
1 23 cities, counties, nonprofit organizations, organizations
1 24 involved with energy efficiency or conservation efforts, and
1 25 environmental organizations or groups. Eligibility and
1 26 approval criteria shall be established by the office by rule,
1 27 and shall incorporate the criteria established in section
1 28 473.41, subsection 1, paragraphs "a" through "d", with regard
1 29 to the energy city designation program. To qualify for a
1 30 grant pursuant to the program, an applicant must document the
1 31 ability to provide matching funds of at least fifty percent of
1 32 the total cost of the project, either in cash or in kind.
1 33 3. The office shall establish an application and approval
1 34 process that shall result in the awarding of an approved grant
1 35 within a three=month period following receipt by the office of

Senate File 368 - Introduced continued

2 1 an application. Grants awarded pursuant to the program shall
2 2 range from between one thousand dollars and fifty thousand
2 3 dollars each.
2 4 4. The office shall prepare an annual report summarizing
2 5 the operation of the program, and shall submit the report by
2 6 January 1 each year to the Iowa power fund board.
2 7 EXPLANATION
2 8 This bill directs the office of energy independence to
2 9 establish a community grant program for energy efficiency
2 10 projects. Grant awards pursuant to the program would vary
2 11 between $1,000 and $50,000, and eligibility and approval
2 12 criteria shall be established by the power fund board by rule,
2 13 including criteria specified with reference to the energy city
2 14 designation program in Code section 473.41. The bill provides
2 15 that the office shall utilize 4 percent of the amount annually
2 16 appropriated to the office during the fiscal period beginning
2 17 July 1, 2009, and ending June 30, 2011, for purposes of
2 18 funding the program. These provisions are set forth in the
2 19 bill notwithstanding Code section 469.9, subsection 4, which
2 20 specifies due diligence activities and documentation
2 21 requirements relating to entities conducting business,
2 22 research, or programs in this state and receiving financial
2 23 assistance from the fund.
2 24 The bill specifies that applicants for the program may
2 25 include cities, counties, nonprofit organizations,
2 26 organizations involved with energy efficiency or conservation
2 27 efforts, and environmental organizations or groups. An
2 28 applicant shall be required to document the ability to provide
2 29 matching funds of at least 50 percent in either cash or kind.
2 30 The bill provides that approved grants shall be awarded within
2 31 three months following submission of an application.
2 32 The office is directed to prepare and submit to the Iowa
2 33 power fund board an annual report summarizing the operation of
2 34 the programs.
2 35 LSB 2290SV 83

Senate File 368 - Introduced continued

3 1 rn/nh:sc/8

Senate File 369 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC GROWTH

(SUCCESSOR TO SSB 1251)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the availability of and eligibility for investment tax credits, eliminating the venture capital investment tax credit, and including retroactive applicability and other applicability date provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1921SV 83
tw/mg:sc/14

Senate File 369 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.43, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. ~~The~~ Beginning with the fiscal year beginning July 1,
1 4 2009, the aggregate amount of tax credits issued pursuant to
1 5 this division shall not exceed a total of ~~ten~~ two million
1 6 seven hundred thousand dollars. ~~The total amount of tax~~
~~1 7 credits issued during the fiscal year beginning July 1, 2002,~~
~~1 8 shall not exceed three million dollars. The total amount of~~
~~1 9 tax credits issued during the fiscal year beginning July 1,~~
~~1 10 2003, shall not exceed three million dollars. The total~~
~~1 11 amount of tax credits issued during the fiscal year beginning~~
~~1 12 July 1, 2004, shall not exceed four million dollars.~~ Any
1 13 amount of the maximum aggregate ~~limit~~ amount of tax credits
1 14 that ~~have~~ has not been issued by June 30, ~~2005~~ 2010, may be
1 15 issued in any subsequent fiscal year. Not more than ~~three~~ one
1 16 million dollars of tax credits may be issued in any one
1 17 ~~subsequent~~ fiscal year.
1 18 Sec. 2. Section 15E.44, subsection 2, paragraphs d and e,
1 19 Code 2009, are amended to read as follows:
1 20 d. The business is not a business engaged primarily in
1 21 retail sales, real estate, or the provision of health care or
1 22 other ~~professional~~ services requiring a professional license.
1 23 e. The business shall not have a net worth that exceeds
1 24 ~~ten~~ five million dollars.
1 25 Sec. 3. Section 422.33, subsection 13, Code 2009, is
1 26 amended by striking the subsection.
1 27 Sec. 4. Section 422.60, subsection 6, Code 2009, is
1 28 amended by striking the subsection.
1 29 Sec. 5. Section 533.329, subsection 2, paragraph i, Code
1 30 2009, is amended by striking the paragraph.
1 31 Sec. 6. Sections 15E.51, 422.11G, and 432.12B, Code 2009,
1 32 are repealed.
1 33 Sec. 7. RETROACTIVE APPLICABILITY.
1 34 1. Except as provided in subsections 2 and 3, this Act
1 35 applies retroactively to January 1, 2009, for tax years

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2 1 beginning on or after that date.
2 2 2. The sections of this Act amending sections 15E.43 and
2 3 15E.44 apply to fiscal years beginning on or after July 1,
2 4 2009.
2 5 3. Taxpayers who have received venture capital fund
2 6 investment tax credit certificates pursuant to section 15E.51
2 7 may continue to redeem such certificates until depleted.
2 8 EXPLANATION
2 9 This bill relates to the availability of, and eligibility
2 10 for, tax credits for business investment and seed capital
2 11 contributions.
2 12 Currently, Code section 15E.43 provides for a tax credit
2 13 for a taxpayer's equity investment in a business and Code
2 14 section 15E.51 provides a tax credit for a portion of a
2 15 taxpayer's investment in a venture capital fund. The tax
2 16 credits for business investment are subject to a maximum
2 17 aggregate limit of $10 million and no more credits can be
2 18 issued without exceeding this limit. The tax credits for
2 19 venture capital investment are subject to a maximum aggregate
2 20 limit of $5 million, but $2.7 million of these tax credits
2 21 remains unissued.
2 22 The bill repeals the venture capital investment tax credits
2 23 and sets the maximum aggregate limit for business investment
2 24 tax credits at $2.7 million beginning with the fiscal year
2 25 beginning July 1, 2009, which equals the amount of unissued
2 26 venture capital tax credits.
2 27 Currently, the amount of tax credits for business
2 28 investment that may be issued in any one fiscal year is
2 29 limited to $3 million. The bill changes this limit to $1
2 30 million.
2 31 Currently, a business that engages primarily in
2 32 "professional services" does not meet the requirements of a
2 33 qualifying business for purposes of the business investment
2 34 tax credit. The bill specifies that it is businesses
2 35 performing services "requiring a professional license" that

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are not eligible as a qualifying business.

Currently, in order to be eligible for a tax credit for business investment, a taxpayer must be a qualifying business. Among other things, a qualifying business must have a net worth of $10 million or less. The bill provides that a qualifying business must have a net worth of $5 million or less.

The bill makes changes to the Code in conformance with the repeal of the venture capital fund investment tax credit.

The sections of the bill amending provisions relating to the investment tax credits apply to fiscal years beginning on or after July 1, 2009. The sections of the bill relating to the repeal of the venture capital fund investment tax credit apply retroactively to January 1, 2009, for tax years beginning on or after that date.

LSB 1921SV 83
tw/mg:sc/14

Senate File 370 - Introduced

SENATE FILE
BY COMMITTEE ON REBUILD IOWA

(SUCCESSOR TO SSB 1289)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to flooding by creating an Iowa flood center, allocating duties between the Iowa flood center and the water resources coordinating council, and making appropriations.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2304SV 83
tm/sc/5

Senate File 370 - Introduced continued

PAG LIN

1 1 Section 1. Section 466B.3, subsection 6, paragraph b,
1 2 subparagraph (7), Code 2009, is amended by striking the
1 3 subparagraph.
1 4 Sec. 2. Section 466B.9, Code 2009, is amended to read as
1 5 follows:
1 6 466B.9 RULEMAKING AUTHORITY.
1 7 The department and the department of agriculture and land
1 8 stewardship shall have the power and authority reasonably
1 9 necessary to carry out the duties imposed by this chapter. ~~As~~
~~1 10 to the department, this includes rulemaking authority to carry~~
~~1 11 out the regional watershed assessment program described in~~
~~1 12 section 466B.5. As to the department of agriculture and land~~
~~1 13 stewardship, this includes rulemaking authority to assist in~~
~~1 14 the implementation of community=based subwatershed improvement~~
~~1 15 plans.~~
1 16 Sec. 3. NEW SECTION. 466C.1 DEFINITIONS.
1 17 For purposes of this chapter, unless the context otherwise
1 18 requires:
1 19 1. "Center" means the Iowa flood center established
1 20 pursuant to section 466C.2.
1 21 2. "Council" means the water resources coordinating
1 22 council established in section 466B.3.
1 23 3. "Regional watershed" means the watershed of hydrologic
1 24 unit code scale 8.
1 25 4. "Subwatershed" means a watershed of hydrologic unit
1 26 code scale 12 or smaller.
1 27 5. "Watershed" means a geographic area in which surface
1 28 water is drained by rivers, streams, or other bodies of water.
1 29 Sec. 4. NEW SECTION. 466C.2 IOWA FLOOD CENTER.
1 30 1. The state board of regents shall establish and maintain
1 31 in Iowa City as a part of the state university of Iowa an Iowa
1 32 flood center. In conducting the activities of this chapter,
1 33 the center shall work cooperatively with the department of
1 34 natural resources, the department of agriculture and land
1 35 stewardship, the water resources coordinating council, and

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2 1 other state and federal agencies.
2 2 2. The Iowa flood center shall have all of the following
2 3 purposes:
2 4 a. To develop hydrologic models for physically=based flood
2 5 frequency estimation and real=time forecasting of floods,
2 6 including hydraulic models of floodplain inundation mapping.
2 7 b. To establish community=based programs to improve flood
2 8 monitoring and prediction along Iowa's major waterways and to
2 9 support ongoing flood research.
2 10 c. To share resources and expertise of the Iowa flood
2 11 center.
2 12 d. To assist in the development of a workforce in the
2 13 state knowledgeable regarding flood research, prediction, and
2 14 mitigation strategies.
2 15 e. To conduct the activities required by this chapter in
2 16 cooperation with various state and federal agencies.
2 17 Sec. 5. NEW SECTION. 466C.3 REGIONAL WATERSHED
2 18 ASSESSMENT, PLANNING, AND PRIORITIZATION.
2 19 1. The center shall create a regional watershed assessment
2 20 program. The program shall assess all the regional watersheds
2 21 in the state.
2 22 a. Under the program, a statewide assessment shall be
2 23 conducted at the rate of approximately one=third of the
2 24 watersheds in the state per year, and an initial statewide
2 25 assessment shall be completed within three years. Thereafter,
2 26 the center shall review and update the assessments on a
2 27 regular basis.
2 28 b. Each regional watershed assessment shall provide a
2 29 summary of the overall condition of the watershed. The
2 30 information provided in the summary may include land use
2 31 patterns, soil types, slopes, management practices, stream
2 32 conditions, and both point and nonpoint source impairments.
2 33 c. In conducting regional watershed assessments, the
2 34 center may identify and facilitate local data collection to
2 35 support the assessment process.

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3 1 2. In conducting the regional watershed assessment
3 2 program, the center shall provide hydrologic and geologic
3 3 information sufficient for the council to prioritize
3 4 watersheds statewide and for the various communities in those
3 5 watersheds to plan remedial efforts in their local communities
3 6 and subwatersheds.
3 7 3. Upon completion of the initial statewide assessment,
3 8 and upon subsequent assessment updates, the center shall
3 9 report the results of the assessment, and any updates, to the
3 10 council and the general assembly, and shall make the report
3 11 available to the public.
3 12 Sec. 6. NEW SECTION. 466C.4 COMMUNITY=BASED SUBWATERSHED
3 13 IMPROVEMENT PLANS.
3 14 1. After the center's completion of the initial regional
3 15 watershed assessment, and after the council's prioritization
3 16 of the regional watersheds, the council shall initiate the
3 17 organization of an interagency integrated water resources
3 18 committee to facilitate the development and implementation of
3 19 local, community=based subwatershed improvement plans.
3 20 2. In facilitating the development of community=based
3 21 subwatershed improvement plans, the interagency integrated
3 22 water resources committee shall, based on the results of the
3 23 regional watershed assessment program, identify critical
3 24 subwatersheds within priority regional watersheds and recruit
3 25 communities, citizen groups, local governmental entities, or
3 26 other stakeholders to engage in the assessment, planning,
3 27 prioritization, and implementation of a local community=based
3 28 subwatershed improvement plan. The interagency integrated
3 29 water resources committee may assist in the formation of a
3 30 group of initial local community=based subwatershed
3 31 improvement plans that can be implemented as pilot projects,
3 32 in order to develop an effective process that can be
3 33 replicated across the state.
3 34 Sec. 7. NEW SECTION. 466C.5 COMMUNITY=BASED SUBWATERSHED
3 35 MONITORING.

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4 1 1. After completion of the statewide regional watershed
4 2 assessment and prioritization, and throughout the
4 3 implementation of local community=based subwatershed
4 4 improvement plans, the center shall assist communities with
4 5 the monitoring and measurement of local subwatersheds. The
4 6 monitoring and measurement shall be designed for the
4 7 particular needs of individual communities while considering
4 8 statewide watershed issues.
4 9 2. Local communities in which the center conducts
4 10 subwatershed monitoring shall use the information to support
4 11 subwatershed planning activities, guide supplemental local
4 12 data collection efforts, and identify priority areas needing
4 13 additional resources. Local communities shall collect data
4 14 over time and use the data to evaluate the impacts of their
4 15 management efforts. Data collected, as directed by
4 16 interagency integrated water resources committees, shall be
4 17 integrated into a digital regional watershed framework in
4 18 real=time, or near real=time, by the center for use in
4 19 assessment and planning by all the communities in the
4 20 watershed. The center shall integrate digital regional
4 21 watershed information into a digital statewide framework for
4 22 assessment and planning for state water resources planning.
4 23 Sec. 8. NEW SECTION. 466C.6 DEVELOPMENT OF ADVANCED
4 24 NUMERICAL TOOLS FOR WATER RESOURCES MANAGEMENT.
4 25 1. After completion of the statewide regional watershed
4 26 assessment and prioritization, the center shall develop and
4 27 implement physically based hydrologic models to improve
4 28 watershed and community scale flood prediction and mitigation
4 29 planning.
4 30 a. Physically based hydrologic models shall be used to
4 31 improve understanding of frequency of flood occurrence within
4 32 the state and to guide risk=based flood mitigation planning.
4 33 b. Physically based hydrologic models shall be used in
4 34 conjunction with hydrologic sensor networks to provide
4 35 real=time river discharge forecasts to aid communities in

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5 1 implementing flood response plans.
5 2 2. The center shall produce flood inundation maps relating
5 3 the spatial extent of flooding to predicted stream flows.
5 4 a. The center shall perform hydrodynamic simulations of
5 5 river flow to create detailed water surface profiles for use
5 6 in developing high=resolution flood inundation maps. A
5 7 library of inundation maps including but not limited to the
5 8 one hundred year and five hundred year recurrence intervals
5 9 shall be developed and made available along all rivers and
5 10 streams within each watershed. In addition to the static
5 11 library of flood inundation maps, the center shall provide
5 12 real=time forecasted flood inundation maps during the threat
5 13 of severe flooding for imperiled communities.
5 14 b. Flood inundation maps shall be stored in a geospatial
5 15 database and publicly distributed through web=based
5 16 applications.
5 17 Sec. 9. NEW SECTION. 466C.7 COMMUNITY ENGAGEMENT AND
5 18 TRAINING.
5 19 1. The center shall implement statewide programs to
5 20 educate Iowans on water quality, best management practices,
5 21 and flood risk and mitigation.
5 22 2. The center shall provide technical training through
5 23 regional workshops and short courses to water resources
5 24 professionals in state agencies, city and county
5 25 administrators, and private companies. Training shall focus
5 26 on application of hydrologic and water quality monitoring and
5 27 forecasting technologies.
5 28 Sec. 10. APPROPRIATION == IOWA FLOOD CENTER. There is
5 29 appropriated from the general fund of the state to the state
5 30 university of Iowa for the designated fiscal years the
5 31 following amount, or so much thereof as is necessary, to be
5 32 used for the purposes designated:
5 33 For the Iowa flood center, including salaries, support,
5 34 maintenance, and miscellaneous purposes:
5 35 FY 2009=2010 ..... $ 1,300,000

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6 1 FY 2010=2011 ..... $ 2,300,000
6 2 Sec. 11. Sections 466B.5, 466B.6, and 466B.7, Code 2009,
6 3 are repealed.
6 4 EXPLANATION
6 5 This bill relates to flooding by creating an Iowa flood
6 6 center and allocating duties between the Iowa flood center and
6 7 the water resources coordinating council.
6 8 The bill requires the state board of regents to establish
6 9 and maintain in Iowa City as a part of the state university of
6 10 Iowa an Iowa flood center. The bill provides that the Iowa
6 11 flood center shall develop hydrologic models for physically
6 12 based flood frequency estimation and real=time forecasting of
6 13 floods, including hydraulic models of floodplain inundation
6 14 mapping, establish community=based programs to improve flood
6 15 monitoring and prediction along Iowa's major waterways and to
6 16 support ongoing flood research, share resources and expertise
6 17 of the Iowa flood center, and assist in the development of a
6 18 workforce in the state knowledgeable regarding flood research,
6 19 prediction, and mitigation strategies.
6 20 Currently, the department of natural resources and the
6 21 water resources coordinating council are responsible for
6 22 regional watershed assessment, planning, and prioritization;
6 23 community=based subwatershed improvement plans; and
6 24 community=based subwatershed monitoring. The bill moves many
6 25 of these duties to the Iowa flood center with some
6 26 modifications.
6 27 The bill requires the center to create a regional watershed
6 28 assessment program. The program shall assess all the regional
6 29 watersheds in the state. Under the program, a statewide
6 30 assessment shall be conducted at the rate of approximately
6 31 one=third of the watersheds per year, and shall be completed
6 32 within three years. The bill provides that, in conducting the
6 33 regional watershed assessment program, the center shall
6 34 provide hydrologic and geologic information sufficient for the
6 35 water resources coordinating council to prioritize watersheds

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7 1 statewide and for the various communities in those watersheds
7 2 to plan remedial efforts in their local communities and
7 3 subwatersheds. The bill requires the center to report the
7 4 results of the assessment to the council and the general
7 5 assembly, and to make the report available to the public.
7 6 The bill provides that, after the center's completion of
7 7 the initial regional watershed assessment, and after the
7 8 council's prioritization of the regional watersheds, the
7 9 council shall initiate the organization of an interagency
7 10 integrated water resources committee to facilitate the
7 11 development and implementation of local, community=based
7 12 subwatershed improvement plans. The bill provides that, in
7 13 facilitating the development of community=based subwatershed
7 14 improvement plans, the interagency integrated water resources
7 15 committee shall, based on the results of the regional
7 16 watershed assessment program, identify critical subwatersheds
7 17 within priority regional watersheds and recruit communities,
7 18 citizen groups, local governmental entities, or other
7 19 stakeholders to engage in the assessment, planning,
7 20 prioritization, and implementation of a local community=based
7 21 subwatershed improvement plan.
7 22 The bill provides that, after completion of the statewide
7 23 regional watershed assessment and prioritization, and
7 24 throughout the implementation of local community=based
7 25 subwatershed improvement plans, the center shall assist
7 26 communities with the monitoring and measurement of local
7 27 subwatersheds. The bill provides that local communities in
7 28 which the center conducts subwatershed monitoring shall use
7 29 the information to support subwatershed planning activities,
7 30 guide supplemental local data collection efforts, and identify
7 31 priority areas needing additional resources.
7 32 The bill provides that, after completion of the statewide
7 33 regional watershed assessment and prioritization, the center
7 34 shall develop and implement physically based hydrologic models
7 35 to improve watershed and community scale flood prediction and

Senate File 370 - Introduced continued

8 1 mitigation planning. The bill requires the center to produce
8 2 flood inundation maps relating the spatial extent of flooding
8 3 to predicted stream flows.
8 4 The bill requires the center to implement statewide
8 5 programs to educate Iowans on water quality, best management
8 6 practices, and flood risk and mitigation. The bill requires
8 7 the center to provide technical training through regional
8 8 workshops and short courses to water resources professionals
8 9 in state agencies, city and county administrators, and private
8 10 companies.
8 11 The bill appropriates moneys $1.3 million for FY 2009=2010
8 12 and $2.3 million for FY 2010=2011 from the general fund of the
8 13 state to the university of Iowa for the Iowa flood center.
8 14 LSB 2304SV 83
8 15 tm/sc/5

Senate File 371 - Introduced

SENATE FILE
BY HANCOCK

(COMPANION TO LSB 2222HH
BY THOMAS)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to administrative rules for wastewater discharge from well drilling sites.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2222SS 83
tm/sc/5

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1 1 Section 1. Section 455B.198, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. The rules shall be adopted no later than July 31, 2009,
1 4 and shall include all of the provisions specified in
1 5 paragraphs "a" through "g":
1 6 a. The rules shall include all of the following relating
1 7 to coverage under permits issued pursuant to this section:
1 8 (1) A permit shall cover all areas of the state and all
1 9 public, private, and municipal wells.
1 10 (2) (a) Except for wastewater discharges identified under
1 11 subparagraph (3) of this paragraph, a permit shall authorize
1 12 the discharge of wastewater associated with well construction,
1 13 well development, and well test pumping.
1 14 (b) A permit shall authorize wastewater discharges
1 15 associated with geothermal drilling activities.
1 16 (3) All of the following wastewater discharges associated
1 17 with well construction activity shall not be regulated by a
1 18 permit:
1 19 (a) Wastewater discharges mixed with sources other than
1 20 well construction activity.
1 21 (b) Wastewater discharges which include hazardous
1 22 materials not generated from the actual well construction.
1 23 (c) Wastewater discharges associated with construction of
1 24 wells in areas contaminated by manmade chemicals.
1 25 (4) All of the following wastewater discharges associated
1 26 with well construction do not require a permit:
1 27 (a) Discharges that do not reach a river, stream, or lake.
1 28 (b) Wells generating less than one hundred gallons per
1 29 minute of anticipated wastewater discharge during construction
1 30 and testing.
1 31 (5) A person discharging wastewater at a water well
1 32 drilling site must submit a notice of intent in accordance
1 33 with the requirements of paragraph "b" in order for wastewater
1 34 discharge associated with water well construction activities
1 35 to be authorized to discharge under a permit.

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2 1 (6) Unless notified by the department to the contrary, a
2 2 person discharging wastewater at a water well drilling site
2 3 who submits a notice of intent is authorized to discharge
2 4 wastewater associated with well drilling activities under the
2 5 terms and conditions of the permit on the date the completed
2 6 notice of intent is received by the department.
2 7 b. The rules shall include all of the following regarding
2 8 notice of intent and notice of discontinuation requirements:
2 9 (1) A complete notice of intent shall include all of the
2 10 following:
2 11 (a) The name, address, and location of the well
2 12 construction site for which the notification is submitted.
2 13 (b) The owner's name, address, and telephone number.
2 14 (c) The type of drilling to be conducted, whether or not
2 15 the wastewater discharge is to a municipal separate storm
2 16 sewer system, the date the wastewater discharge is to
2 17 commence, the duration of the discharge, the names of the
2 18 water=bearing formations to be encountered and the expected
2 19 wastewater flows, the permit status of the discharge, and the
2 20 name of the waters receiving the wastewater discharge.
2 21 (d) A brief description of the project.
2 22 (e) The applicable fees.
2 23 (f) A demonstration that the public notice was published
2 24 at least one day, in at least two newspapers in the area in
2 25 which the well is located or the activity will occur.
2 26 (2) Commencement of well construction activities must
2 27 begin within one year of the date of authorization by the
2 28 department.
2 29 (3) Prior to the expiration of an authorization issued
2 30 under the permit, the permit holder is required to resubmit a
2 31 notice of intent with the department for coverage under a new
2 32 permit. Additional public notice is not required for the new
2 33 permit. If a new permit has not been reissued prior to the
2 34 expiration of the current permit, the provisions and coverage
2 35 of the current permit are extended until replaced by the

Senate File 371 - Introduced continued

3 1 adoption of a new permit.
3 2 (4) For wastewater discharge associated with well
3 3 construction activities where the ownership of the well
3 4 changes prior to the filing of a notice of discontinuation,
3 5 the department must be notified within thirty days of the
3 6 title transfer. If a wastewater discharge associated with
3 7 well construction is covered by the permit, the new owner
3 8 shall be subject to all terms and conditions of the permit.
3 9 (5) Within thirty days after final well construction
3 10 completion, the contractor or owner of the facility shall
3 11 submit a notice of discontinuation to the department. The
3 12 notice of discontinuation shall include all of the following
3 13 information:
3 14 (a) The name of the owner or operator to which the permit
3 15 was issued.
3 16 (b) The permit number and permit authorization number.
3 17 (c) The date the construction site reached final
3 18 completion.
3 19 (d) A signed certification.
3 20 c. The rules shall include all of the following regarding
3 21 special conditions, management practices, and other
3 22 limitations:
3 23 (1) All wastewater discharges authorized by the permit
3 24 shall be composed entirely of well construction discharge.
3 25 (2) Any owner or operator identified in a best management
3 26 practices plan is subject to the spill notification
3 27 requirements as specified in section 455B.386. The best
3 28 management practices plan must be modified within five
3 29 calendar days of knowledge of the release to provide a
3 30 description of the release and the circumstances leading to
3 31 the release and to identify and provide for the implementation
3 32 of steps to prevent the reoccurrence of such releases and to
3 33 respond to such releases.
3 34 d. The rules shall include all of the following regarding
3 35 well water pollution prevention plans:

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4 1 (1) A well water pollution prevention plan shall be
4 2 developed for each construction site covered by the permit.
4 3 Well water pollution prevention plans shall be prepared in
4 4 accordance with good engineering practices. The plan shall
4 5 identify the anticipated quantities of pollution which may
4 6 reasonably be expected to affect the quality of the wastewater
4 7 associated with well construction discharge. In addition, the
4 8 plan shall describe and ensure the implementation of controls,
4 9 identified as best management practices, which will be used to
4 10 reduce the pollutants in wastewater associated with well
4 11 construction discharge at the construction site and to assure
4 12 compliance with the terms and conditions of the permit.
4 13 Contractors must implement the provisions of the well water
4 14 pollution prevention plan required under this subparagraph as
4 15 a condition of the permit.
4 16 (2) The well water pollution prevention plan shall be
4 17 completed prior to the submittal of a notice of intent to the
4 18 department to be covered under the permit and shall be updated
4 19 when appropriate. The well water pollution prevention plan
4 20 shall provide for compliance with the terms and schedule of
4 21 the plan prior to the initiation of well construction
4 22 activities.
4 23 (3) The well water pollution prevention plan shall be
4 24 signed and retained at the well construction site from the
4 25 date construction activities begin to the date of final
4 26 completion. The permit holder shall make well water pollution
4 27 prevention plans available to the department upon request or,
4 28 in the case of a discharge associated with well construction
4 29 activities which discharge through a large or medium municipal
4 30 separate storm sewer system with a national pollutant
4 31 discharge elimination system permit, to the municipal operator
4 32 of the system.
4 33 (4) The department may notify the permit holder at any
4 34 time that the well water pollution prevention plan does not
4 35 meet one or more of the minimum requirements of this paragraph

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5 1 "d". After such notification from the department, the permit
5 2 holder shall make changes to the plan and shall submit to the
5 3 department a written certification that the requested changes
5 4 have been made. Unless otherwise provided by the department,
5 5 the permit holder shall have seven days after such
5 6 notification to make the necessary changes. All well water
5 7 pollution prevention plans received by the department from the
5 8 permit holder are considered reports that shall be available
5 9 to the public under chapter 22. However, the permit holder
5 10 may claim any portion of a well water pollution prevention
5 11 plan as confidential in accordance with chapter 22.
5 12 (5) The permit holder shall amend the well water pollution
5 13 prevention plan whenever there is a change in design,
5 14 construction, operation, or maintenance that has a significant
5 15 effect on the potential for the discharge of pollutants to a
5 16 river, stream, or lake and which has not been addressed in the
5 17 plan or if the plan proves to be ineffective in significantly
5 18 minimizing pollutants from well construction activity or in
5 19 otherwise achieving the general objectives of controlling
5 20 pollutants in discharge associated with well construction
5 21 activity. In addition, the plan shall be updated to include
5 22 contractors identified after the submittal of the notice of
5 23 intent as co=permit holders, identify any change in ownership
5 24 or transference of the permit and permit responsibilities, or,
5 25 if required, because of the occurrence of a hazardous
5 26 condition. Amendments to the well water pollution prevention
5 27 plan may be reviewed by the department in the same manner as
5 28 the original plan.
5 29 (6) The well water pollution prevention plan shall include
5 30 all of the following:
5 31 (a) Each well water pollution prevention plan shall
5 32 include the following:
5 33 (i) A copy of the notice of intent with authorization
5 34 number.
5 35 (ii) Estimates of the total amount of wastewater to be

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6 1 discharged.
6 2 (iii) A site map indicating drainage patterns and
6 3 approximate slopes, the location of structural and
6 4 nonstructural controls identified in the well water pollution
6 5 prevention plan, surface waters including wetlands, and
6 6 locations where well construction wastewater is discharged to
6 7 a surface water.
6 8 (iv) The name of the receiving waters and the ultimate
6 9 receiving waters.
6 10 (b) Each well water pollution prevention plan shall
6 11 include a description of best management practices that will
6 12 be implemented at the well construction site. The plan will
6 13 clearly describe the appropriate best management practices and
6 14 the timing during the well construction process that the
6 15 measures will be implemented. The description of best
6 16 management practices shall address, at a minimum, all of the
6 17 following components:
6 18 (i) (A) A description of temporary and permanent
6 19 stabilization practices, including site=specific scheduling of
6 20 the implementation of the practices. Site plans should ensure
6 21 that existing vegetation is preserved where attainable and
6 22 that disturbed areas are stabilized. Stabilization practices
6 23 may include temporary seeding, permanent seeding, mulching,
6 24 geotextiles, sod stabilization, vegetative buffer strips,
6 25 protection of trees, preservation of mature vegetation, and
6 26 other appropriate measures.
6 27 (B) A description of structural practices, to the degree
6 28 attainable, to divert flows from exposed soils and store flows
6 29 or to otherwise limit runoff from exposed areas of the site.
6 30 Such practices may include silt fences, earth dikes, brush
6 31 barriers, drainage swales, sediment traps, check dams,
6 32 subsurface drains, pipe slope drains, level spreaders, storm
6 33 drain inlet protection, rock outlet protection, reinforced
6 34 soil retaining systems, gabions, and temporary or permanent
6 35 sediment basins.

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7 1 (ii) All wastes composed of building materials or other
7 2 solid or hazardous waste must be removed from the site for
7 3 disposal in permitted disposal facilities. No such wastes or
7 4 unused building materials shall be buried, dumped, or
7 5 discharged at the site. Off=site vehicle tracking of
7 6 sediments shall be minimized. The plan shall ensure and
7 7 demonstrate compliance with applicable state or local waste
7 8 disposal, sanitary sewer system, or septic system regulations.
7 9 (iii) Qualified personnel shall inspect all control
7 10 measures at least once every six hours during drilling
7 11 activity. Based on the results of an inspection, the
7 12 description of potential pollutant sources identified in the
7 13 plan and pollution prevention measures identified in the plan
7 14 shall be revised as appropriate as soon as practicable after
7 15 such inspection. A report summarizing the scope of the
7 16 inspection, name and qualifications of personnel making the
7 17 inspection, the date of the inspection, the time of
7 18 inspection, major observations relating to the implementation
7 19 of the best management practices, and actions taken shall be
7 20 made and retained as part of the well water pollution
7 21 prevention plan. The report shall be signed by the preparer
7 22 of the report.
7 23 (iv) The well water pollution prevention plan must clearly
7 24 identify for each measure in the plan, the contractor,
7 25 engineer, or subcontractor that will implement the measure.
7 26 All contractors, engineers, and subcontractors identified in
7 27 the plan must sign a copy of the certification statement.
7 28 Upon signing the certification, the contractor, engineer, or
7 29 subcontractor is a co=permit holder with the owner and other
7 30 co=permit holders. All certifications must be included in the
7 31 well water pollution prevention plan.
7 32 e. The rules shall include all of the following regarding
7 33 the retention of records:
7 34 (1) The permit holder shall retain copies of the well
7 35 water pollution prevention plan and all reports required by

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8 1 the permit and records of all data used to complete the notice
8 2 of intent to be covered by the permit, for a period of at
8 3 least six months from the date that the site is completed and
8 4 a notice of discontinuation has been submitted to the
8 5 department.
8 6 (2) If there is a construction trailer, shed, or other
8 7 covered structure located on the property, the permit holder
8 8 shall retain a copy of the well water pollution prevention
8 9 plan required by the permit at the construction site from the
8 10 date of project initiation to the date of completion. If
8 11 there is no construction trailer, shed, or other covered
8 12 structure located on the property, the permit holder shall
8 13 retain a copy of the plan at a readily available alternative
8 14 site approved by the department and provide the copy for
8 15 inspection upon request. If the plan is maintained at an
8 16 off=site location, the plan shall be provided for inspection
8 17 no later than three hours after being requested.
8 18 f. The rules shall include all of the following regarding
8 19 standard permit conditions:
8 20 (1) The permit holder must comply with all conditions of
8 21 the permit. Any permit noncompliance is grounds for
8 22 enforcement action, for termination of coverage under the
8 23 permit, or for denial of a request for coverage under a
8 24 reissued permit.
8 25 (2) The permit shall state an expiration date. An expired
8 26 permit continues in force until replaced by adoption of a new
8 27 permit.
8 28 (3) It is not to be a defense for a permit holder in an
8 29 enforcement action that it would have been necessary to halt
8 30 or reduce the permitted activity in order to maintain
8 31 compliance with the conditions of this permit.
8 32 (4) The permit holder shall take all reasonable steps to
8 33 minimize or prevent any discharge in violation of the permit
8 34 which has a reasonable likelihood of adversely affecting human
8 35 health or the environment.

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9 1 (5) The permit holder shall furnish to the department,
9 2 within a reasonable time, any information which the department
9 3 may request to determine compliance with the permit. The
9 4 permit holder shall also furnish to the department upon
9 5 request copies of records required to be kept by the permit.
9 6 (6) When the permit holder becomes aware of the failure to
9 7 submit any relevant facts, or becomes aware that incorrect
9 8 information was submitted, in the notice of intent or in any
9 9 other report to the department, the permit holder shall
9 10 promptly submit or correct such facts or information.
9 11 (7) All notices of intent, well water pollution prevention
9 12 plans, reports, certifications, or information either
9 13 submitted to the department or that the permit requires be
9 14 maintained by the permit holder, shall be signed by the
9 15 preparer.
9 16 (8) Any person signing documents shall make a
9 17 certification required by the department.
9 18 (9) Nothing in this subsection shall be construed to
9 19 preclude institution of any legal action or relieve the
9 20 permittee from any responsibilities, liabilities, or penalties
9 21 to which the permittee is or may be subject under section 311
9 22 of the federal Clean Water Act.
9 23 (10) The issuance of a permit does not convey any property
9 24 rights of any sort or any exclusive privileges. The issuance
9 25 of a permit does not authorize any injury to private property
9 26 nor any invasion of personal rights nor any infringement of
9 27 federal, state, or local laws or regulations.
9 28 (11) The provisions of the permit are severable, and if
9 29 any provision of the permit, or the application of any
9 30 provision of the permit to any circumstance, is held invalid,
9 31 the remainder of the permit, and the application of such
9 32 provision to other circumstances, shall not be affected.
9 33 (12) The permit is not transferable to any person except
9 34 after notice to the department.
9 35 (13) The permittee shall at all times properly operate and

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10 1 maintain all facilities and systems of treatment and control
10 2 and related appurtenances which are installed or used by the
10 3 permittee to achieve compliance with the conditions of the
10 4 permit and with the requirements of well water pollution
10 5 prevention plans. Proper operation and maintenance also
10 6 includes adequate laboratory controls and appropriate quality
10 7 assurance procedures. Proper operation and maintenance
10 8 requires the operation of backup or auxiliary facilities or
10 9 similar systems, to be installed by a permittee only when
10 10 necessary to achieve compliance with the conditions or the
10 11 permit.
10 12 (14) The permittee shall allow the department or an
10 13 authorized representative of the United States environmental
10 14 protection agency, the state, or, in the case of a facility
10 15 which discharges through a municipal separate storm sewer, an
10 16 authorized representative of the municipal operator or the
10 17 separate storm sewer receiving the discharge, upon the
10 18 presentation of credentials and other documents as may be
10 19 required by law to enter upon the permittee's premises where a
10 20 regulated facility or activity is located or conducted or
10 21 where records must be kept under the conditions of the permit;
10 22 to have access to and copy at reasonable times, any records
10 23 that must be kept under the conditions of the permit; and to
10 24 inspect at reasonable times any facilities or equipment
10 25 including monitoring and control equipment.
10 26 (15) Coverage under the permit may be terminated for
10 27 cause. The filing of a request by the permittee for a permit
10 28 discontinuance, or a notification of planned changes or
10 29 anticipated noncompliance, does not stay any permit condition.
10 30 (16) No condition of the permit shall release the
10 31 permittee from any responsibility or requirements under other
10 32 environmental statutes or regulations.
10 33 g. The rules shall include a best practices guide for
10 34 water well drilling. The guide shall include all of the
10 35 following best management practices:

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11 1 (1) Best management practices for open areas. The guide
11 2 shall include instructions requiring a determination of the
11 3 reason for best management practices, a determination of the
11 4 slope of the ground, a determination of the actual maximum
11 5 flow encountered, and calculations for determining the amount
11 6 of best management practices that must be in place for
11 7 drilling.
11 8 (2) Best management practices for the use of silt fences.
11 9 The guide shall include instructions regarding calculations
11 10 for determining the proper installation and maintenance of
11 11 silt fences.
11 12 (3) Best management practices for water detention.
11 13 (4) Best management practices for filter socks, silt
11 14 sacks, and the use of polymer flocculants.
11 15 (5) Best management practices for containment on a
11 16 landowner's parcel and for discharge to a sanitary sewer.
11 17 h. As used in this subsection, unless the context
11 18 otherwise requires:
11 19 (1) "Best management practices" means schedules of
11 20 activities, prohibitions of practices, maintenance procedures,
11 21 and other management practices to prevent or reduce the
11 22 pollution of waters of the United States. Best management
11 23 practices also include treatment requirements, operating
11 24 procedures, and practices to control plant site runoff,
11 25 spillage or leaks, sludge or waste disposal, or drainage from
11 26 raw material storage.
11 27 (2) "Hazardous condition" means the same as defined in
11 28 section 455B.381.
11 29 (3) "Hazardous substance" means the same as defined in
11 30 section 455B.381.
11 31 EXPLANATION
11 32 This bill relates to administrative rules for wastewater
11 33 discharge from well drilling sites.
11 34 The bill includes rule requirements for the types of
11 35 wastewater discharges for which a permit is required and the

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12 1 necessity for a permit holder to submit a notice of intent
12 2 with the department of natural resources for an intended
12 3 wastewater discharge at a water well drilling site.
12 4 The bill includes rule requirements for notices of intent
12 5 and notices of discontinuation in terms of required elements
12 6 in the notice, when well construction activities must
12 7 commence, resubmission requirements for a notice of intent,
12 8 notification requirements when the ownership of the well is
12 9 transferred, and required elements for a notice of
12 10 discontinuation.
12 11 The bill includes rule requirements relating to the
12 12 composition of wastewater discharge and spill notification
12 13 requirements.
12 14 The bill includes rule requirements relating to well water
12 15 pollution prevention plans. The bill requires a well water
12 16 pollution prevention plan to be developed for each
12 17 construction site covered by a permit which must be completed
12 18 prior to the submittal of a notice of intent. The bill
12 19 includes requirements for submission of the plans, the
12 20 retention and availability of the plans, and the modification
12 21 of the plans. The bill includes separate requirements for the
12 22 amendments to the plans due to the request by the department
12 23 of natural resources and upon the permit holder's own
12 24 initiative. The bill contains required elements of a well
12 25 water pollution prevention plan including a description of
12 26 best management practices. The best management practices must
12 27 include a description of temporary and permanent stabilization
12 28 practices, structural practices, procedures for removing
12 29 wastes composed of building materials or other solid or
12 30 hazardous waste from the site, inspection of control measures,
12 31 and identification of responsible contractors, engineers, or
12 32 subcontractors.
12 33 The bill includes rule requirements for retention of
12 34 records.
12 35 The bill includes rule requirements for standard permit

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13 1 conditions, including compliance conditions, the statement of
13 2 an expiration date, permissible defenses by a permit holder,
13 3 the duty to minimize or prevent permit violations, document
13 4 production requirements, document error corrections, signature
13 5 and certification requirements, legal duties of the permit
13 6 holder, severability provisions, transferability requirements,
13 7 operation and maintenance requirements, inspection
13 8 requirements, termination conditions, and applicability of
13 9 other environmental laws and rules.
13 10 The bill requires the rules to include a best practices
13 11 guide for water well drilling, including best management
13 12 practices for open areas; the use of silt fences; water
13 13 detention; filter socks, silt sacks, and the use of polymer
13 14 flocculants; and for containment on a landowner's parcel and
13 15 for discharge to a sanitary sewer.
13 16 LSB 2222SS 83
13 17 tm/sc/5.1

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SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SF 275)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

1 An Act requesting the establishment of a telecommunications
2 regulation interim study committee.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2189SV 83
5 rn/sc/14

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1 1 Section 1. TELECOMMUNICATIONS REGULATION INTERIM STUDY
1 2 COMMITTEE == REQUEST TO ESTABLISH. The legislative council is
1 3 requested to establish an interim study committee to examine
1 4 and evaluate telecommunications industry regulation at the
1 5 state and federal level and make recommendations deemed
1 6 necessary to improve or enhance telecommunications regulation
1 7 in this state. In conducting the study and developing
1 8 recommendations, the committee shall review provisions of the
1 9 federal communications code and other federal laws and
1 10 regulations impacting the telecommunications industry, review
1 11 existing state telecommunications industry regulations, and
1 12 consider testimony from telecommunications industry
1 13 representatives and other interested persons or entities as
1 14 determined appropriate by the committee. The committee shall
1 15 be composed of ten members, representing both political
1 16 parties and both houses of the general assembly. Five members
1 17 shall be members of the senate, three of whom shall be
1 18 appointed by the majority leader of the senate, and two of
1 19 whom shall be appointed by the minority leader of the senate.
1 20 Five members shall be members of the house of representatives,
1 21 three of whom shall be appointed by the speaker of the house
1 22 of representatives, and two of whom shall be appointed by the
1 23 minority leader of the house of representatives. The
1 24 committee shall issue a report containing its recommendations
1 25 to the general assembly by January 15, 2010.
1 26 EXPLANATION
1 27 This bill requests the legislative council to establish an
1 28 interim study committee to examine and evaluate
1 29 telecommunications industry regulation at the state and
1 30 federal level and make recommendations to improve or enhance
1 31 telecommunications regulation in Iowa. The bill directs the
1 32 committee to review provisions of the federal communications
1 33 code and other federal laws and regulations impacting the
1 34 telecommunications industry, review existing state
1 35 telecommunications industry regulations, and consider

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2 1 testimony from telecommunications industry representatives and
2 2 other interested persons or entities. The bill provides that
2 3 the committee shall be composed of ten members, representing
2 4 both political parties and both houses of the general
2 5 assembly, and that the committee shall issue a report of its
2 6 recommendations to the general assembly by January 15, 2010.
2 7 LSB 2189SV 83
2 8 rn/sc/14

Senate File 373 - Introduced

SENATE FILE
BY COMMITTEE ON ENVIRONMENT
AND ENERGY INDEPENDENCE

(SUCCESSOR TO SSB 1262)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the operation and purview of the office of energy independence, by transferring authority over specified energy=related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1302SV 83
rn/nh/14

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1 1 Section 1. Section 7D.34, subsection 2, paragraphs b and
1 2 c, Code 2009, are amended to read as follows:
1 3 b. Before a state agency seeks approval of the executive
1 4 council for leasing real or personal properties or facilities
1 5 for use as or in connection with any energy conservation
1 6 measure, the state agency shall have a comprehensive
1 7 engineering analysis done on a building in which it seeks to
1 8 improve the energy efficiency by an engineering firm approved
1 9 by the ~~department of natural resources~~ office of energy
1 10 independence through a competitive selection process and the
1 11 engineering firm is subject to approval of the executive
1 12 council. Provisions of this section shall only apply to
1 13 energy conservation measures identified in the comprehensive
1 14 engineering analysis.
1 15 c. Before the executive council gives its approval for a
1 16 state agency to lease real and personal properties or
1 17 facilities for use as or in connection with any energy
1 18 conservation measure, the executive council shall in
1 19 conjunction with the ~~department of natural resources~~ office of
1 20 energy independence and after review of the engineering
1 21 analysis submitted by the state agency make a determination
1 22 that the properties or facilities will result in energy cost
1 23 savings to the state in an amount that results in the state
1 24 recovering the cost of the properties or facilities within six
1 25 years after the initial acquisition of the properties or
1 26 facilities.
1 27 Sec. 2. Section 7D.35, Code 2009, is amended to read as
1 28 follows:
1 29 7D.35 DISPUTE RESOLUTION.
1 30 The executive council shall resolve any disputes
1 31 transmitted to it by the ~~department of natural resources~~
1 32 office of energy independence, the state building code
1 33 commissioner, or both, arising under section 470.7.
1 34 Sec. 3. Section 7E.5, subsection 1, paragraph q, Code
1 35 2009, is amended to read as follows:

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2 1 q. The department of natural resources, created in section
2 2 455A.2, which has primary responsibility for state parks and
2 3 forests, protecting the environment, and managing ~~energy,~~
2 4 fish, wildlife, and land and water resources.
2 5 Sec. 4. Section 8A.362, subsection 4, paragraph c, Code
2 6 2009, is amended to read as follows:
2 7 c. Not later than June 15 of each year, the director shall
2 8 report compliance with the corporate average fuel economy
2 9 standards published by the United States secretary of
2 10 transportation for new motor vehicles, other than motor
2 11 vehicles purchased by the state department of transportation,
2 12 institutions under the control of the state board of regents,
2 13 the department for the blind, and any other state agency
2 14 exempted from the requirements of this subsection. The report
2 15 of compliance shall classify the vehicles purchased for the
2 16 current vehicle model year using the following categories:
2 17 passenger automobiles, enforcement automobiles, vans, and
2 18 light trucks. The director shall deliver a copy of the report
2 19 to the ~~department of natural resources~~ office of energy
2 20 independence. As used in this paragraph, "corporate average
2 21 fuel economy" means the corporate average fuel economy as
2 22 defined in 49 C.F.R. } 533.5.
2 23 Sec. 5. Section 72.5, subsection 2, Code 2009, is amended
2 24 to read as follows:
2 25 2. The director of the ~~department of natural resources~~
2 26 office of energy independence in consultation with the
2 27 department of management, state building code commissioner,
2 28 and state fire marshal, shall develop standards and methods to
2 29 evaluate design development documents and construction
2 30 documents based upon life cycle cost factors to facilitate
2 31 fair and uniform comparisons between design proposals and
2 32 informed decision making by public bodies.
2 33 Sec. 6. Section 103A.8, subsection 7, Code 2009, is
2 34 amended to read as follows:
2 35 7. Limit the application of thermal efficiency standards

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for energy conservation to construction of buildings which are heated or cooled. Air exchange fans designed to provide ventilation shall not be considered a cooling system. The commissioner shall exempt any construction from any thermal efficiency standard for energy conservation if the commissioner determines that the standard is unreasonable as it would apply to a particular building or class of buildings. No standard adopted by the commissioner for energy conservation in construction shall be interpreted to require the replacement or modification of any existing equipment or feature solely to ensure compliance with requirements for energy conservation in construction. Lighting efficiency standards shall recognize variations in lighting intensities required for the various tasks performed within the building. The commissioner shall consult with the ~~department of natural resources~~ office of energy independence regarding standards for energy conservation prior to the adoption of the standards. However, the standards shall be consistent with section 103A.8A.

Sec. 7. Section 103A.27, subsection 4, Code 2009, is amended to read as follows:

4. The commission shall be formed for the two=year period beginning July 1, 2008, and ending June 30, 2010, and shall submit a report to the governor and the general assembly by January 1, 2011, regarding its activities and recommendations. Administrative support shall be furnished by the department of public safety, with the assistance of the office of energy independence ~~and the department of natural resources~~.

Sec. 8. Section 159A.3, subsection 4, Code 2009, is amended to read as follows:

4. The office and state entities, including the department, the committee, the Iowa department of economic development, the state department of transportation, the ~~department of natural resources~~ office of energy independence, and the state board of regents institutions, shall cooperate

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4 1 to implement this section.
4 2 Sec. 9. Section 159A.4, subsection 1, paragraph d, Code
4 3 2009, is amended to read as follows:
4 4 d. The director of the ~~department of natural resources~~
4 5 office of energy independence, or a person designated by the
4 6 director, representing the ~~department of natural resources~~
4 7 office of energy independence.
4 8 Sec. 10. Section 159A.4, subsection 1, unnumbered
4 9 paragraph 2, Code 2009, is amended to read as follows:
4 10 The governor shall appoint persons who shall be confirmed
4 11 by the senate, pursuant to section 2.32, to serve as voting
4 12 members of the committee. However, the secretary of
4 13 agriculture shall appoint the person representing the
4 14 department of agriculture and land stewardship, the director
4 15 of the Iowa department of economic development shall appoint
4 16 the person representing that department, the director of the
4 17 state department of transportation shall appoint the person
4 18 representing that department, and the director of the
4 19 ~~department of natural resources~~ office of energy independence
4 20 shall appoint the person representing ~~that department~~ the
4 21 office. The governor may make appointments of persons
4 22 representing organizations listed under paragraphs "g" through
4 23 "i" from a list of candidates which shall be provided by the
4 24 organization upon request by the governor.
4 25 Sec. 11. Section 159A.6B, unnumbered paragraph 2, Code
4 26 2009, is amended to read as follows:
4 27 The office may execute contracts in order to provide
4 28 technical support and outreach services for purposes of
4 29 assisting and educating interested persons as provided in this
4 30 section. The office may also contract with a consultant to
4 31 provide part or all of these services. The office may require
4 32 that a person receiving assistance pursuant to this section
4 33 contribute up to fifty percent of the amount required to
4 34 support the costs of contracting with the consultant to
4 35 provide assistance to the person. The office shall assist the

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5 1 person in completing any technical information required in
5 2 order to receive assistance by the department of economic
5 3 development pursuant to the value=added agricultural products
5 4 and processes financial assistance program created pursuant to
5 5 section 15E.111. The office shall cooperate with the
5 6 department of economic development, the ~~department of natural~~
~~5 7 resources~~ office of energy independence, and regents
5 8 institutions or other universities and colleges as provided in
5 9 section 15E.111, in order to carry out this section.
5 10 Sec. 12. Section 214A.19, subsection 1, Code 2009, is
5 11 amended to read as follows:
5 12 1. The ~~department of natural resources~~ office of energy
5 13 independence, conditioned upon the availability of funds, is
5 14 authorized to award demonstration grants to persons who
5 15 purchase vehicles which operate on alternative fuels,
5 16 including but not limited to E=85 gasoline, biodiesel,
5 17 compressed natural gas, electricity, solar energy, or
5 18 hydrogen. A grant shall be for the purpose of conducting
5 19 research connected with the fuel or the vehicle, and not for
5 20 the purchase of the vehicle itself, except that the money may
5 21 be used for the purchase of the vehicle if all of the
5 22 following conditions are satisfied:
5 23 a. The ~~department~~ office retains the title to the vehicle.
5 24 b. The vehicle is used for continuing research.
5 25 c. If the vehicle is sold or when the research related to
5 26 the vehicle is completed, the proceeds of the sale of the
5 27 vehicle shall be used for additional research.
5 28 Sec. 13. Section 266.39C, subsection 2, paragraph a,
5 29 subparagraph (6), Code 2009, is amended to read as follows:
5 30 (6) One representative of the ~~department of natural~~
~~5 31 resources~~ office of energy independence, appointed by the
5 32 director.
5 33 Sec. 14. Section 272C.2, subsection 3, Code 2009, is
5 34 amended to read as follows:
5 35 3. The state board of engineering and land surveyors, the

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6 1 board of architectural examiners, the board of landscape
6 2 architectural examiners, and the ~~department of natural~~
6 3 ~~resources~~ office of energy independence shall cooperate with
6 4 each other and with persons who typically offer continuing
6 5 education courses for design professionals to make available
6 6 energy efficiency related continuing education courses, and to
6 7 encourage interdisciplinary cooperation and education
6 8 concerning available energy efficiency strategies for
6 9 employment in the state's construction industry.
6 10 Sec. 15. Section 279.44, unnumbered paragraph 1, Code
6 11 2009, is amended to read as follows:
6 12 Between July 1, 1986 and June 30, 1991, and on a staggered
6 13 annual basis each five years thereafter, the board of
6 14 directors of each school district shall file with the
6 15 ~~department of natural resources~~ office of energy independence,
6 16 on forms prescribed by the ~~department of natural resources~~
6 17 office, the results of an energy audit of the buildings owned
6 18 and leased by the school district. The energy audit shall be
6 19 conducted under rules adopted by the ~~department of natural~~
6 20 ~~resources~~ office pursuant to chapter 17A. The ~~department of~~
6 21 ~~natural resources~~ office may waive the requirement for the
6 22 initial and subsequent energy audits for school districts that
6 23 submit evidence that energy audits were conducted prior to
6 24 January 1, 1987 and energy consumption for the district is at
6 25 an adjusted statewide average or below.
6 26 Sec. 16. Section 323A.2, subsection 1, paragraph c, Code
6 27 2009, is amended to read as follows:
6 28 c. The director of the ~~department of natural resources~~
6 29 office of energy independence determines that the franchisee
6 30 has demonstrated that a special hardship exists in the
6 31 community served by the franchisee relating to the public
6 32 health, safety, and welfare, as specified under the rules of
6 33 the ~~department of natural resources~~ office.
6 34 Sec. 17. Section 441.21, subsection 8, paragraph c,
6 35 subparagraph (2), unnumbered paragraph 2, Code 2009, is

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7 1 amended to read as follows:
7 2 In assessing and valuing the property for tax purposes, the
7 3 assessor shall disregard any market value added by a solar
7 4 energy system to a building. The director of revenue shall
7 5 adopt rules, after consultation with the ~~department of natural~~
~~7 6 resources~~ office of energy independence, specifying the types
7 7 of equipment and structural components to be included under
7 8 the guidelines provided in this subsection.
7 9 Sec. 18. Section 455A.2, Code 2009, is amended to read as
7 10 follows:
7 11 455A.2 DEPARTMENT OF NATURAL RESOURCES.
7 12 A department of natural resources is created, which has the
7 13 primary responsibility for state parks and forests, protecting
7 14 the environment, and managing ~~energy,~~ fish, wildlife, and land
7 15 and water resources in this state.
7 16 Sec. 19. Section 469.3, subsection 2, Code 2009, is
7 17 amended to read as follows:
7 18 2. The director shall do all of the following:
7 19 a. Direct the office of energy independence.
7 20 b. Coordinate the administration of the Iowa power fund.
7 21 c. Lead outreach and public education efforts concerning
7 22 renewable energy, renewable fuels, and energy efficiency.
7 23 d. Pursue new research and investment funds from federal
7 24 and private sources.
7 25 e. Coordinate and monitor all existing state and federal
7 26 renewable energy, renewable fuels, and energy efficiency
7 27 grants, programs, and policy.
7 28 f. Advise the governor and general assembly concerning
7 29 renewable energy, renewable fuels, and energy efficiency
7 30 policy and legislation.
7 31 g. Establish performance measures for determining
7 32 effectiveness of renewable energy, renewable fuels, and energy
7 33 efficiency efforts.
7 34 h. Contract for and utilize assistance from the department
7 35 of economic development regarding administration of grants,

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8 1 loans, and other financial incentives related to section
8 2 469.9, subsection 4, paragraph "a", subparagraph (1), the
8 3 department of natural resources and the utilities board
8 4 regarding assistance in the administration of grants, loans,
8 5 and other financial incentives related to section 469.9,
8 6 subsection 4, paragraph "a", subparagraph (2), and other state
8 7 agencies as appropriate.
8 8 i. Develop an Iowa energy independence plan pursuant to
8 9 section 469.4.
8 10 j. Approve engineering firms for performance of
8 11 comprehensive engineering analyses done on buildings in which
8 12 a state agency seeks to improve energy efficiency pursuant to
8 13 section 7D.34.
8 14 k. Develop standards and methods to evaluate design
8 15 development and construction documents based on life cycle
8 16 cost factors in relation to design proposals submitted
8 17 pursuant to section 72.5.
8 18 l. Coordinate with other state agencies regarding
8 19 implementation of the office of renewable fuels and coproducts
8 20 pursuant to section 159A.3, serve on the renewable fuels and
8 21 coproducts advisory committee, and assist in providing
8 22 technical assistance to new or existing renewable fuel
8 23 production facilities.
8 24 m. Award demonstration grants for alternative fuels
8 25 research pursuant to section 214A.19.
8 26 n. Appoint a representative to serve on the Iowa energy
8 27 center advisory council established in section 266.39C.
8 28 o. Make available energy efficiency related continuing
8 29 education courses pursuant to section 272C.2.
8 30 p. Receive results relating to energy audits from school
8 31 districts and perform related functions pursuant to section
8 32 279.44.
8 33 q. Determine whether special hardship criteria has been
8 34 demonstrated regarding franchise alternative fuel purchases
8 35 pursuant to section 323A.2.

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9 1 r. Consult with the state building code commissioner
9 2 regarding submissions of life cycle cost analyses pursuant to
9 3 section 470.7.
9 4 s. Compile energy=related information, administer and
9 5 coordinate the state building energy management program, and
9 6 perform additional responsibilities specified in section
9 7 473.7.
9 8 t. Transmit by resolution to the governor a determination
9 9 of actual or impending acute usable energy shortage pursuant
9 10 to section 473.8.
9 11 u. Operate a liquid fossil fuel set=aside program as
9 12 required in section 473.10.
9 13 v. Administer the building energy management program, the
9 14 building energy management fund, and the energy loan program
9 15 established in sections 473.19, 473.19A, and 473.20,
9 16 respectively.
9 17 w. Coordinate the energy city designation program created
9 18 in section 473.41.
9 19 x. Provide assistance to local government bodies and the
9 20 public regarding access to solar energy pursuant to section
9 21 564A.9.
9 22 ~~j.~~ y. Submit an annual report to the governor and general
9 23 assembly by November 1 of each year concerning the activities
9 24 and programs of the office, Iowa power fund, and other
9 25 departments related to renewable energy, renewable fuels, and
9 26 energy efficiency. The report shall include an assessment of
9 27 needs with respect to renewable energy, renewable fuels, and
9 28 energy efficiency efforts and policy and fiscal
9 29 recommendations for renewable energy, renewable fuels, and
9 30 energy efficiency. In addition, the director shall review
9 31 issues relating to the transportation of biofuels and explore
9 32 leading and participating in multistate efforts relating to
9 33 renewable energy and energy efficiency.
9 34 ~~k.~~ z. Adopt rules pursuant to chapter 17A concerning the
9 35 office, the Iowa power fund, and the programs and functions of

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the office and the fund.

Sec. 20. Section 469.4, subsection 1, Code 2009, is amended to read as follows:

1. The director shall develop an Iowa energy independence plan ~~with the assistance of the department of natural resources as provided in section 473.7, and~~ in association with public and private partners selected by the director including representatives of the energy industry, environmental interests, agricultural interests, business interests, other interested parties, and members of the general public. The plan shall be subject to approval by the board.

Sec. 21. Section 469.10, subsection 2, Code 2009, is amended to read as follows:

2. a. Of the moneys appropriated to the office and deposited in the fund, the office shall utilize up to three and five=tenths percent of the amount appropriated from the fund for a fiscal year for administrative costs.

b. From the funds available for administrative costs, the office shall not employ more than four full=time equivalent positions. Notwithstanding any other limitation, the director may use funds received from any source other than the state general fund to employ personnel necessary to administer any program assigned to the office or to another state agency.

Sec. 22. Section 470.1, Code 2009, is amended to read as follows:

470.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Commissioner" means the state building code commissioner.

~~2. "Department" means the department of natural resources.~~

~~3.~~ 2. "Director" means the director of the ~~department of natural resources~~ office of energy independence.

~~4.~~ 3. "Economic life" means the projected or anticipated

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11 1 useful life of a facility as expressed by a term of years.
11 2 ~~5.~~ 4. "Energy system" includes but is not limited to the
11 3 following equipment or measures:
11 4 a. Equipment used to heat or cool the facility.
11 5 b. Equipment used to heat water in the facility.
11 6 c. On=site equipment used to generate electricity for the
11 7 major facility.
11 8 d. On=site equipment that uses the sun, wind, oil, natural
11 9 gas, coal or electricity as a power source.
11 10 e. Energy conservation measures in the facility design and
11 11 construction that decrease the energy requirements of the
11 12 facility.
11 13 ~~6.~~ 5. "Facility" means a building having twenty thousand
11 14 square feet or more of usable floor space that is heated or
11 15 cooled by a mechanical or electrical system or any building,
11 16 system, or physical operation which consumes more than forty
11 17 thousand British thermal units (BTUs) per square foot per
11 18 year.
11 19 ~~7.~~ 6. "Initial cost" means the moneys required for the
11 20 capital construction or renovation of a facility.
11 21 ~~8.~~ 7. "Life cycle cost analysis" means an analytical
11 22 technique that considers certain costs of owning, using and
11 23 operating a facility over its economic life including but not
11 24 limited to the following:
11 25 a. Initial costs.
11 26 b. System repair and replacement costs.
11 27 c. Maintenance costs.
11 28 d. Operating costs, including energy costs.
11 29 e. Salvage value.
11 30 8. "Office" means the office of energy independence
11 31 established in section 469.2.
11 32 9. "Public agency" means a state agency, political
11 33 subdivision of the state, school district, area education
11 34 agency, or community college.
11 35 10. "Renovation" means a project where additions or

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12 1 alterations exceed fifty percent of the value of a facility
12 2 and will affect an energy system.
12 3 Sec. 23. Section 470.3, subsection 2, Code 2009, is
12 4 amended to read as follows:
12 5 2. A public agency or a person preparing a life cycle cost
12 6 analysis for a public agency shall consider the methods and
12 7 analytical models provided by the ~~department~~ office and
12 8 available through the commissioner, which are suited to the
12 9 purpose for which the project is intended. Within sixty days
12 10 of final selection of a design architect or engineer, a public
12 11 agency, which is also a state agency under section 7D.34,
12 12 shall notify the commissioner and the ~~department~~ office of the
12 13 methodology to be used to perform the life cycle cost
12 14 analysis, on forms provided by the ~~department~~ office.
12 15 Sec. 24. Section 470.7, Code 2009, is amended to read as
12 16 follows:
12 17 470.7 LIFE CYCLE COST ANALYSIS == APPROVAL.
12 18 1. The public agency responsible for the new construction
12 19 or renovation of a public facility shall submit a copy of the
12 20 life cycle cost analysis for review by the commissioner who
12 21 shall consult with the ~~department~~ office. If the public
12 22 agency is also a state agency under section 7D.34, comments by
12 23 the ~~department~~ office or the commissioner, including any
12 24 recommendation for changes in the analysis, shall, within
12 25 thirty days of receipt of the analysis, be forwarded in
12 26 writing to the public agency. If either the ~~department~~ office
12 27 or the commissioner disagrees with any aspects of the life
12 28 cycle cost analysis, the public agency affected shall timely
12 29 respond in writing to the commissioner and the ~~department~~
12 30 office. The response shall indicate whether the agency
12 31 intends to implement the recommendations and, if the agency
12 32 does not intend to implement them, the public agency shall
12 33 present its reasons. The reasons may include, but are not
12 34 limited to, a description of the purpose of the facility or
12 35 renovation, preservation of historical architectural features,

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13 1 architectural and site considerations, and health and safety
13 2 concerns.
13 3 2. Within thirty days of receipt of the response of the
13 4 public agency affected, the ~~department~~ office, the
13 5 commissioner, or both, shall notify in writing the public
13 6 agency affected of the ~~department's~~ office's, the
13 7 commissioner's, or both's agreement or disagreement with the
13 8 response. In the event of a disagreement, the ~~department~~
13 9 office, the commissioner, or both, shall at the same time
13 10 transmit the notification of disagreement with response and
13 11 related papers to the executive council for resolution
13 12 pursuant to section 7D.34. The life cycle cost analysis
13 13 process, including submittal and approval, and implementation
13 14 exemption requests pursuant to section 470.8, shall be
13 15 completed prior to the letting of contracts for the
13 16 construction or renovation of a facility.
13 17 Sec. 25. Section 473.1, Code 2009, is amended to read as
13 18 follows:
13 19 473.1 DEFINITIONS.
13 20 As used in this chapter, unless the context otherwise
13 21 requires:
13 22 1. "Alternative and renewable energy" means the same as in
13 23 section 469.31.
13 24 2. "Commission" means the environmental protection
13 25 commission of the department of natural resources.
13 26 ~~3. "Department" means the department of natural resources~~
13 27 ~~created under section 455A.2.~~
13 28 ~~4.~~ 3. "Director" means the director of the ~~department~~
13 29 office or a designee.
13 30 ~~5.~~ 4. "Energy" or "energy sources" means gasoline, fuel
13 31 oil, natural gas, propane, coal, special fuels and
13 32 electricity.
13 33 5. "Office" means the office of energy independence
13 34 established in section 469.2.
13 35 6. "Renewable fuel" means the same as in section 469.31.

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7. "Supplier" means any person engaged in the business of selling, importing, storing, or generating energy sources, alternative and renewable energy, or renewable fuel in Iowa.

Sec. 26. Section 473.7, Code 2009, is amended to read as follows:

473.7 DUTIES OF THE ~~DEPARTMENT~~ OFFICE.

The ~~department~~ office shall:

1. ~~Assist the director of the office of energy independence with preparation of the Iowa energy independence plan as provided in section 469.4. In addition to assistance requested by the director, the department shall supply~~ Supply and annually update the following information:

a. The historical use and distribution of energy in Iowa.

b. The growth rate of energy consumption in Iowa, including rates of growth for each energy source.

c. A projection of Iowa's energy needs at a minimum through the year 2025.

d. The impact of meeting Iowa's energy needs on the economy of the state, including the impact of energy efficiency and renewable energy on employment and economic development.

e. The impact of meeting Iowa's energy needs on the environment of the state, including the impact of energy production and use on greenhouse gas emissions.

f. An evaluation of renewable energy sources, including the current and future technological potential for such sources.

2. ~~a.~~ The ~~department~~ office shall collect and analyze data to use in forecasting future energy demand and supply for the state. A supplier is required to provide information pertaining to the supply, storage, distribution, and sale of energy sources in this state when requested by the ~~department~~ office. The information shall be of a nature which directly relates to the supply, storage, distribution, and sale of energy sources, and shall not include any records, documents,

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15 1 books, or other data which relate to the financial position of
15 2 the supplier. The ~~department~~ office, prior to requiring any
15 3 supplier to furnish it with such information, shall make every
15 4 reasonable effort to determine if such information is
15 5 available from any other governmental source. If it finds
15 6 such information is available, the ~~department~~ office shall not
15 7 require submission of the information from a supplier.
15 8 Notwithstanding the provisions of chapter 22, information and
15 9 reports obtained under this section shall be confidential
15 10 except when used for statistical purposes without identifying
15 11 a specific supplier and when release of the information will
15 12 not give an advantage to competitors and serves a public
15 13 purpose. The ~~department~~ office shall use this data to conduct
15 14 energy forecasts.
15 15 ~~b. The department may subpoena witnesses, administer~~
~~15 16 oaths, and require the production of records, books, and~~
~~15 17 documents for examination in order to obtain information~~
~~15 18 required to be submitted under this section. In case of~~
~~15 19 failure or refusal on the part of any person to comply with a~~
~~15 20 subpoena issued by the department, or in case of the refusal~~
~~15 21 of any witness to testify as to any matter regarding which the~~
~~15 22 witness may be interrogated under this chapter, the district~~
~~15 23 court, upon the application of the department, may order the~~
~~15 24 person to show cause why the person should not be held in~~
~~15 25 contempt for failure to testify or comply with a subpoena, and~~
~~15 26 may order the person to produce the records, books, and~~
~~15 27 documents for examination, and to give testimony. The courts~~
~~15 28 may punish for contempt as in the case of disobedience to a~~
~~15 29 like subpoena issued by the court, or for refusal to testify.~~
15 30 3. Develop, recommend, and implement with appropriate
15 31 agencies public and professional education and communication
15 32 programs in energy efficiency, energy conservation, and
15 33 conversion to alternative and renewable energy.
15 34 4. When necessary to carry out its duties under this
15 35 chapter, enter into contracts with state agencies and other

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16 1 qualified contractors.
16 2 5. Receive and accept grants made available for programs
16 3 relating to duties of the ~~department~~ office under this
16 4 chapter.
16 5 6. Promulgate rules necessary to carry out the provisions
16 6 of this chapter, subject to review in accordance with chapter
16 7 17A. Rules promulgated by the governor pursuant to a
16 8 proclamation issued under the provisions of section 473.8
16 9 shall not be subject to review or a public hearing as required
16 10 in chapter 17A; however, ~~agency~~ office rules for
16 11 implementation of the governor's proclamation are subject to
16 12 the requirements of chapter 17A.
16 13 7. Examine and determine whether additional state
16 14 regulatory authority is necessary to protect the public
16 15 interest and to promote the effective development,
16 16 utilization, and conservation of energy resources. If the
16 17 ~~department~~ office finds that additional regulatory authority
16 18 is necessary, the ~~department~~ office shall submit
16 19 recommendations to the general assembly concerning the nature
16 20 and extent of such regulatory authority and which state agency
16 21 should be assigned such regulatory responsibilities.
16 22 8. Develop and assist in the implementation of public
16 23 education and communications programs in energy development,
16 24 use and conservation, in cooperation with the department of
16 25 education, the state university extension services and other
16 26 public or private agencies and organizations as deemed
16 27 appropriate by the ~~department~~ office.
16 28 9. Develop~~, in coordination with the office of energy~~
~~16 29 independence,~~ a program to annually give public recognition to
16 30 innovative methods of energy conservation, energy management,
16 31 and alternative and renewable energy production.
16 32 10. Administer and coordinate~~, in coordination with the~~
~~16 33 office of energy independence,~~ federal funds for energy
16 34 conservation, energy management, and alternative and renewable
16 35 energy programs.

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11. Administer and coordinate the state building energy management program including projects funded through private financing.

12. Provide information from monthly fuel surveys which establish a statistical average of motor fuel prices for various motor fuels provided throughout the state. Additionally, the ~~department~~ office shall provide statewide monthly fuel survey information which establishes a statistical average of motor fuel prices for various motor fuels provided in both metropolitan and rural areas of the state. The survey results shall be publicized in a monthly press release issued by the ~~department~~ office.

~~13. Conduct a study on activities related to energy production and use which contribute to global climate change and the depletion of the stratospheric ozone layer. The study shall identify the types and relative contributions of these activities in Iowa. The department shall develop a strategy to reduce emissions from activities identified as having an adverse impact on the global climate and the stratospheric ozone layer. The department shall submit a report containing its findings and recommendations to the governor and general assembly by January 1, 1992.~~

Sec. 27. Section 473.8, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If the ~~department~~ office by resolution determines the health, safety, or welfare of the people of this state is threatened by an actual or impending acute shortage of usable energy, it shall transmit the resolution to the governor together with its recommendation on the declaration of an emergency by the governor and recommended actions, if any, to be undertaken. Within thirty days of the date of the resolution, the governor may issue a proclamation of emergency which shall be filed with the secretary of state. The proclamation shall state the facts relied upon and the reasons for the proclamation.

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18 1 Sec. 28. Section 473.8, subsection 4, Code 2009, is
18 2 amended to read as follows:
18 3 4. Delegate any administrative authority vested in the
18 4 governor to the ~~department~~ office or the director.
18 5 Sec. 29. Section 473.10, Code 2009, is amended to read as
18 6 follows:
18 7 473.10 RESERVE REQUIRED.
18 8 1. If the ~~department~~ office or the governor finds that an
18 9 impending or actual shortage or distribution imbalance of
18 10 liquid fossil fuels may cause hardship or pose a threat to the
18 11 health and economic well=being of the people of the state or a
18 12 significant segment of the state's population, the ~~department~~
18 13 office or the governor may authorize the director to operate a
18 14 liquid fossil fuel set=aside program as provided in subsection
18 15 2.
18 16 2. Upon authorization by the ~~department~~ office or the
18 17 governor the director may require a prime supplier to reserve
18 18 a specified fraction of the prime supplier's projected total
18 19 monthly release of liquid fossil fuel in Iowa. The director
18 20 may release any or all of the fuel required to be reserved by
18 21 a prime supplier to end=users or to distributors for release
18 22 through normal retail distribution channels to retail
18 23 customers. However, the specified fraction required to be
18 24 reserved shall not exceed three percent for propane, aviation
18 25 fuel and residual oil, and five percent for motor gasoline,
18 26 heating oil, and diesel oil.
18 27 3. The ~~department~~ office shall periodically review and may
18 28 terminate the operation of a set=aside program authorized by
18 29 the ~~department~~ office under subsection 1 when the ~~department~~
18 30 office finds that the conditions that prompted the
18 31 authorization no longer exist. The governor shall
18 32 periodically review and may terminate the operation of a
18 33 set=aside program authorized by the governor under subsection
18 34 1 when the governor finds that the conditions that prompted
18 35 the authorization no longer exist.

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19 1 4. The director shall adopt rules to implement this
19 2 section.
19 3 Sec. 30. Section 473.15, Code 2009, is amended to read as
19 4 follows:
19 5 473.15 ANNUAL REPORT.
19 6 The ~~department~~ office shall complete an annual report to
19 7 assess the progress of state agencies in implementing energy
19 8 management improvements, alternative and renewable energy
19 9 systems, and life cycle cost analyses under chapter 470, and
19 10 on the use of renewable fuels. The ~~department~~ office shall
19 11 work with state agencies and with any entity, agency, or
19 12 organization with which they are associated or involved in
19 13 such implementation, to use available information to minimize
19 14 the cost of preparing the report. The ~~department~~ office shall
19 15 also provide an assessment of the economic and environmental
19 16 impact of the progress made by state agencies related to
19 17 energy management and alternative and renewable energy, along
19 18 with recommendations on technological opportunities and
19 19 policies necessary for continued improvement in these areas.
19 20 Sec. 31. Section 473.19, Code 2009, is amended to read as
19 21 follows:
19 22 473.19 ~~ENERGY BANK~~ BUILDING ENERGY MANAGEMENT PROGRAM.
19 23 1. The building energy ~~bank~~ management program is
19 24 established by the ~~department~~ office. The building energy
19 25 ~~bank~~ management program consists of the following forms of
19 26 assistance for the state, state agencies, political
19 27 subdivisions of the state, school districts, area education
19 28 agencies, community colleges, and nonprofit organizations:
19 29 a. Promoting program availability.
19 30 b. Developing or identifying guidelines and model energy
19 31 techniques for the completion of energy analyses for state
19 32 agencies, political subdivisions of the state, school
19 33 districts, area education agencies, community colleges, and
19 34 nonprofit organizations.
19 35 c. Providing technical assistance for conducting or

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20 1 evaluating energy analyses for state agencies, political
20 2 subdivisions of the state, school districts, area education
20 3 agencies, community colleges, and nonprofit organizations.
20 4 d. Providing or facilitating loans, leases, and other
20 5 methods of alternative financing under the energy loan program
20 6 for the state, state agencies, political subdivisions of the
20 7 state, school districts, area education agencies, community
20 8 colleges, and nonprofit organizations to implement energy
20 9 management improvements or energy analyses.
20 10 e. Providing assistance for obtaining insurance on the
20 11 energy savings expected to be realized from the implementation
20 12 of energy management improvements.
20 13 f. Facilitating self=liquidating financing for the state,
20 14 state agencies, political subdivisions of the state, school
20 15 districts, area education agencies, community colleges, and
20 16 nonprofit organizations pursuant to section 473.20A.
20 17 g. Assisting the treasurer of state with financing
20 18 agreements entered into by the treasurer of state on behalf of
20 19 state agencies to finance energy management improvements
20 20 pursuant to section 12.28.
20 21 2. For the purpose of this section, section 473.20, and
20 22 section 473.20A, "energy management improvement" means
20 23 construction, rehabilitation, acquisition, or modification of
20 24 an installation in a facility or vehicle which is intended to
20 25 reduce energy consumption, or energy costs, or both, or allow
20 26 the use of alternative and renewable energy. "Energy
20 27 management improvement" may include control and measurement
20 28 devices. "Nonprofit organization" means an organization
20 29 exempt from federal income taxation under section 501(c)(3) of
20 30 the Internal Revenue Code.
20 31 3. The ~~department~~ office shall submit a report by January
20 32 1 annually to the governor and the general assembly detailing
20 33 services provided and assistance rendered pursuant to the
20 34 building energy ~~bank~~ management program and pursuant to
20 35 sections 473.20 and 473.20A, and receipts and disbursements in

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21 1 relation to the building energy ~~bank~~ management fund created
21 2 in section 473.19A.
21 3 4. Moneys awarded or allocated to the state, its citizens,
21 4 or its political subdivisions as a result of the federal court
21 5 decisions and United States department of energy settlements
21 6 resulting from alleged violations of federal petroleum pricing
21 7 regulations attributable to or contained within the Stripper
21 8 Well fund shall be allocated to and remain under the control
21 9 of the ~~department~~ office for utilization for energy
21 10 program=related staff support purposes.
21 11 Sec. 32. Section 473.19A, Code 2009, is amended to read as
21 12 follows:
21 13 473.19A BUILDING ENERGY ~~BANK~~ MANAGEMENT FUND.
21 14 1. The building energy ~~bank~~ management fund is created
21 15 within the state treasury under the control of the ~~department,~~
~~21 16 in collaboration with the office of energy independence~~
~~21 17 established in section 469.2~~ office. The fund shall be used
21 18 for the operational expenses and administrative costs incurred
21 19 by the ~~department~~ office in facilitating and administering the
21 20 building energy ~~bank~~ management program established in section
21 21 473.19.
21 22 2. The building energy ~~bank~~ management fund shall consist
21 23 of amounts deposited into the fund or allocated from the
21 24 following sources:
21 25 a. Any moneys awarded or allocated to the state, its
21 26 citizens, or its political subdivisions as a result of the
21 27 federal court decisions and United States department of energy
21 28 settlements resulting from alleged violations of federal
21 29 petroleum pricing regulations attributable to or contained
21 30 within the Exxon fund. Amounts remaining in the oil
21 31 overcharge account established in section 455E.11, subsection
21 32 2, paragraph "e", Code 2007, and the energy conservation trust
21 33 established in section 473.11, Code 2007, as of June 30, 2008,
21 34 shall be deposited into the building energy ~~bank~~ management
21 35 fund pursuant to this paragraph, notwithstanding section 8.60,

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22 1 subsection 15, Code 2007.
22 2 b. (1) Moneys received in the form of fees imposed upon
22 3 the state, state agencies, political subdivisions of the
22 4 state, school districts, area education agencies, community
22 5 colleges, and nonprofit organizations for services performed
22 6 or assistance rendered pursuant to the building energy ~~bank~~
22 7 management program. Fees imposed pursuant to this paragraph
22 8 shall be established by the ~~department~~ office in an amount
22 9 corresponding to the operational expenses or administrative
22 10 costs incurred by the ~~department~~ office in performing services
22 11 or providing assistance authorized pursuant to the building
22 12 energy ~~bank~~ management program, as follows:
22 13 (a) For a building of up to twenty=five thousand square
22 14 feet, two thousand five hundred dollars.
22 15 (b) For a building in excess of twenty=five thousand
22 16 square feet, an additional eight cents per square foot.
22 17 (c) A building that houses more energy intensive functions
22 18 may be subject to a higher fee than the fees specified in
22 19 subparagraphs (a) and (b) as determined by the ~~department~~
22 20 office.
22 21 (2) Any fees imposed shall be retained by the ~~department~~
22 22 office and are appropriated to the ~~department~~ office for
22 23 purposes of providing services or assistance under the
22 24 program.
22 25 c. Moneys appropriated by the general assembly and any
22 26 other moneys, including grants and gifts from government and
22 27 nonprofit organizations, available to and obtained or accepted
22 28 by the ~~department~~ office for placement in the fund.
22 29 d. Moneys contained in the intermodal revolving loan fund
22 30 administered by the department of transportation for the
22 31 fiscal year beginning July 1, 2019, and succeeding fiscal
22 32 years.
22 33 e. Moneys in the fund are not subject to section 8.33.
22 34 Notwithstanding section 12C.7, interest or earnings on moneys
22 35 in the fund shall be credited to the fund.

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23 1 3. The building energy ~~bank~~ management fund shall be
23 2 limited to a maximum of one million dollars. Amounts in
23 3 excess of this maximum limitation shall be transferred to and
23 4 deposited in the rebuild Iowa infrastructure fund created in
23 5 section 8.57, subsection 6.
23 6 Sec. 33. Section 473.20, Code 2009, is amended to read as
23 7 follows:
23 8 473.20 ENERGY LOAN PROGRAM.
23 9 1. An energy loan program is established and shall be
23 10 administered by the ~~department~~ office.
23 11 2. The ~~department~~ office may facilitate the loan process
23 12 for political subdivisions of the state, school districts,
23 13 area education agencies, community colleges, and nonprofit
23 14 organizations for implementation of energy management
23 15 improvements identified in an energy analysis. Loans shall be
23 16 facilitated for all cost=effective energy management
23 17 improvements. For political subdivisions of the state, school
23 18 districts, area education agencies, community colleges, and
23 19 nonprofit organizations to receive loan assistance under the
23 20 program, the ~~department~~ office shall require completion of an
23 21 energy management plan including an energy analysis. The
23 22 ~~department~~ office shall approve loans facilitated under this
23 23 section.
23 24 3. a. Cities and counties shall repay the loans from
23 25 moneys in their debt service funds. Area education agencies
23 26 shall repay the loans from any moneys available to them.
23 27 b. School districts and community colleges may enter into
23 28 financing arrangements with the ~~department~~ office or its duly
23 29 authorized agents or representatives obligating the school
23 30 district or community college to make payments on the loans
23 31 beyond the current budget year of the school district or
23 32 community college. Chapter 75 shall not be applicable.
23 33 School districts shall repay the loans from moneys in either
23 34 their general fund or debt service fund. Community colleges
23 35 shall repay the loans from their general fund. Other entities

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24 1 receiving loans under this section shall repay the loans from
24 2 any moneys available to them.
24 3 4. For the purpose of this section, "loans" means loans,
24 4 leases, or alternative financing arrangements.
24 5 5. Political subdivisions of the state, school districts,
24 6 area education agencies, and community colleges shall design
24 7 and construct the most energy cost=effective facilities
24 8 feasible and may use financing facilitated by the ~~department~~
24 9 office to cover the incremental costs above minimum building
24 10 code energy efficiency standards of purchasing
24 11 energy=efficient devices and materials unless other lower cost
24 12 financing is available. As used in this section, "facility"
24 13 means a structure that is heated or cooled by a mechanical or
24 14 electrical system, or any system of physical operation that
24 15 consumes energy to carry out a process.
24 16 6. The ~~department~~ office shall not require the state,
24 17 state agencies, political subdivisions of the state, school
24 18 districts, area education agencies, and community colleges to
24 19 implement a specific energy management improvement identified
24 20 in an energy analysis if the entity which prepared the
24 21 analysis demonstrates to the ~~department~~ office that the
24 22 facility which is the subject of the energy management
24 23 improvement is unlikely to be used or operated for the full
24 24 period of the expected savings payback of all costs associated
24 25 with implementing the energy management improvement, including
24 26 without limitation, any fees or charges of the ~~department~~
24 27 office, engineering firms, financial advisors, attorneys, and
24 28 other third parties, and all financing costs including
24 29 interest, if financed.
24 30 Sec. 34. Section 473.20A, subsection 1, Code 2009, is
24 31 amended to read as follows:
24 32 1. a. The ~~department of natural resources~~ office may
24 33 facilitate financing agreements that may be entered into with
24 34 political subdivisions of the state, school districts, area
24 35 education agencies, community colleges, or nonprofit

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25 1 organizations to finance the costs of energy management
25 2 improvements on a self=liquidating basis. The provisions of
25 3 section 473.20 defining eligible energy management
25 4 improvements apply to financings under this section.
25 5 b. The financing agreement may contain provisions,
25 6 including interest, term, and obligations to make payments on
25 7 the financing agreement beyond the current budget year, as may
25 8 be acceptable to political subdivisions of the state, school
25 9 districts, area education agencies, community colleges, or
25 10 nonprofit organizations.
25 11 c. The ~~department~~ office shall assist the treasurer of
25 12 state with financing agreements entered into by the treasurer
25 13 of state on behalf of state agencies pursuant to section 12.28
25 14 to finance energy management improvements being implemented by
25 15 state agencies.
25 16 Sec. 35. Section 473.41, Code 2009, is amended to read as
25 17 follows:
25 18 473.41 ENERGY CITY DESIGNATION PROGRAM.
25 19 1. The ~~department~~ office shall establish an energy city
25 20 designation program, with the objective of encouraging cities
25 21 to develop and implement innovative energy efficiency
25 22 programs. To qualify for designation as an energy city, a
25 23 city shall submit an application on forms prescribed by the
25 24 ~~department~~ office by rule, indicating the following:
25 25 a. Submission of community=based plans for energy
25 26 reduction projects, energy=efficient building construction and
25 27 rehabilitation, and alternative or renewable energy
25 28 production.
25 29 b. Efforts to secure local funding for community=based
25 30 plans, and documentation of any state or federal grant or loan
25 31 funding being pursued in connection therewith.
25 32 c. Involvement of local schools, civic organizations,
25 33 chambers of commerce, and private groups in a community=based
25 34 plan.
25 35 d. Existing or proposed ordinances encouraging energy

Senate File 373 - Introduced continued

26 1 efficiency and conservation, recycling efforts, and
26 2 energy=efficient building code provisions and enforcement.
26 3 e. Organization of an energy day observance and
26 4 proclamation with a commemorating event and awards ceremony
26 5 for leading energy=efficient community businesses, groups,
26 6 schools, or individuals.
26 7 2. The ~~department~~ office shall establish by rule criteria
26 8 for awarding energy city designations. If more than one
26 9 designation is awarded annually, the criteria shall include a
26 10 requirement that the ~~department~~ office award the designations
26 11 to cities of varying populations. Rules shall also be
26 12 established identifying and publicizing state grant and loan
26 13 programs relating to energy efficiency, and the development of
26 14 a procedure whereby the ~~department~~ office shall coordinate
26 15 with other state agencies preferences given in the awarding of
26 16 grants or making of loans to energy city designated
26 17 applicants.
26 18 Sec. 36. Section 476.6, subsection 16, paragraph b, Code
26 19 2009, is amended to read as follows:
26 20 b. A gas and electric utility required to be
26 21 rate=regulated under this chapter shall assess potential
26 22 energy and capacity savings available from actual and
26 23 projected customer usage by applying commercially available
26 24 technology and improved operating practices to energy=using
26 25 equipment and buildings. The utility shall submit the
26 26 assessment to the board. Upon receipt of the assessment, the
26 27 board shall consult with the ~~department of natural resources~~
26 28 office of energy independence to develop specific capacity and
26 29 energy savings performance standards for each utility. The
26 30 utility shall submit an energy efficiency plan which shall
26 31 include economically achievable programs designed to attain
26 32 these energy and capacity performance standards. The board
26 33 shall periodically report the energy efficiency results
26 34 including energy savings of each utility to the general
26 35 assembly.

Senate File 373 - Introduced continued

27 1 Sec. 37. Section 476.63, Code 2009, is amended to read as
27 2 follows:
27 3 476.63 ENERGY EFFICIENCY PROGRAMS.
27 4 The division shall consult with the ~~department of natural~~
~~27 5 resources~~ office of energy independence in the development and
27 6 implementation of public utility energy efficiency programs.
27 7 Sec. 38. Section 564A.9, Code 2009, is amended to read as
27 8 follows:
27 9 564A.9 ASSISTANCE TO LOCAL GOVERNMENT BODIES AND THE
27 10 PUBLIC.
27 11 The ~~department of natural resources~~ office of energy
27 12 independence shall make available information and guidelines
27 13 to assist local government bodies and the public to understand
27 14 and use the provisions of this chapter. The information and
27 15 guidelines shall include an application form for a solar
27 16 access easement, instructions and aids for preparing and
27 17 recording solar access easements and model ordinances that
27 18 promote reasonable access to solar energy.
27 19 Sec. 39. Section 473.13A, Code 2009, is repealed.
27 20 Sec. 40. TRANSITION PROVISIONS == RULEMAKING.
27 21 1. Any moneys retained in any account or fund under the
27 22 control of the department of natural resources relative to the
27 23 provisions of this Act shall be transferred to a comparable
27 24 fund or account under the control of the office of energy
27 25 independence for such purposes.
27 26 2. Any license, permit, or contract issued or entered into
27 27 by the department of natural resources relative to the
27 28 provisions of this Act in effect on the effective date of this
27 29 Act shall continue in full force and effect pending transfer
27 30 of such licenses, permits, or contracts to the office of
27 31 energy independence.
27 32 3. Not later than August 1, 2009, the office of energy
27 33 independence shall adopt administrative rules previously
27 34 adopted by the department of natural resources relative to the
27 35 provisions of this Act in existence on the effective date of

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28 1 this Act by emergency rulemaking pursuant to section 17A.4,
28 2 subsection 3, and section 17A.5, subsection 2, paragraph "b".
28 3 The rules shall become effective immediately upon filing or on
28 4 a later effective date specified in the rules. Any rules
28 5 adopted in accordance with the provisions of this section
28 6 shall also be published as a notice of intended action as
28 7 provided in section 17A.4. Any rule, regulation, form, order,
28 8 or directive promulgated by the department relative to the
28 9 provisions of this Act in effect on the effective date of this
28 10 Act shall continue in full force and effect until such
28 11 emergency rules are adopted.
28 12 4. The provisions of section 469.10, subsection 2,
28 13 relating to utilization by the director of the office of
28 14 energy independence of any funds received from any source
28 15 other than the state general fund to employ personnel
28 16 necessary to administer any program assigned to the office or
28 17 to another state agency, shall be applicable to the transfer
28 18 from the department of natural resources to the office of
28 19 energy independence of individuals currently employed by the
28 20 department in capacities relating to the programs or
28 21 provisions transferred from the department to the office
28 22 pursuant to this Act.
28 23 EXPLANATION
28 24 This bill transfers authority over specified energy=related
28 25 measures and programs from the department of natural resources
28 26 to the office of energy independence. References to the
28 27 "department" are changed to the "office" throughout Code
28 28 chapter 470 relating to life cycle cost analyses of public
28 29 facilities, and Code chapter 473, which contains provisions
28 30 relating to the development of policies and programs that
28 31 promote energy efficiency, alternative and renewable energy,
28 32 and energy management improvement financing. Similar
28 33 reference changes are made with regard to approving
28 34 engineering firms for performance of comprehensive engineering
28 35 analyses done on a building in which a state agency seeks to

Senate File 373 - Introduced continued

29 1 improve energy efficiency pursuant to Code section 7D.34,
29 2 developing standards and methods to evaluate design
29 3 development and construction documents based on life cycle
29 4 cost factors in relation to design proposals submitted
29 5 pursuant to Code section 72.5, and coordinating with other
29 6 state agencies regarding implementation of the office of
29 7 renewable fuels and coproducts pursuant to Code section
29 8 159A.3, serving on the renewable fuels and coproducts advisory
29 9 committee, and assisting in providing technical assistance to
29 10 new or existing renewable fuel production facilities.
29 11 Additional transfers of authority include awarding
29 12 demonstration grants for alternative fuels research pursuant
29 13 to Code section 214A.19, appointing a representative to serve
29 14 on the Iowa energy center advisory council established in Code
29 15 section 266.39C, making available energy efficiency=related
29 16 continuing education courses pursuant to Code section 272C.2,
29 17 receiving results relating to energy audits from school
29 18 districts and perform related functions pursuant to Code
29 19 section 279.44, determining whether special hardship criteria
29 20 has been demonstrated regarding franchise alternative fuel
29 21 purchases pursuant to Code section 323A.2, and providing
29 22 assistance to local government bodies and the public regarding
29 23 access to solar energy pursuant to Code section 564A.9.
29 24 Conforming changes are made in Code chapter 469 regarding the
29 25 transfer of authority. With reference to transferred
29 26 authority for specified duties of the department of natural
29 27 resources in Code section 473.7, the bill deletes the ability
29 28 to issue a subpoena and related authority regarding the
29 29 obtaining of information formerly required to be submitted to
29 30 the department.
29 31 Additionally, the bill provides that, notwithstanding any
29 32 other limitation, the director may use funds received from any
29 33 source other than the state general fund to employ personnel
29 34 necessary to administer any program assigned to the office or
29 35 to another state agency, including employing employees

Senate File 373 - Introduced continued

30 1 transferred from the department in positions relating to the
30 2 authority transferred under the bill.
30 3 The bill repeals Code section 473.13A, which contained
30 4 outdated terminology and outdated provisions regarding
30 5 financing for energy measures provided directly by the
30 6 department. The bill also changes the names of the energy
30 7 bank program and the energy bank fund to building energy
30 8 management program and building energy management fund,
30 9 respectively.
30 10 The bill contains transition provisions regarding the
30 11 transfer of moneys retained in an account or fund under the
30 12 control of the department to a comparable fund or account of
30 13 the office, regarding the continuation of any license, permit,
30 14 or contract issued or entered into by the department of
30 15 natural resources pending transfer and assignment to the
30 16 office; and regarding the continuation of any rule,
30 17 regulation, form, order, or directive promulgated by the
30 18 department relative to the provisions of the bill until
30 19 emergency rules are promulgated by the department.
30 20 LSB 1302SV 83
30 21 rn/nh/14

Senate File 374 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1258)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2490SV 83
dea/nh/8

Senate File 374 - Introduced continued

PAG LIN

1 1 Section 1. Section 321A.3, subsection 8, Code 2009, is
1 2 amended to read as follows:
1 3 8. a. A person ~~making a request for a record or an~~ who
1 4 purchases a certified abstract of an operating record directly
1 5 from the department under this section that is subject to a
1 6 fee shall only use the ~~record or~~ abstract requested one time,
1 7 for one purpose, and ~~it~~ the person shall not supply that
1 8 ~~record~~ abstract to more than one other person. ~~Any subsequent~~
1 9 ~~use of the same record or abstract shall require that the~~ The
1 10 person shall make a subsequent request for the record or
1 11 abstract and pay an additional fee for the request in the same
1 12 manner as provided for the initial request for any subsequent
1 13 use of the same certified abstract or to supply the same
1 14 certified abstract to another person, except as provided in
1 15 paragraph "c".
1 16 b. A person who is supplied a certified abstract by a
1 17 person who purchases the certified abstract under subsection 1
1 18 shall only use the abstract one time, for one purpose, except
1 19 as provided in paragraph "c".
1 20 c. A person who purchases or is supplied a certified
1 21 abstract pursuant to this section may use the certified
1 22 abstract pursuant to this paragraph "c" for more than one use
1 23 for the following purposes:
1 24 (1) Consumer disclosure purposes.
1 25 (2) Internal auditing purposes, or similar internal
1 26 purposes as defined by rule of the department.
1 27 (3) Internal purposes in a manner consistent with the
1 28 federal Driver's Privacy Protection Act, 18 U.S.C. }
1 29 2721=2725, by a person who is an insurer.
1 30 (4) Compliance with the retention requirements imposed
1 31 under this section or other law.
1 32 (5) To provide to a producer licensed under chapter 522B
1 33 and appointed by an insurer for purposes of a specific
1 34 application for coverage. However, a producer who is provided
1 35 a certified abstract pursuant to this subparagraph shall not

Senate File 374 - Introduced continued

2 1 reuse, resell, or redistribute the abstract with respect to
2 2 any transaction not associated with the insurer who appointed
2 3 the producer.
2 4 (6) To provide to an insurer for purposes of a specific
2 5 application for coverage if the person requesting the
2 6 certified abstract is a producer licensed under chapter 522B
2 7 and appointed by the insurer for purposes of the specific
2 8 application for coverage.
2 9 (7) To provide a copy of a previously purchased certified
2 10 abstract to the person who is an insurer who was originally
2 11 supplied the certified abstract associated with the specific
2 12 previous purchase, or to an affiliate of the person who is an
2 13 insurer.
2 14 d. (1) For purposes of this subsection, "a person who is
2 15 an insurer" includes an affiliate of the insurer.
2 16 (2) For purposes of this subsection, "affiliate" means a
2 17 person who directly or indirectly, through one or more
2 18 intermediaries, controls, or is controlled by, or is under
2 19 common control with, the person who is an insurer.
2 20 e. A person ~~requesting a record or an~~ who purchases a
2 21 certified abstract directly from the department pursuant to
2 22 this section shall keep records identifying who the ~~record or~~
2 23 abstract is provided to, and the use of the ~~record or~~
2 24 abstract, for a period of five years. Records maintained
2 25 pursuant to this subsection shall be made available to the
2 26 department upon request. A person who is otherwise supplied a
2 27 certified abstract and who then provides that record to
2 28 another person for a purpose other than the purposes
2 29 identified under paragraph "c" shall also be subject to the
2 30 recordkeeping requirements under this paragraph.
2 31 f. A person shall not ~~sell, retain, distribute, provide,~~
~~2 32 or transfer any record or~~ use or supply any abstract
2 33 information or portion of the ~~record or~~ abstract information
2 34 acquired under this ~~agreement~~ section except as authorized by
2 35 this section and any applicable rules of the department, and

Senate File 374 - Introduced continued

3 1 consistent with the federal Driver's Privacy Protection Act,
3 2 18 U.S.C. } 2721=2725.
3 3 EXPLANATION
3 4 This bill addresses restrictions on the use of the
3 5 certified abstract of the operating record of an individual.
3 6 A certified abstract of the operating record is the document
3 7 that identifies, for an individual driver's licensee, certain
3 8 personal information, including records of motor vehicle
3 9 violations, convictions, and sanctions, that may only be
3 10 disclosed for permissible uses pursuant to the federal
3 11 Driver's Privacy Protection Act. Pursuant to current law, a
3 12 person other than a public agency that requests a certified
3 13 abstract of the operating record from the department of
3 14 transportation must pay a fee of $5.50 for each abstract. The
3 15 person may use the record one time, for one purpose, and may
3 16 not supply the record to more than one other person.
3 17 The bill provides that a person who purchases a certified
3 18 abstract from the department shall use the abstract one time,
3 19 for one purpose, and shall not supply the abstract to more
3 20 than one other person. The person who purchases a certified
3 21 abstract must make another request for the abstract and pay an
3 22 additional fee for any subsequent use of the same abstract or
3 23 to supply the abstract to another person, and a person who is
3 24 supplied an abstract by a person who purchased the abstract
3 25 may only use the abstract one time, for one purpose. However,
3 26 the bill provides exceptions to the single use requirement for
3 27 a person who purchases an abstract or a person who is supplied
3 28 an abstract, if the use is for consumer disclosure, internal
3 29 auditing or similar internal purposes as defined by rule,
3 30 internal purposes by an insurer in a manner consistent with
3 31 the federal Driver's Privacy Protection Act, compliance with
3 32 record retention requirements, to provide to an insurance
3 33 producer appointed by the insurer for purposes of a specific
3 34 application for coverage, to provide to an insurer for
3 35 purposes of a specific application for coverage, or to provide

Senate File 374 - Introduced continued

4 1 a copy of a previously purchased abstract to a person who is
4 2 an insurer who was originally supplied the abstract associated
4 3 with the previous purchase or to an affiliate of the person
4 4 who is an insurer.
4 5 The bill defines "affiliate" as a person who directly or
4 6 indirectly, through one or more intermediaries, controls, is
4 7 controlled by, or is under common control with a person who is
4 8 an insurer, and under the bill, "a person who is an insurer"
4 9 includes an affiliate.
4 10 The bill requires a person who purchases a certified
4 11 abstract from the department to keep records for five years
4 12 identifying parties to whom the abstract is provided and the
4 13 use of the abstract. A person who is supplied an abstract and
4 14 who then provides that abstract to another person for purposes
4 15 that are not excepted under the bill is also subject to
4 16 recordkeeping requirements.
4 17 The bill prohibits a person from using or supplying
4 18 abstract information for unauthorized purposes or in a manner
4 19 inconsistent with the federal Driver's Privacy Protection Act.
4 20 Pursuant to current Code section 321A.32(4), a person who
4 21 violates any of these provisions is guilty of a serious
4 22 misdemeanor. A serious misdemeanor is punishable by
4 23 confinement for no more than one year and a fine of at least
4 24 $315 but not more than $1,875.
4 25 LSB 2490SV 83
4 26 dea/nh/8

Senate File 375 - Introduced

SENATE FILE
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO SSB 1159)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act regulating various hunting, fishing, and trapping activities under the jurisdiction of the department of natural resources, modifying certain nonresident fees, and providing an immediate effective date.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2114SV 83
av/sc/8

Senate File 375 - Introduced continued

PAG LIN

1 1 Section 1. Section 481A.21, Code 2009, is amended to read
1 2 as follows:
1 3 481A.21 BIRDS AS TARGETS.
1 4 A person shall not keep or use any live pigeon or other
1 5 bird as a target, to be shot at for amusement or as a test of
1 6 skill in marksmanship, or shoot at a bird kept or used for
1 7 such purpose, or be a party to such shooting, or lease any
1 8 building, room, field, or premises, or knowingly permit the
1 9 use thereof, for the purpose of such shooting. This section
1 10 does not prevent any person from shooting at live pigeons,
1 11 sparrows, and starlings when used in the training of hunting
1 12 dogs. This section does not prevent any person from shooting
1 13 at a bird that is released a minimum of fifty yards from that
1 14 person on a licensed hunting preserve.
1 15 Sec. 2. Section 483A.1, subsection 1, paragraphs b and d,
1 16 Code 2009, are amended to read as follows:
1 17 b. Fishing license, lifetime, ~~sixty=five~~
1 18 sixty=seven years or older ..... $ 50.50
1 19 d. Hunting license, lifetime, ~~sixty=five~~
1 20 sixty=seven years or older ..... $ 50.50
1 21 Sec. 3. Section 483A.1, subsection 2, Code 2009, is
1 22 amended to read as follows:
1 23 2. Nonresidents:
1 24 a. Fishing license, annual ..... $ ~~39.00~~
1 25 49.50
1 26 b. Fishing license, seven=day ..... $ ~~30.00~~
1 27 35.50
1 28 c. Hunting license, eighteen years of
1 29 age or older ..... $ ~~80.00~~
1 30 110.00
1 31 d. Hunting license, under eighteen
1 32 years of age ..... $ 30.00
1 33 e. Deer hunting license, antlered or
1 34 any sex deer ..... $ ~~220.00~~
1 35 295.00

Senate File 375 - Introduced continued

2 1 f. Deer hunting license, antlerless
2 2 deer only, required with the purchase of
2 3 an antlered or any sex deer hunting license ..... $ ~~100.00~~
2 4 125.00
2 5 g. Deer hunting license, antlerless
2 6 deer only ..... $ ~~150.00~~
2 7 300.00
2 8 h. Holiday deer hunting license issued
2 9 under section 483A.8, subsection 6,
2 10 anterless deer only ..... $ 75.00
2 11 ~~h.~~ i. Wild turkey hunting license ..... $ ~~100.00~~
2 12 125.00
2 13 ~~i.~~ j. Fur harvester license ..... $ ~~200.00~~
2 14 275.00
2 15 ~~j.~~ k. Fur dealer license ..... $ 501.00
2 16 ~~k.~~ l. Location permit for fur dealers ..... $ 56.00
2 17 ~~l.~~ m. Aquaculture unit license ..... $ 56.00
2 18 ~~m.~~ n. Retail bait dealer license or the
2 19 amount for the same type of license in the
2 20 nonresident's state, whichever is greater ..... $ 125.00
2 21 ~~n.~~ o. Trout fishing fee ..... $ ~~13.00~~
2 22 17.50
2 23 ~~o.~~ p. Game breeder license ..... $ 26.00
2 24 ~~p.~~ q. Taxidermy license ..... $ 26.00
2 25 ~~q.~~ r. Falconry license ..... $ 26.00
2 26 ~~r.~~ s. Wildlife habitat fee ..... $ 11.00
2 27 ~~s.~~ t. Migratory game bird fee ..... $ ~~8.00~~
2 28 11.50
2 29 ~~t.~~ u. Fishing license, three=day ..... $ ~~15.50~~
2 30 21.00
2 31 ~~u.~~ v. Wholesale bait dealer license
2 32 or the amount for the same type of license
2 33 in the nonresident's state, whichever
2 34 is greater ..... $ 250.00
2 35 ~~v.~~ w. Fishing license, one=day ..... $ ~~8.50~~

Senate File 375 - Introduced continued

3 1 10.00
3 2 Sec. 4. Section 483A.8, subsection 6, Code 2009, is
3 3 amended to read as follows:
3 4 6. The commission shall provide by rule for the annual
3 5 issuance to a nonresident of a nonresident antlerless deer
3 6 hunting license that is valid for use only during the period
3 7 beginning on December 24 and ending at sunset on January 2 of
3 8 the following year, and costs ~~fifty~~ seventy=five dollars. A
3 9 nonresident hunting deer with a license issued under this
3 10 subsection shall be otherwise qualified to hunt deer in this
3 11 state and shall have a nonresident hunting license, pay the
3 12 wildlife habitat fee, and pay the one dollar fee for the
3 13 purpose of deer herd population management as provided in
3 14 subsection 3. Pursuant to this subsection, the commission
3 15 shall make available for issuance only the remaining
3 16 nonresident antlerless deer hunting licenses allocated under
3 17 subsection 3 that have not yet been issued for the current
3 18 year's nonresident antlerless deer hunting seasons.
3 19 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
3 20 immediate importance, takes effect upon enactment.
3 21 EXPLANATION
3 22 This bill regulates various hunting, fishing, and trapping
3 23 activities under the jurisdiction of the department of natural
3 24 resources, modifies fees, and makes penalties applicable.
3 25 WILDLIFE CONSERVATION. Code section 481A.21 is amended to
3 26 provide that the prohibition against keeping or using birds as
3 27 targets does not apply to a person who shoots at a bird that
3 28 is released at least 50 yards from that person on a licensed
3 29 hunting preserve.
3 30 FISHING AND HUNTING LICENSES. Code section 483A.1 is
3 31 amended to increase fees for certain nonresident hunting and
3 32 fishing licenses.
3 33 Code section 483A.1 is also amended to provide that
3 34 lifetime fishing licenses and hunting licenses are only
3 35 available to residents who are 67 years of age or older

Senate File 375 - Introduced continued

4 1 instead of 65 years of age or older.
4 2 Code section 483A.8 is amended to increase the fee for the
4 3 special nonresident holiday antlerless deer hunting license
4 4 from $50 to $75.
4 5 The bill takes effect upon enactment.
4 6 LSB 2114SV 83
4 7 av/sc/8

Senate File 376 - Introduced

SENATE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1274)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2658SV 83
rh/rj/5

Senate File 376 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 APPROPRIATIONS BONDING
1 3 Section 1. NEW SECTION. 12.87 ANNUAL APPROPRIATION
1 4 BONDS.
1 5 1. As used in this section, unless the context otherwise
1 6 requires:
1 7 a. "Annual appropriation bonds" means bonds, notes, or
1 8 other evidences of obligations of the state which may be
1 9 payable during a fiscal year from one or more of the following
1 10 sources, subject to the limitations contained in this section:
1 11 (1) Moneys appropriated by law for the payment of debt
1 12 service due with respect to the annual appropriation bonds
1 13 during that fiscal year.
1 14 (2) Proceeds of the sale of the annual appropriation
1 15 bonds.
1 16 (3) Payments received under authorizing documents and
1 17 other agreements and ancillary arrangements entered into with
1 18 respect to the annual appropriation bonds.
1 19 (4) Investment earnings on amounts described in
1 20 subparagraphs (1) through (3).
1 21 b. "Appropriation" means an act of appropriation by the
1 22 general assembly which has become law by approval of the
1 23 governor or otherwise.
1 24 c. "Authorizing documents" means a trust indenture,
1 25 resolution, or other instrument pursuant to which annual
1 26 appropriation bonds are issued in accordance with the
1 27 provisions of this section and setting forth the terms and
1 28 conditions thereof.
1 29 2. The treasurer of state is authorized to issue and sell
1 30 annual appropriation bonds on behalf of the state to provide
1 31 funds for certain capital projects and other purposes as
1 32 provided in subsection 4 and to refund any annual
1 33 appropriation bonds previously issued, and shall have all
1 34 powers necessary and convenient to carry out the treasurer of
1 35 state's duties, and exercise the treasurer of state's

Senate File 376 - Introduced continued

2 1 authority, under this section.
2 2 3. Annual appropriation bonds may be issued and sold in
2 3 one or more series on the terms and conditions the treasurer
2 4 of state determines to be in the best interest of the state,
2 5 in accordance with this section in such amounts as the
2 6 treasurer of state determines to be necessary to fund the
2 7 purposes for which such annual appropriation bonds are issued.
2 8 The treasurer of state may issue annual appropriation bonds in
2 9 amounts which provide aggregate net proceeds of not more than
2 10 one hundred seventy=five million dollars, excluding any annual
2 11 appropriation bonds issued to refund outstanding annual
2 12 appropriation bonds issued under this section.
2 13 4. The treasurer of state may issue annual appropriation
2 14 bonds as the treasurer of state determines necessary or
2 15 desirable to pay for expenditures for capital projects which
2 16 qualify as vertical infrastructure projects as defined in
2 17 section 8.57, subsection 6, paragraph "c", to the extent
2 18 practicable in any fiscal year and without limiting other
2 19 qualifying capital expenditures considered and approved by a
2 20 constitutional majority of each house of the general assembly
2 21 and the governor and to provide sufficient funds for the
2 22 payment of interest on the annual appropriation bonds, the
2 23 establishment of reserves with respect to the annual
2 24 appropriation bonds, the payment of costs of issuance of the
2 25 annual appropriation bonds, the payment of other expenditures
2 26 of the treasurer of state incident to and necessary or
2 27 convenient in connection with the issuance of the annual
2 28 appropriation bonds, and the payment of all other expenditures
2 29 necessary or convenient to carry out the purposes for which
2 30 the annual appropriation bonds are issued. The treasurer of
2 31 state may enter into or obtain authorizing documents and other
2 32 agreements and ancillary arrangements with respect to annual
2 33 appropriation bonds as the treasurer of state determines to be
2 34 in the best interests of the state, including but not limited
2 35 to trust indentures, liquidity facilities, remarketing or

Senate File 376 - Introduced continued

3 1 dealer agreements, letter of credit agreements, insurance
3 2 policies, guaranty agreements, reimbursement agreements,
3 3 indexing agreements, or interest exchange agreements. Any
3 4 authorizing document or other agreement or ancillary
3 5 arrangements by which any moneys are pledged to the payment of
3 6 annual appropriation bonds shall not be required to be
3 7 recorded or filed under the uniform commercial code, chapter
3 8 554, to be valid, binding, or effective.
3 9 5. Annual appropriation bonds shall be:
3 10 a. In a form, issued in denominations, executed in a
3 11 manner, and payable over terms and with rights of redemption,
3 12 and be subject to such other terms and conditions as
3 13 prescribed in their authorizing documents.
3 14 b. Negotiable instruments under the laws of the state and
3 15 may be sold at prices, at public or private sale, and in a
3 16 manner, as prescribed by the treasurer of state. Chapters
3 17 73A, 74, 74A, and 75 do not apply to the sale or issuance of
3 18 the annual appropriation bonds.
3 19 c. Subject to the terms, conditions, and covenants
3 20 providing for the payment of the principal, redemption
3 21 premiums, if any, interest, and other terms, conditions,
3 22 covenants, and protective provisions safeguarding payment, not
3 23 inconsistent with this section and as determined by their
3 24 authorizing documents.
3 25 d. Securities in which public officers and bodies of this
3 26 state; political subdivisions of this state; insurance
3 27 companies and associations and other persons carrying on an
3 28 insurance business; banks, trust companies, savings
3 29 associations, savings and loan associations, and investment
3 30 companies; administrators, guardians, executors, trustees, and
3 31 other fiduciaries; and other persons authorized to invest in
3 32 bonds or other obligations of the state, may properly and
3 33 legally invest funds, including capital, in their control or
3 34 belonging to them.
3 35 6. Proceeds of annual appropriation bonds not required for

Senate File 376 - Introduced continued

4 1 immediate disbursement may be deposited with the treasurer of
4 2 state or a trustee, paying agent, escrow agent, or depository
4 3 as provided in the authorizing documents and may be invested
4 4 or reinvested in any investment as directed by the treasurer
4 5 of state and specified in such authorizing documents without
4 6 regard to any limitation otherwise provided by law.
4 7 7. Annual appropriation bonds are payable in any fiscal
4 8 year solely and only out of the moneys, assets, or revenues
4 9 appropriated for such purposes by law for that fiscal year,
4 10 all of which amounts, once appropriated, shall be deposited
4 11 into the annual appropriation bonds debt service fund and used
4 12 or transferred as provided in this section to pay debt service
4 13 due with respect to annual appropriation bonds during the
4 14 fiscal year for which such amounts are appropriated. Annual
4 15 appropriation bonds are not an obligation, indebtedness, or
4 16 debt of the state, or a charge against the general credit or
4 17 general fund of the state, and the state shall not be liable
4 18 for the payment of any amounts due under any annual
4 19 appropriation bonds except from moneys appropriated by law for
4 20 the payment thereof as provided under this section. The
4 21 annual appropriation bonds are not secured by any pledge of
4 22 the faith and credit or the taxing powers of the state.
4 23 Annual appropriation bonds shall not directly or indirectly
4 24 obligate the state to make payments thereon beyond any fiscal
4 25 year for which sufficient funds have been appropriated by law
4 26 for such purpose.
4 27 8. In the event that funds are not appropriated for any
4 28 fiscal year in an amount sufficient to make the payments of
4 29 principal and interest and any other amounts due under the
4 30 annual appropriation bonds during such fiscal year all of the
4 31 following shall apply:
4 32 a. The state's obligations under the annual appropriation
4 33 bonds shall terminate and become null and void on the last day
4 34 of the fiscal year for which funds were appropriated in an
4 35 amount sufficient to make the payments of principal and

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5 1 interest and any other amounts due under the annual
5 2 appropriation bonds for such fiscal year.
5 3 b. The state shall not be obligated to make payment from
5 4 any source of any amounts due under the annual appropriation
5 5 bonds beyond those amounts for which an appropriation has
5 6 previously been made.
5 7 c. The state shall not be liable to the holders of the
5 8 annual appropriation bonds or any other person for any
5 9 remaining amounts due under the annual appropriation bonds or
5 10 for any costs, damages, or expenses incurred by the holders of
5 11 the annual appropriation bonds or any other person as a result
5 12 of such failure to appropriate. Annual appropriation bonds,
5 13 the repayment thereof and any reserve and debt service funds
5 14 established with respect thereto shall be subject to
5 15 nonappropriation. Annual appropriation bonds issued under
5 16 this section shall contain a conspicuous statement of the
5 17 limitations established in this subsection.
5 18 9. Annual appropriation bonds issued under this section
5 19 are declared to be issued for an essential public and
5 20 governmental purpose and all annual appropriation bonds issued
5 21 under this section shall be exempt from taxation by the state
5 22 of Iowa and the interest on the annual appropriation bonds
5 23 shall be exempt from the state income tax and the state
5 24 inheritance tax.
5 25 10. In order to better provide for the budgeting and
5 26 appropriation of sufficient amounts to make the payments due
5 27 with respect to annual appropriation bonds in any fiscal year
5 28 and to fund or restore reserve funds established with respect
5 29 to annual appropriation bonds, if any, the treasurer of state
5 30 shall, on or before January 1 of each calendar year, make and
5 31 deliver to the governor and to both houses of the general
5 32 assembly the treasurer of state's certificate that includes
5 33 all of the following:
5 34 a. A statement of the amount required to make the payments
5 35 due with respect to annual appropriation bonds in the next

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6 1 succeeding fiscal year and the amount, if any, required to
6 2 fund or restore any reserve fund to the reserve fund
6 3 requirement for that reserve fund.
6 4 b. A request that budget and appropriation bills approved
6 5 for such fiscal year include amounts sufficient to make the
6 6 payments due with respect to annual appropriation bonds during
6 7 that fiscal year and to fund or restore any reserve fund to
6 8 the reserve fund requirement for that reserve fund.
6 9 11. Any amounts appropriated by law from the general fund
6 10 of the state or any other legally available funds to make the
6 11 payments due with respect to annual appropriation bonds for a
6 12 fiscal year shall be paid to the treasurer of state on or
6 13 after the first business day of such fiscal year in as many
6 14 installments as are needed to accumulate the total amount so
6 15 appropriated as soon as funds become legally available and
6 16 such amounts, as received, shall be deposited by the treasurer
6 17 of state in the annual appropriation bonds debt service fund.
6 18 12. Any amounts appropriated by law to fund or restore any
6 19 reserve fund shall be paid to the treasurer of state as soon
6 20 as funds become legally available and shall be deposited by
6 21 the treasurer of state in the applicable reserve fund. For
6 22 any fiscal year for which amounts have been lawfully
6 23 appropriated in an amount sufficient to make payment of
6 24 principal and interest and any other amounts due with respect
6 25 to annual appropriation bonds for such fiscal year, to the
6 26 extent that appropriated funds have not become fully available
6 27 so that amounts deposited into the annual appropriation bonds
6 28 debt service fund are not sufficient to make such payment when
6 29 due, any moneys on deposit in a reserve fund established with
6 30 respect to the annual appropriation bonds may be transferred
6 31 to the annual appropriation bonds debt service fund and used
6 32 to make such payments, subject to the provisions of this
6 33 section.
6 34 13. The treasurer of state may from time to time issue
6 35 annual appropriation bonds for the purpose of refunding any

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7 1 annual appropriation bonds then outstanding, including the
7 2 payment of any redemption premiums thereon and any interest
7 3 accrued or to accrue to the date of redemption of the
7 4 outstanding annual appropriation bonds. Until the proceeds of
7 5 annual appropriation bonds issued for the purpose of refunding
7 6 outstanding annual appropriation bonds are applied to the
7 7 purchase or retirement of outstanding annual appropriation
7 8 bonds or the redemption of outstanding annual appropriation
7 9 bonds, the proceeds may be placed in escrow and be invested
7 10 and reinvested in accordance with the provisions of this
7 11 section, the authorizing documents, and any applicable escrow.
7 12 The interest, income, and profits earned or realized on an
7 13 investment may also be applied to the payment of the
7 14 outstanding annual appropriation bonds to be refunded by
7 15 purchase, retirement, or redemption. After the terms of the
7 16 escrow have been fully satisfied and carried out, any balance
7 17 of proceeds and interest earned or realized on the investments
7 18 shall be returned to the general fund of the state. All
7 19 refunding annual appropriation bonds shall be issued and
7 20 subject to the provisions of this section in the same manner
7 21 and to the same extent as other annual appropriation bonds
7 22 issued pursuant to this section.
7 23 14. a. It is the intent of the general assembly that the
7 24 general assembly make timely appropriations from moneys in the
7 25 general fund of the state or any other legally available funds
7 26 that are sufficient to make payment of principal and interest
7 27 and any other amounts due with respect to annual appropriation
7 28 bonds in any fiscal year.
7 29 b. This section does not create and shall not be construed
7 30 as creating a general, legal, or enforceable obligation of the
7 31 general assembly to appropriate any moneys for any fiscal year
7 32 for any of the foregoing purposes and the decision to
7 33 appropriate such moneys for any fiscal year shall be at the
7 34 complete discretion of the then current general assembly and
7 35 governor who shall have the final responsibility for making

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8 1 such decisions.
8 2 15. Neither the treasurer of state nor any person acting
8 3 on behalf of the treasurer of state, while acting within the
8 4 scope of their employment or agency, is subject to personal
8 5 liability resulting from carrying out the powers and duties
8 6 conferred by this section.
8 7 16. Amounts appropriated pursuant to this section are not
8 8 subject to a uniform reduction in accordance with section
8 9 8.31.
8 10 Sec. 2. NEW SECTION. 12.88 ANNUAL APPROPRIATION BONDS
8 11 DEBT SERVICE FUND AND RESERVE FUNDS.
8 12 1. An annual appropriation bonds debt service fund is
8 13 created and established as a separate and distinct fund in the
8 14 state treasury. Any amounts lawfully appropriated to make
8 15 payments due with respect to annual appropriation bonds for a
8 16 fiscal year shall be deposited into the annual appropriation
8 17 bonds debt service fund and used by the treasurer of state or
8 18 transferred to a trustee, paying agent, escrow agent, or
8 19 depository as provided in the authorizing documents to make
8 20 payments due with respect to the annual appropriation bonds
8 21 for that fiscal year.
8 22 2. The treasurer of state may create and establish one or
8 23 more reserve funds with respect to the annual appropriation
8 24 bonds to be used as provided in section 12.87 and the
8 25 authorizing documents. The treasurer of state shall pay into
8 26 any reserve fund any moneys appropriated by law to fund or
8 27 restore the reserve fund, any proceeds of the sale of the
8 28 annual appropriation bonds to the extent provided in the
8 29 authorizing documents, and any other moneys which may be
8 30 legally available to the treasurer of state for the purpose of
8 31 the reserve fund. Moneys in any reserve fund established with
8 32 respect to annual appropriation bonds, excluding the annual
8 33 appropriations debt service fund, are not subject to section
8 34 8.33.
8 35 3. Notwithstanding section 12C.7, subsection 2, interest

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9 1 or earnings on moneys in any funds or accounts established
9 2 with respect to annual appropriation bonds shall be credited
9 3 to the applicable fund or reserve fund.
9 4 Sec. 3. NEW SECTION. 12.89 APPROPRIATION BONDS CAPITALS
9 5 FUND.
9 6 1. An appropriation bonds capitals fund is created as a
9 7 separate fund in the state treasury. Moneys in the fund shall
9 8 not be subject to appropriation for any other purpose by the
9 9 general assembly, but shall be used only for the purposes of
9 10 the appropriation bonds capitals fund.
9 11 2. Revenue for the fund shall consist of the net proceeds
9 12 from the bonds issued pursuant to section 12.87.
9 13 3. Moneys in the fund in a fiscal year shall be used as
9 14 appropriated by the general assembly for capital projects that
9 15 qualify as vertical infrastructure projects as defined in
9 16 section 8.57, subsection 6, paragraph "c", to the extent
9 17 practicable in any fiscal year and without limiting other
9 18 qualifying capital expenditures considered and approved by a
9 19 constitutional majority of each house of the general assembly
9 20 and the governor.
9 21 4. Moneys credited to the fund are not subject to section
9 22 8.33. Notwithstanding section 12C.7, subsection 2, interest
9 23 or earnings on moneys in the fund shall be credited to the
9 24 fund.
9 25 5. Annually, on or before January 15 of each year, a state
9 26 agency that received an appropriation from the appropriation
9 27 bonds capitals fund shall report to the legislative services
9 28 agency and the department of management the status of all
9 29 projects completed or in progress. The report shall include a
9 30 description of the project, the work completed, the total
9 31 estimated cost of the project, a list of all revenue sources
9 32 being used to fund the project, the amount of funds expended,
9 33 the amount of funds obligated, and the date the project was
9 34 completed or an estimated completion date of the project,
9 35 where applicable.

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10 1 Sec. 4. EFFECTIVE DATE. This division of this Act, being
10 2 deemed of immediate importance, takes effect upon enactment.
10 3 DIVISION II
10 4 REGENTS BONDING
10 5 Sec. 5. Section 263A.2, Code 2009, is amended to read as
10 6 follows:
10 7 263A.2 AUTHORIZATION OF GENERAL ASSEMBLY AND GOVERNOR.
10 8 Subject to and in accordance with the provisions of this
10 9 chapter, the state board of regents ~~after authorization by a~~
~~10 10 constitutional majority of the general assembly and approval~~
~~10 11 by the governor~~ may undertake and carry out any project as
10 12 defined in this chapter at the state university of Iowa. The
10 13 state board of regents is authorized to operate, control,
10 14 maintain, and manage buildings and facilities and additions to
10 15 such buildings and facilities at said institution. All
10 16 contracts for the construction, reconstruction, completion,
10 17 equipment, improvement, repair, or remodeling of any
10 18 buildings, additions, or facilities shall be let in accordance
10 19 with the provisions of section 262.34. The title to all real
10 20 estate acquired under the provisions of this chapter and the
10 21 improvements erected thereon shall be taken and held in the
10 22 name of the state of Iowa.
10 23 Sec. 6. Section 263A.3, unnumbered paragraph 1, Code 2009,
10 24 is amended to read as follows:
10 25 The board is authorized to borrow money and to issue and
10 26 sell negotiable bonds or notes to pay all or any part of the
10 27 cost of carrying out any project at the institution and to
10 28 refund and refinance bonds or notes issued for any project or
10 29 for refunding purposes at the same rate or at a lower rate.
10 30 ~~Such bonds or notes shall be sold by the board at public sale~~
~~10 31 on the basis of sealed proposals received pursuant to a notice~~
~~10 32 specifying the time and place of sale and the amount of bonds~~
~~10 33 to be sold which shall be published at least once not less~~
~~10 34 than seven days prior to the date of sale in a newspaper~~
~~10 35 published in the state of Iowa and having a general~~

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~~11 1 circulation in the state. The provisions of chapter 75 shall~~
~~11 2 not apply to bonds or notes issued under authority contained~~
~~11 3 in this chapter, but such bonds or notes shall be sold upon~~
~~11 4 terms of not less than par plus accrued interest.~~ The bonds
11 5 or notes issued under this chapter may be sold at public sale
11 6 as provided in chapter 75, but if the board finds it advisable
11 7 and in the public interest to do so, such bonds or notes may
11 8 be sold by the board at private sale without published notice
11 9 of any kind and without regard to the requirements of chapter
11 10 75. Bonds or notes issued to refund other bonds or notes
11 11 issued under the provisions of this chapter may either be sold
11 12 in the manner specified in this chapter and the proceeds
11 13 thereof applied to the payment of the obligations being
11 14 refunded, or the refunding bonds or notes may be exchanged for
11 15 and in payment and discharge of the obligations being
11 16 refunded. The refunding bonds or notes may be sold or
11 17 exchanged in installments at different times or an entire
11 18 issue or series may be sold or exchanged at one time. Any
11 19 issue or series of refunding bonds or notes may be exchanged
11 20 in part or sold in parts in installments at different times or
11 21 at one time. The refunding bonds or notes may be sold or
11 22 exchanged at any time on, before, or after the maturity of any
11 23 of the outstanding notes, bonds, or other obligations to be
11 24 refinanced thereby and may be issued for the purpose of
11 25 refunding a like or greater principal amount of bonds or
11 26 notes, except that the principal amount of the refunding bonds
11 27 or notes may exceed the principal amount of the bonds or notes
11 28 to be refunded to the extent necessary to pay any premium due
11 29 on the call of the bonds or notes to be refunded or to fund
11 30 interest in arrears or about to become due.
11 31 Sec. 7. Section 263A.4, Code 2009, is amended to read as
11 32 follows:
11 33 263A.4 BONDS OR NOTES PROVISIONS.
11 34 Such bonds or notes may bear such date or dates, may bear
11 35 interest at such rate or rates, payable semiannually, may

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12 1 mature at such time or times, may be in such form and
12 2 denominations, carry such registration privileges, may be
12 3 payable at such place or places, may be subject to such terms
12 4 of redemption prior to maturity with or without premium, if so
12 5 stated on the face thereof, and may contain such terms and
12 6 covenants, including the establishment of reserves, all as may
12 7 be provided by this chapter, section 76.17, and the resolution
12 8 of the board authorizing the issuance of the bonds or notes.
12 9 In addition to the estimated cost of construction, including
12 10 site costs, the cost of the project may include interest upon
12 11 the bonds or notes during construction and for six months
12 12 after the estimated completion date, the compensation of a
12 13 fiscal agent or adviser, engineering, architectural,
12 14 administrative, and legal expenses and provision for
12 15 contingencies. Such bonds or notes shall be executed by the
12 16 president of the state board of regents and attested by the
12 17 executive director, secretary, or other official thereof
12 18 performing the duties of executive director, and the coupons
12 19 thereto attached shall be executed with the original or
12 20 facsimile signatures of said president, executive director,
12 21 secretary, or other official; provided, however, that the
12 22 facsimile signature of either of such officers executing such
12 23 bonds may be imprinted on the face of the bonds in lieu of the
12 24 manual signature of such officer, but at least one of the
12 25 signatures appearing on the face of each bond shall be a
12 26 manual signature. Any bonds or notes bearing the signatures
12 27 of officers in office on the date of the signing thereof shall
12 28 be valid and binding for all purposes, notwithstanding that
12 29 before delivery thereof any or all such persons whose
12 30 signatures appear thereon shall have ceased to be such
12 31 officers. Each such bond or note shall state upon its face
12 32 the name of the institution on behalf of which it is issued,
12 33 that it is payable solely and only from hospital income
12 34 received by such institution as provided in this chapter, and
12 35 that it does not constitute a debt of or charge against the

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13 1 state of Iowa within the meaning or application of any
13 2 constitutional or statutory limitation or provision. The
13 3 issuance of such bonds or notes shall be recorded in the
13 4 office of the treasurer of the institution, and a certificate
13 5 by such treasurer to this effect shall be printed on the back
13 6 of each such bond or note.
13 7 Sec. 8. 2004 Iowa Acts, chapter 1175, section 277, is
13 8 amended by adding the following new subsection:
13 9 NEW SUBSECTION. 5. DEFINITION. For purposes of
13 10 subsection 3, paragraph "b", "project" means the same as
13 11 defined in section 262A.2, subsection 6, and includes the
13 12 construction of replacement facilities and flood recovery and
13 13 flood mitigation expenses resulting from a disaster in an area
13 14 included in a proclamation of disaster emergency in accordance
13 15 with section 29C.6.
13 16 Sec. 9. 2007 Iowa Acts, chapter 205, section 1, is amended
13 17 by adding the following new subsection:
13 18 NEW SUBSECTION. 4. DEFINITION. For purposes of
13 19 subsection 2, paragraph "a", "project" means the same as
13 20 defined in section 262A.2, subsection 6, and includes the
13 21 construction of replacement facilities and flood recovery and
13 22 flood mitigation expenses resulting from a disaster in an area
13 23 included in a proclamation of disaster emergency in accordance
13 24 with section 29C.6.
13 25 Sec. 10. EFFECTIVE DATE. This division of this Act, being
13 26 deemed of immediate importance, takes effect upon enactment.
13 27 DIVISION III
13 28 CHANGES TO PRIOR APPROPRIATIONS
13 29 Sec. 11. 2008 Iowa Acts, chapter 1179, section 18,
13 30 unnumbered paragraph 1, is amended to read as follows:
13 31 There is appropriated from the ~~FY 2009 tax=exempt bond~~
~~13 32 proceeds restricted capital funds account of the tobacco~~
~~13 33 settlement trust fund~~ appropriation bonds capitals fund
13 34 pursuant to section ~~12E.12, subsection 1, paragraph "b",~~
~~13 35 subparagraph (1A)~~ 12.89, ~~as~~ if enacted ~~in this Act~~ by the

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14 1 Eighty=third General Assembly, 2009 Session, to the following
14 2 departments and agencies for the fiscal year beginning July 1,
14 3 2008, and ending June 30, 2009, the following amounts, or so
14 4 much thereof as is necessary, to be used for the purposes
14 5 designated:
14 6 Sec. 12. 2008 Iowa Acts, chapter 1179, section 18,
14 7 subsection 1, paragraphs b through k, are amended to read as
14 8 follows:
14 9 b. For renovations to the capitol complex utility tunnel
14 10 system:
14 11 ..... $ ~~4,763,078~~
14 12 1,000,000
14 13 c. For costs associated with capitol interior and exterior
14 14 restoration:
14 15 ..... $ 6,900,000
14 16 d. For upgrades to the electrical distribution system
14 17 serving the capitol complex:
14 18 ..... $ ~~4,470,000~~
14 19 850,000
14 20 e. For heating, ventilating, and air conditioning
14 21 improvements in the Hoover state office building:
14 22 ..... $ 1,500,000
14 23 f. For costs associated with the central energy plant
14 24 addition and improvements:
14 25 ..... $ 623,000
14 26 g. For building security and firewall protection in the
14 27 Hoover state office building:
14 28 ..... $ 165,000
14 29 h. For projects related to major repairs and major
14 30 maintenance for state buildings and facilities under the
14 31 purview of the department:
14 32 ..... $ 15,000,000
14 33 Of the amount appropriated in this lettered paragraph, up
14 34 to $1,000,000 may be used for demolition purposes.
14 35 i. For the purchase of Mercy capitol hospital:

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15 1 ..... $ ~~3,400,000~~
15 2 3,950,000
15 3 It is the intent of the general assembly that the
15 4 department will use other appropriations made or other funds
15 5 available to the department for the acquisition of buildings
15 6 to complete the purchase of this building.
15 7 j. For capital improvements at the civil commitment unit
15 8 for a sexual offenders facility at Cherokee:
15 9 ..... $ 829,000
15 10 k. For costs associated with the restoration and
15 11 renovation, including major repairs and major maintenance, at
15 12 the governor's mansion at Terrace Hill:
15 13 ..... $ 769,543
15 14 Sec. 13. 2008 Iowa Acts, chapter 1179, section 18,
15 15 subsections 2 through 9, are amended to read as follows:
15 16 2. DEPARTMENT FOR THE BLIND
15 17 For costs associated with the renovation of dormitory
15 18 buildings:
15 19 ..... $ 869,748
15 20 3. DEPARTMENT OF CORRECTIONS
15 21 a. For expansion of the community=based corrections
15 22 facility at Sioux City:
15 23 ..... $ 5,300,000
15 24 b. For expansion of the community=based corrections
15 25 facility at Ottumwa:
15 26 ..... $ 4,100,000
15 27 c. For expansion of the community=based corrections
15 28 facility at Waterloo:
15 29 ..... $ 6,000,000
15 30 d. For expansion of the community=based corrections
15 31 facility at Davenport:
15 32 ..... $ 2,100,000
15 33 e. For expansion, including land acquisition, of the
15 34 community=based corrections facility at Des Moines:
15 35 ..... $ 18,100,000

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16 1 It is the intent of the general assembly that the funds
16 2 appropriated in paragraphs "a" through ~~"c"~~ "e" be used to
16 3 expand the number of beds available through new construction
16 4 and remodeling and not for replacement of existing facilities.
16 5 ~~d.~~ f. For expansion of the Iowa correctional facility for
16 6 women at Mitchellville:
16 7 ..... $ 47,500,000
16 8 ~~e.~~ g. For the remodeling of kitchens at the correctional
16 9 facilities at Mount Pleasant and Rockwell City:
16 10 ..... $ 12,500,000
16 11 4. DEPARTMENT OF EDUCATION
16 12 For major renovation and major repair needs, including
16 13 health, life, and fire safety needs, and for compliance with
16 14 the federal Americans With Disabilities Act, for state
16 15 buildings and facilities under the purview of the community
16 16 colleges:
16 17 ..... $ 2,000,000
16 18 The moneys appropriated in this subsection shall be
16 19 allocated to the community colleges based upon the
16 20 distribution formula established in section 260C.18C.
16 21 5. DEPARTMENT OF NATURAL RESOURCES
16 22 a. For infrastructure improvements for a state river
16 23 recreation area located in a county with a population between
16 24 21,900 and 22,100:
16 25 ..... $ 750,000
16 26 b. For the construction and installation of an angled
16 27 well, pumps, and piping to connect the existing infrastructure
16 28 from the new well to a lake located in a county with a
16 29 population between 87,500 and 88,000:
16 30 ..... $ 500,000
16 31 Moneys appropriated in this lettered paragraph are
16 32 contingent upon receipt of matching funds from a state taxing
16 33 authority surrounding such lake.
16 34 ~~c. For the construction of the cabins, activity building,~~
~~16 35 picnic shelters, and other costs associated with the opening~~

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~~17 1 of the Honey creek premier destination park:~~
17 2 ~~..... $ 4,900,000~~
17 3 ~~The department shall not obligate any funding under this~~
~~17 4 appropriation without approval from the department of~~
~~17 5 management. The department shall provide quarterly updates to~~
~~17 6 the Honey creek premier destination park authority and the~~
~~17 7 legislative services agency on the obligation and spending of~~
~~17 8 this appropriation.~~
17 9 ~~In light of this appropriation, the department shall not~~
~~17 10 request additional appropriations for funding the construction~~
~~17 11 of future additional amenities at the Honey creek destination~~
~~17 12 park beyond the fiscal year ending June 30, 2009. In the~~
~~17 13 event that the chairperson of the authority delivers a~~
~~17 14 certificate to the governor, pursuant to section 463C.13,~~
~~17 15 stating the amounts necessary to restore bond reserve funds,~~
~~17 16 it is the general assembly's intent upon consideration of the~~
~~17 17 governor's request to first seek refunding from the~~
~~17 18 department's budget.~~
17 19 ~~d.~~ c. For implementation of lake projects that have
17 20 established watershed improvement initiatives and community
17 21 support in accordance with the department's annual lake
17 22 restoration plan and report, notwithstanding section 8.57,
17 23 subsection 6, paragraph "c":
17 24 ..... $ 8,600,000
17 25 (1) It is the intent of the general assembly that the
17 26 department of natural resources shall implement the lake
17 27 restoration annual report and plan submitted to the joint
17 28 appropriations subcommittee on transportation, infrastructure,
17 29 and capitals and the legislative services agency ~~on December~~
~~17 30 26, 2006~~, pursuant to section 456A.33B. The lake restoration
17 31 projects that are recommended by the department to receive
17 32 funding for fiscal year 2007=2008 and that satisfy the
17 33 criteria in section 456A.33B, including local commitment of
17 34 funding for the projects, shall be funded in the amounts
17 35 provided in the report.

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18 1 Of the amounts appropriated in this lettered paragraph, at
18 2 least the following amounts shall be allocated as follows:
18 3 (a) For clear lake in Cerro Gordo county:
18 4 ..... $ 3,000,000
18 5 (b) For storm lake in Buena Vista county:
18 6 ..... $ 1,000,000
18 7 (c) For carter lake in Pottawattamie county:
18 8 ..... $ 200,000
18 9 (2) Of the moneys appropriated in this lettered paragraph,
18 10 $200,000 shall be used for the purposes of supporting a low
18 11 head dam public hazard improvement program. The moneys shall
18 12 be used to provide grants to local communities, including
18 13 counties and cities, for projects approved by the department.
18 14 (a) The department shall award grants to dam owners
18 15 including counties, cities, state agencies, cooperatives, and
18 16 individuals, to support projects approved by the department.
18 17 (b) The department shall require each dam owner applying
18 18 for a project grant to submit a project plan for the
18 19 expenditure of the moneys, and file a report with the
18 20 department regarding the project, as required by the
18 21 department.
18 22 (c) The funds can be used for signs, posts, and related
18 23 cabling, and the department shall only award money on a
18 24 matching basis, pursuant to the dam owner contributing at
18 25 least 20 cents for every 80 cents awarded by the department,
18 26 in order to finance the project. For the remainder of the
18 27 funds, including any balance of money not awarded for signs,
18 28 posts, and related cabling, the department shall only award
18 29 moneys to a dam owner on a matching basis. A dam owner shall
18 30 contribute one dollar for each dollar awarded by the
18 31 department in order to finance a project.
18 32 6. STATE BOARD OF REGENTS
18 33 For infrastructure, deferred maintenance, and equipment
18 34 related to Iowa public radio:
18 35 ..... $ 2,000,000

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19 1 7. IOWA STATE FAIR
19 2 For infrastructure improvements to the Iowa state
19 3 fairgrounds including but not limited to the construction of
19 4 an agricultural exhibition center on the Iowa state
19 5 fairgrounds:
19 6 ..... $ ~~5,000,000~~
19 7 8,000,000
19 8 8. DEPARTMENT OF TRANSPORTATION
19 9 a. For deposit into the public transit infrastructure
19 10 grant fund created in section 324A.6A:
19 11 ..... $ 2,200,000
19 12 b. For infrastructure improvements at the commercial
19 13 service airports within the state:
19 14 ..... $ 1,500,000
19 15 Fifty percent of the funds appropriated in this lettered
19 16 paragraph shall be allocated equally between each commercial
19 17 air service airport, forty percent of the funds shall be
19 18 allocated based on the percentage that the number of enplaned
19 19 passengers at each commercial air service airport bears to the
19 20 total number of enplaned passengers in the state during the
19 21 previous fiscal year, and ten percent of the funds shall be
19 22 allocated based on the percentage that the air cargo tonnage
19 23 at each commercial air service airport bears to the total air
19 24 cargo tonnage in the state during the previous fiscal year.
19 25 In order for a commercial air service airport to receive
19 26 funding under this lettered paragraph, the airport shall be
19 27 required to submit applications for funding of specific
19 28 projects to the department for approval by the state
19 29 transportation commission.
19 30 9. DEPARTMENT OF VETERANS AFFAIRS
19 31 ~~a.~~ For matching funds for the construction of resident
19 32 living areas at the Iowa veterans home and related
19 33 improvements associated with the Iowa veterans home
19 34 comprehensive plan:
19 35 ..... $ 20,555,329

Senate File 376 - Introduced continued

20 1 ~~b. To build a memorial plaza that honors veterans from the~~
~~20 2 Dubuque area:~~
20 3 ~~..... $ 100,000~~
20 4 Sec. 14. 2008 Iowa Acts, chapter 1179, sections 19 and 20,
20 5 are amended to read as follows:
20 6 SEC. 19. TAX=EXEMPT STATUS == USE OF APPROPRIATIONS.
20 7 Payment of moneys from the appropriations in this division of
20 8 this Act shall be made in a manner that does not adversely
20 9 affect the tax=exempt status of any outstanding bonds issued
20 10 by the ~~tobacco settlement authority~~ treasurer of state.
20 11 SEC. 20. REVERSION. Notwithstanding section 8.33, moneys
20 12 appropriated in this division of this Act for the fiscal year
20 13 beginning July 1, 2008, and ending June 30, 2009, shall not
20 14 revert at the close of the fiscal year for which they are
20 15 appropriated but shall remain available for the purposes
20 16 designated until the close of the fiscal year that begins July
20 17 1, ~~2011~~ 2012, or until the project for which the appropriation
20 18 was made is completed, whichever is earlier.
20 19 Sec. 15. EFFECTIVE DATE. This division of this Act, being
20 20 deemed of immediate importance, takes effect upon enactment.
20 21 EXPLANATION
20 22 This bill relates to the issuance of bonds including the
20 23 issuance of annual appropriation bonds, creates an annual
20 24 appropriation bonds debt service fund and an annual
20 25 appropriation bonds capitals fund, makes and revises
20 26 appropriations, and provides effective dates.
20 27 ANNUAL APPROPRIATIONS BONDING. This division authorizes
20 28 the treasurer of state to issue and sell annual appropriation
20 29 bonds on behalf of the state to provide funds for certain
20 30 capital projects which qualify as vertical infrastructure
20 31 projects as defined in Code section 8.57, subsection 6,
20 32 paragraph "c", to the extent practicable in any fiscal year
20 33 and without limiting other qualifying capital expenditures as
20 34 approved by the general assembly and the governor. The
20 35 treasurer may issue annual appropriation bonds in amounts

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21 1 which provide aggregate net proceeds of not more than $175
21 2 million, excluding any annual appropriation bonds issued to
21 3 refund outstanding annual appropriation bonds issued under
21 4 this division.
21 5 The division provides that annual appropriation bonds may
21 6 be payable in any fiscal year solely and only out of the
21 7 moneys, assets, or revenues appropriated for such purposes by
21 8 law for that fiscal year, all of which amounts, once
21 9 appropriated, shall be deposited into the annual appropriation
21 10 bonds debt service fund created in the division and used or
21 11 transferred to pay debt service due with respect to annual
21 12 appropriation bonds during the fiscal year for which such
21 13 amounts are appropriated. Annual appropriation bonds are not
21 14 an obligation, indebtedness, or debt of the state, or a charge
21 15 against the general credit or general fund of the state, and
21 16 the state shall not be liable for the payment of any amounts
21 17 due under any annual appropriation bonds except from moneys
21 18 appropriated by law for the payment thereof as provided under
21 19 this division. The annual appropriation bonds are not secured
21 20 by any pledge of the faith and credit or the taxing powers of
21 21 the state. Annual appropriation bonds shall not directly or
21 22 indirectly obligate the state to make payments thereon beyond
21 23 any fiscal year for which sufficient funds have been
21 24 appropriated by law for such purpose.
21 25 The division provides that in the event that funds are not
21 26 appropriated for any fiscal year in an amount sufficient to
21 27 make the payments of principal and interest and any other
21 28 amounts due under the annual appropriation bonds during such
21 29 fiscal year, the state's obligations under the annual
21 30 appropriation bonds shall terminate and become null and void
21 31 on the last day of the fiscal year for which funds were
21 32 appropriated in an amount sufficient to make the payments of
21 33 principal and interest and any other amounts due under the
21 34 annual appropriation bonds for such fiscal year, the state
21 35 shall not be obligated to make payment from any source of any

Senate File 376 - Introduced continued

22 1 amounts due under the annual appropriation bonds beyond those
22 2 amounts for which an appropriation has previously been made,
22 3 and the state shall not be liable to the holders of the annual
22 4 appropriation bonds or any other person for any remaining
22 5 amounts due under the annual appropriation bonds or for any
22 6 costs, damages, or expenses incurred by the holders of the
22 7 annual appropriation bonds or any other person as a result of
22 8 such failure to appropriate. Annual appropriation bonds shall
22 9 be subject to nonappropriation.
22 10 The division requires the treasurer of state to make and
22 11 present the treasurer's certificate to the general assembly
22 12 and the governor that includes a statement of the amount
22 13 required to make the payments due with respect to annual
22 14 appropriation bonds in the next succeeding fiscal year and the
22 15 amount, if any, required to fund or restore any reserve fund
22 16 to the reserve fund requirement for that fund, and a request
22 17 that budget and appropriation bills approved for such fiscal
22 18 year include amounts sufficient to make the payments due with
22 19 respect to annual appropriation bonds during that fiscal year
22 20 and to fund or restore any reserve fund to the reserve fund
22 21 requirement for that reserve fund.
22 22 The division specifies that it is the intent of the general
22 23 assembly that the general assembly make timely appropriations
22 24 from moneys in the general fund of the state or any other
22 25 legally available funds that are sufficient to make payment of
22 26 principal and interest and any other amounts due with respect
22 27 to annual appropriation bonds in any fiscal year; provided,
22 28 however, that this does not create and shall not be construed
22 29 as creating a general, legal, or enforceable obligation of the
22 30 general assembly to appropriate any moneys for any fiscal year
22 31 for any of the stated purposes and the decision to appropriate
22 32 such moneys for any fiscal year shall be at the complete
22 33 discretion of the then current general assembly and governor
22 34 who shall have the final responsibility for making such
22 35 decisions. Neither the treasurer of state nor any person

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23 1 acting on behalf of the treasurer of state, while acting
23 2 within the scope of their employment or agency, is subject to
23 3 personal liability resulting from carrying out the powers and
23 4 duties conferred by this division. Amounts appropriated are
23 5 not subject to a uniform reduction in accordance with Code
23 6 section 8.31.
23 7 The division creates an annual appropriation bonds debt
23 8 service fund as a separate and distinct fund in the state
23 9 treasury. Any amounts lawfully appropriated to make payments
23 10 due with respect to annual appropriation bonds for a fiscal
23 11 year shall be deposited into the annual appropriation bonds
23 12 debt service fund and used by the treasurer of state or
23 13 transferred to a trustee, paying agent, escrow agent, or
23 14 depository as provided in the authorizing documents to be used
23 15 to make payments due with respect to the annual appropriation
23 16 bonds for that fiscal year.
23 17 The division creates an appropriation bonds capitals fund
23 18 as a separate fund in the state treasury to be used only for
23 19 the purposes of the appropriation bonds capitals fund.
23 20 Revenue for the fund shall consist of the net proceeds from
23 21 the bonds issued. Moneys in the fund in a fiscal year shall
23 22 be used as appropriated by the general assembly for capital
23 23 projects that qualify as vertical infrastructure projects as
23 24 defined in Code section 8.57, subsection 6, paragraph "c", to
23 25 the extent practicable in any fiscal year and without limiting
23 26 other qualifying capital expenditures considered and approved
23 27 by the general assembly and the governor. Annually, on or
23 28 before January 15 of each year, a state agency that received
23 29 an appropriation from the appropriation bonds capitals fund
23 30 shall report to the legislative services agency and the
23 31 department of management the status of all projects completed
23 32 or in progress.
23 33 The division takes effect upon enactment.
23 34 REGENTS BONDING. This division modifies prior legislation
23 35 authorizing the state board of regents to borrow moneys and

Senate File 376 - Introduced continued

24 1 issue revenue bonds to finance the costs of certain building
24 2 and facility improvement programs. The division establishes
24 3 that for purposes of legislation enacted in 2004 and 2007, the
24 4 definition of "projects" is the same as provided in Code
24 5 section 262A.2 and includes the construction of replacement
24 6 facilities and flood recovery and flood mitigation expenses
24 7 resulting from a disaster in an area included in a
24 8 proclamation of disaster emergency issued by the governor.
24 9 The division takes effect upon enactment. The division also
24 10 eliminates the requirement that the state board of regents
24 11 receive approval by the general assembly and governor for
24 12 projects undertaken at the university of Iowa hospitals and
24 13 clinics.
24 14 CHANGES TO PRIOR APPROPRIATIONS. This division replaces
24 15 the appropriations made for project funding for FY 2008=2009
24 16 from the FY 2009 tax=exempt restricted capitals fund account
24 17 established in Code section 12E.12 with appropriations from
24 18 the appropriation bonds capitals fund created in Code section
24 19 12.89 of the division for the departments of administrative
24 20 services, corrections, education, natural resources,
24 21 transportation, and veterans affairs, the department for the
24 22 blind, Iowa state fair, and the state board of regents, and,
24 23 except for certain appropriations made to the departments of
24 24 administrative services, corrections, natural resources, and
24 25 veterans affairs, appropriates moneys for the same fiscal year
24 26 for the same departments and the same projects.
24 27 The division takes effect upon enactment.
24 28 LSB 2658SV 83
24 29 rh/rj/5

Senate File 377 - Introduced

SENATE FILE
BY COMMITTEE ON REBUILD IOWA

(SUCCESSOR TO SSB 1268)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the prescription drug donation repository program.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2414SV 83
pf/nh/14

Senate File 377 - Introduced continued

PAG LIN

1 1 Section 1. Section 135M.1, Code 2009, is amended to read
1 2 as follows:
1 3 135M.1 PURPOSE.
1 4 The purpose of this chapter is to improve the health of
1 5 low=income and vulnerable Iowans through a prescription drug
1 6 donation repository that authorizes medical facilities, ~~and~~
1 7 pharmacies, and the department to redispense prescription
1 8 drugs and supplies that would otherwise be destroyed.
1 9 Sec. 2. Section 135M.3, subsection 4, Code 2009, is
1 10 amended to read as follows:
1 11 4. a. A medical facility or pharmacy that receives
1 12 prescription drugs or supplies may distribute the prescription
1 13 drugs or supplies to another eligible medical facility or
1 14 pharmacy for use pursuant to the program.
1 15 b. The department may receive prescription drugs or
1 16 supplies directly from the prescription drug donation
1 17 repository contractor and may distribute such prescription
1 18 drugs and supplies through persons licensed to dispense
1 19 prescription drugs and supplies to an eligible individual for
1 20 use by the individual pursuant to the program. The department
1 21 may receive and distribute such prescription drugs or supplies
1 22 under this paragraph during or in preparation for a state of
1 23 disaster emergency proclaimed by the governor pursuant to
1 24 section 29C.6 or during or in preparation for a public health
1 25 disaster as defined in section 135.140, subsection 6.
1 26 Sec. 3. Section 135M.4, subsection 5, paragraph b, Code
1 27 2009, is amended to read as follows:
1 28 b. (1) Eligibility criteria for individuals to receive
1 29 donated prescription drugs and supplies dispensed by medical
1 30 facilities and pharmacies under the program. The standards
1 31 shall prioritize dispensing to individuals who are indigent or
1 32 uninsured, but may permit dispensing to other individuals if
1 33 an uninsured or indigent individual is unavailable.
1 34 (2) Eligibility criteria for individuals to receive
1 35 donated prescription drugs and supplies dispensed directly by

Senate File 377 - Introduced continued

2 1 the department through persons licensed to dispense
2 2 prescription drugs and supplies. The department shall accept
2 3 and dispense donated prescription drugs and supplies received
2 4 from the prescription drug donation repository contractor
2 5 during or in preparation for a state of disaster emergency
2 6 proclaimed by the governor pursuant to section 29C.6 or during
2 7 or in preparation for a public health disaster as defined in
2 8 section 135.140, subsection 6.
2 9 Sec. 4. Section 135M.5, subsection 2, Code 2009, is
2 10 amended to read as follows:
2 11 2. Except as provided in subsection 3, a person ~~other than~~
2 12 including the department or the department's employees,
2 13 agents, or volunteers, but not a drug manufacturer subject to
2 14 subsection 1, acting reasonably and in good faith, is immune
2 15 from civil liability and criminal prosecution for injury to or
2 16 the death of an individual to whom a donated prescription drug
2 17 is dispensed under this chapter and shall be exempt from
2 18 disciplinary action related to the person's acts or omissions
2 19 related to the donation, acceptance, distribution, or
2 20 dispensing of a donated prescription drug under this chapter.
2 21 EXPLANATION
2 22 This bill provides that in addition to pharmacies and
2 23 medical facilities that participate in the prescription drug
2 24 donation repository (Code chapter 135M), the department of
2 25 public health may also receive prescription drugs or supplies
2 26 directly from the prescription drug donation repository
2 27 contractor and may distribute the prescription drugs and
2 28 supplies to eligible individuals pursuant to the program. The
2 29 department may receive and distribute such prescription drugs
2 30 and supplies during or in preparation for a proclaimed state
2 31 of disaster emergency or a public health disaster. The bill
2 32 provides that the department is to adopt rules for eligibility
2 33 criteria for individuals to receive donated prescription drugs
2 34 and supplies dispensed directly by the department through
2 35 persons licensed to dispense prescription drugs and supplies.

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3 1 The bill also provides immunity from civil and criminal
3 2 liability for the department, or the department's employees,
3 3 agents or volunteers acting reasonably and in good faith under
3 4 the program.
3 5 LSB 2414SV 83
3 6 pf/nh/14

Senate File 378 - Introduced

SENATE FILE
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 1212)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1556SV 83
md/sc/5

Senate File 378 - Introduced continued

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1 1 Section 1. Section 331.601A, Code 2009, is amended by
1 2 adding the following new subsections:
1 3 NEW SUBSECTION. 0A. "Batch basis" means the delivery of
1 4 an accumulation of electronic documents or records recorded or
1 5 maintained by the county recorder.
1 6 NEW SUBSECTION. 1A. "Electronic document" means a
1 7 document or instrument that is received, processed,
1 8 disseminated, or maintained in an electronic format. The
1 9 submission of an electronic document through the county land
1 10 record information system electronic submission service shall
1 11 be equivalent to delivery of a document through the United
1 12 States postal service or by personal delivery at designated
1 13 offices in each county. Persons who submit electronic
1 14 documents for recording are responsible for ensuring that the
1 15 electronic documents comply with all requirements for
1 16 recording.
1 17 Sec. 2. Section 331.603, Code 2009, is amended by adding
1 18 the following new subsection:
1 19 NEW SUBSECTION. 5. a. The governing board of the county
1 20 land record information system shall not enter into an
1 21 agreement to provide access to electronic documents or records
1 22 on a batch basis. The county recorder may collect reasonable
1 23 fees for access to electronic documents and records pursuant
1 24 to an agreement. The fees shall not exceed the actual cost of
1 25 providing access to the electronic documents and records.
1 26 "Actual cost" means only those expenses directly attributable
1 27 to providing access to electronic documents and records.
1 28 "Actual cost" shall not include costs such as employment
1 29 benefits, depreciation, maintenance, electricity, or insurance
1 30 associated with the administration of the office of the county
1 31 recorder or the county land record information system.
1 32 b. Electronic documents and records made available under
1 33 this subsection shall not include personally identifiable
1 34 information and shall be subjected to a redaction process
1 35 prior to the transfer of the electronic documents or records

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to another person pursuant to an agreement under paragraph "a".

Sec. 3. Section 331.605B, subsection 2, Code 2009, is amended to read as follows:

2. A recorder or the governing board of the county land record information system shall collect only statutorily authorized fees for land records management. A recorder or the governing board of the county land record information system shall not collect a fee for viewing, accessing, or printing documents in the county land record information system unless specifically authorized by statute. However, a recorder or the governing board of the county land record information system may collect actual third=party fees associated with accepting and processing statutorily authorized fees, including credit card fees, treasury management fees, and other transaction fees required to enable electronic payment. For the purposes of this subsection, the term "third=party" does not include the county land record information system, the Iowa state association of counties, or any of the association's affiliates.

Sec. 4. Section 331.605C, Code 2009, is amended to read as follows:

331.605C ELECTRONIC TRANSACTION FEE == AUDIT.

1. ~~For the fiscal year beginning July 1, 2003, and ending June 30, 2004, the recorder shall collect a fee of five dollars for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to section 331.604 to be used for the purposes of planning and implementing electronic recording and electronic transactions in each county and developing county and statewide internet websites to provide electronic access to records and information.~~ Each county shall participate in the county land record information system and shall comply with the policies and procedures established by the governing board of the county land record information system.

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3 1 2. a. ~~Beginning~~ For the period beginning July 1, 2004,
3 2 and ending June 30, 2009, the recorder shall collect a fee of
3 3 one dollar for each recorded transaction, regardless of the
3 4 number of pages, for which a fee is paid pursuant to section
3 5 331.604 to be used for the purpose set forth in subsection 4.
3 6 b. For the period beginning July 1, 2009, and ending June
3 7 30, 2011, the recorder shall collect a fee of three dollars
3 8 for each recorded transaction, regardless of the number of
3 9 pages, for which a fee is paid pursuant to section 331.604 to
3 10 be used for the following purposes:
3 11 (1) Maintaining the statewide internet website and the
3 12 county land record information system.
3 13 (2) Integrating information contained in documents and
3 14 records maintained by the recorder and other land record
3 15 information from other sources with the county land record
3 16 information system.
3 17 (3) Implementing and maintaining a process for redacting
3 18 personally identifiable information contained in electronic
3 19 documents that are displayed for public access through an
3 20 internet website or that are transferred to another person.
3 21 c. Beginning July 1, 2011, the recorder shall collect a
3 22 fee of two dollars for each recorded transaction, regardless
3 23 of the number of pages, for which a fee is paid pursuant to
3 24 section 331.604 to be used for the purposes in paragraph "b"
3 25 and for the following purposes:
3 26 (1) Establishing and implementing standards for recording,
3 27 processing, and archiving electronic documents and records.
3 28 (2) Expanding access to records by encouraging electronic
3 29 indexing and scanning of documents and instruments recorded in
3 30 prior years.
3 31 d. Notwithstanding paragraphs "b" and "c", the fee
3 32 collected by the recorder under this section for recording a
3 33 plat of survey is one dollar, regardless of the number of
3 34 pages. For purposes of this paragraph, "plat of survey" means
3 35 the same as defined in section 355.1, subsection 9.

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4 1 e. Fees collected in excess of the amount needed for the
4 2 purposes specified in this section shall be used by the county
4 3 land record information system to reduce or eliminate service
4 4 fees for electronic submission of documents and instruments.
4 5 3. The county treasurer, on behalf of the recorder, shall
4 6 establish and maintain a county recorder's electronic
4 7 transaction fund into which all moneys collected pursuant to
4 8 ~~subsections 1 and~~ subsection 2 shall be deposited. Interest
4 9 earned on moneys deposited in this fund shall be computed
4 10 based on the average monthly balance in the fund and shall be
4 11 credited to the county recorder's electronic transaction fund.
4 12 4. The local government electronic transaction fund is
4 13 established in the office of the treasurer of state under the
4 14 control of the treasurer of state. Moneys deposited into the
4 15 fund are not subject to section 8.33. Notwithstanding section
4 16 12C.7, interest or earnings on moneys in the local government
4 17 electronic transaction fund shall be credited to the fund.
4 18 Moneys in the local government electronic transaction fund are
4 19 not subject to transfer, appropriation, or reversion to any
4 20 other fund, or any other use except as provided in this
4 21 subsection. On a monthly basis, the county treasurer shall
4 22 pay ~~each fee collected pursuant to subsection 2~~ the fees
4 23 deposited in the county recorder's electronic transaction fund
4 24 to the treasurer of state for deposit into the local
4 25 government electronic transaction fund. Moneys credited to
4 26 the local government electronic transaction fund are
4 27 appropriated to the treasurer of state to be used for the
4 28 purpose of paying the ongoing costs of integrating and
4 29 maintaining the statewide internet website ~~developed and~~
4 30 ~~implemented under subsection 1~~ to provide electronic access to
4 31 records and information.
4 32 5. The recorder shall make available any information
4 33 required by the county auditor or auditor of state concerning
4 34 the fees collected under this section for the purposes of
4 35 determining the amount of fees collected and the uses for

Senate File 378 - Introduced continued

5 1 which such fees are expended.
5 2 Sec. 5. Section 331.606, Code 2009, is amended by adding
5 3 the following new subsection:
5 4 NEW SUBSECTION. 4. The recorder shall permanently archive
5 5 an unaltered version of each recorded document or instrument.
5 6 A document or instrument may be archived in its original
5 7 format, as an electronic document, or in another format
5 8 suitable for preserving information in the document or
5 9 instrument. A person may view and copy an original or
5 10 unaltered document or instrument in the office of the
5 11 recorder.
5 12 Sec. 6. Section 331.606A, subsection 1, paragraph c, Code
5 13 2009, is amended to read as follows:
5 14 c. "Redact" or "redaction" means the process of
5 15 permanently removing all or a portion of personally
5 16 identifiable information from documents.
5 17 Sec. 7. Section 331.606A, subsection 2, Code 2009, is
5 18 amended to read as follows:
5 19 2. INCLUSION OF PERSONALLY IDENTIFIABLE INFORMATION. The
5 20 preparer of a document shall not include an individual's
5 21 personally identifiable information in a document that is
5 22 prepared and presented for recording in the office of the
5 23 recorder. This subsection shall not apply to documents that
5 24 were executed by an individual prior to July 1, 2007. ~~Unless~~
~~5 25 provided otherwise by law, all documents described by this~~
~~5 26 section are subject to inspection and copying by the public.~~
5 27 Sec. 8. Section 331.606A, subsection 3, Code 2009, is
5 28 amended by striking the subsection and inserting in lieu
5 29 thereof the following:
5 30 3. REDACTION FROM ELECTRONIC DOCUMENTS. Personally
5 31 identifiable information that is contained in electronic
5 32 documents that are displayed for public access on a website,
5 33 or which are transferred to any person, shall be redacted
5 34 prior to displaying or transferring the documents. Each
5 35 recorder that displays electronic documents and the county

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6 1 land record information system that displays electronic
6 2 documents on behalf of a county shall implement a system for
6 3 redacting personally identifiable information. The recorder
6 4 and the governing board of the county land record information
6 5 system shall establish a procedure by which individuals may
6 6 request that personally identifiable information contained in
6 7 an electronic document displayed on a website be redacted, at
6 8 no fee to the requesting individual. The requirements of this
6 9 subsection shall be fully implemented not later than December
6 10 31, 2011.
6 11 Sec. 9. Section 331.606A, subsection 5, Code 2009, is
6 12 amended to read as follows:
6 13 5. APPLICABILITY.
6 14 a. ~~This section~~ Subsection 2 shall not apply to a preparer
6 15 of a state or federal tax lien or release, a military
6 16 separation or discharge record, or a death certificate that is
6 17 prepared for recording in the office of county recorder.
6 18 b. Subsection 3 shall not apply to a military separation
6 19 or discharge record, a birth record, a death certificate, or
6 20 marriage certificate unless such record or certificate is
6 21 incorporated within another document or instrument that is
6 22 recorded and displayed for public access on a website.
6 23 c. If a military separation or discharge record or a death
6 24 certificate is recorded in the office of the county recorder,
6 25 the military separation or discharge record or the death
6 26 certificate shall not be ~~accessible through the internet~~
6 27 displayed for public access on an internet website, public
6 28 access terminal or other medium, or be transferred to any
6 29 person.
6 30 Sec. 10. Section 331.606A, Code 2009, is amended by adding
6 31 the following new subsection:
6 32 NEW SUBSECTION. 6. LIMITATION OF LIABILITY. The county
6 33 land record information system is a unit of local government
6 34 for purposes of chapter 670, relating to tort liability of
6 35 governmental subdivisions.

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7 1 Sec. 11. Section 331.606B, subsection 1, Code 2009, is
7 2 amended by adding the following new paragraph:
7 3 NEW PARAGRAPH. g. Each document or instrument presented
7 4 for recording shall meet the requirements of section 331.606A,
7 5 subsection 2.
7 6 Sec. 12. REPORT TO THE GENERAL ASSEMBLY. On or before
7 7 January 1, 2012, the governing board of the county land record
7 8 information system shall submit a report to the general
7 9 assembly. The report shall include a summary of the actions
7 10 taken by the county recorders and the county land record
7 11 information system relating to the redaction of personally
7 12 identifiable information, a detailed financial accounting of
7 13 the county land record information system, a detailed summary
7 14 of expenditures made from the local government electronic
7 15 transaction fund, and an analysis and recommendation regarding
7 16 the continuance or discontinuance of the fee collected under
7 17 section 331.605C, subsection 2.
7 18 Sec. 13. IMPLEMENTATION OF ACT. Section 25B.2, subsection
7 19 3, shall not apply to this Act.
7 20 EXPLANATION
7 21 This bill relates to the duties and authority of county
7 22 recorders and the county land record information system.
7 23 The bill requires each county to participate in the county
7 24 land record information system and comply with the policies
7 25 and procedures established by the governing board of the
7 26 county land record information system.
7 27 The bill increases the electronic transaction fee from $1
7 28 per recorded transaction to $3 for transactions recorded
7 29 between July 1, 2009, and June 30, 2011. The bill also
7 30 provides that the electronic transaction fee for transactions
7 31 recorded on or after July 1, 2011, is $2. However, the bill
7 32 provides that the electronic transaction fee for recording a
7 33 plat of survey shall continue to be $1. The bill specifies
7 34 the purposes for which electronic transaction fees may be used
7 35 and provides that fees collected in excess of the amount

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8 1 needed shall be used by the county land record information
8 2 system to reduce or eliminate service fees for electronic
8 3 submission services.
8 4 The bill prohibits the governing board of the county land
8 5 record information system from entering into an agreement to
8 6 provide access to electronic documents or records on a batch
8 7 basis, as defined in the bill. The bill authorizes a county
8 8 recorder to provide access to electronic documents and records
8 9 pursuant to an agreement and to collect fees for such access.
8 10 Fees collected pursuant to such an agreement must be
8 11 reasonable and shall not exceed the actual cost of providing
8 12 access to the electronic documents and records.
8 13 The bill amends the definition of "redact" or "redaction"
8 14 to mean the process of permanently removing all or a portion
8 15 of personally identifiable information from documents and
8 16 requires that personally identifiable information contained in
8 17 electronic documents that are displayed for public access on a
8 18 website, or which are transferred to any person, be redacted
8 19 prior to displaying or transferring the documents.
8 20 The bill also requires each county recorder that displays
8 21 electronic documents and the county land record information
8 22 system that displays electronic documents on behalf of a
8 23 county to implement a system for redacting personally
8 24 identifiable information and to establish a procedure by which
8 25 individuals may request that personally identifiable
8 26 information contained in an electronic document displayed on a
8 27 website be redacted, at no fee to the requesting individual.
8 28 The bill requires procedures for redaction to be fully
8 29 implemented by December 31, 2011. The bill excludes certain
8 30 recorded documents and certificates from the prohibition on
8 31 inclusion of personally identifiable information and the
8 32 requirements for redaction of such information.
8 33 The bill provides that a county recorder shall refuse any
8 34 document or instrument presented for recording that contains
8 35 personally identifiable information, unless the person pays an

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9 1 additional recording fee of $10 per document or instrument.
9 2 The bill requires a county recorder to permanently archive
9 3 an unaltered version of each recorded document or instrument
9 4 and provides that such documents and instruments may be viewed
9 5 or copied in the office of the recorder.
9 6 The bill designates the county land record information
9 7 system as a unit of local government for purposes of Code
9 8 chapter 670, relating to tort liability of governmental
9 9 subdivisions.
9 10 The bill requires the governing board of the county land
9 11 record information system to submit a report to the general
9 12 assembly on or before January 1, 2012. The report is required
9 13 to include information related to redaction efforts, a
9 14 financial accounting of the county land record information
9 15 system, a summary of expenditures from the local government
9 16 electronic transaction fund, and an analysis and
9 17 recommendation regarding the continuance or discontinuance of
9 18 the electronic transaction fee collected under Code section
9 19 331.605C.
9 20 The bill may include a state mandate as defined in Code
9 21 section 25B.3. The bill makes inapplicable Code section
9 22 25B.2, subsection 3, which would relieve a political
9 23 subdivision from complying with a state mandate if funding for
9 24 the cost of the state mandate is not provided or specified.
9 25 Therefore, political subdivisions are required to comply with
9 26 any state mandate included in the bill.
9 27 LSB 1556SV 83
9 28 md/sc/5

Senate File 379 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1183)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the use of insurance loss history in the issuance of dramshop liability insurance.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1993SV 83
av/rj/14

Senate File 379 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.92, Code 2009, is amended to read
1 2 as follows:
1 3 123.92 CIVIL LIABILITY FOR DISPENSING OR SALE AND SERVICE
1 4 OF BEER, WINE, OR INTOXICATING LIQUOR (DRAMSHOP ACT) ==
1 5 LIABILITY INSURANCE == UNDERAGE PERSONS.
1 6 1. a. Any person who is injured in person or property or
1 7 means of support by an intoxicated person or resulting from
1 8 the intoxication of a person, has a right of action for all
1 9 damages actually sustained, severally or jointly, against any
1 10 licensee or permittee, whether or not the license or permit
1 11 was issued by the division or by the licensing authority of
1 12 any other state, who sold and served any beer, wine, or
1 13 intoxicating liquor to the intoxicated person when the
1 14 licensee or permittee knew or should have known the person was
1 15 intoxicated, or who sold to and served the person to a point
1 16 where the licensee or permittee knew or should have known the
1 17 person would become intoxicated.
1 18 b. If the injury was caused by an intoxicated person, a
1 19 permittee or licensee may establish as an affirmative defense
1 20 that the intoxication did not contribute to the injurious
1 21 action of the person. ~~The remedy provided by this section~~
~~1 22 shall apply both prospectively, to actions filed on or after~~
~~1 23 July 1, 1992, and retrospectively, to actions pending in trial~~
~~1 24 or appellate courts prior to July 1, 1992.~~
1 25 2. Every liquor control licensee and class "B" beer
1 26 permittee, except a class "E" liquor control licensee, shall
1 27 furnish proof of financial responsibility by the existence of
1 28 a liability insurance policy in an amount determined by the
1 29 division. If an insurer provides dramshop liability insurance
1 30 at a new location to a licensee or permittee who has a
1 31 positive loss experience at other locations for which such
1 32 insurance is provided by the insurer, and the insurer bases
1 33 premium rates at the new location on the negative loss history
1 34 of the previous licensee or permittee at that location, the
1 35 insurer shall adjust the premium for the new location not less

Senate File 379 - Introduced continued

2 1 than thirty months after the insurance is issued, based on the
2 2 loss experience of the licensee or permittee at that location
2 3 during that thirty=month period of time.
2 4 3. a. Notwithstanding section 123.49, subsection 1, any
2 5 person who is injured in person or property or means of
2 6 support by an intoxicated person who is under legal age or
2 7 resulting from the intoxication of a person who is under legal
2 8 age, has a right of action for all damages actually sustained,
2 9 severally or jointly, against a person who is not a licensee
2 10 or permittee and who dispensed or gave any beer, wine, or
2 11 intoxicating liquor to the intoxicated underage person when
2 12 the nonlicensee or nonpermittee who dispensed or gave the
2 13 beer, wine, or intoxicating liquor to the underage person knew
2 14 or should have known the underage person was intoxicated, or
2 15 who dispensed or gave beer, wine, or intoxicating liquor to
2 16 the underage person to a point where the nonlicensee or
2 17 nonpermittee knew or should have known that the underage
2 18 person would become intoxicated.
2 19 b. If the injury was caused by an intoxicated person who
2 20 is under legal age, a person who is not a licensee or
2 21 permittee and who dispensed or gave beer, wine, or
2 22 intoxicating liquor to the underage person may establish as an
2 23 affirmative defense that the intoxication did not contribute
2 24 to the injurious action of the underage person.
2 25 c. For purposes of this ~~paragraph~~ subsection, "dispensed"
2 26 or "gave" means the act of physically presenting a receptacle
2 27 containing beer, wine, or intoxicating liquor to the underage
2 28 person whose actions or intoxication results in the sustaining
2 29 of damages by another person. However, a person who dispenses
2 30 or gives beer, wine, or intoxicating liquor to an underage
2 31 person shall only be liable for any damages if the person knew
2 32 or should have known that the underage person was under legal
2 33 age.
2 34 EXPLANATION
2 35 This bill amends Code section 123.92 to provide that if an

Senate File 379 - Introduced continued

3 1 insurer provides dramshop liability insurance at a new
3 2 location to a licensee or permittee who has a positive loss
3 3 history at other locations for which such insurance is
3 4 provided, and the insurer bases premiums at the new location
3 5 on the negative loss history of a previous licensee or
3 6 permittee at that location the insurer shall adjust the
3 7 premium at the new location not less than 30 months after the
3 8 insurance is issued, based on the loss experience of the
3 9 licensee or permittee at that location during that 30=month
3 10 period of time.
3 11 LSB 1993SV 83
3 12 av/rj/14

Senate File 380 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1253)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1333SV 83
jm/nh/14

Senate File 380 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 SCHOOL FIRE INSPECTIONS
1 3 Section 1. Section 100.31, Code 2009, is amended to read
1 4 as follows:
1 5 100.31 FIRE AND TORNADO DRILLS ~~IN PUBLIC~~ == WARNING
1 6 SYSTEMS == INSPECTION OF SCHOOLS.
1 7 1. It shall be the duty of the state fire marshal and the
1 8 fire marshal's designated subordinates to require all private
1 9 and public school officials and teachers to conduct not less
1 10 than four fire drills and not less than four tornado drills in
1 11 all school buildings during each school year when school is in
1 12 session; and to require the officials and teachers of all
1 13 schools to keep all doors and exits of their respective rooms
1 14 and buildings unlocked when occupied during school hours or
1 15 when such areas are being used by the public at other times.
1 16 Not less than two drills of each type shall be conducted
1 17 between July 1 and December 31 of each year and not less than
1 18 two drills of each type shall be conducted between January 1
1 19 and June 30 of each year.
1 20 2. Every school building with two or more classrooms shall
1 21 have a warning system for fires of a type approved by the
1 22 underwriters' laboratories and by the state fire marshal. The
1 23 warning system shall be used only for fire drills or as a
1 24 warning for emergency. Schools may modify the fire warning
1 25 system for use as a tornado warning system or shall install a
1 26 separate tornado warning system. Every school building shall
1 27 also be equipped with portable fire extinguishers, with the
1 28 type, size and number in accordance with national fire
1 29 protection association standards and approved by the state
1 30 fire marshal.
1 31 3. The state fire marshal or the fire marshal's deputies
1 32 shall cause each public or private school, college, or
1 33 university to be inspected at least once every ~~two~~ four years
1 34 to determine whether each school meets the fire safety
1 35 standards of this Code and is free from other fire hazards.

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2 1 Provided, however, that cities which employ fire department
2 2 inspectors shall cause such inspections to be made.
2 3 4. Each public or private school, college, or university
2 4 shall, at least once each calendar year, cause a basic fire
2 5 safety review to be performed for each building that is
2 6 occupied or utilized by students and is owned, leased, or
2 7 otherwise under the control of the school, college, or
2 8 university. The basic fire safety review shall be performed
2 9 by an employee or a designee acting on behalf of the school,
2 10 college, or university using a basic fire safety checklist.
2 11 Guidance relating to the checklist shall be provided by or
2 12 approved by the state fire marshal. Each school, college, or
2 13 university may seek assistance in performing the basic fire
2 14 safety review from a local fire marshal, fire inspector, or
2 15 fire fighter. Records documenting the basic fire safety
2 16 review and the completion of such a review shall be retained
2 17 for not less than five years from the date of the completion
2 18 of the review. The records shall be considered a public
2 19 record pursuant to chapter 22.
2 20 DIVISION II
2 21 LEGAL AGE VIOLATIONS AT GAMING FACILITIES
2 22 Sec. 2. Section 99D.11, subsection 7, Code 2009, is
2 23 amended to read as follows:
2 24 7. A person under the age of twenty=one years shall not
2 25 make or attempt to make a pari=mutuel wager. A person who
2 26 violates this subsection commits a scheduled violation under
2 27 section 805.8C, subsection 5, paragraph "a".
2 28 Sec. 3. Section 99F.9, subsection 5, Code 2009, is amended
2 29 to read as follows:
2 30 5. A person under the age of twenty=one years shall not
2 31 make or attempt to make a wager on an excursion gambling boat,
2 32 gambling structure, or in a racetrack enclosure and shall not
2 33 be allowed on the gaming floor of an excursion gambling boat
2 34 or gambling structure or in the wagering area, as defined in
2 35 section 99D.2, or on the gaming floor of a racetrack

Senate File 380 - Introduced continued

3 1 enclosure. However, a person eighteen years of age or older
3 2 may be employed to work on the gaming floor of an excursion
3 3 gambling boat or gambling structure or in the wagering area or
3 4 on the gaming floor of a racetrack enclosure. A person who
3 5 violates this subsection with respect to making or attempting
3 6 to make a wager commits a scheduled violation under section
3 7 805.8C, subsection 5, paragraph "a".
3 8 Sec. 4. Section 99F.9, Code 2009, is amended by adding the
3 9 following new subsection:
3 10 NEW SUBSECTION. 5A. a. A person under the age of
3 11 twenty=one years shall not enter or attempt to enter the
3 12 gaming floor or wagering area, as defined in section 99D.2, of
3 13 a facility licensed under this chapter to operate gambling
3 14 games.
3 15 b. A person under the age of twenty=one years does not
3 16 violate this subsection if any of the following circumstances
3 17 apply:
3 18 (1) The person is employed to work at the facility.
3 19 (2) The person is an employee or agent of the commission,
3 20 the division, a distributor, or a manufacturer, and acting
3 21 within the scope of the person's employment.
3 22 (3) The person is present in a racetrack enclosure and
3 23 does not enter or attempt to enter the gaming floor or
3 24 wagering area of the facility.
3 25 c. A person who violates this subsection commits a simple
3 26 misdemeanor punishable as a scheduled violation under section
3 27 805.8C, subsection 5, paragraph "b".
3 28 Sec. 5. Section 725.19, subsection 1, Code 2009, is
3 29 amended to read as follows:
3 30 1. Any person under the age of twenty=one years shall not
3 31 make or attempt to make a gambling wager, except as permitted
3 32 under chapter 99B. A person who violates this subsection
3 33 commits a scheduled violation under section 805.8C, subsection
3 34 5, paragraph "a".
3 35 Sec. 6. Section 805.8C, subsection 5, Code 2009, is

Senate File 380 - Introduced continued

4 1 amended to read as follows:
4 2 5. GAMBLING VIOLATIONS.
4 3 a. For violations of legal age for gambling wagering under
4 4 section 99D.11, subsection 7, section 99F.9, subsection 5, and
4 5 section 725.19, subsection 1, the scheduled fine is five
4 6 hundred dollars. Failure to pay the fine by a person under
4 7 the age of eighteen shall not result in the person being
4 8 detained in a secure facility.
4 9 b. For legal age violations for entering or attempting to
4 10 enter a facility under section 99F.9, subsection 5A, the
4 11 scheduled fine is five hundred dollars. Failure to pay the
4 12 fine by a person under the age of eighteen shall not result in
4 13 the person being detained in a secure facility.
4 14 DIVISION III
4 15 INTERCEPTION OF COMMUNICATIONS
4 16 Sec. 7. Section 808B.1, subsection 4, Code 2009, is
4 17 amended by adding the following new paragraph:
4 18 NEW PARAGRAPH. d. Electronic funds transfer information
4 19 stored by a financial institution in a communication system
4 20 used for the electronic storage and transfer of funds.
4 21 Sec. 8. Section 808B.1, subsection 8, Code 2009, is
4 22 amended to read as follows:
4 23 8. "Oral communication" means an oral communication
4 24 uttered by a person exhibiting an expectation that the
4 25 communication is not subject to interception, under
4 26 circumstances justifying that expectation. An "oral
4 27 communication" does not include an electronic communication.
4 28 Sec. 9. Section 808B.1, subsections 9, 11, and 12, Code
4 29 2009, are amended by striking the subsections and inserting in
4 30 lieu thereof the following:
4 31 9. "Pen register" means a device or process which records
4 32 or decodes dialing, routing, addressing, or signaling
4 33 information, but not the contents of the communication,
4 34 transmitted by an instrument or facility from which a wire or
4 35 electronic communication is transmitted. "Pen register" does

Senate File 380 - Introduced continued

5 1 not include any device or process used by a provider or
5 2 customer of a wire or electronic communication service for
5 3 billing, or recording as an incident to billing, for
5 4 communications services provided by such provider or any
5 5 device or process used by a provider or customer of a wire
5 6 communication service for cost accounting or other like
5 7 purposes in the ordinary course of its business.
5 8 11. "Trap and trace device" means a device or process
5 9 which captures the incoming electronic or other impulses which
5 10 identify the originating number or other dialing, routing,
5 11 addressing, and signaling information reasonably likely to
5 12 identify the source of a wire or electronic communication, but
5 13 does not capture the contents of any communication.
5 14 12. "Wire communication" means any aural transfer made in
5 15 whole or in part through the use of facilities for the
5 16 transmission of communications by the aid of wire, cable, or
5 17 other like connection between the point of origin and the
5 18 point of reception, including the use of such connection in a
5 19 switching station, furnished or operated by any person engaged
5 20 in providing or operating such facilities for the transmission
5 21 of interstate or foreign communications or communications
5 22 affecting interstate or foreign commerce.
5 23 Sec. 10. Section 808B.3, Code 2009, is amended by adding
5 24 the following new subsections:
5 25 NEW SUBSECTION. 3. A felony offense involving ongoing
5 26 criminal conduct in violation of chapter 706A.
5 27 NEW SUBSECTION. 4. A forcible felony as defined in
5 28 section 702.11.
5 29 NEW SUBSECTION. 5. A felony fugitive warrant issued in
5 30 the state or involving an individual who is reasonably
5 31 believed to be located within the state.
5 32 Sec. 11. Section 808B.5, Code 2009, is amended by adding
5 33 the following new subsections:
5 34 NEW SUBSECTION. 11A. A special state agent may make
5 35 application to a judicial officer for the issuance of a search

Senate File 380 - Introduced continued

6 1 warrant to authorize the placement, tracking, or monitoring of
6 2 a global positioning device, supported by a peace officer's
6 3 oath or affirmation, which includes facts, information, and
6 4 circumstances tending to establish sufficient grounds for
6 5 granting the special state agent's application, and probable
6 6 cause for believing the grounds exist. Upon a finding of
6 7 probable cause to issue such a warrant, the judicial officer
6 8 shall issue a warrant, signed by the judicial officer with the
6 9 judicial officer's name of office, directed to any peace
6 10 officer, commanding that the peace officer place, track, or
6 11 monitor the global positioning device.
6 12 NEW SUBSECTION. 11B. Upon the request of an investigative
6 13 or law enforcement officer, a judge may issue a subpoena or
6 14 other court order in order to obtain information and
6 15 supporting documentation regarding contemporaneous or
6 16 prospective wire or electronic communications based upon a
6 17 finding that a prosecuting attorney is engaged in a criminal
6 18 investigation of an offense listed in section 808B.3.
6 19 NEW SUBSECTION. 11C. Notwithstanding any other provision
6 20 of law, upon the request of an investigative or law
6 21 enforcement officer, a judge may authorize the capture of a
6 22 wire or oral communication by a pen register or trap and trace
6 23 device, if a judge finds that there is probable cause to
6 24 believe that a wire or oral communication relevant to a valid
6 25 search warrant will occur at any point while the warrant is in
6 26 effect.
6 27 Sec. 12. Section 808B.10, unnumbered paragraph 1, Code
6 28 2009, is amended to read as follows:
6 29 ~~A~~ Except for emergency situations pursuant to section
6 30 808B.12, a person shall not install or use a pen register or a
6 31 trap and trace device without first obtaining a search warrant
6 32 or court order pursuant to either section 808B.11 or 808B.12.
6 33 However, a pen register or a trap and trace device may be used
6 34 or installed without court order if any of the following
6 35 apply:

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7 1 Sec. 13. Section 808B.11, subsection 3, paragraph c, Code
7 2 2009, is amended to read as follows:
7 3 c. The telephone number if known, ~~and~~ the physical
7 4 location of the telephone line where the pen register or trap
7 5 and trace device will be attached, the method for determining
7 6 the location of the electronic communication, and the
7 7 geographic limits of the trap and trace device.
7 8 Sec. 14. Section 808B.12, Code 2009, is amended by
7 9 striking the section and inserting in lieu thereof the
7 10 following:
7 11 808B.12 EMERGENCY INSTALLATION AND USE == SUBSEQUENT
7 12 APPLICATION AND ORDER.
7 13 1. Notwithstanding any other provision of this chapter, a
7 14 special state agent authorized by the prosecuting attorney or
7 15 an assistant attorney general who reasonably determines that
7 16 an emergency situation described in subsection 2 exists which
7 17 requires the installation and use of a pen register or a trap
7 18 and trace device before an order authorizing such installation
7 19 and use can be obtained with due diligence, may install and
7 20 use a pen register or trap and trace device, if an order
7 21 approving the installation or use is applied for and issued in
7 22 accordance with section 808B.11 within forty=eight hours of
7 23 the installation.
7 24 2. Subsection 1 applies in the following emergency
7 25 situations:
7 26 a. Immediate danger of death or serious bodily injury to a
7 27 person.
7 28 b. Conspiratorial activities characteristic of organized
7 29 crime.
7 30 c. Immediate threat to a national security interest.
7 31 d. Ongoing attack on a computer that constitutes a crime
7 32 punishable by a term of imprisonment greater than one year.
7 33 3. In the absence of an authorizing order, such use shall
7 34 immediately terminate when the information sought is obtained,
7 35 when the application for the order is denied, or when

Senate File 380 - Introduced continued

8 1 forty=eight hours have lapsed since the installation of the
8 2 pen register or trap and trace device, whichever is earlier.
8 3 4. The knowing installation or use by any investigative or
8 4 law enforcement officer of a pen register or trap and trace
8 5 device pursuant to subsection 1 without application for the
8 6 authorizing order within forty=eight hours of the installation
8 7 constitutes a serious misdemeanor.
8 8 5. A provider of a wire or electronic communication
8 9 service, landlord, custodian, or other person who furnishes
8 10 facilities or technical assistance pursuant to this section
8 11 shall be reasonably compensated for such reasonable expenses
8 12 incurred in providing such facilities and assistance.
8 13 Sec. 15. Section 808B.13, subsections 4 and 5, Code 2009,
8 14 are amended to read as follows:
8 15 4. A cause of action shall not lie in any court against
8 16 any provider of a wire or electronic communication service,
8 17 its officers, employees, agents, or other specified persons
8 18 for providing information, facilities, or assistance in
8 19 accordance with the terms of a search warrant or court order
8 20 under section 808B.11 or 808B.12.
8 21 5. A good faith reliance on a search warrant or court
8 22 order under section 808B.11 or 808B.12 is a complete defense
8 23 against any civil or criminal action brought under this
8 24 chapter or any other statute.
8 25 DIVISION IV
8 26 PEACE OFFICER SERVING AS FEDERAL ACTOR
8 27 Sec. 16. Section 80.9A, Code 2009, is amended by adding
8 28 the following new subsection:
8 29 NEW SUBSECTION. 8. a. A peace officer of the department,
8 30 when authorized by the commissioner, may act in concert with,
8 31 under the direction of, or otherwise serve as a state actor
8 32 for an officer or agent of the federal government.
8 33 b. If serving as a state actor for an officer or agent of
8 34 the federal government as provided in paragraph "a", the peace
8 35 officer shall be considered acting within the scope of the

Senate File 380 - Introduced continued

9 1 employee's office or employment as defined in section 669.2,
9 2 subsection 1.
9 3 EXPLANATION
9 4 This bill relates to practices and procedures of the
9 5 department of public safety including school inspections,
9 6 gaming floor or wagering area restrictions, public
9 7 intoxication testing, operating while intoxicated testing,
9 8 interception of communications, and peace officers acting with
9 9 federal agents.
9 10 DIVISION I. The division provides that the state fire
9 11 marshal shall inspect a public or private school every four
9 12 years to determine whether the school meets fire safety
9 13 standards. Current law requires an inspection every two
9 14 years.
9 15 The division requires each public or private school,
9 16 college, or university, to perform a basic fire safety review
9 17 of each building that is occupied or utilized by students and
9 18 is owned, leased, or otherwise under the control of the
9 19 school, college, or university.
9 20 DIVISION II. The division prohibits a person under 21
9 21 years of age from entering or attempting to enter the gaming
9 22 floor or wagering area of a facility licensed under Code
9 23 chapter 99D to operate gambling games.
9 24 A person under 21 years of age does not violate the
9 25 prohibition if the person is employed at the gambling
9 26 facility, is an employee or agent acting within the person's
9 27 scope of employment by the state racing and gaming commission,
9 28 division of criminal investigation of the department of public
9 29 safety, a distributor, or a manufacturer, or the person is
9 30 present in a racetrack enclosure and does not enter or attempt
9 31 to enter the gaming floor or wagering area of the facility.
9 32 A person who violates the prohibition commits a simple
9 33 misdemeanor punishable by a scheduled fine of $500.
9 34 DIVISION III. The division makes changes to Code chapter
9 35 808B (interception of communications).

Senate File 380 - Introduced continued

10 1 The division excludes electronic funds transfer information
10 2 from the definition of "electronic communication".
10 3 The division specifies that an "oral communication" does
10 4 not include an "electronic communication".
10 5 The division modifies the definitions for "pen register",
10 6 "trap and trace device", and "wire communication".
10 7 The division expands the list of criminal investigations
10 8 for which the interception of communications may be authorized
10 9 to include ongoing criminal conduct (Code chapter 706A), a
10 10 forcible felony (Code section 702.11), or a felony fugitive
10 11 warrant for persons reasonably believed to be in this state.
10 12 Current law permits the interception of communications in
10 13 criminal investigations for a felony offense involving dealing
10 14 in a controlled substance or a felony offense involving money
10 15 laundering.
10 16 The division provides that, upon application of a special
10 17 state agent of the department of public safety, a judge shall
10 18 issue a search warrant which authorizes the placement,
10 19 tracking, or monitoring of a global positioning device if the
10 20 application contains sufficient grounds for granting the
10 21 application, and upon a finding of probable cause for
10 22 believing the grounds exist.
10 23 The division provides that a judge may issue a subpoena or
10 24 other court order in order to obtain information and
10 25 supporting documentation regarding contemporaneous or
10 26 prospective wire or electronic communications based upon a
10 27 finding that a prosecuting attorney is engaged in a criminal
10 28 investigation of an offense listed in Code section 808B.3.
10 29 The division also provides that a judge may authorize the
10 30 capture of a wire or oral communication by a pen register or
10 31 trap and trace device, if a judge finds that there is probable
10 32 cause to believe that a wire or oral communication relevant to
10 33 a valid search warrant will occur at any point while the
10 34 warrant is in effect.
10 35 The division specifies that an order authorizing the

Senate File 380 - Introduced continued

11 1 interception of a communication shall refer to the method for
11 2 determining the location of the electronic communication
11 3 intercepted in addition to other requirements specified in
11 4 Code section 808B.11(3).
11 5 The division permits a special agent or an assistant
11 6 attorney general who determines that an emergency situation
11 7 exists which requires the installation and use of a pen
11 8 register or a trap and trace device before an order
11 9 authorizing such installation and use can be obtained with due
11 10 diligence, to install and use a pen register or trap and trace
11 11 device if an order approving the installation or use is issued
11 12 within 48 hours of the installation occurring.
11 13 The division limits such emergency situations to those
11 14 involving death or serious bodily injury, conspiratorial
11 15 activities characteristic of organized crime, immediate
11 16 threats to national security, or ongoing attack on a computer
11 17 that constitutes a crime punishable by a term of imprisonment
11 18 greater than one year.
11 19 DIVISION IV. The division authorizes a peace officer of
11 20 the department of public safety to act in concert with, or
11 21 under the direction of, a federal officer or agent of the
11 22 federal government.
11 23 LSB 1333SV 83
11 24 jm/nh/14

Senate Resolution 16 - Introduced

PAG LIN

S.R. _____ H.R. _____

1 1 SENATE RESOLUTION NO.
1 2 BY KIBBIE
1 3 A Senate Resolution to urge Congress to support the
1 4 horse processing industry.
1 5 WHEREAS, horse processing is the most tightly
1 6 regulated of any animal harvest, and the only animal
1 7 that has its transportation to processing regulated;
1 8 and
1 9 WHEREAS, if horse processing plants are forced to
1 10 close, the Horse Welfare Coalition estimates the
1 11 60,000 to 90,000 unwanted horses annually would be
1 12 exposed to potential abandonment and neglect; and
1 13 WHEREAS, the 60,000 to 90,000 additional unwanted
1 14 horses each year would compete for adoption with the
1 15 32,000 wild horses that United States taxpayers are
1 16 already paying $40 million to shelter and feed; and
1 17 WHEREAS, the nation's inadequate, overburdened, and
1 18 unregulated horse rescue and adoption facilities
1 19 cannot handle the influx of the 60,000 or more
1 20 additional horses each year that would result from a
1 21 harvesting ban, according to the Congressional
1 22 Research Service; and
1 23 WHEREAS, the annual number of unwanted or unusable
1 24 surplus domestic horses is estimated to be 100,000,
1 25 increasing annually; and
1 26 WHEREAS, federal legislation was introduced to
1 27 amend the 1970 Horse Protection Act, 15 U.S.C. } 1821
1 28 et seq., to prohibit shipping, transporting, moving,
1 29 delivering, receiving, possessing, purchasing,
1 30 selling, or donating horses and other equines for

Senate Resolution 16 - Introduced continued

2 1 processing and other purposes; and
2 2 WHEREAS, the loss of secondary markets has severely
2 3 impacted the livestock industry by eliminating the
2 4 salvage value of horses and has significantly reduced
2 5 the market value of all horses; and
2 6 WHEREAS, prohibitions regarding the processing of
2 7 horses have had significant economic impacts on the
2 8 entire equine industry and have resulted in
2 9 significant increases in abandoned and starving
2 10 animals; and
2 11 WHEREAS, state agriculture and rural leaders
2 12 recognize the necessity and benefit of a state's
2 13 ability to direct the transport and processing of
2 14 horses; NOW THEREFORE,
2 15 BE IT RESOLVED BY THE SENATE, That the regulation
2 16 of horse transport and processing remain with the
2 17 states and that Congress not enact legislation that
2 18 interferes with states' authority to regulate the
2 19 transport or processing of horses; and
2 20 BE IT FURTHER RESOLVED, That Congress support new
2 21 horse processing facilities and the continuation of
2 22 existing facilities on both the state and national
2 23 levels; and
2 24 BE IT FURTHER RESOLVED, That copies of this
2 25 resolution be sent to the President of the United
2 26 States, the President of the United States Senate, the
2 27 Speaker of the United States House of Representatives,
2 28 and members of the Iowa congressional delegation.
2 29 LSB 2670XS 83
2 30 da/rj/14

Senate Study Bill 1292

SENATE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON QUIRMBACH)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act providing for the exclusion of costs associated with installation of a geothermal heating or cooling system from a residence's property value for purposes of property taxation and including an applicability date provision.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2239SC 83
rn/sc/8

Senate Study Bill 1292 continued

PAG LIN

1 1 Section 1. Section 441.21, subsection 8, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. Notwithstanding paragraph "a", any new
1 4 or retrofitted construction or installation of a geothermal
1 5 heating or cooling system on property classified as
1 6 residential shall not increase the actual, assessed, and
1 7 taxable values of the property for ten full assessment years.
1 8 In assessing and valuing the property for tax purposes, the
1 9 assessor shall disregard any market value added by a
1 10 geothermal heating or cooling system to a residential
1 11 building. For the purposes of this paragraph, to the extent
1 12 market value would be increased by the addition of mechanical,
1 13 electrical, plumbing, ductwork, or other equipment, labor, and
1 14 expenses included in or required for the construction or
1 15 installation of the geothermal system, they shall also be
1 16 disregarded, as shall the proportionate value of any well
1 17 field associated with the system and attributable to the
1 18 owner. The director of revenue shall adopt rules to implement
1 19 this paragraph.
1 20 Sec. 2. APPLICABILITY DATE. This Act applies to
1 21 assessment years beginning on or after January 1, 2010.
1 22 EXPLANATION
1 23 This bill provides that a geothermal heating or cooling
1 24 system constructed or installed on new or existing residential
1 25 property will not increase the value of the property for
1 26 purposes of property taxation for 10 full assessment years.
1 27 The bill directs the assessor to disregard any market value
1 28 added by a geothermal heating or cooling system and, to the
1 29 extent market value would be increased, to disregard
1 30 mechanical, electrical, plumbing, ductwork, or other
1 31 equipment, labor, and expenses included in or required for the
1 32 construction or installation of the geothermal system. The
1 33 bill provides that the assessed value will also not include
1 34 the proportionate value of any well field associated with the
1 35 system and attributable to the owner.

Senate Study Bill 1292 continued

2 1 The bill applies to assessment years beginning on or after
2 2 January 1, 2010.
2 3 LSB 2239SC 83
2 4 rn/sc/8

Senate Study Bill 1293

SENATE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON QUIRMBACH)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property, authorizing the creation of a lien on real property that is the subject of a nuisance action, and providing a limitation on liability for cities and city employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1849SC 83
md/rj/14

Senate Study Bill 1293 continued

PAG LIN

1 1 Section 1. Section 364.22, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4A. a. Upon receiving a citation under
1 4 subsection 4 that affects real property, the clerk of the
1 5 district court shall index the citation pursuant to section
1 6 617.10.
1 7 b. The clerk of the district court shall forward a copy of
1 8 the citation to the county recorder for filing. From the time
1 9 of the filing with the county recorder, a lien is created upon
1 10 the real property for the payment of any civil penalties,
1 11 abatement costs, court costs and fees, and for the performance
1 12 of any order, as adjudged by the court. The lien shall have
1 13 preference over all other liens except for taxes owing upon
1 14 the property, and the lien is enforceable against the property
1 15 owner, against a person who accepts title to or an interest in
1 16 the property, or any other interest holder of the property.
1 17 c. The clerk of the district court shall also forward a
1 18 copy of the citation to the county treasurer. The county
1 19 treasurer shall include a notation of the pendency of the
1 20 action in any future tax sale proceeding involving the
1 21 property, or withhold such property from tax sale.
1 22 Sec. 2. NEW SECTION. 364.26 LIMITATION ON LIABILITY ==
1 23 NUISANCE ABATEMENT.
1 24 1. A city or city employee shall not be liable for damages
1 25 resulting from a failure to issue a civil citation under
1 26 section 364.22 relating to a nuisance, a failure to take
1 27 action to abate a nuisance under chapter 657, or a failure to
1 28 file a petition under chapter 657A.
1 29 2. The limitation on liability provided in subsection 1
1 30 shall not affect any exemption from or limitation on liability
1 31 under section 670.4.
1 32 Sec. 3. Section 617.10, subsection 1, Code 2009, is
1 33 amended to read as follows:
1 34 1. When a petition or citation affecting real estate is
1 35 filed, the clerk of the district court where the petition or

Senate Study Bill 1293 continued

2 1 citation is filed shall index the petition or citation in an
2 2 index book under the tract number which describes the
2 3 property, entering in each instance the case number as a guide
2 4 to the record of court proceedings which affect the real
2 5 estate. If the petition or citation is amended to include
2 6 other parties or other lands, the amended petition or citation
2 7 shall be similarly indexed. When a final result is determined
2 8 in the case, the result shall be indicated in the index book
2 9 wherever indexed.
2 10 Sec. 4. NEW SECTION. 657.2A FILING NOTICE OF PETITION ==
2 11 LIEN.
2 12 1. When a petition affecting real property is filed by a
2 13 governmental entity under this chapter, the clerk of the
2 14 district court shall index the petition pursuant to section
2 15 617.10.
2 16 2. The clerk of the district court shall forward a copy of
2 17 the petition to the county recorder for filing. From the time
2 18 of the filing with the county recorder, a lien is created upon
2 19 the real property for the payment of any civil penalties,
2 20 abatement costs, court costs and fees, and for the performance
2 21 of any order, as adjudged by the court. The lien shall have
2 22 preference over all other liens except for taxes owing upon
2 23 the property, and the lien is enforceable against the property
2 24 owner, against a person who accepts title to or an interest in
2 25 the property, or any other interest holder of the property.
2 26 3. The clerk of the district court shall also forward a
2 27 copy of the petition to the county treasurer. The county
2 28 treasurer shall include a notation of the pendency of the
2 29 action in any future tax sale proceeding involving the
2 30 property, or withhold such property from tax sale.
2 31 Sec. 5. NEW SECTION. 657A.12 FILING NOTICE OF PETITION
2 32 == LIEN.
2 33 1. Upon receiving a petition under this chapter, the clerk
2 34 of the district court shall index the petition pursuant to
2 35 section 617.10.

Senate Study Bill 1293 continued

3 1 2. The clerk of the district court shall forward a copy of
3 2 the petition to the county recorder for filing. From the time
3 3 of the filing with the county recorder, a lien is created upon
3 4 the real property for the payment of abatement costs, court
3 5 costs and fees, and for the performance of any order, as
3 6 adjudged by the court. The lien shall have preference over
3 7 all other liens except for taxes owing upon the property, and
3 8 the lien is enforceable against the property owner, against a
3 9 person who accepts title to or an interest in the property, or
3 10 any other interest holder of the property.
3 11 3. The clerk of the district court shall also forward a
3 12 copy of the petition to the county treasurer. The county
3 13 treasurer shall include a notation of the pendency of the
3 14 action in any future tax sale proceeding involving the
3 15 property, or withhold such property from tax sale.
3 16 EXPLANATION
3 17 This bill relates to judicial actions affecting nuisance
3 18 properties. The bill requires that a municipal citation
3 19 issued under Code section 364.22 relating to a nuisance on
3 20 real property, a petition relating to a nuisance on real
3 21 property under Code chapter 657, or a petition relating to a
3 22 nuisance or for title to property under Code chapter 657A be
3 23 indexed by the clerk of the district court pursuant to Code
3 24 section 617.10.
3 25 The bill also provides that in any of the specified
3 26 judicial actions, the clerk of the district court is required
3 27 to forward a copy of the citation or petition, as applicable,
3 28 to the county recorder for filing. From the time of filing
3 29 with the county recorder, a lien is created upon the real
3 30 property for the payment of costs and fees, and for the
3 31 performance of any order, as adjudged by the court. The bill
3 32 provides that such a lien has preference over all other liens
3 33 except for taxes owing on the property, and that the lien is
3 34 enforceable against the property owner, a person who accepts
3 35 title to the property, or person who accepts or has an

Senate Study Bill 1293 continued

4 1 interest in the property.
4 2 The bill also provides that the clerk of the district court
4 3 is required to forward a copy of the citation or petition, as
4 4 applicable, to the county treasurer. The bill requires the
4 5 county treasurer to include a notation of the pendency of the
4 6 action against the property in any future tax sale proceeding
4 7 involving the property, or withhold such property from tax
4 8 sale.
4 9 The bill provides limitations on liability for cities and
4 10 city employees for damages resulting from a failure to issue a
4 11 civil citation under Code section 364.22 relating to a
4 12 nuisance, a failure to take action to abate a nuisance under
4 13 Code chapter 657, or a failure to file a petition under Code
4 14 chapter 657A.
4 15 LSB 1849SC 83
4 16 md/rj/14.1

Senate Study Bill 1294

SENATE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON QUIRMBACH)

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

An Act providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2093SC 83
rn/rj/8

Senate Study Bill 1294 continued

PAG LIN

1 1 Section 1. Section 12B.10, subsection 6, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. l. Investments in a qualified trust
1 4 established pursuant to governmental accounting standards
1 5 board statement numbers forty=three and forty=five which is
1 6 governed by a board of trustees of a joint investment trust
1 7 organized pursuant to chapter 28E and that is registered with
1 8 the federal securities and exchange commission under the
1 9 federal Investment Company Act of 1940, 15 U.S.C. } 80(a).
1 10 EXPLANATION
1 11 This bill provides an exemption from standards and
1 12 requirements otherwise applicable to the investment of public
1 13 funds pursuant to Code section 12B.10. The exemption allows a
1 14 joint investment trust organized pursuant to Code chapter 28E
1 15 that has established a qualified trust for cities and counties
1 16 to fund future liabilities for "other postemployee benefits"
1 17 as defined in specified government accounting standards board
1 18 statements to invest in long=term securities such as equities.
1 19 LSB 2093SC 83
1 20 rn/rj/8

Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 09, 2009

Senate Study Bill 1295

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

Passed Senate, Date _____ Passed House, Date
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays
Approved

A BILL FOR

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 and applicability date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2130SC 83
lh/rj/8

Senate Study Bill 1295 continued

PAG LIN

1 1 DIVISION I
1 2 MISCELLANEOUS PROVISIONS
1 3 Section 1. Section 6B.14, subsection 1, Code 2009, is
1 4 amended to read as follows:
1 5 1. The commissioners shall, at the time fixed in the
1 6 ~~aforesaid~~ notices required under section 6B.8, view the land
1 7 sought to be condemned and assess the damages which the owner
1 8 will sustain by reason of the appropriation. The commission
1 9 shall file its written report, signed by all commissioners,
1 10 with the sheriff. At the request of the condemner or the
1 11 condemnee, the commission shall divide the damages into parts
1 12 to indicate the value of any dwelling, the value of the land
1 13 and improvements other than a dwelling, and the value of any
1 14 additional damages. The appraisement and return may be in
1 15 parcels larger than forty acres belonging to one person and
1 16 lying in one tract, unless the agent or attorney of the
1 17 applicant, or the commissioners, have actual knowledge that
1 18 the tract does not belong wholly to the person in whose name
1 19 it appears of record; and in case of such knowledge, the
1 20 appraisement shall be made of the different portions as they
1 21 are known to be owned.
1 22 Sec. 2. Section 9D.1, Code 2009, is amended to read as
1 23 follows:
1 24 9D.1 DEFINITIONS.
1 25 As used in this chapter, unless the context otherwise
1 26 requires:
1 27 1. "Applicant" means a person applying for registration
1 28 under this chapter.
1 29 2. "Customer" means a person who is offered or who
1 30 purchases travel services.
1 31 3. "Doing business" in this state means any of the
1 32 following:
1 33 a. Offering to sell or selling travel services, if the
1 34 offer is made or received within the state.
1 35 b. Offering to arrange or arranging travel services for a

Senate Study Bill 1295 continued

2 1 fee or commission, direct or indirect, if the offer is made or
2 2 received in this state.
2 3 c. Offering to award or awarding travel services as a
2 4 prize or award, if the offer or award is made in or received
2 5 in this state.
2 6 ~~3.~~ 4. "Registrant" means a person registered pursuant to
2 7 this chapter.
2 8 ~~4.~~ 5. "Secretary" means the secretary of state.
2 9 ~~5.~~ 6. "Solicitation" means contact by a travel agency or
2 10 travel agent of a customer for the purpose of selling or
2 11 offering to sell travel services.
2 12 ~~6.~~ 7. "Travel agency" means a person who represents,
2 13 directly or indirectly, that the person is offering or
2 14 undertaking by any means or method, to provide travel services
2 15 for a fee, commission, or other valuable consideration, direct
2 16 or indirect.
2 17 ~~7.~~ 8. "Travel agent" means a person employed by a travel
2 18 agency whose principal duties include consulting with and
2 19 advising persons concerning travel arrangements or
2 20 accommodations.
2 21 ~~8.~~ 9. "Travel services" means arranging or booking
2 22 vacation or travel packages, travel reservations or
2 23 accommodations, tickets for domestic or foreign travel by air,
2 24 rail, ship, bus, or other medium of transportation, or hotel
2 25 or other lodging accommodations. Travel services include
2 26 travel related prizes or awards for which the customer must
2 27 pay a fee or, in connection with the prize or award, expend
2 28 moneys for the direct or indirect monetary benefit of the
2 29 person making the award, in order for the customer to collect
2 30 or enjoy the benefits of the prize or award.
2 31 Sec. 3. Section 9D.2, subsections 4 through 9, Code 2009,
2 32 are amended to read as follows:
2 33 ~~4. "Doing business" in this state, for purposes of this~~
2 34 ~~chapter, means any of the following:~~
2 35 ~~a. Offering to sell or selling travel services, if the~~

~~Senate Study Bill 1295 continued~~

~~3 1 offer is made or received within the state.~~
3 2 ~~b. Offering to arrange, or arranging, travel services for~~
~~3 3 a fee or commission, direct or indirect, if the offer is made~~
~~3 4 or received in this state.~~
3 5 ~~c. Offering to, or awarding travel services as a prize or~~
~~3 6 award, if the offer or award is made in or received in this~~
~~3 7 state.~~
3 8 ~~5.~~ 4. An applicant shall complete an application for
3 9 registration form provided by the secretary. The application
3 10 form must be accompanied by the required bond or evidence of
3 11 financial responsibility and the registration fee. The
3 12 application form shall include all of the following
3 13 information:
3 14 a. The name and signature of an officer or partner of a
3 15 business entity or the names and signatures of the principal
3 16 owner and operator if the agency is a sole proprietorship.
3 17 b. The name, address, and telephone number of the
3 18 applicant and the name of all travel agents employed by the
3 19 applicant travel agency.
3 20 c. The name, address, and telephone number of any person
3 21 who owns or controls, directly or indirectly, ten percent or
3 22 more of the applicant.
3 23 d. If the applicant is a foreign corporation or business,
3 24 the name and address of the corporation's agent in this state
3 25 for service of process.
3 26 e. Any additional information required by rule adopted by
3 27 the secretary pursuant to chapter 17A.
3 28 ~~6.~~ 5. The application form shall be accompanied by a
3 29 written irrevocable consent to service of process. The
3 30 consent must provide that actions in connection with doing
3 31 business in this state may be commenced against the registrant
3 32 in the proper jurisdiction in this state in which the cause of
3 33 action may arise, or in which the plaintiff may reside, by
3 34 service of process on the secretary as the registrant's agent
3 35 and stipulating and agreeing that such service of process

Senate Study Bill 1295 continued

4 1 shall be taken and held in all courts to be as valid and
4 2 binding as if service of process had been made upon the person
4 3 according to the laws of this or any other state. The consent
4 4 to service of process shall be in such form and supported by
4 5 such additional information as the secretary may by rule
4 6 require.
4 7 ~~7.~~ 6. An annual registration fee as established by the
4 8 secretary by rule is required at the time the application for
4 9 registration form is filed with the secretary, and on or
4 10 before the anniversary date of the effective date of
4 11 registration for each subsequent year. The registration fee
4 12 shall be established at a rate deemed reasonably necessary by
4 13 the secretary to support the administration of this chapter,
4 14 but not to exceed fifteen dollars per year per agency. If an
4 15 applicant or a registrant fails to pay the annual registration
4 16 fee, the application for registration or registration lapses
4 17 and becomes ineffective.
4 18 ~~8.~~ 7. A registrant shall submit to the secretary
4 19 corrections to the information supplied in the registration
4 20 form within a reasonable time after a change in circumstances,
4 21 which circumstances would be required to be reported in an
4 22 application for registration form, except travel agents' names
4 23 as required in subsection ~~5~~ 4, paragraph "b". The names of
4 24 travel agents shall be updated at the time of annual
4 25 registration.
4 26 ~~9.~~ 8. The secretary may revoke or suspend a registration
4 27 for cause subject to the contested case provisions of chapter
4 28 17A.
4 29 Sec. 4. Section 10.1, subsections 9 and 17, Code 2009, are
4 30 amended to read as follows:
4 31 9. "Farmers cooperative limited liability company" means a
4 32 limited liability company organized under chapter 489 or 490A,
4 33 if cooperative associations hold one hundred percent of all
4 34 membership interests in the limited liability company.
4 35 Farmers cooperative associations must hold at least seventy

Senate Study Bill 1295 continued

5 1 percent of all membership interests in the limited liability
5 2 company. If more than one type of membership interest is
5 3 established, including any series as provided in section
5 4 489.1201 or 490A.305 or any class or group as provided in
5 5 section 489.1201 or 490A.307, farmers cooperative associations
5 6 must hold at least seventy percent of all membership interests
5 7 of ~~that~~ each type.
5 8 17. "Networking farmers limited liability company" means a
5 9 limited liability company, other than a family farm limited
5 10 liability company as defined in section 9H.1, organized under
5 11 chapter 489 or 490A if all of the following conditions are
5 12 satisfied:
5 13 a. Qualified farmers must hold at least fifty=one percent
5 14 of all membership interests in the limited liability company.
5 15 If more than one type of membership interest is established,
5 16 including any series as provided in section 489.1201 or
5 17 490A.305 or any class or group as provided in section 489.1201
5 18 or 490A.307, qualified farmers must hold at least fifty=one
5 19 percent of all membership interests of ~~that~~ each type.
5 20 b. Qualified persons must hold at least seventy percent of
5 21 all membership interests in the limited liability company. If
5 22 more than one type of membership interest is established,
5 23 including any series as provided in section 489.1201 or
5 24 490A.305 or any class or group as provided in section 489.1201
5 25 or 490A.307, qualified persons must hold at least seventy
5 26 percent of all membership interests of ~~that~~ each type.
5 27 Sec. 5. Section 15.103, subsection 1, paragraph b,
5 28 unnumbered paragraph 1, Code 2009, is amended to read as
5 29 follows:
5 30 Each of the following areas of expertise shall be
5 31 represented by at least one voting member of the board who has
5 32 professional experience in that area of expertise:
5 33 Sec. 6. Section 15.103, subsection 1, paragraph c, Code
5 34 2009, is amended to read as follows:
5 35 c. At least nine of the voting members of the board shall

Senate Study Bill 1295 continued

be actively employed in the private, for=profit sector of the economy.

Sec. 7. Section 15.247, subsection 2, Code 2009, is amended to read as follows:

2. A "targeted small business financial assistance ~~program account"~~ program" is established within the department. A targeted small business financial assistance program account is established within the strategic investment fund created in section 15.313, to allow the department to provide for loans, loan guarantees, or grants to eligible targeted small businesses.

a. A targeted small business in any year shall receive under this program not more than fifty thousand dollars in a loan, grant, or guarantee, or a combination of loans, grants, or guarantees. A grant shall only be awarded when additional financing is secured by the applicant. In order to receive a grant, the applicant must demonstrate a minimum of ten percent cash investment in the project. A targeted small business shall not receive a grant, loan, or guarantee, or a combination of grants, loans, or guarantees under the program that provide more than ninety percent funding of a project.

b. The program shall provide guarantees not to exceed eighty percent for loans of up to seven years made by qualified lenders. The department shall establish a financial assistance reserve account from funds allocated to the program account, from which any default on a guaranteed loan under this section shall be paid. In administering the program the department shall not guarantee loan values in excess of the amount credited to the reserve account and only moneys set aside in the loan reserve account may be used for the payment of a default.

c. The department shall maintain records of all financial assistance approved pursuant to this section and information regarding the effectiveness of the financial assistance in establishing or expanding small business ventures.

Senate Study Bill 1295 continued

7 1 Sec. 8. Section 16.1, subsection 1, paragraph ac, Code
7 2 2009, is amended to read as follows:
7 3 ac. "Powers" means all of the general and specific powers
7 4 of the authority as provided in this chapter ~~and~~ which shall
7 5 be broadly and liberally interpreted to authorize the
7 6 authority to act in accordance with the goals of the authority
7 7 and in a manner consistent with the legislative findings and
7 8 guiding principles ~~which are reasonably necessary~~.
7 9 Sec. 9. Section 24.20, Code 2009, is amended to read as
7 10 follows:
7 11 24.20 TAX RATES FINAL.
7 12 The several tax rates and levies of ~~the municipalities thus~~
7 13 a municipality that are determined and certified in the manner
7 14 provided in sections 24.1 through 24.19, except such tax rates
7 15 and levies as are authorized by a vote of the people, shall
7 16 stand as the tax rates and levies of said municipality for the
7 17 ensuing fiscal year for the purposes set out in the budget.
7 18 Sec. 10. Section 26.14, subsection 3, paragraph c, Code
7 19 2009, is amended to read as follows:
7 20 c. If a public improvement may be performed by an employee
7 21 of the governmental entity, the amount of estimated sales and
7 22 fuel tax and the premium cost for the performance and payment
7 23 bond which a contractor identifies in its quotation shall be
7 24 deducted from the contractor's price for determining the
7 25 lowest responsive, responsible quotation. If no quotations
7 26 are received to perform the work, or if the governmental
7 27 entity's estimated cost to do the work with its employee is
7 28 less than the lowest responsive, responsible quotation
7 29 received, the governmental entity may authorize its employee
7 30 or employees to perform the work.
7 31 Sec. 11. Section 42.3, subsection 1, paragraph b, Code
7 32 2009, is amended to read as follows:
7 33 b. ~~However~~ Notwithstanding the time period specified in
7 34 paragraph "a", if the population data for legislative
7 35 districting which the United States census bureau is required

Senate Study Bill 1295 continued

8 1 to provide this state under Pub. L. No. 94=171 and, if used by
8 2 the legislative services agency, the corresponding
8 3 topologically integrated geographic encoding and referencing
8 4 data file for that population data are not available to the
8 5 legislative services agency on or before February 15 of the
8 6 year ending in one, the dates set forth in ~~this subsection~~
8 7 paragraph "a" shall be extended by a number of days equal to
8 8 the number of days after February 15 of the year ending in one
8 9 that the federal census population data and the topologically
8 10 integrated geographic encoding and referencing data file for
8 11 legislative districting become available.
8 12 Sec. 12. Section 42.3, subsection 2, Code 2009, is amended
8 13 to read as follows:
8 14 2. If the bill embodying the plan submitted by the
8 15 legislative services agency under subsection 1 fails to be
8 16 enacted, the legislative services agency shall prepare a bill
8 17 embodying a second plan of legislative and congressional
8 18 districting. The bill shall be prepared in accordance with
8 19 section 42.4, and, insofar as it is possible to do so within
8 20 the requirements of section 42.4, with the reasons cited by
8 21 the senate or house of representatives by resolution, or the
8 22 governor by veto message, for the failure to approve the plan.
8 23 If a second plan is required under this subsection, the bill
8 24 embodying it shall be delivered to the secretary of the senate
8 25 and the chief clerk of the house of representatives not later
8 26 than thirty=five days after the date of the vote by which the
8 27 senate or the house of representatives fails to approve the
8 28 bill submitted under subsection 1, or the date the governor
8 29 vetoes or fails to approve the bill. If it is necessary to
8 30 submit a bill under this subsection, the bill shall be brought
8 31 to a vote not less than seven days after the bill is submitted
8 32 and made available to the members of the general assembly,
8 33 under a procedure or rule permitting no amendments except
8 34 those of a purely corrective nature. It is further the intent
8 35 of this chapter that if the bill is approved by the first

Senate Study Bill 1295 continued

9 1 house in which it is considered, it shall expeditiously be
9 2 brought to a vote in the second house under a similar
9 3 procedure or rule. If the bill embodying the plan submitted
9 4 by the legislative services agency under this subsection fails
9 5 to be approved by a constitutional majority in either the
9 6 senate or the house of representatives, the secretary of the
9 7 senate or the chief clerk of the house, as the case may be,
9 8 shall transmit to the legislative services agency in the same
9 9 manner as described in subsection 1, information which the
9 10 senate or house may direct by resolution regarding reasons why
9 11 the plan was not approved ~~in the same manner as described in~~
~~9 12 subsection 1~~.
9 13 Sec. 13. Section 46.2A, subsections 1 and 8, Code 2009,
9 14 are amended to read as follows:
9 15 1. As used in this section, "congressional district" means
9 16 those districts established following the 2010 federal
9 17 decennial census and described in chapter ~~42~~ 40.
9 18 8. If the number of congressional districts established
9 19 following the 2010 federal decennial census and described in
9 20 chapter ~~42~~ 40 is not equal to four, then the procedures set
9 21 out in this section are void and this section is repealed
9 22 effective June 30, 2012.
9 23 Sec. 14. Section 49.36, Code 2009, is amended to read as
9 24 follows:
9 25 49.36 CANDIDATES OF NONPARTY ORGANIZATION.
9 26 The term "group of petitioners" as used in ~~the foregoing~~
9 27 sections 49.32 and 49.35 shall embrace an organization which
9 28 is not a political party as defined by law.
9 29 Sec. 15. Section 52.25, subsection 2, Code 2009, is
9 30 amended to read as follows:
9 31 2. The question, amendment, or measure, ~~and~~ or summaries
9 32 thereof, shall be printed on the ~~special paper~~ ballots ~~or on~~
~~9 33 the inserts used in the voting machines~~. In no case shall the
9 34 font size be less than ten point type.
9 35 Sec. 16. Section 62.1A, Code 2009, is amended to read as

Senate Study Bill 1295 continued

10 1 follows:
10 2 62.1A CONTEST COURT ESTABLISHED.
10 3 The court for the trial of contested county elections shall
10 4 consist of one ~~person~~ member named by the contestant and one
10 5 ~~person~~ member named by the incumbent. If the incumbent fails
10 6 to name a ~~judge~~ member, the chief judge of the judicial
10 7 district shall be notified of the failure to appoint. The
10 8 chief judge shall designate the second ~~judge~~ member within one
10 9 week after the chief judge is notified. These two ~~judges~~
10 10 members shall meet within three days and select a third ~~person~~
10 11 member to serve as the presiding ~~officer~~ member of the court.
10 12 If they cannot agree on the third member of the court within
10 13 three days after their initial meeting, the chief judge of the
10 14 judicial district shall be notified of the failure to agree.
10 15 The chief judge shall designate the presiding ~~judge~~ member
10 16 within one week after the chief judge is notified.
10 17 Sec. 17. Section 62.2, Code 2009, is amended to read as
10 18 follows:
10 19 62.2 ~~JUDGES~~ CONTEST COURT MEMBERS SWORN.
10 20 ~~Judges~~ Members of the contest court shall be sworn in the
10 21 same manner and form as trial jurors are sworn in trials of
10 22 civil actions. When a ~~judge~~ member fails to appear on the day
10 23 of trial, that ~~judge's~~ member's place may be filled by ~~another~~
10 24 the appointment of another member under the same rule.
10 25 Sec. 18. Section 68B.22, subsection 4, paragraph e, Code
10 26 2009, is amended to read as follows:
10 27 e. Anything available or distributed free of charge to
10 28 members of the general public without regard to the official
10 29 status of the recipient. This paragraph shall not apply to
10 30 ~~receptions~~ functions described under paragraph "s".
10 31 Sec. 19. Section 73.16, subsection 2, paragraph b, Code
10 32 2009, is amended to read as follows:
10 33 b. The director of an agency or department of state
10 34 government that has established a procurement goal as required
10 35 under this subsection shall provide a report within fifteen

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11 1 business days following the end of each calendar quarter to
11 2 the targeted small business marketing and compliance manager
11 3 of the department of economic development, providing the total
11 4 dollar amount of certified purchases from certified targeted
11 5 small businesses during the previous calendar quarter. The
11 6 required report shall be made in a form approved by the
11 7 targeted small business marketing and compliance manager. ~~The~~
~~11 8 first quarterly report shall be for the calendar quarter~~
~~11 9 ending September 30, 2007.~~
11 10 Sec. 20. Section 75.1, subsection 1, paragraph b, Code
11 11 2009, is amended to read as follows:
11 12 b. ~~All ballots~~ Ballots cast ~~and~~ but not counted as a vote
11 13 for or against the proposition shall not be used in computing
11 14 the total vote cast for and against said proposition.
11 15 Sec. 21. Section 85.59, Code 2009, is amended to read as
11 16 follows:
11 17 85.59 BENEFITS FOR INMATES AND OFFENDERS.
11 18 1. For the purposes of this section~~, the term "inmate"~~:
11 19 a. "Inmate" includes ~~a~~:
11 20 (1) A person confined in a reformatory, state
11 21 penitentiary, release center, or other state penal or
11 22 correctional institution while that person works in connection
11 23 with the maintenance of the institution, in an industry
11 24 maintained in the institution, or in an industry referred to
11 25 in section 904.809, or while on detail to perform services on
11 26 a public works project.
11 27 (2) ~~For purposes of this section, "inmate" includes a~~ A
11 28 person who is performing unpaid community service under the
11 29 direction of the district court, board of parole, or judicial
11 30 district department of correctional services, or an inmate
11 31 providing services pursuant to a chapter 28E agreement entered
11 32 into pursuant to section 904.703, or who is performing a work
11 33 assignment of value to the state or to the public under
11 34 chapter 232. ~~For purposes of this section, "unpaid~~
11 35 b. "Unpaid community service under the direction of the

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12 1 district court" includes but is not limited to community
12 2 service ordered and performed pursuant to section 598.23A.
12 3 2. For purposes of this section, an inmate on a work
12 4 assignment under section 904.703 working in construction or
12 5 maintenance at a public or charitable facility, or under
12 6 assignment to another agency of state, county, or local
12 7 government, shall be considered an employee of the state.
12 8 3. a. If an inmate is permanently incapacitated by injury
12 9 in the performance of the inmate's work in connection with the
12 10 maintenance of the institution, in an industry maintained in
12 11 the institution, or in an industry referred to in section
12 12 904.809, while on detail to perform services on a public works
12 13 project, or while performing services authorized pursuant to
12 14 section 904.809, or is permanently or temporarily
12 15 incapacitated in connection with the performance of unpaid
12 16 community service under the direction of the district court,
12 17 board of parole, or judicial district department of
12 18 correctional services, or in connection with the provision of
12 19 services pursuant to a chapter 28E agreement entered into
12 20 pursuant to section 904.703, or who is performing a work
12 21 assignment of value to the state or to the public under
12 22 chapter 232, that inmate shall be awarded only the benefits
12 23 provided in section 85.27 and section 85.34, subsections 2 and
12 24 3. The weekly rate for such permanent disability is equal to
12 25 the minimum rate as provided in this chapter.
12 26 b. Weekly compensation benefits under this section may be
12 27 determined prior to the inmate's release from the institution,
12 28 but payment of benefits to an inmate shall commence as of the
12 29 time of the inmate's release from the institution either upon
12 30 parole or final discharge. However, if the inmate is awarded
12 31 benefits for an injury incurred in connection with the
12 32 performance of unpaid community service under the direction of
12 33 the district court, board of parole, or judicial district
12 34 department of correctional services, or in connection with the
12 35 provision of services pursuant to a chapter 28E agreement

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13 1 entered into pursuant to section 904.703, or who is performing
13 2 a work assignment of value to the state or to the public under
13 3 chapter 232, weekly compensation benefits under this section
13 4 shall be determined and paid as in other workers' compensation
13 5 cases.
13 6 c. If an inmate is receiving benefits under the provisions
13 7 of this section and is recommitted to an institution covered
13 8 by this section, the benefits shall immediately cease. If
13 9 benefits cease because of the inmate's recommitment, the
13 10 benefits shall resume upon subsequent release from the
13 11 institution.
13 12 d. If death results from the injury, death benefits shall
13 13 be awarded and paid to the dependents of the inmate as in
13 14 other workers' compensation cases except that the weekly rate
13 15 shall be equal to sixty=six and two=thirds percent of the
13 16 state average weekly wage paid employees as determined by the
13 17 department of workforce development under section 96.19,
13 18 subsection 36, and in effect at the time of the injury.
13 19 4. Payment under this section shall be made promptly out
13 20 of appropriations which have been made for that purpose, if
13 21 any. An amount or part thereof which cannot be paid promptly
13 22 from the appropriation shall be paid promptly out of money in
13 23 the state treasury not otherwise appropriated.
13 24 5. The time limit for commencing an original proceeding to
13 25 determine entitlement to benefits under this section is the
13 26 same as set forth in section 85.26. If an injury occurs to an
13 27 inmate so as to qualify the inmate for benefits under this
13 28 section, notwithstanding the fact that payments of weekly
13 29 benefits are not commenced, an acknowledgment of
13 30 compensability shall be filed with the workers' compensation
13 31 commissioner within thirty days of the time the responsible
13 32 authority receives notice or knowledge of the injury as
13 33 required by section 85.23.
13 34 6. If a dispute arises as to the extent of disability when
13 35 an acknowledgment of compensability is on file or when an

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14 1 award determining liability has been made, an action to
14 2 determine the extent of disability must be commenced within
14 3 one year of the time of the release of the inmate from the
14 4 institution. This does not bar the right to reopen the claim
14 5 as provided by section 85.26, subsection 2.
14 6 7. Responsibility for the filings required by chapter 86
14 7 for injuries resulting in permanent disability or death and as
14 8 modified by this section shall be made in the same manner as
14 9 for other employees of the institution.
14 10 Sec. 22. Section 85.66, Code 2009, is amended to read as
14 11 follows:
14 12 85.66 SECOND INJURY FUND == CREATION == CUSTODIAN.
14 13 1. The ~~"Second Injury Fund"~~ second injury fund is hereby
14 14 established under the custody of the treasurer of state and
14 15 shall consist of payments to the fund as provided by this
14 16 division and any accumulated interest and earnings on moneys
14 17 in the second injury fund.
14 18 2. The treasurer of state is charged with the conservation
14 19 of the assets of the second injury fund. Moneys collected in
14 20 the second injury fund shall be disbursed only for the
14 21 purposes stated in this division, and shall not at any time be
14 22 appropriated or diverted to any other use or purpose. ~~The~~
~~14 23 treasurer of state shall invest any surplus moneys of the fund~~
~~14 24 in securities which constitute legal investments for state~~
~~14 25 funds under the laws of this state, and may sell any of the~~
~~14 26 securities in which the fund is invested, if necessary, for~~
~~14 27 the proper administration or in the best interests of the~~
~~14 28 fund. Disbursements~~ Except for reimbursements to the attorney
14 29 general provided for in section 85.67, disbursements from the
14 30 fund shall be paid by the treasurer of state only upon the
14 31 written order of the workers' compensation commissioner. ~~The~~
~~14 32 attorney general shall be reimbursed up to one hundred fifty~~
~~14 33 thousand dollars annually from the fund for services provided~~
~~14 34 related to the fund.~~ The treasurer of state shall invest any
14 35 surplus moneys of the fund in securities which constitute

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15 1 legal investments for state funds under the laws of this
15 2 state, and may sell any of the securities in which the fund is
15 3 invested, if necessary, for the proper administration or in
15 4 the best interests of the fund.
15 5 3. The treasurer of state shall quarterly prepare a
15 6 statement of the fund, setting forth the balance of moneys in
15 7 the fund, the income of the fund, specifying the source of all
15 8 income, the payments out of the fund, specifying the various
15 9 items of payments, and setting forth the balance of the fund
15 10 remaining to its credit. The statement shall be open to
15 11 public inspection in the office of the treasurer of state.
15 12 Sec. 23. Section 89.11, Code 2009, is amended to read as
15 13 follows:
15 14 89.11 INJUNCTION.
15 15 1. In addition to all other remedies, if any owner, user,
15 16 or person in charge of any equipment covered by this chapter
15 17 continues to use any equipment covered by this chapter, after
15 18 receiving an inspection report identifying defects and
15 19 exhausting appeal rights as provided by this chapter without
15 20 first correcting the defects or making replacements, the
15 21 commissioner may apply to the district court by petition in
15 22 equity, in an action brought in the name of the state, for a
15 23 writ of injunction to restrain the use of the alleged
15 24 defective equipment.
15 25 2. ~~However, if~~ If the commissioner believes that the
15 26 continued operation of equipment constitutes an imminent
15 27 danger that could seriously injure or cause death to any
15 28 person, in addition to all other remedies, the commissioner
15 29 may apply to the district court in the county in which the
15 30 imminently dangerous condition exists for a temporary order to
15 31 enjoin the owner, user, or person in charge from operating the
15 32 equipment before ~~exhausting~~ the owner's, user's, or person's
15 33 rights to administrative appeals have been exhausted.
15 34 Sec. 24. Section 96.19, subsection 17, Code 2009, is
15 35 amended to read as follows:

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16 1 17. "Employing unit" means any individual or type of
16 2 organization, including this state and its political
16 3 subdivisions, state agencies, boards, commissions, and
16 4 instrumentalities thereof, any partnership, association,
16 5 trust, estate, joint stock company, insurance company or
16 6 corporation, whether domestic or foreign, or the receiver,
16 7 trustee in bankruptcy, trustee or successor thereof, or the
16 8 legal representative of a deceased person, which has or
16 9 subsequent to January 1, 1936, had in its employ one or more
16 10 individuals performing services for it within this state. All
16 11 individuals performing services within this state for any
16 12 employing unit which maintains two or more separate
16 13 establishments within this state shall be deemed to be
16 14 employed by a single employing unit for all the purposes of
16 15 this chapter. Whenever any employing unit contracts with or
16 16 has under it any contractor or subcontractor for any work
16 17 which is part of its usual trade, occupation, profession, or
16 18 business, unless the employing unit as well as each such
16 19 contractor or subcontractor is an employer by reason of
16 20 subsection 16 or section 96.8, subsection 3, the employing
16 21 unit shall for all the purposes of this chapter be deemed to
16 22 employ each individual in the employ of each such contractor
16 23 or subcontractor for each day during which such individual is
16 24 engaged in performing such work; except that each such
16 25 contractor or subcontractor who is an employer by reason of
16 26 subsection 16 or section 96.8, subsection 3, shall alone be
16 27 liable for the contributions measured by wages payable to
16 28 individuals in the contractor's or subcontractor's employ, and
16 29 except that any employing unit who shall become liable for and
16 30 pay contributions with respect to individuals in the employ of
16 31 any such contractor or subcontractor who is not an employer by
16 32 reason of subsection 16 or section 96.8, subsection 3, may
16 33 recover the same from such contractor or subcontractor, except
16 34 as any contractor or subcontractor who would in the absence of
16 35 ~~the foregoing provisions~~ subsection 16 or section 96.8,

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17 1 subsection 3, be liable to pay said contributions, accepts
17 2 exclusive liability for said contributions under an agreement
17 3 with such employer made pursuant to general rules of the
17 4 department. Each individual employed to perform or to assist
17 5 in performing the work of any agent or employee of an
17 6 employing unit shall be deemed to be employed by such
17 7 employing unit for all the purposes of this chapter, whether
17 8 such individual was hired or paid directly by such employing
17 9 unit or by such agent or employee, provided the employing unit
17 10 had actual or constructive knowledge of such work, and
17 11 provided, further, that such employment was for a total of not
17 12 less than eight hours in any one calendar week.
17 13 Sec. 25. Section 100B.1, subsection 1, paragraph a,
17 14 subparagraph (3), Code 2009, is amended to read as follows:
17 15 (3) The tenth and eleventh voting members of the council
17 16 shall be members of the general public appointed by the
17 17 governor.
17 18 Sec. 26. Section 100C.3, subsection 2, Code 2009, is
17 19 amended to read as follows:
17 20 2. An applicant for certification as an alarm system
17 21 contractor or an alarm system installer shall be subject to a
17 22 national criminal history check through the federal bureau of
17 23 investigation. The applicant shall provide fingerprints to
17 24 the department of public safety for submission through the
17 25 state criminal history repository to the federal bureau of
17 26 investigation. Fees for the national criminal history check
17 27 shall be paid by the applicant or the applicant's employer.
17 28 The results of a criminal history check conducted pursuant to
17 29 this subsection shall ~~not~~ be considered a ~~public~~ confidential
17 30 record under chapter 22.
17 31 Sec. 27. Section 103.15, subsection 2, paragraph a, Code
17 32 2009, is amended to read as follows:
17 33 a. A person shall be licensed as an unclassified person by
17 34 the board to perform electrical work if the work is performed
17 35 under the personal supervision of a person actually licensed

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18 1 to perform such work and the licensed and unclassified persons
18 2 are employed by the same employer. A person shall not be
18 3 employed continuously for more than one hundred days as an
18 4 unclassified person without having obtained a current license
18 5 from the board. For the purposes of determining whether a
18 6 person has been "employed continuously" for more than one
18 7 hundred days under this subsection, ~~"one hundred continuous~~
~~18 8 days of employment" includes~~ employment shall include any days
18 9 not worked due to illness, holidays, weekend days, and other
18 10 absences that do not constitute separation from or termination
18 11 of employment. Any period of employment as a nonlicensed
18 12 unclassified person shall not be credited to any applicable
18 13 experiential requirement of an apprenticeship training program
18 14 registered by the bureau of apprenticeship and training of the
18 15 United States department of labor.
18 16 Sec. 28. Section 103.30, Code 2009, is amended to read as
18 17 follows:
18 18 103.30 INSPECTIONS NOT REQUIRED.
18 19 Nothing in this chapter shall be construed to require the
18 20 work of employees of municipal utilities, railroads, electric
18 21 membership or cooperative associations, investor=owned
18 22 utilities, rural water associations or districts, or
18 23 telecommunications systems to be inspected while the employees
18 24 are acting within the scope of their employment.
18 25 Sec. 29. Section 125.86, subsection 3, paragraph a, Code
18 26 2009, is amended to read as follows:
18 27 a. A psychiatric advanced registered nurse practitioner
18 28 treating a ~~patient~~ respondent previously ~~hospitalized~~
18 29 committed under this chapter may complete periodic reports
18 30 pursuant to this section on the ~~patient~~ respondent if the
18 31 ~~patient~~ respondent has been recommended for treatment on an
18 32 outpatient or other appropriate basis pursuant to section
18 33 125.84, subsection 3, and if a psychiatrist licensed pursuant
18 34 to chapter 148~~, 150, or 150A~~ personally evaluates the ~~patient~~
18 35 respondent on at least an annual basis.

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19 1 Sec. 30. Section 135.1, subsection 4, Code 2009, is
19 2 amended to read as follows:
19 3 4. "Physician" means a person licensed to practice
19 4 medicine and surgery, osteopathic medicine and surgery,
19 5 chiropractic, podiatry, or optometry under the laws of this
19 6 state; but a person licensed as a physician and surgeon shall
19 7 be designated as a "physician" or "surgeon", a person licensed
19 8 as an osteopathic physician and surgeon shall be designated as
19 9 an "osteopathic physician" or "osteopathic surgeon", ~~a person~~
~~19 10 licensed as an osteopath shall be designated as an~~
~~19 11 "osteopathic physician",~~ a person licensed as a chiropractor
19 12 shall be designated as a "chiropractor", a person licensed as
19 13 a podiatrist shall be designated as a "podiatric physician",
19 14 and a person licensed as an optometrist shall be designated as
19 15 an "optometrist". A definition or designation contained in
19 16 this subsection shall not be interpreted to expand the scope
19 17 of practice of such licensees.
19 18 Sec. 31. Section 135.17, subsection 1, paragraph a, Code
19 19 2009, is amended to read as follows:
19 20 a. Except as provided in paragraphs "c" and "d", the
19 21 parent or guardian of a child enrolled in elementary school
19 22 shall provide evidence to the school district or accredited
19 23 nonpublic elementary school in which the child is enrolled of
19 24 the child having, no earlier than three years of age but prior
19 25 to reaching six years of age, at a minimum, a dental screening
19 26 performed by a licensed physician as defined in chapter 148 ~~or~~
~~19 27 150~~, a nurse licensed under chapter 152, a licensed physician
19 28 assistant as defined in section 148C.1, or a licensed dental
19 29 hygienist or dentist as defined in chapter 153. Except as
19 30 provided in paragraphs "c" and "d", the parent or guardian of
19 31 a child enrolled in high school shall provide evidence to the
19 32 school district or accredited nonpublic high school in which
19 33 the child is enrolled of the child having, at a minimum, a
19 34 dental screening performed within the prior year by a licensed
19 35 dental hygienist or dentist as defined in chapter 153. A

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school district or accredited nonpublic school shall provide access to a process to complete the screenings described in this paragraph as appropriate.

Sec. 32. Section 135.24, subsection 6, paragraph d, Code 2009, is amended to read as follows:

d. "Health care provider" means a physician licensed under chapter 148, a chiropractor licensed under chapter 151, a physical therapist licensed pursuant to chapter 148A, an occupational therapist licensed pursuant to chapter 148B, a podiatrist licensed pursuant to chapter 149, a physician assistant licensed and practicing under a supervising physician pursuant to chapter 148C, a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E, a respiratory therapist licensed pursuant to chapter 152B, a dentist, dental hygienist, or dental assistant registered or licensed to practice under chapter 153, an optometrist licensed pursuant to chapter 154, a psychologist licensed pursuant to chapter 154B, a social worker licensed pursuant to chapter 154C, a mental health counselor or a marital and family therapist licensed pursuant to chapter 154D, a speech pathologist or audiologist licensed pursuant to chapter 154F, a pharmacist licensed pursuant to chapter 155A, or an emergency medical care provider certified pursuant to chapter 147A.

Sec. 33. Section 135.37, subsection 6, Code 2009, is amended to read as follows:

6. As necessary to avoid duplication and promote coordination of public health inspection and enforcement activities, the department may enter into agreements with local boards of health to provide for inspection ~~and enforcement~~ of tattooing establishments and enforcement activities in accordance with the rules and criteria implemented under this section.

Sec. 34. Section 135.159, subsection 2, paragraph a,

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21 1 subparagraph (6), Code 2009, is amended to read as follows:
21 2 (6) A physician and an osteopathic physician licensed
21 3 pursuant to chapter 148 ~~and a physician licensed pursuant to~~
~~21 4 chapter 150~~ who are family physicians and members of the Iowa
21 5 academy of family physicians.
21 6 Sec. 35. Section 135B.20, subsection 1, Code 2009, is
21 7 amended to read as follows:
21 8 1. "Doctor" shall mean any person licensed to practice
21 9 medicine and surgery or ~~osteopathy~~ osteopathic medicine and
21 10 surgery in this state.
21 11 Sec. 36. Section 135C.33, subsection 5, paragraph a,
21 12 subparagraph (1), Code 2009, is amended to read as follows:
21 13 (1) An employee of a ~~homemaker, home=health~~ homemaker=home
21 14 health aide, home care aide, adult day services, or other
21 15 provider of in=home services if the employee provides direct
21 16 services to consumers.
21 17 Sec. 37. Section 136C.1, subsection 4, Code 2009, is
21 18 amended to read as follows:
21 19 4. "Licensed professional" means a person licensed or
21 20 otherwise authorized by law to practice medicine, ~~osteopathy~~
21 21 osteopathic medicine, podiatry, chiropractic, dentistry,
21 22 dental hygiene, or veterinary medicine.
21 23 Sec. 38. Section 136C.3, subsection 2, paragraph a, Code
21 24 2009, is amended to read as follows:
21 25 a. Establish minimum training standards including
21 26 continuing education requirements, and administer examinations
21 27 and disciplinary procedures for operators of radiation
21 28 machines and users of radioactive materials. A state of Iowa
21 29 license to practice medicine, ~~osteopathy~~ osteopathic medicine,
21 30 chiropractic, podiatry, dentistry, dental hygiene, or
21 31 veterinary medicine, or licensure as a physician assistant
21 32 pursuant to chapter 148C, or certification by the dental board
21 33 in dental radiography, or by the board of podiatry in
21 34 podiatric radiography, or enrollment in a program or course of
21 35 study approved by the Iowa department of public health which

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22 1 includes the application of radiation to humans satisfies the
22 2 minimum training standards for operation of radiation machines
22 3 only.
22 4 Sec. 39. Section 137F.3A, subsection 1, Code 2009, is
22 5 amended to read as follows:
22 6 1. a. ~~If a~~ The department of inspections and appeals may
22 7 employ additional full=time equivalent positions to enforce
22 8 the provisions of this chapter and chapters 137C and 137D,
22 9 with the approval of the department of management, if either
22 10 of the following apply:
22 11 (1) A municipal corporation operating pursuant to a
22 12 chapter 28E agreement with the department of inspections and
22 13 appeals to enforce ~~this chapter and chapters 137C and 137D~~ the
22 14 chapters either fails to renew the agreement effective after
22 15 April 1, 2007, or discontinues, after April 1, 2007,
22 16 enforcement activities in one or more jurisdictions during the
22 17 agreement time frame~~, or the~~.
22 18 (2) The department of inspections and appeals cancels an
22 19 agreement after April 1, 2007, due to noncompliance with the
22 20 terms of the agreement~~, the department of inspections and~~
~~22 21 appeals may employ additional full=time equivalent positions~~
~~22 22 to enforce the provisions of the chapters, with the approval~~
~~22 23 of the department of management~~.
22 24 b. Before approval ~~is~~ may be given, the director of the
22 25 department of management ~~shall determine~~ must have determined
22 26 that the expenses exceed the funds budgeted by the general
22 27 assembly for food inspections to the department of inspections
22 28 and appeals. The department of inspections and appeals may
22 29 hire no more than one full=time equivalent position for each
22 30 six hundred inspections required pursuant to this chapter and
22 31 chapters 137C and 137D.
22 32 Sec. 40. Section 137F.6, subsection 1, paragraph h, Code
22 33 2009, is amended to read as follows:
22 34 h. ~~A~~ For a food establishment covered by paragraphs "d"
22 35 and "e" ~~shall be assessed~~ the license fees assessed shall be

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23 1 an amount not to exceed seventy=five percent of the total fees
23 2 applicable under both paragraphs.
23 3 Sec. 41. Section 142.1, Code 2009, is amended to read as
23 4 follows:
23 5 142.1 DELIVERY OF BODIES.
23 6 The body of every person dying in a public asylum,
23 7 hospital, county care facility, penitentiary, or reformatory
23 8 in this state, or found dead within the state, or which is to
23 9 be buried at public expense in this state, except those buried
23 10 under the provisions of chapter 144C or 249, and which is
23 11 suitable for scientific purposes, shall be delivered to the
23 12 medical college of the state university, or some osteopathic
23 13 or chiropractic college or school located in this state, which
23 14 has been approved under the law regulating the practice of
23 15 ~~osteopathy~~ osteopathic medicine or chiropractic; but no such
23 16 body shall be delivered to any such college or school if the
23 17 deceased person expressed a desire during the person's last
23 18 illness that the person's body should be buried or cremated,
23 19 nor if such is the desire of the person's relatives. Such
23 20 bodies shall be equitably distributed among said colleges and
23 21 schools according to their needs for teaching anatomy in
23 22 accordance with such rules as may be adopted by the Iowa
23 23 department of public health. The expense of transporting said
23 24 bodies to such college or school shall be paid by the college
23 25 or school receiving the same. If the deceased person has not
23 26 expressed a desire during the person's last illness that the
23 27 person's body should be buried or cremated and no person
23 28 authorized to control the deceased person's remains under
23 29 section 144C.5 requests the person's body for burial or
23 30 cremation, and if a friend objects to the use of the deceased
23 31 person's body for scientific purposes, said deceased person's
23 32 body shall be forthwith delivered to such friend for burial or
23 33 cremation at no expense to the state or county. Unless such
23 34 friend provides for burial and burial expenses within five
23 35 days, the body shall be used for scientific purposes under

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24 1 this chapter.
24 2 Sec. 42. Section 142A.3, subsections 3 through 10, Code
24 3 2009, are amended to read as follows:
24 4 3. The membership of the commission shall ~~consist of~~
24 5 include the following voting members who shall serve
24 6 three=year, staggered terms:
24 7 a. Members, at least one of whom is a member of a racial
24 8 minority, to be appointed by the governor, subject to
24 9 confirmation by the senate pursuant to sections 2.32 and
24 10 69.19, and consisting of the following:
24 11 (1) Three members who are active with nonprofit health
24 12 organizations that emphasize tobacco use prevention or who are
24 13 active as health services providers, at the local level.
24 14 ~~b.~~ (2) One member who is a retailer.
24 15 ~~c.~~ (3) Three members who are active with health promotion
24 16 activities at the local level in youth education, law
24 17 enforcement, nonprofit services, or other activities relating
24 18 to tobacco use prevention and control.
24 19 ~~The members appointed under this subsection shall be~~
~~24 20 appointed by the governor, subject to confirmation by the~~
~~24 21 senate, pursuant to sections 2.32 and 69.19. At least one~~
~~24 22 member appointed under this subsection shall be a member of a~~
~~24 23 racial minority.~~
24 24 ~~4.~~ b. ~~In addition to the members described in subsection~~
~~24 25 3, the membership of the commission shall include three~~ Three
24 26 voting members ~~who are~~, to be selected by the participants in
24 27 the annual statewide youth summit of the initiative's youth
24 28 program~~. The youth membership appointments are~~, who shall not
24 29 be subject to section 69.16 or 69.16A. However, the selection
24 30 process shall provide for diversity among the members and at
24 31 least one of the youth members shall be a female. ~~These~~
~~24 32 members shall also serve three=year staggered terms.~~
24 33 ~~5.~~ 4. The commission shall also include the following ex
24 34 officio, nonvoting members:
24 35 a. Four members of the general assembly, with not more

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25 1 than one member from each chamber being from the same
25 2 political party. The majority leader of the senate and the
25 3 minority leader of the senate shall each appoint one of the
25 4 senate members. The majority leader of the house and the
25 5 minority leader of the house of representatives shall each
25 6 appoint one of the house members.
25 7 b. The presiding officer of the statewide youth executive
25 8 body, selected by the delegates to the statewide youth summit.
25 9 ~~6.~~ 5. In addition to the members of the ~~council~~
25 10 commission, the following agencies, organizations, and persons
25 11 shall each assign a single liaison to the commission to
25 12 provide assistance to the commission in the discharge of the
25 13 commission's duties:
25 14 a. The department of education.
25 15 b. The drug policy coordinator.
25 16 c. The department of justice, office of the attorney
25 17 general.
25 18 d. The department of human services.
25 19 e. The alcoholic beverages division of the department of
25 20 commerce.
25 21 ~~7.~~ 6. Citizen members shall be reimbursed for actual and
25 22 necessary expenses incurred in performance of their duties.
25 23 Citizen members shall be paid a per diem as specified in
25 24 section 7E.6. Legislative members are eligible for per diem
25 25 and expenses as provided in section 2.10.
25 26 ~~8.~~ 7. A member of the commission who is convicted of a
25 27 crime relating to tobacco, alcohol, or controlled substances
25 28 is subject to removal from the commission.
25 29 ~~9. The commission may designate an advisory council. The~~
~~25 30 commission shall determine the membership and representation~~
~~25 31 of the advisory council and members of the council shall serve~~
~~25 32 at the pleasure of the commission. The advisory council may~~
~~25 33 include representatives of health care provider groups, parent~~
~~25 34 groups, antitobacco advocacy programs and organizations,~~
~~25 35 tobacco retailers, research and evaluation experts, and youth~~

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~~26 1 organizers.~~
26 2 ~~10.~~ 8. A vacancy on the commission other than for the
26 3 youth members shall be filled in the same manner as the
26 4 original appointment for the balance of the unexpired term. A
26 5 youth member vacancy shall be filled by the presiding officer
26 6 of the statewide executive body as selected by the delegates
26 7 to the statewide youth summit.
26 8 9. The commission shall elect a chairperson from among its
26 9 voting members and may select other officers from among its
26 10 voting members, as determined necessary by the commission.
26 11 The commission shall meet regularly as determined by the
26 12 commission, upon the call of the chairperson, or upon the call
26 13 of a majority of the voting members.
26 14 10. The commission may designate an advisory council. The
26 15 commission shall determine the membership and representation
26 16 of the advisory council and members of the council shall serve
26 17 at the pleasure of the commission. The advisory council may
26 18 include representatives of health care provider groups, parent
26 19 groups, antitobacco advocacy programs and organizations,
26 20 tobacco retailers, research and evaluation experts, and youth
26 21 organizers.
26 22 Sec. 43. Section 142C.2, subsection 25, Code 2009, is
26 23 amended to read as follows:
26 24 25. "Physician" means an individual authorized to practice
26 25 medicine and surgery or ~~osteopathy~~ osteopathic medicine and
26 26 surgery under the laws of any state.
26 27 Sec. 44. Section 144.14, Code 2009, is amended to read as
26 28 follows:
26 29 144.14 FOUNDLINGS.
26 30 1. A person who assumes the custody of a living infant of
26 31 unknown parentage shall report on a form and in the manner
26 32 prescribed by the state registrar within five days to the
26 33 county registrar of the county in which the child was found,
26 34 the following information:
26 35 ~~1.~~ a. The date and place ~~of finding~~ the child was found.

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27 1 ~~2.~~ b. The sex, color or race, and approximate age of the
27 2 child.
27 3 ~~3.~~ c. The name and address of the person or institution
27 4 which has assumed custody of the child.
27 5 ~~4.~~ d. The name given to the child by the custodian.
27 6 ~~5.~~ e. Other data required by the state registrar.
27 7 2. The place where the child was found shall be entered as
27 8 the place of birth and the date of birth shall be determined
27 9 by approximation. A report registered under this section
27 10 shall constitute the certificate of birth for the infant.
27 11 3. If the child is identified and a certificate of birth
27 12 is found or obtained, any report registered under this section
27 13 shall be sealed and filed and may be opened only by order of a
27 14 court of competent jurisdiction or as provided by regulation.
27 15 Sec. 45. Section 144C.2, subsection 3, Code 2009, is
27 16 amended to read as follows:
27 17 3. "Assisted living ~~program facility~~" program" means an
27 18 assisted living program ~~facility as defined in section 231C.2~~
27 19 under chapter 231C.
27 20 Sec. 46. Section 144C.3, subsection 4, Code 2009, is
27 21 amended to read as follows:
27 22 4. A funeral director, an attorney, or any agent, owner,
27 23 or employee of a funeral establishment, cremation
27 24 establishment, cemetery, elder group home, assisted living
27 25 program ~~facility~~, adult day services program, or licensed
27 26 hospice program shall not serve as a designee unless related
27 27 to the declarant within the third degree of consanguinity.
27 28 Sec. 47. Section 147.14, subsection 1, paragraph w, Code
27 29 2009, is amended to read as follows:
27 30 w. For nursing home administrators, a total of nine
27 31 members, four who are licensed nursing home administrators,
27 32 one of whom is the administrator of a nonproprietary nursing
27 33 home; three licensed members of any profession concerned with
27 34 the care and treatment of chronically ill or elderly patients
27 35 who are not nursing home administrators or nursing home

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28 1 owners; and two members of the general public who are not
28 2 licensed under ~~this~~ chapter 155, have no financial interest in
28 3 any nursing home, and who shall represent the general public.
28 4 Sec. 48. Section 147.55, unnumbered paragraph 1, Code
28 5 2009, is amended to read as follows:
28 6 A licensee's license to practice a profession shall be
28 7 revoked~~,~~ or suspended, or the licensee otherwise disciplined
28 8 by the board for that profession, when the licensee is guilty
28 9 of any of the following acts or offenses:
28 10 Sec. 49. Section 147.80, subsection 1, paragraphs f, g,
28 11 and i, Code 2009, are amended to read as follows:
28 12 f. Issuance of a certified statement that a ~~licensee~~
28 13 person is licensed, registered, or has been issued a
28 14 certificate to practice in this state.
28 15 g. Issuance of a duplicate license, registration, or
28 16 certificate, which shall be so designated on its face. A
28 17 board may require satisfactory proof that the original
28 18 license, registration, or certificate issued by the board has
28 19 been lost or destroyed.
28 20 i. Verification of licensure, registration, or
28 21 certification.
28 22 Sec. 50. Section 147.85, Code 2009, is amended to read as
28 23 follows:
28 24 147.85 FRAUD.
28 25 Any person who presents to a board a diploma or certificate
28 26 of which the person is not the rightful owner, for the purpose
28 27 of procuring a license, or who falsely ~~personates~~ impersonates
28 28 anyone to whom a license has been issued by the board shall be
28 29 guilty of a serious misdemeanor.
28 30 Sec. 51. Section 147.135, subsection 3, paragraph a, Code
28 31 2009, is amended to read as follows:
28 32 a. A full and confidential report concerning any final
28 33 hospital disciplinary action approved by a hospital board of
28 34 trustees that results in a limitation, suspension, or
28 35 revocation of a physician's privilege to practice for reasons

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29 1 relating to the physician's professional competence or
29 2 concerning any voluntary surrender or limitation of privileges
29 3 for reasons relating to professional competence shall be made
29 4 to the board of medicine by the hospital administrator or
29 5 chief of medical staff within ten days of such action. The
29 6 board of medicine shall investigate the report and take
29 7 appropriate action. These reports shall be privileged and
29 8 confidential as though included in and subject to the
29 9 requirements for peer review committee information in
29 10 subsection 2. Persons making these reports and persons
29 11 participating in resulting proceedings related to these
29 12 reports shall be immune from civil liability with respect to
29 13 the making of the report or participation in resulting
29 14 proceedings. As used in this subsection, "physician" means a
29 15 person licensed pursuant to chapter 148~~, chapter 150, or~~
~~29 16 chapter 150A~~.
29 17 Sec. 52. Section 148.2A, subsection 2, paragraph e,
29 18 subparagraph (4), Code 2009, is amended to read as follows:
29 19 (4) The majority of a hearing panel containing alternate
29 20 members shall be ~~members~~ licensed to practice under this
29 21 chapter.
29 22 Sec. 53. Section 148.3, subsection 2, Code 2009, is
29 23 amended to read as follows:
29 24 2. An application for a license shall be made to the board
29 25 of medicine. All license and renewal fees shall be paid to
29 26 ~~and collected by the board and transmitted to~~ the board.
29 27 Sec. 54. Section 148.6, subsection 2, paragraph h, Code
29 28 2009, is amended to read as follows:
29 29 h. ~~(1)~~ Inability to practice medicine and surgery or
29 30 osteopathic medicine and surgery with reasonable skill and
29 31 safety by reason of illness, drunkenness, excessive use of
29 32 drugs, narcotics, chemicals, or other type of material or as a
29 33 result of a mental or physical condition.
29 34 (1) The board may, upon probable cause, compel a physician
29 35 to submit to a mental or physical examination by designated

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30 1 physicians or to submit to alcohol or drug screening within a
30 2 time specified by the board.
30 3 (2) A person licensed to practice medicine and surgery or
30 4 osteopathic medicine and surgery who makes application for the
30 5 renewal of a license, as required by section 147.10, gives
30 6 consent to submit to a mental or physical examination as
30 7 provided by this paragraph "h" when directed in writing by the
30 8 board. All objections shall be waived as to the admissibility
30 9 of ~~the~~ an examining physicians' testimony or examination
30 10 reports on the grounds that they constitute privileged
30 11 communication. The medical testimony or examination reports
30 12 shall not be used against a physician in another proceeding
30 13 and shall be confidential, except for other actions filed
30 14 against a physician to revoke or suspend a license.
30 15 Sec. 55. Section 148.14, Code 2009, is amended to read as
30 16 follows:
30 17 148.14 BOARD OF MEDICINE INVESTIGATORS.
30 18 The board of medicine may appoint investigators, who shall
30 19 not be members of the board, and whose compensation shall be
30 20 determined pursuant to chapter 8A, subchapter IV.
30 21 Investigators appointed by the board have the powers and
30 22 status of peace officers when enforcing this chapter, chapter
30 23 147, and chapter 272C.
30 24 Sec. 56. Section 148A.7, Code 2009, is amended to read as
30 25 follows:
30 26 148A.7 FALSE USE OF TITLES PROHIBITED.
30 27 1. A person or business entity, including the employees,
30 28 agents, or representatives of the business entity, shall not
30 29 use in connection with that person's or business entity's
30 30 business activity the words "physical therapy", "physical
30 31 therapist", "licensed physical therapist", "registered
30 32 physical therapist", "doctor of physical therapy", "physical
30 33 therapist assistant", "licensed physical therapist assistant",
30 34 "registered physical therapist assistant", or the letters
30 35 "P.T.", "L.P.T.", "R.P.T.", "D.P.T.", "P.T.A.", "L.P.T.A.",

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31 1 "R.P.T.A.", or any other words, abbreviations, or insignia
31 2 indicating or implying that physical therapy is provided or
31 3 supplied, unless such services are provided by or under the
31 4 direction and supervision of a physical therapist licensed
31 5 pursuant to this chapter.
31 6 2. Notwithstanding section 147.74, a person or the owner,
31 7 officer, or agent of an entity that violates this section is
31 8 guilty of a serious misdemeanor, and a license to practice
31 9 shall be revoked or suspended pursuant to section 147.55.
31 10 3. This section shall not apply to the use of the term
31 11 "physiotherapy" by a provider licensed under this chapter,
31 12 chapter 151, or by an individual under the direction and
31 13 supervision of a provider licensed under this chapter or
31 14 chapter 151.
31 15 Sec. 57. Section 153.14, subsection 2, Code 2009, is
31 16 amended to read as follows:
31 17 2. Licensed "physicians and surgeons" or licensed
31 18 ~~"osteopaths~~ "osteopathic physicians and surgeons" who extract
31 19 teeth or treat diseases of the oral cavity, gums, teeth, or
31 20 maxillary bones as an incident to the general practice of
31 21 their profession.
31 22 Sec. 58. Section 154A.6, Code 2009, is amended to read as
31 23 follows:
31 24 154A.6 DISCLOSURE OF CONFIDENTIAL INFORMATION.
31 25 1. A member of the board shall not disclose information
31 26 relating to the following:
31 27 ~~1.~~ a. Criminal history or prior misconduct of the
31 28 applicant.
31 29 ~~2.~~ b. Information relating to the contents of the
31 30 examination.
31 31 ~~3.~~ c. Information relating to the examination results
31 32 other than final score except for information about the
31 33 results of an examination which is given to the person who
31 34 took the examination.
31 35 2. A member of the board who willfully communicates or

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32 1 seeks to communicate ~~such~~ information in violation of
32 2 subsection 1, and any person who willfully requests, obtains,
32 3 or seeks to obtain such information, is guilty of a simple
32 4 misdemeanor.
32 5 Sec. 59. Section 154B.5, Code 2009, is amended to read as
32 6 follows:
32 7 154B.5 SCOPE OF CHAPTER.
32 8 Nothing in this chapter shall be construed to prevent
32 9 qualified members of other professional groups such as
32 10 physicians, ~~osteopaths~~ osteopathic physicians, optometrists,
32 11 chiropractors, members of the clergy, authorized Christian
32 12 Science practitioners, attorneys at law, social workers or
32 13 guidance counselors from performing functions of a
32 14 psychological nature consistent with the accepted standards of
32 15 their respective professions, if they do not use any title or
32 16 description stating or implying that they are psychologists or
32 17 are certified to practice psychology.
32 18 Sec. 60. Section 154C.3, subsection 1, paragraph c,
32 19 subparagraph (5), Code 2009, is amended to read as follows:
32 20 (5) (a) Supervision shall be provided in any of the
32 21 following manners:
32 22 ~~(a)~~ (i) By a social worker licensed at least at the level
32 23 of the social worker being supervised and qualified under this
32 24 section to practice without supervision.
32 25 ~~(b)~~ (ii) By another qualified professional, if the board
32 26 determines that supervision by a social worker as defined in
32 27 subparagraph subdivision ~~(a)~~ (i) is unobtainable or in other
32 28 situations considered appropriate by the board.
32 29 (b) Additional standards for supervision shall be
32 30 determined by the board.
32 31 Sec. 61. Section 154F.2, subsection 1, paragraph a, Code
32 32 2009, is amended to read as follows:
32 33 a. Licensed physicians and surgeons, licensed osteopathic
32 34 physicians and surgeons, licensed physician assistants and
32 35 registered nurses acting under the supervision of a physician

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33 1 or osteopathic physician, persons conducting hearing tests
33 2 under the direct supervision of a licensed physician and
33 3 surgeon~~,~~ or licensed osteopathic physician and surgeon, or
33 4 students of medicine or surgery or osteopathic medicine and
33 5 surgery pursuing a course of study in a medical school or
33 6 college of osteopathic medicine and surgery approved by the
33 7 board of medicine while performing functions incidental to
33 8 their course of study.
33 9 Sec. 62. Section 155.2, subsection 1, paragraph c, Code
33 10 2009, is amended to read as follows:
33 11 c. Two members who are not licensed nursing home
33 12 administrators or are not licensed persons under this chapter
33 13 and chapter 147 and who shall represent the general public.
33 14 The members shall be interested in the problems of elderly
33 15 patients and nursing home care, but shall have no financial
33 16 interest in any nursing home.
33 17 Sec. 63. Section 155.17, Code 2009, is amended to read as
33 18 follows:
33 19 155.17 DISCLOSURE OF CONFIDENTIAL INFORMATION.
33 20 1. A member of the board shall not disclose information
33 21 relating to the following:
33 22 ~~1.~~ a. Criminal history or prior misconduct of the
33 23 applicant.
33 24 ~~2.~~ b. Information relating to the contents of the
33 25 examination.
33 26 ~~3.~~ c. Information relating to the examination results
33 27 other than final score except for information about the
33 28 results of an examination which is given to the person who
33 29 took the examination.
33 30 2. A member of the board who willfully communicates or
33 31 seeks to communicate ~~such~~ information in violation of
33 32 subsection 1, and any person who willfully requests, obtains
33 33 or seeks to obtain such information, is guilty of a simple
33 34 misdemeanor.
33 35 Sec. 64. Section 155A.15, subsection 2, paragraph d, Code

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34 1 2009, is amended to read as follows:
34 2 d. Delivered without legal authorization prescription
34 3 drugs or devices to a person other than one of the following:
34 4 (1) A pharmacy licensed by the board.
34 5 (2) A practitioner.
34 6 (3) A person who procures prescription drugs or devices
34 7 for the purpose of lawful research, teaching, or testing, and
34 8 not for resale.
34 9 (4) A manufacturer or wholesaler licensed by the board.
34 10 (5) ~~However, this chapter does not prohibit a pharmacy~~
~~34 11 from furnishing a prescription drug or device to a~~ A licensed
34 12 health care facility which is furnished the drug or device by
34 13 a pharmacy for storage in secured emergency pharmaceutical
34 14 supplies containers maintained within the facility in
34 15 accordance with rules of the department of inspections and
34 16 appeals and rules of the board.
34 17 Sec. 65. Section 158.1, subsection 1, Code 2009, is
34 18 amended to read as follows:
34 19 1. "Barbering" means the practices listed in this
34 20 subsection performed with or without compensation. ~~The~~
~~34 21 practices include~~ "Barbering" includes but ~~are~~ is not limited
34 22 to the following practices performed upon the upper part of
34 23 the human body of any person for cosmetic purposes and not for
34 24 the treatment of disease or physical or mental ailments:
34 25 a. Shaving or trimming the beard or cutting the hair.
34 26 b. Giving facial and scalp massages or treatments with
34 27 oils, creams, lotions, or other preparations either by hand,
34 28 or by electrical or mechanical appliances.
34 29 c. Singeing, shampooing, hair body processing, arranging,
34 30 dressing, curling, blow waving, hair relaxing, bleaching or
34 31 coloring the hair, or applying hair tonics.
34 32 d. Applying cosmetic preparations, antiseptics, powders,
34 33 oils, clays, or lotions to scalp, face, or neck.
34 34 e. Styling, cutting or shampooing hairpieces or wigs when
34 35 done in conjunction with haircutting or hairstyling.

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35 1 ~~Barbers shall not represent themselves to the public as~~
~~35 2 being primarily engaged in practices other than haircutting~~
~~35 3 unless the functions are in fact their primary function or~~
~~35 4 specialty.~~
35 5 Sec. 66. Section 158.2, unnumbered paragraph 1, Code 2009,
35 6 is amended to read as follows:
35 7 ~~It is unlawful for a~~ A person ~~to~~ shall not practice
35 8 barbering with or without compensation unless the person
35 9 possesses a license issued under the provisions of section
35 10 158.3. A person licensed under section 158.3 shall not
35 11 represent to the public that the person is primarily engaged
35 12 in practices other than haircutting unless the functions are
35 13 in fact the person's primary function or specialty. Practices
35 14 listed in section 158.1 when performed by the following
35 15 persons ~~are not defined as practicing~~ do not constitute
35 16 barbering:
35 17 Sec. 67. Section 159A.4, Code 2009, is amended to read as
35 18 follows:
35 19 159A.4 ADVISORY COMMITTEE.
35 20 1. A renewable fuels and coproducts advisory committee is
35 21 established within the department.
35 22 2. The committee shall ~~be composed of~~ include the
35 23 following ~~persons~~ voting members:
35 24 a. The following department representatives:
35 25 ~~a.~~ (1) The secretary, or a person designated by the
35 26 secretary, representing the department of agriculture and land
35 27 stewardship, who shall be the chairperson of the committee.
35 28 ~~b.~~ (2) The director of the Iowa department of economic
35 29 development, or a person designated by the director,
35 30 representing the Iowa department of economic development.
35 31 ~~c.~~ (3) The director of the state department of
35 32 transportation, or a person designated by the director,
35 33 representing the state department of transportation.
35 34 ~~d.~~ (4) The director of the department of natural
35 35 resources, or a person designated by the director,

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36 1 representing the department of natural resources.
36 2 b. The following persons, who shall be appointed by the
36 3 governor from lists of candidates provided by the
36 4 organizations represented:
36 5 ~~e.~~ (1) A person representing retail dealers as defined in
36 6 section 214A.1 who shall be actively engaged in the business
36 7 of selling motor fuel on a retail basis.
36 8 ~~f.~~ (2) A person representing refiners of petroleum
36 9 products who shall be actively engaged in the business of
36 10 refining petroleum into motor fuel for the purpose of sale
36 11 within the state.
36 12 ~~g.~~ (3) A person representing an organization serving
36 13 livestock producers in this state.
36 14 ~~h.~~ (4) A person representing the Iowa corn growers
36 15 association.
36 16 ~~i.~~ (5) A person representing the Iowa soybean
36 17 association.
36 18 ~~j.~~ (6) A person actively engaged in farming, as defined
36 19 in section 9H.1.
36 20 ~~k.~~ (7) A person representing the renewable fuels industry
36 21 in this state.
36 22 c. ~~The governor shall appoint persons who~~ Members
36 23 appointed by the governor shall be confirmed by the senate,
36 24 pursuant to section 2.32, ~~to serve as voting members of the~~
~~36 25 committee. However, the secretary of agriculture shall~~
~~36 26 appoint the person representing the department of agriculture~~
~~36 27 and land stewardship, the director of the Iowa department of~~
~~36 28 economic development shall appoint the person representing~~
~~36 29 that department, the director of the state department of~~
~~36 30 transportation shall appoint the person representing that~~
~~36 31 department, and the director of the department of natural~~
~~36 32 resources shall appoint the person representing that~~
~~36 33 department. The governor may make appointments of persons~~
~~36 34 representing organizations listed under paragraphs "g" through~~
~~36 35 "i" from a list of candidates which shall be provided by the~~

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~~37 1 organization upon request by the governor.~~
37 2 ~~2. The members appointed pursuant to subsection 1,~~
~~37 3 paragraphs "e" through "k",~~ and shall serve three=year terms
37 4 beginning and ending as provided in section 69.19. However,
37 5 the governor shall appoint initial members to serve for less
37 6 than three years to ensure members serve staggered terms. ~~A~~
~~37 7 member is eligible for reappointment. A vacancy on the~~
~~37 8 committee shall be filled for the unexpired portion of the~~
~~37 9 regular term in the same manner as regular appointments are~~
~~37 10 made.~~
37 11 3. The committee shall also include four ex officio
37 12 nonvoting members who shall be legislative members. The
37 13 legislative members are two state senators, one appointed by
37 14 the president of the senate, after consultation with the
37 15 majority leader of the senate, and one appointed by the
37 16 minority leader of the senate, after consultation with the
37 17 president of the senate, from their respective parties; and
37 18 two state representatives, one appointed by the speaker of the
37 19 house of representatives, after consultation with the majority
37 20 leader of the house of representatives, and one appointed by
37 21 the minority leader of the house of representatives, from
37 22 their respective parties.
37 23 4. A member is eligible for reappointment. A vacancy on
37 24 the committee shall be filled for the unexpired portion of the
37 25 regular term in the same manner as regular appointments are
37 26 made. A vacancy in the membership of the committee does not
37 27 impair the ability of the committee to carry out committee
37 28 duties.
37 29 ~~4.~~ 5. The committee shall meet on a regular basis and at
37 30 the call of the chairperson or upon the written request to the
37 31 chairperson of two or more voting members.
37 32 ~~5. The members other than those enumerated in subsection~~
~~37 33 1, paragraphs "a" through "d", are entitled to receive~~
~~37 34 compensation as provided in section 7E.6.~~
37 35 6. Five voting members constitute a quorum and the

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38 1 affirmative vote of a majority of the voting members present
38 2 is necessary for any substantive action to be taken by the
38 3 committee. The majority shall not include any member who has
38 4 a conflict of interest and a statement by a member that the
38 5 member has a conflict of interest is conclusive for this
38 6 purpose. ~~A vacancy in the membership does not impair the~~
~~38 7 duties of the committee.~~
38 8 7. The members other than those enumerated in subsection
38 9 2, paragraph "a", are entitled to receive compensation as
38 10 provided in section 7E.6.
38 11 ~~7.~~ 8. The committee shall be staffed by the agricultural
38 12 marketing division of the department. The coordinator shall
38 13 serve as secretary to the committee.
38 14 Sec. 68. Section 161.1, Code 2009, is amended to read as
38 15 follows:
38 16 161.1 TITLE.
38 17 This ~~section~~ chapter shall be known and may be cited as the
38 18 "Iowa Agrichemical Remediation Act".
38 19 Sec. 69. Section 161F.6, Code 2009, is amended to read as
38 20 follows:
38 21 161F.6 CHAPTERS MADE APPLICABLE.
38 22 1. In the organization, operation, and financing of
38 23 districts established under this chapter, the provisions of
38 24 chapter 468 shall apply and any procedure provided under
38 25 chapter 468 in connection with the organization, financing,
38 26 and operation of any drainage district shall apply to the
38 27 organization, financing, and operation of districts organized
38 28 under this chapter.
38 29 2. ~~Wherever any of the provisions of said chapters refer~~
~~38 30 to the word "drainage", the word~~ As used in this chapter or
38 31 chapter 468:
38 32 a. "Drainage" shall be deemed to include in its meaning
38 33 soil erosion and flood control or any combination of drainage,
38 34 flood control, and soil erosion control. ~~The term "drainage~~
~~38 35 district" shall be considered to include districts having as~~

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~~39 1 their purpose soil conservancy or flood control or any~~
~~39 2 combination thereof, and the words "drainage certificates"~~
39 3 b. "Drainage certificates" or "drainage bonds" shall be
39 4 deemed to include certificates or bonds issued in behalf of
39 5 any district organized under the provisions of this chapter~~;~~
~~39 6 and any procedure provided by these chapters in connection~~
~~39 7 with the organization, financing and operation of any drainage~~
~~39 8 district shall be applicable to the organization, financing~~
~~39 9 and operation of districts organized under this chapter~~.
39 10 c. "Drainage district" shall be considered to include
39 11 districts having as their purpose soil conservancy or flood
39 12 control or any combination thereof.
39 13 Sec. 70. Section 162.2, subsection 16, Code 2009, is
39 14 amended to read as follows:
39 15 16. "Research facility" means any school or college of
39 16 medicine, veterinary medicine, pharmacy, dentistry, or
39 17 ~~osteopathy~~ osteopathic medicine, or hospital, diagnostic or
39 18 research laboratories, or other educational or scientific
39 19 establishment situated in this state concerned with the
39 20 investigation of, or instruction concerning the structure or
39 21 function of living organisms, the cause, prevention, control
39 22 or cure of diseases or abnormal conditions of human beings or
39 23 animals.
39 24 Sec. 71. Section 166D.10, Code 2009, is amended to read as
39 25 follows:
39 26 166D.10 MOVEMENT OF SWINE.
39 27 1. ~~A~~ Except as otherwise provided in this section, a
39 28 person shall not sell, lease, exhibit, loan, move, or relocate
39 29 swine within the state unless the swine are accompanied by a
39 30 certificate of inspection in the same manner as provided for a
39 31 certificate of veterinary inspection as provided in section
39 32 163.30. The department may combine the certificate of
39 33 inspection with a certificate of veterinary inspection.
39 34 2. A certificate of inspection is not required if any of
39 35 the following apply:

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40 1 a. The swine are moved to slaughter.
40 2 b. The swine are relocated, ~~if~~ and all of the following
40 3 apply:
40 4 (1) A transportation certificate accompanies the relocated
40 5 swine.
40 6 (2) The swine's owner maintains information regarding the
40 7 relocation in relocation records. The department may adopt
40 8 rules excusing a person from maintaining relocation records,
40 9 if the department determines that the purposes of the chapter
40 10 as provided in section 166D.1 are not furthered by the
40 11 requirement.
40 12 (3) A certificate of inspection, or a certificate of
40 13 veterinary inspection as provided in section 163.30, has been
40 14 issued for the swine within thirty days prior to the date of
40 15 relocation. The department may adopt rules excusing a person
40 16 from complying with this subparagraph if the department
40 17 determines that the purposes of the chapter as provided in
40 18 section 166D.1 are not furthered by the requirement.
40 19 (4) The swine have a current negative pseudorabies status.
40 20 ~~The department shall adopt rules required to administer~~
~~40 21 this paragraph "b". A transportation certificate accompanying~~
~~40 22 relocated swine shall cite the relevant relocation record and~~
~~40 23 certificate of inspection, or certificate of veterinary~~
~~40 24 inspection. The department may provide for the examination of~~
~~40 25 the relocation records on the owner's premises during normal~~
~~40 26 business hours, or may require that reports containing~~
~~40 27 relevant information contained in relocation records and~~
~~40 28 certificates of inspection, or certificates of veterinary~~
~~40 29 inspection, be periodically submitted to the department. For~~
~~40 30 purposes of this section, swine production information~~
~~40 31 contained in relocation records is a trade secret as provided~~
~~40 32 in section 22.7, unless otherwise provided by rules adopted by~~
~~40 33 the department. The department shall provide for the~~
~~40 34 disclosure of confidential information only to the extent~~
~~40 35 required for enforcement of this chapter, the detection and~~

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~~41 1 prosecution of public offenses, or to comply with a subpoena~~
~~41 2 or court order.~~
41 3 c. A person transfers ownership of all or part of a herd,
41 4 if the herd remains on the same premises. However, the herd
41 5 must be tested by statistical sampling. If any part of the
41 6 herd is subsequently moved or relocated, the swine must be
41 7 moved or relocated in accordance with this section and
41 8 sections 166D.7, 166D.8, and 166D.10A.
41 9 3. A transportation certificate accompanying swine which
41 10 are relocated as provided in subsection 2, paragraph "b",
41 11 shall cite the relevant relocation record and certificate of
41 12 inspection, or certificate of veterinary inspection. The
41 13 department may provide for the examination of the relocation
41 14 records on the owner's premises during normal business hours,
41 15 or may require that reports containing relevant information
41 16 contained in relocation records and certificates of
41 17 inspection, or certificates of veterinary inspection, be
41 18 periodically submitted to the department. For purposes of
41 19 this section, swine production information contained in
41 20 relocation records is a trade secret as provided in section
41 21 22.7, unless otherwise provided by rules adopted by the
41 22 department. The department shall provide for the disclosure
41 23 of confidential information only to the extent required for
41 24 enforcement of this chapter, the detection and prosecution of
41 25 public offenses, or to comply with a subpoena or court order.
41 26 The department shall adopt rules required to administer
41 27 subsection 2, paragraph "b", and this subsection.
41 28 ~~2.~~ 4. a. ~~Swine~~ Except as provided in paragraph "b",
41 29 swine that are moved shall be individually identified as
41 30 provided in section 163.30, which may include requirements for
41 31 affixing ear tags to swine.
41 32 b. (1) ~~However, native~~ Native Iowa feeder pigs moved from
41 33 farm to farm within the state shall be exempted from the
41 34 identification requirements of this subsection if the owner
41 35 transferring possession of the feeder pigs executes a written

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42 1 agreement with the person taking possession of the feeder
42 2 pigs.
42 3 (a) The agreement shall provide that the feeder pigs shall
42 4 not be commingled with other swine for a period of thirty
42 5 days.
42 6 (b) The owner transferring possession shall be responsible
42 7 for making certain that the agreement is executed and for
42 8 providing a copy of the agreement to the person taking
42 9 possession.
42 10 (2) Native Iowa feeder pigs that are moved shall be
42 11 accompanied by a certificate of inspection, or a certificate
42 12 of veterinary inspection as provided in section 163.30, unless
42 13 swine are otherwise exempted from this requirement by this
42 14 section.
42 15 (3) As used in this ~~subsection~~ paragraph "b", "farm to
42 16 farm within the state" does not include the movement or
42 17 relocation of native Iowa feeder pigs to the possession of a
42 18 dealer licensed pursuant to section 163.30. ~~Native Iowa~~
~~42 19 feeder pigs that are moved shall be accompanied by a~~
~~42 20 certificate of inspection, or a certificate of veterinary~~
~~42 21 inspection as provided in section 163.30, unless swine are~~
~~42 22 otherwise exempted from this requirement by this section.~~
42 23 ~~3.~~ 5. Swine from a herd located within this state must be
42 24 moved or relocated in compliance with this section. If the
42 25 swine is moved or relocated from a herd located within a
42 26 county which is designated by the department as in stage II of
42 27 the national pseudorabies eradication program, the swine shall
42 28 not be moved or relocated unless in compliance with section
42 29 166D.11. Regardless of whether the swine is from a herd
42 30 located in a stage II county, the following shall govern the
42 31 movement or relocation of swine within this state:
42 32 a. For swine from a noninfected herd, a person shall not
42 33 move swine for breeding purposes, unless one of the following
42 34 applies:
42 35 (1) The swine is moved from a qualified negative herd or

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43 1 qualified differentiable negative herd.
43 2 (2) The swine reacts negatively to a differentiable test
43 3 within thirty days prior to moving the swine.
43 4 b. For swine which is exposed, a person shall not move or
43 5 relocate the swine, unless one of the following applies:
43 6 (1) The swine reacts negatively to a differentiable test
43 7 within thirty days prior to moving or relocating the swine.
43 8 (2) The swine moves by restricted movement to either a
43 9 fixed concentration point or slaughtering establishment.
43 10 c. For swine from a herd of unknown status, a person shall
43 11 not move or relocate the swine, unless one of the following
43 12 applies:
43 13 (1) The swine reacts negatively to a differentiable test
43 14 within thirty days prior to moving or relocating the swine.
43 15 (2) The swine moves by restricted movement to either a
43 16 fixed concentration point or slaughtering establishment.
43 17 However, the swine is not required to move by restricted
43 18 movement if the swine is moved from a fixed concentration
43 19 point directly to another fixed concentration point or to a
43 20 slaughtering establishment.
43 21 d. For swine which is from an infected herd, a person
43 22 shall not move or relocate the swine, unless one of the
43 23 following applies:
43 24 (1) If the swine is part of a cleanup plan, the following
43 25 shall apply:
43 26 (a) For swine, other than feeder pigs or cull swine, which
43 27 are part of a herd subject to a cleanup plan, a person shall
43 28 only move swine by restricted movement to either a fixed
43 29 concentration point or slaughtering establishment. A person
43 30 shall not relocate the swine.
43 31 (b) For a feeder pig or cull swine which is part of a herd
43 32 subject to a herd cleanup plan, a person shall only move the
43 33 feeder pig or cull swine by restricted movement to either a
43 34 fixed concentration point or slaughtering establishment or
43 35 relocate the feeder pig or cull swine by restricted movement

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44 1 to an approved premises. For a feeder pig or cull swine which
44 2 is part of a feeder pig cooperator herd cleanup plan, a person
44 3 shall only move the feeder pig or cull swine by restricted
44 4 movement to either a fixed concentration point or slaughtering
44 5 establishment or move or relocate the feeder pig or cull swine
44 6 by restricted movement to an approved premises. However, a
44 7 person shall not move or relocate a feeder pig or cull swine
44 8 to an approved premises, unless the approved premises is
44 9 identified in a cleanup plan as provided in section 166D.8, or
44 10 the department approves the move or relocation to another
44 11 approved premises. A person shall not move or relocate a cull
44 12 swine to an approved premises, unless the cull swine reacts
44 13 negatively to a test and is vaccinated with a differentiable
44 14 vaccine. The test and vaccine must be administered within
44 15 thirty days prior to the movement or relocation to the
44 16 approved premises. A noninfected feeder pig is not required
44 17 to be tested or vaccinated prior to movement or relocation to
44 18 an approved premises, if the feeder pig is vaccinated upon
44 19 arrival at the approved premises.
44 20 (c) For swine from a herd kept on an approved premises, a
44 21 person shall only move or relocate the swine by restricted
44 22 movement as provided in the cleanup plan governing the herd
44 23 and terms and conditions of the certification required for the
44 24 approved premises as provided in section 166D.10B.
44 25 (2) If the swine is not part of a herd that is subject to
44 26 a cleanup plan because the herd is quarantined, a person shall
44 27 only move the swine by restricted movement to either a fixed
44 28 concentration point or slaughtering establishment.
44 29 ~~4.~~ 6. Swine from a herd located outside this state must
44 30 be moved into and maintained in this state in compliance with
44 31 this section. A person shall not move swine into this state,
44 32 except as follows:
44 33 a. For swine from a herd, other than a noninfected herd,
44 34 the swine must be moved either to a fixed concentration point
44 35 or slaughtering establishment.

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45 1 b. For swine from a noninfected herd, the swine may be
45 2 moved to a concentration point or slaughtering establishment.
45 3 If the swine is not moved to a concentration point or
45 4 slaughtering establishment, the following shall apply:
45 5 (1) Unless the person moves the swine into a county
45 6 designated by the department as in stage II of the national
45 7 pseudorabies eradication program, the following shall apply:
45 8 (a) A person shall not move swine into this state for
45 9 breeding purposes, unless one of the following applies:
45 10 (i) The swine is moved from a qualified negative herd or
45 11 qualified differentiable negative herd.
45 12 (ii) The swine reacts negatively to a differentiable test,
45 13 within thirty days prior to moving the swine.
45 14 (b) A person shall not move a feeder swine which is moved
45 15 into this state, unless the feeder swine reacts negatively to
45 16 a differentiable test within thirty days prior to movement
45 17 from a herd in this state.
45 18 (2) If a person moves the swine into a county which is
45 19 designated by the department as in stage II of the national
45 20 pseudorabies eradication program, the following shall apply:
45 21 (a) Except as provided in this subparagraph, the owner of
45 22 swine shall vaccinate the swine with a modified=live
45 23 differentiable vaccine, prior to moving swine into the stage
45 24 II county. A person is not required to vaccinate swine prior
45 25 to moving swine into the stage II county if one of the
45 26 following applies:
45 27 (i) The swine is part of a herd that cannot be vaccinated
45 28 under the law of the state or country in which the herd is
45 29 kept immediately prior to being moved into the stage II
45 30 county.
45 31 (ii) The swine is an isowean feeder pig.
45 32 (iii) The swine is moved either to a fixed concentration
45 33 point or slaughtering establishment.
45 34 (b) For swine which are not vaccinated before being moved
45 35 into a stage II county as provided in this paragraph, the

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46 1 following shall apply:
46 2 (i) For swine other than swine moved into a herd within a
46 3 stage II county as an isowean feeder pig, the swine must be
46 4 immediately vaccinated with a differentiable vaccine, as
46 5 provided in section 166D.11. The swine shall be considered as
46 6 part of a herd of unknown status, until tested negative and
46 7 vaccinated.
46 8 (ii) For swine moved into a herd within a stage II county
46 9 as an isowean feeder pig, the swine moved into the herd must
46 10 be immediately vaccinated with a differentiable vaccine, as
46 11 provided in section 166D.11. The department may require that
46 12 the swine be revaccinated with a differentiable vaccine at a
46 13 later date. The swine shall be considered as part of a herd
46 14 of unknown status, until tested negative and vaccinated.
46 15 ~~5.~~ 7. A person shall not move a swine within this state,
46 16 other than to a fixed concentration point or slaughtering
46 17 establishment, if the swine is vaccinated with a vaccine other
46 18 than a differentiable vaccine approved by the department
46 19 pursuant to section 166D.14.
46 20 ~~6.~~ 8. Known infected swine moved through a fixed
46 21 concentration point shall only be moved by restricted movement
46 22 to a slaughtering establishment.
46 23 ~~7.~~ 9. Swine moved under this section to a slaughtering
46 24 establishment shall be for the exclusive purpose of
46 25 slaughtering the swine. Swine moved under this section to a
46 26 fixed concentration point shall be for the exclusive purpose
46 27 of immediately moving the swine to a slaughtering
46 28 establishment. Swine moved or relocated under this section to
46 29 an approved premises shall be for the exclusive purpose of
46 30 feeding the swine prior to movement or relocation to another
46 31 approved premises, or movement to either a fixed concentration
46 32 point or a slaughtering establishment.
46 33 Sec. 72. Section 169.5, Code 2009, is amended to read as
46 34 follows:
46 35 169.5 BOARD OF VETERINARY MEDICINE.

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47 1 1. a. The governor shall appoint, subject to confirmation
47 2 by the senate pursuant to section 2.32, a board of five
47 3 individuals, three of whom shall be licensed veterinarians and
47 4 two of whom shall not be licensed veterinarians~~, but shall be~~
~~47 5 knowledgeable in the area of animal husbandry~~ and ~~who~~ shall
47 6 represent the general public. ~~The representatives of the~~
~~47 7 general public shall not prepare, grade or otherwise~~
~~47 8 administer examinations to applicants for license to practice~~
~~47 9 veterinary medicine.~~ The board shall be known as the Iowa
47 10 board of veterinary medicine.
47 11 b. Each licensed veterinarian board member shall be
47 12 actively engaged in veterinary medicine and shall have been so
47 13 engaged for a period of five years immediately preceding
47 14 appointment, the last two of which shall have been in Iowa.
47 15 The representatives of the general public shall be
47 16 knowledgeable in the area of animal husbandry. A member of
47 17 the board shall not be employed by or have any material or
47 18 financial interest in any wholesale or jobbing house dealing
47 19 in supplies, equipment, or instruments used or useful in the
47 20 practice of veterinary medicine.
47 21 ~~A member of the board shall not be employed by or have any~~
~~47 22 material or financial interest in any wholesale or jobbing~~
~~47 23 house dealing in supplies, equipment or instruments used or~~
~~47 24 useful in the practice of veterinary medicine. The person~~
~~47 25 designated as the state veterinarian shall serve as secretary~~
~~47 26 of the board.~~
47 27 c. Professional associations or societies composed of
47 28 licensed veterinarians may recommend the names of potential
47 29 board members to the governor, but the governor is not bound
47 30 by the recommendations.
47 31 2. The members of the board shall be appointed for a term
47 32 of three years except the terms of the members of the initial
47 33 board shall be rotated in such a manner that at least one
47 34 member shall retire each year and a successor be appointed.
47 35 The term of each member shall commence and end as provided by

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48 1 section 69.19. Members shall serve no more than three terms
48 2 or nine years total, whichever is less. Any vacancy in the
48 3 membership of the board caused by death, resignation, removal,
48 4 or otherwise, shall be filled for the period of the unexpired
48 5 term in the same manner as original appointments.
48 6 ~~3. Any vacancy in the membership of the board caused by~~
~~48 7 death, resignation, removal, or otherwise, shall be filled for~~
~~48 8 the period of the unexpired term in the same manner as~~
~~48 9 original appointments.~~
48 10 ~~4. Members of the board shall, in addition to necessary~~
~~48 11 traveling and other expenses, set their own per diem~~
~~48 12 compensation at a rate not exceeding the per diem specified in~~
~~48 13 section 7E.6 for each day actually engaged in the discharge of~~
~~48 14 their duties including compensation for the time spent~~
~~48 15 traveling to and from the place of conducting the examination~~
~~48 16 and for a reasonable number of days for the preparation of~~
~~48 17 examination and the reading of papers, in addition to the time~~
~~48 18 actually spent in conducting examinations, within the limits~~
~~48 19 of funds appropriated to the board.~~
48 20 ~~5. The department shall furnish the board with all~~
~~48 21 articles and supplies required for the public use and~~
~~48 22 necessary to enable the board to perform the duties imposed~~
~~48 23 upon it by law. Such articles and supplies shall be obtained~~
~~48 24 by the department in the same manner in which the regular~~
~~48 25 supplies for the department are obtained, and the department~~
~~48 26 shall assess the costs to the board for such articles and~~
~~48 27 supplies. The board shall also reimburse the department for~~
~~48 28 direct and indirect administrative costs incurred in issuing~~
~~48 29 and renewing the licenses.~~
48 30 ~~6.~~ 3. The board shall meet at least once each year as
48 31 determined by the board. Other necessary meetings may be
48 32 called by the president of the board by giving proper notice.
48 33 Except as provided, a majority of the board constitutes a
48 34 quorum. Meetings shall be open and public except that the
48 35 board may meet in closed session to prepare, approve,

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49 1 administer, or grade examinations, or to deliberate the
49 2 qualifications of an applicant for license or the disposition
49 3 of a proceeding to discipline a licensed veterinarian.
49 4 ~~7.~~ 4. At its annual meeting, the board shall organize by
49 5 electing a president and such other officers as may be
49 6 necessary. Officers of the board serve for terms of one year
49 7 and until a successor is elected, without limitation on the
49 8 number of terms an officer may serve. The president shall
49 9 serve as chairperson of board meetings. The person designated
49 10 as the state veterinarian shall serve as secretary of the
49 11 board.
49 12 5. The duties of the board shall include carrying on the
49 13 correspondence of the board, keeping permanent accounts and
49 14 records of all receipts and disbursements by the board and of
49 15 all board proceedings, including the disposition of all
49 16 applications for a license, and keeping a register of all
49 17 persons currently licensed by the board. The representatives
49 18 of the general public shall not prepare, grade, or otherwise
49 19 administer examinations to applicants for a license to
49 20 practice veterinary medicine. All board records shall be open
49 21 to public inspection during regular office hours.
49 22 6. Members of the board shall set their own per diem
49 23 compensation, at a rate not exceeding the per diem specified
49 24 in section 7E.6 for each day actually engaged in the discharge
49 25 of their duties, as well as compensation for necessary
49 26 traveling and other expenses. Compensation for veterinarian
49 27 members of the board shall include compensation for the time
49 28 spent traveling to and from the place of conducting the
49 29 examination and for a reasonable number of days for the
49 30 preparation of examination and the reading of papers, in
49 31 addition to the time actually spent in conducting
49 32 examinations, within the limits of funds appropriated to the
49 33 board.
49 34 ~~8. The board shall set the fees by rule for a license to~~
~~49 35 practice veterinary medicine issued upon the basis of the~~

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~~50 1 examination. It shall also set the fees by rule for a license~~
~~50 2 granted on the basis of reciprocity, a renewal of a license to~~
~~50 3 practice veterinary medicine, a certified statement that a~~
~~50 4 licensee is licensed to practice in this state, and an~~
~~50 5 issuance of a duplicate license when the original is lost or~~
~~50 6 destroyed. The fee shall be based upon the administrative~~
~~50 7 costs of sustaining the board and shall include, but shall not~~
~~50 8 be limited to, the following:~~
50 9 ~~a. Per diem, expenses, and travel of board members.~~
50 10 ~~b. Costs to the department for administration of this~~
~~50 11 chapter.~~
50 12 ~~9.~~ 7. Upon a three=fifths vote, the board may:
50 13 a. Examine and determine the qualifications and fitness of
50 14 applicants for a license to practice veterinary medicine in
50 15 the state.
50 16 b. Issue, renew, or deny issuance or renewal of licenses
50 17 and temporary permits to practice veterinary medicine in this
50 18 state.
50 19 c. Establish and publish annually a schedule of fees for
50 20 licensing and registration of veterinarians. The fees shall
50 21 be set by rule and shall include fees for a license to
50 22 practice veterinary medicine issued upon the basis of the
50 23 examination, a license granted on the basis of reciprocity, a
50 24 renewal of a license to practice veterinary medicine, a
50 25 certified statement that a licensee is licensed to practice in
50 26 this state, and an issuance of a duplicate license when the
50 27 original is lost or destroyed. The fee schedule shall be
50 28 based on the board's anticipated financial requirements for
50 29 the year, which shall include but not be limited to the
50 30 following:
50 31 (1) Per diem, expenses, and travel of board members.
50 32 (2) Costs to the department for administration of this
50 33 chapter.
50 34 d. Conduct investigations for the purpose of discovering
50 35 violations of this chapter or grounds for disciplining

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51 1 licensed veterinarians.
51 2 e. Hold hearings on all matters properly brought before
51 3 the board and administer oaths, receive evidence, make the
51 4 necessary determinations, and enter orders consistent with the
51 5 findings. The board may require by subpoena the attendance
51 6 and testimony of witnesses and the production of papers,
51 7 records, or other documentary evidence and commission
51 8 depositions. An administrative law judge may be appointed
51 9 pursuant to section 17A.11 to perform those functions which
51 10 properly repose in an administrative law judge.
51 11 f. Employ full=time or part=time personnel, professional,
51 12 clerical, or special, as are necessary to effectuate the
51 13 provisions of this chapter.
51 14 g. Appoint from its own membership one or more members to
51 15 act as representatives of the board at any meeting within or
51 16 without the state where such representation is deemed
51 17 desirable.
51 18 h. Bring proceedings in the courts for the enforcement of
51 19 this chapter or any regulations made pursuant to this chapter.
51 20 i. Adopt, amend, or repeal rules relating to the standards
51 21 of conduct for, testing of, and revocation or suspension of
51 22 certificates issued to veterinary assistants. However, a
51 23 certificate shall not be suspended or revoked by less than a
51 24 two=thirds vote of the entire board in a proceeding conducted
51 25 in compliance with section 17A.12.
51 26 j. Adopt, amend, or repeal all rules necessary for its
51 27 government and all regulations necessary to carry into effect
51 28 the provision of this chapter, including the establishment and
51 29 publication of standards of professional conduct for the
51 30 practice of veterinary medicine.
51 31 8. The powers enumerated ~~above~~ in subsection 7 are granted
51 32 for the purpose of enabling the board to effectively supervise
51 33 the practice of veterinary medicine and are to be construed
51 34 liberally to accomplish this objective.
51 35 ~~10.~~ 9. A person who provides veterinary medical services,

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52 1 owns a veterinary clinic, or practices in this state shall
52 2 obtain a certificate from the board and be subject to the same
52 3 standards of conduct, as provided in this chapter and rules
52 4 adopted by the board, as apply to a licensed veterinarian,
52 5 unless the board determines that the same standards of conduct
52 6 are inapplicable. The board shall issue, renew, or deny a
52 7 certificate; adopt rules relating to the standards of conduct;
52 8 and take disciplinary action against the person, including
52 9 suspension or revocation of a certificate, in accordance with
52 10 the procedures established in section 169.14. Certification
52 11 fees shall be established by the board pursuant to subsection
52 12 ~~9~~ 7, paragraph "j". Fees shall be established in an amount
52 13 sufficient to fully offset the costs of certification pursuant
52 14 to this subsection. For the fiscal year beginning July 1,
52 15 2001, and ending June 30, 2002, the department shall retain
52 16 fees collected to administer the program of certifying
52 17 veterinary clinics and the fees retained are appropriated to
52 18 the department for the purposes of this subsection. For the
52 19 fiscal year beginning July 1, 2001, and ending June 30, 2002,
52 20 notwithstanding section 8.33, fees which remain unexpended at
52 21 the end of the fiscal year shall not revert to the general
52 22 fund of the state but shall be available for use for the
52 23 following fiscal year to administer the program. For the
52 24 fiscal year beginning July 1, 2002, and succeeding fiscal
52 25 years, certification fees shall be deposited in the general
52 26 fund of the state and are appropriated to the department to
52 27 administer the certification provisions of this subsection.
52 28 This subsection shall not apply to an animal shelter, as
52 29 defined in section 162.2, that provides veterinary medical
52 30 services to animals in the custody of the shelter.
52 31 10. The department shall furnish the board with all
52 32 articles and supplies required for the public use and
52 33 necessary to enable the board to perform the duties imposed
52 34 upon it by law. Such articles and supplies shall be obtained
52 35 by the department in the same manner in which the regular

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53 1 supplies for the department are obtained, and the department
53 2 shall assess the costs to the board for such articles and
53 3 supplies. The board shall also reimburse the department for
53 4 direct and indirect administrative costs incurred in issuing
53 5 and renewing the licenses.
53 6 Sec. 73. Section 175B.4, Code 2009, is amended to read as
53 7 follows:
53 8 175B.4 OTHER PROGRAMS.
53 9 Nothing in this chapter restricts the department from
53 10 providing for other programs which promote the purposes of the
53 11 federal programs.
53 12 Sec. 74. Section 190.12, Code 2009, is amended to read as
53 13 follows:
53 14 190.12 STANDARDS FOR FROZEN DESSERTS.
53 15 1. Frozen desserts and the pasteurized dairy ingredients
53 16 used in the manufacture thereof, shall comply with the
53 17 following standards:
53 18
53 19 Milk, cream, and fluid Temperature Storage at 45 degrees F.
53 20 dairy ingredient Bacterial limit 50,000 per milliliter
53 21 Coliform limit 10 per milliliter
53 22
53 23 Frozen dessert mixes, Temperature Storage at 45 degrees F.
53 24 frozen desserts (plain) Bacterial limit 50,000 per gram
53 25 Coliform limit 10 per gram
53 26
53 27 Dry dairy ingredient Extra grade or better as defined by
53 28 U.S. Standards for grades for the
53 29 particular product.
53 30
53 31 Dry powder mix Bacterial limit 50,000 per gram
53 32 Coliform limit 10 per gram
53 33
53 34 2. The bacteria count and coliform determination shall not
53 35 exceed ~~this standard~~ these standards in three out of the last

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54 1 five consecutive samples taken by the regulatory agency.
54 2 3. This section shall not preclude holding mix at a higher
54 3 temperature for a short period of time immediately prior to
54 4 freezing where applicable to the particular manufacturing or
54 5 processing practices.
54 6 4. This section shall not apply to sterilized mix in
54 7 hermetically sealed containers.
54 8 5. The coliform determination for bulky flavored frozen
54 9 desserts shall not be more than twenty per gram.
54 10 Sec. 75. Section 191.6, Code 2009, is amended to read as
54 11 follows:
54 12 191.6 STANDARDS FOR OLEOMARGARINE.
54 13 The department may prescribe and establish standards for
54 14 oleo, oleomargarine, or margarine manufactured or sold in this
54 15 state and may adopt the standards set up by ~~now existing~~
54 16 regulations of the ~~federal security administration or agency~~
~~54 17 as found in 1949, Code of Federal Regulations, Title 21, Part~~
~~54 18 45, } 45.0~~ food and drug administration of the United States
54 19 department of health and human services, 21 C.F.R. } 166.110,
54 20 or any amendments thereto. Any standards so established shall
54 21 not be contrary to or inconsistent with the provisions of
54 22 section 190.1, subsection 6, entitled "Oleomargarine".
54 23 Sec. 76. Section 200.14, Code 2009, is amended to read as
54 24 follows:
54 25 200.14 RULES.
54 26 1. The secretary is authorized, after public hearing,
54 27 following due notice, to adopt rules setting forth minimum
54 28 general safety standards for the design, construction,
54 29 location, installation and operation of equipment for storage,
54 30 handling, transportation by tank truck or tank trailer, and
54 31 utilization of anhydrous ammonia.
54 32 a. The rules shall be such as are reasonably necessary for
54 33 the protection and safety of the public and persons using
54 34 anhydrous ammonia, and shall be in substantial conformity with
54 35 the generally accepted standards of safety.

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55 1 b. ~~It is hereby declared that rules~~ Rules that are in
55 2 substantial conformity with the published standards of the
55 3 agricultural ammonia institute for the design, installation
55 4 and construction of containers and pertinent equipment for the
55 5 storage and handling of anhydrous ammonia, shall be deemed to
55 6 be in substantial conformity with the generally accepted
55 7 standards of safety.
55 8 2. Anhydrous ammonia equipment shall be installed and
55 9 maintained in a safe operating condition and in conformity
55 10 with rules adopted by the secretary.
55 11 3. The secretary ~~is hereby charged with the enforcement of~~
55 12 shall enforce this chapter~~,~~ and, after due publicity and due
55 13 public hearing, ~~is empowered to~~ may promulgate and adopt such
55 14 reasonable rules as may be necessary in order to carry into
55 15 effect the purpose and intent and to secure the efficient
55 16 administration of this chapter ~~or to secure the efficient~~
~~55 17 administration thereof~~.
55 18 4. ~~Nothing in this~~ This chapter ~~shall~~ does not prohibit
55 19 the use of storage tanks smaller than transporting tanks nor
55 20 the transfer of all kinds of fertilizer including anhydrous
55 21 ammonia directly from transporting tanks to implements of
55 22 husbandry, if proper safety precautions are observed.
55 23 Sec. 77. Section 203C.18, subsection 1, paragraph c, Code
55 24 2009, is amended to read as follows:
55 25 c. A statement that the receipt is issued subject to the
55 26 Iowa warehouse Act and the rules and regulations prescribed
55 27 pursuant to ~~the Act~~ this chapter.
55 28 Sec. 78. Section 203D.1, Code 2009, is amended by adding
55 29 the following new subsection:
55 30 NEW SUBSECTION. 10A. "Purchased grain" means grain which
55 31 is entered in the company owned paid position as evidenced on
55 32 the grain dealer's daily position record.
55 33 Sec. 79. Section 203D.3, subsection 2, paragraph a,
55 34 unnumbered paragraph 1, Code 2009, is amended to read as
55 35 follows:

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A per=bushel fee shall be assessed on all purchased grain. ~~As used in this chapter, "purchased grain" means grain which is entered in the company owned paid position as evidenced on the grain dealer's daily position record.~~ However, if the grain dealer provides documentation regarding the transaction satisfactory to the department, the following transactions shall be excluded from the fee:

Sec. 80. Section 206.6, subsection 5, Code 2009, is amended to read as follows:

5. Issue commercial applicator license.

a. The secretary shall approve an application and issue a commercial applicator license to the applicant as follows:

(1) The applicant is qualified as found by the secretary to apply pesticides in the classifications for which the applicant has applied.

(2) The applicant must furnish to the department evidence of financial responsibility as required under section 206.13.

(3) An applicant applying for a license to engage in aerial application of pesticides must meet all of the requirements of the federal aviation administration, the United States department of transportation, and any other applicable federal or state laws or regulations to operate the equipment described in the application.

b. The secretary shall adopt by rule, additional requirements for issuing a license to a person who is a nonresident of this state engaged in the aerial application of pesticides, which may include but is not limited to conditions for the operation of the aircraft and the application of the pesticides under the supervision of a person who is a resident of this state and licensed as a commercial applicator under this section or as a pesticide dealer under section 206.8. The secretary shall not adopt rules concerning the operation of aircraft when a nonresident person is not engaged in the commercial application of pesticides.

~~b.~~ c. The secretary shall issue a commercial applicator

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57 1 license limited to the classifications for which the applicant
57 2 is qualified, which shall expire at the end of the calendar
57 3 year of issue unless it has been revoked or suspended by the
57 4 secretary for cause. The secretary may limit the license of
57 5 the applicant to the use of certain pesticides, or to certain
57 6 areas, or to certain types of equipment if the applicant is
57 7 only so qualified. If a license is not issued as applied for,
57 8 the secretary shall inform the applicant in writing of the
57 9 reasons.
57 10 Sec. 81. Section 207.15, subsections 1, 2, and 5, Code
57 11 2009, are amended to read as follows:
57 12 1. a. (1) A person who violates a permit condition, a
57 13 provision of this chapter, or a rule or order issued under
57 14 this chapter is subject to a civil penalty not to exceed five
57 15 thousand dollars per day for each day of violation.
57 16 (2) If a violation results in the issuance of a cessation
57 17 order, a civil penalty shall be imposed. The penalty shall
57 18 not exceed five thousand dollars for each day of violation.
57 19 b. In determining the amount of the penalty, consideration
57 20 shall be given to the operator's history of previous
57 21 violations at the particular mining operation, the seriousness
57 22 of the violation, including any irreparable harm to the
57 23 environment and any hazard to the health or safety of the
57 24 public, whether the operator was negligent, and the
57 25 demonstrated good faith of the operator charged in attempting
57 26 to achieve rapid compliance after notification of the
57 27 violation.
57 28 c. An operator who fails to correct a violation for which
57 29 a notice or order has been issued within the period permitted
57 30 for its correction shall be required to pay a civil penalty of
57 31 not less than seven hundred fifty dollars for each day during
57 32 which the failure or violations continue.
57 33 2. a. If a notice or order has been issued, the division
57 34 may assess a recommended penalty in accordance with a schedule
57 35 established by rule. The person to whom the notice or order

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58 1 was issued may submit written information within fifteen days
58 2 of the notice or order to be considered by the division. The
58 3 division shall serve the assessment by certified mail, return
58 4 receipt requested, within thirty days of issuance of the
58 5 notice or order. The division may reassess any penalty if
58 6 necessary to ~~consider~~ account for facts not reasonably
58 7 available on the date of issuance of the assessment. A person
58 8 may consent to a penalty assessment by paying the penalty
58 9 without resort to judicial proceedings.
58 10 b. If a violation results in the issuance of a cessation
58 11 order pursuant to section 207.14 the division shall assess a
58 12 penalty.
58 13 5. If a violation results in a cessation order pursuant to
58 14 section 207.14, the attorney general, at the request of the
58 15 division, shall institute a civil action in district court for
58 16 injunctive relief.
58 17 5A. Notwithstanding section 17A.20, an appeal bond shall
58 18 be required for an appeal of a judgment assessing a civil
58 19 penalty.
58 20 Sec. 82. Section 216.8A, subsection 3, paragraph c,
58 21 subparagraph (1), Code 2009, is amended to read as follows:
58 22 (1) A refusal to permit, at the expense of the person with
58 23 a disability, reasonable modifications of existing premises
58 24 occupied or to be occupied by the person if the modifications
58 25 are necessary to afford the person full enjoyment of the
58 26 premises. However, it is not discrimination for a landlord,
58 27 ~~In~~ in the case of a rental~~, a landlord may,~~ and where
58 28 reasonable to do so, to condition permission for a
58 29 modification on the renter's agreement to restore the interior
58 30 of the premises to the condition that existed before the
58 31 modification, reasonable wear and tear excepted.
58 32 Sec. 83. Section 216.16, Code 2009, is amended to read as
58 33 follows:
58 34 216.16 SIXTY=DAY ADMINISTRATIVE RELEASE.
58 35 1. A person claiming to be aggrieved by an unfair or

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59 1 discriminatory practice must initially seek an administrative
59 2 relief by filing a complaint with the commission in accordance
59 3 with section 216.15. This provision also applies to persons
59 4 claiming to be aggrieved by an unfair or discriminatory
59 5 practice committed by the state or an agency or political
59 6 subdivision of the state, notwithstanding the terms of the
59 7 Iowa administrative procedure Act, chapter 17A. ~~A complainant~~
~~59 8 after~~
59 9 2. After the proper filing of a complaint with the
59 10 commission, a complainant may subsequently commence an action
59 11 for relief in the district court if all of the following
59 12 conditions have been satisfied:
59 13 a. The complainant has timely filed the complaint with the
59 14 commission as provided in section 216.15, subsection 12~~; and~~.
59 15 b. The complaint has been on file with the commission for
59 16 at least sixty days and the commission has issued a release to
59 17 the complainant pursuant to subsection ~~2 of this section~~ 3.
59 18 ~~2.~~ 3. a. Upon a request by the complainant, and after
59 19 the expiration of sixty days from the timely filing of a
59 20 complaint with the commission, the commission shall issue to
59 21 the complainant a release stating that the complainant has a
59 22 right to commence an action in the district court. A release
59 23 under this subsection shall not be issued if ~~a~~ any of the
59 24 following apply:
59 25 (1) A finding of no probable cause has been made on the
59 26 complaint by the administrative law judge charged with that
59 27 duty under section 216.15, subsection 3~~, a~~.
59 28 (2) A conciliation agreement has been executed under
59 29 section 216.15~~, the~~.
59 30 (3) The commission has served notice of hearing upon the
59 31 respondent pursuant to section 216.15, subsection 5~~, or the~~.
59 32 (4) The complaint is closed as an administrative closure
59 33 and two years have elapsed since the issuance date of the
59 34 closure.
59 35 b. Notwithstanding section 216.15, subsection 4, a party

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60 1 may obtain a copy of all documents contained in a case file
60 2 where the commission has issued a release to the complainant
60 3 pursuant to this subsection.
60 4 ~~3.~~ 4. An action authorized under this section is barred
60 5 unless commenced within ninety days after issuance by the
60 6 commission of a release under subsection ~~2 of this section~~ 3.
60 7 If a complainant obtains a release from the commission under
60 8 subsection ~~2 of this section~~ 3, the commission is barred from
60 9 further action on that complaint.
60 10 ~~4.~~ 5. Venue for an action under this section shall be in
60 11 the county in which the respondent resides or has its
60 12 principal place of business, or in the county in which the
60 13 alleged unfair or discriminatory practice occurred.
60 14 ~~5.~~ 6. The district court may grant any relief in an
60 15 action under this section which is authorized by section
60 16 216.15, subsection 8 to be issued by the commission. The
60 17 district court may also award the respondent reasonable
60 18 attorney's fees and court costs when the court finds that the
60 19 complainant's action was frivolous.
60 20 ~~6.~~ 7. It is the legislative intent of this chapter that
60 21 every complaint be at least preliminarily screened during the
60 22 first one hundred twenty days.
60 23 8. This section does not authorize administrative closures
60 24 if an investigation is warranted.
60 25 Sec. 84. Section 216E.7, Code 2009, is amended to read as
60 26 follows:
60 27 216E.7 EXEMPTIONS.
60 28 This chapter does not apply to a hearing aid sold, leased,
60 29 or transferred to a consumer by an audiologist licensed under
60 30 chapter ~~147~~ 154F, or a hearing aid dispenser licensed under
60 31 chapter 154A, if the audiologist or dispenser provides either
60 32 an express warranty for the hearing aid or provides for
60 33 service and replacement of the hearing aid.
60 34 Sec. 85. Section 229.15, subsection 3, paragraph a, Code
60 35 2009, is amended to read as follows:

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61 1 a. A psychiatric advanced registered nurse practitioner
61 2 treating a patient previously hospitalized under this chapter
61 3 may complete periodic reports pursuant to this section on the
61 4 patient if the patient has been recommended for treatment on
61 5 an outpatient or other appropriate basis pursuant to section
61 6 229.14, subsection 1, paragraph "c", and if a psychiatrist
61 7 licensed pursuant to chapter 148~~, 150, or 150A~~ personally
61 8 evaluates the patient on at least an annual basis.
61 9 Sec. 86. Section 235.1, Code 2009, is amended to read as
61 10 follows:
61 11 235.1 DEFINITIONS.
61 12 As used in this chapter, unless the context otherwise
61 13 requires:
61 14 1. ~~The terms "state division", "administrator", and~~
~~61 15 "child" are used in this chapter and chapter 238 as the terms~~
~~61 16 are~~ "Administrator" means the same as defined in section
61 17 234.1.
61 18 2. "Child" means the same as defined in section 234.1.
61 19 3. "Child welfare services" means social welfare services
61 20 for the protection and care of children who are homeless,
61 21 dependent or neglected, or in danger of becoming delinquent,
61 22 or who have a mental illness or mental retardation or other
61 23 developmental disability, including, when necessary, care and
61 24 maintenance in a foster care facility. Child welfare services
61 25 are designed to serve a child in the child's home whenever
61 26 possible. If not possible, and the child is placed outside
61 27 the child's home, the placement should be in the least
61 28 restrictive setting available and in close proximity to the
61 29 child's home.
61 30 4. "State division" means the same as defined in section
61 31 234.1.
61 32 Sec. 87. Section 235B.3A, subsection 3, unnumbered
61 33 paragraph 1, Code 2009, is amended to read as follows:
61 34 Providing a dependent adult with immediate and adequate
61 35 notice of the dependent adult's rights. The notice shall

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62 1 consist of handing the dependent adult a document that
62 2 includes the telephone numbers of shelters, support groups,
62 3 and crisis lines operating in the area and contains a copy of
62 4 the following written statement~~,~~; requesting the dependent
62 5 adult to read the card; and asking the dependent adult whether
62 6 the dependent adult understands the rights:
62 7 Sec. 88. Section 235B.3A, subsection 3, unnumbered
62 8 paragraph 2, Code 2009, is amended by striking the paragraph.
62 9 Sec. 89. Section 235E.2, subsection 13, paragraph a,
62 10 subparagraphs (2) and (3), Code 2009, are amended to read as
62 11 follows:
62 12 (2) The alleged dependent adult abuser requests the
62 13 presence of ~~a~~ an employee organization or union
62 14 representative.
62 15 (3) The employee organization or union representative
62 16 maintains the confidentiality of all information from the
62 17 interview subject to the penalties provided in section 235B.12
62 18 if such confidentiality is breached.
62 19 Sec. 90. Section 235E.3, subsection 3, paragraph a,
62 20 unnumbered paragraph 1, Code 2009, is amended to read as
62 21 follows:
62 22 Providing a dependent adult with immediate and adequate
62 23 notice of the dependent adult's rights. The notice shall
62 24 consist of handing the dependent adult a document that
62 25 includes the telephone numbers of shelters, support groups,
62 26 and crisis lines operating in the area and contains a copy of
62 27 the following written statement~~,~~; requesting the dependent
62 28 adult to read the card; and asking the dependent adult whether
62 29 the dependent adult understands the rights:
62 30 Sec. 91. Section 235E.3, subsection 3, paragraph b, Code
62 31 2009, is amended by striking the paragraph.
62 32 Sec. 92. Section 235E.4, Code 2009, is amended to read as
62 33 follows:
62 34 235E.4 CHAPTER 235B APPLICATION.
62 35 Sections 235B.4 through 235B.20, where not inconsistent

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with this chapter, shall apply to this chapter.

Sec. 93. Section 236.12, subsection 1, paragraph c, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelter, support groups, and crisis lines operating in the area and contains a copy of the following statement written in English and Spanish~~,~~; asking the person to read the card; and asking whether the person understands the rights:

Sec. 94. Section 236.12, subsection 1, paragraph c, unnumbered paragraph 8, Code 2009, is amended by striking the unnumbered paragraph.

Sec. 95. Section 238.1, Code 2009, is amended to read as follows:

238.1 DEFINITIONS.

~~1.~~ For the purpose of this chapter ~~the word "administrator"~~ unless the context otherwise requires:

1. "Administrator" means the administrator of the division of child and family services of the department of human services.

2. "Child" means the same as defined in section 234.1.

3. "Child=placing agency" means any agency, whether public, semipublic, or private, which represents that the agency places children permanently or temporarily in private family homes or receives children for placement in private family homes, or which actually engages for gain or otherwise in the placement of children in private family homes.

~~2.~~ 4. ~~The word "person"~~ "Person" or "agency" ~~where used in this chapter~~ shall include individuals, institutions, partnerships, voluntary associations, and corporations, other than institutions under the management or control of any division or any administrator of the department of human services ~~or any administrator thereof~~.

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5. "State division" means the same as defined in section 234.1.

Sec. 96. Section 249A.6, subsection 1, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) Cooperate with the department in obtaining payments described in ~~paragraph "a"~~ subparagraph (1).

Sec. 97. Section 252B.5, subsection 8, Code 2009, is amended to read as follows:

8. a. At the request of either parent who is subject to the order of support or upon its own initiation, review the amount of the support award in accordance with the guidelines established pursuant to section 598.21B, and Title IV=D of the federal Social Security Act, as amended, and take action to initiate modification proceedings if the criteria established pursuant to this section are met. However, a review of a support award is not required if the child support recovery unit determines that such a review would not be in the best interest of the child and neither parent has requested such review.

b. The department shall adopt rules ~~no later than October 13, 1990,~~ setting forth the process for review of requests for modification of support obligations and the criteria and process for taking action to initiate modification proceedings.

Sec. 98. Section 256D.2A, Code 2009, is amended to read as follows:

256D.2A PROGRAM FUNDING.

~~Beginning~~ For the budget year beginning July 1, 2009, and each succeeding budget year, a school district shall expend funds received pursuant to section 257.10, subsection 11, at the kindergarten through grade three levels to reduce class sizes to the state goal of seventeen students for every one teacher and to achieve a higher level of student success in the basic skills, especially reading. In order to support these efforts, school districts may expend funds received

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65 1 pursuant to section 257.10, subsection 11, at the kindergarten
65 2 through grade three level on programs, instructional support,
65 3 and materials that include but are not limited to the
65 4 following: additional licensed instructional staff;
65 5 additional support for students, such as before and after
65 6 school programs, tutoring, and intensive summer programs; the
65 7 acquisition and administration of diagnostic reading
65 8 assessments; the implementation of research=based
65 9 instructional intervention programs for students needing
65 10 additional support; the implementation of all=day, everyday
65 11 kindergarten programs; and the provision of classroom teachers
65 12 with intensive training programs to improve reading
65 13 instruction and professional development in best practices
65 14 including but not limited to training programs related to
65 15 instruction to increase students' phonemic awareness, reading
65 16 abilities, and comprehension skills.
65 17 Sec. 99. Section 256D.4A, Code 2009, is amended to read as
65 18 follows:
65 19 256D.4A PROGRAM REQUIREMENTS.
65 20 A school district shall maintain a separate listing within
65 21 its budget for payments received and expenditures made
65 22 pursuant to this ~~section~~ chapter. A school district shall
65 23 certify to the department of education that moneys received
65 24 under this ~~section~~ chapter were used to supplement, not
65 25 supplant, moneys otherwise received and used by the school
65 26 district.
65 27 Sec. 100. Section 257.11, subsection 3, paragraph b,
65 28 unnumbered paragraph 1, Code 2009, is amended to read as
65 29 follows:
65 30 If the school budget review committee certifies to the
65 31 department of management that the class would not otherwise be
65 32 implemented without the assignment of additional weighting,
65 33 pupils attending a community college=offered class or
65 34 attending a class taught by a community college=employed
65 35 instructor are assigned a weighting of the percentage of the

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66 1 pupil's school day during which the pupil attends class in the
66 2 community college or attends a class taught by a community
66 3 college=employed instructor ~~of~~ times seventy hundredths for
66 4 career and technical courses ~~and~~ or forty=six hundredths for
66 5 liberal arts and sciences courses. The following requirements
66 6 shall be met for the purposes of assigning an additional
66 7 weighting for classes offered through a sharing agreement
66 8 between a school district and community college. The class
66 9 must be:
66 10 Sec. 101. Section 260C.14, subsection 22, paragraph a,
66 11 subparagraphs (1), (3), and (5), Code 2009, are amended to
66 12 read as follows:
66 13 (1) Total revenue received from each local school district
66 14 as a result of high school students enrolled in community
66 15 college courses under the postsecondary enrollment options ~~Act~~
66 16 program.
66 17 (3) Unduplicated headcount of high school students
66 18 enrolled in community college courses under the postsecondary
66 19 enrollment options ~~Act~~ program.
66 20 (5) Total credits earned by high school students enrolled
66 21 in community college courses under the postsecondary
66 22 enrollment options ~~Act~~ program, broken down by
66 23 vocational=technical or career program and arts and sciences
66 24 program.
66 25 Sec. 102. Section 262.9, subsection 4, Code 2009, is
66 26 amended to read as follows:
66 27 4. Manage and control the property, both real and
66 28 personal, belonging to the institutions.
66 29 4A. ~~The board shall purchase~~ Purchase or require the
66 30 purchase of, when the price is reasonably competitive and the
66 31 quality as intended, soybean=based inks. All inks purchased
66 32 that are used internally or are contracted for by the board
66 33 shall be soybean=based to the extent formulations for such
66 34 inks are available.
66 35 a. The department of natural resources shall review the

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67 1 procurement specifications currently used by the board to
67 2 eliminate, wherever possible, discrimination against the
67 3 procurement of products manufactured with soybean=based inks.
67 4 b. The department of natural resources shall assist the
67 5 board in locating suppliers of recycled content products and
67 6 soybean=based inks and collecting data on recycled content and
67 7 soybean=based ink purchases.
67 8 c. The board, in conjunction with the department of
67 9 natural resources, shall adopt rules to carry out the
67 10 provisions of this ~~section~~ subsection.
67 11 d. The department of natural resources shall cooperate
67 12 with the board in all phases of implementing this ~~section~~
67 13 subsection.
67 14 Sec. 103. Section 279.13, subsection 1, paragraph b,
67 15 subparagraph (1), Code 2009, is amended to read as follows:
67 16 (1) Prior to entering into an initial contract with a
67 17 teacher who holds a license other than an initial license
67 18 issued by the board of educational examiners under chapter
67 19 272, the school district shall initiate a state criminal
67 20 history record check of the applicant through the division of
67 21 criminal investigation of the department of public safety,
67 22 submit the applicant's fingerprints to the division for
67 23 submission to the federal bureau of investigation for a
67 24 national criminal history record check, and review the sex
67 25 offender registry information under section 692A.13, the
67 26 central registry for child abuse information established under
67 27 section 235A.14, and the central registry for dependent adult
67 28 abuse information established under section 235B.5 for
67 29 information regarding ~~applicants~~ the applicant for employment
67 30 as a teacher.
67 31 Sec. 104. Section 282.18, Code 2009, is amended to read as
67 32 follows:
67 33 282.18 OPEN ENROLLMENT.
67 34 1. a. It is the goal of the general assembly to permit a
67 35 wide range of educational choices for children enrolled in

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68 1 schools in this state and to maximize ability to use those
68 2 choices. It is therefore the intent that this section be
68 3 construed broadly to maximize parental choice and access to
68 4 educational opportunities which are not available to children
68 5 because of where they live.
68 6 b. For the school year commencing July 1, 1989, and each
68 7 succeeding school year, a parent or guardian residing in a
68 8 school district may enroll the parent's or guardian's child in
68 9 a public school in another school district in the manner
68 10 provided in this section.
68 11 2. a. By March 1 of the preceding school year for
68 12 students entering grades one through twelve, or by September 1
68 13 of the current school year for students entering kindergarten,
68 14 the parent or guardian shall send notification to the district
68 15 of residence and the receiving district, on forms prescribed
68 16 by the department of education, that the parent or guardian
68 17 intends to enroll the parent's or guardian's child in a public
68 18 school in another school district. If a parent or guardian
68 19 fails to file a notification that the parent intends to enroll
68 20 the parent's or guardian's child in a public school in another
68 21 district by the deadline specified in this subsection, the
68 22 procedures of subsection 4 apply.
68 23 b. The board of the receiving district shall enroll the
68 24 pupil in a school in the receiving district for the following
68 25 school year unless the receiving district does not have
68 26 classroom space for the pupil. The board of directors of a
68 27 receiving district may adopt a policy granting the
68 28 superintendent of the school district authority to approve
68 29 open enrollment applications. If the request is granted, the
68 30 board shall transmit a copy of the form to the parent or
68 31 guardian and the school district of residence within five days
68 32 after board action, but not later than June 1 of the preceding
68 33 school year. The parent or guardian may withdraw the request
68 34 at any time prior to the start of the school year. A denial
68 35 of a request by the board of a receiving district is not

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69 1 subject to appeal.
69 2 c. Every school district shall adopt a policy which
69 3 defines the term "insufficient classroom space" for that
69 4 district.
69 5 3. a. The superintendent of a district subject to a
69 6 voluntary diversity or court=ordered desegregation plan, as
69 7 recognized by rule of the state board of education, may deny a
69 8 request for transfer under this section if the superintendent
69 9 finds that enrollment or release of a pupil will adversely
69 10 affect the district's implementation of the desegregation
69 11 order or diversity plan, unless the transfer is requested by a
69 12 pupil whose sibling is already participating in open
69 13 enrollment to another district, or unless the request for
69 14 transfer is submitted to the district in a timely manner as
69 15 required under subsection 2 prior to the adoption of a
69 16 desegregation plan by the district. If a transfer request
69 17 would facilitate a voluntary diversity or court=ordered
69 18 desegregation plan, the district shall give priority to
69 19 granting the request over other requests.
69 20 b. A parent or guardian, whose request has been denied
69 21 because of a desegregation order or diversity plan, may appeal
69 22 the decision of the superintendent to the board of the
69 23 district in which the request was denied. The board may
69 24 either uphold or overturn the superintendent's decision. A
69 25 decision of the board to uphold the denial of the request is
69 26 subject to appeal to the district court in the county in which
69 27 the primary business office of the district is located. The
69 28 state board of education shall adopt rules establishing
69 29 definitions, guidelines, and a review process for school
69 30 districts that adopt voluntary diversity plans. The
69 31 guidelines shall include criteria and standards that school
69 32 districts must follow when developing a voluntary diversity
69 33 plan. The department of education shall provide technical
69 34 assistance to a school district that is seeking to adopt a
69 35 voluntary diversity plan. A school district implementing a

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70 1 voluntary diversity plan prior to July 1, 2008, shall have
70 2 until July 1, 2009, to comply with guidelines adopted by the
70 3 state board pursuant to this section.
70 4 c. The board of directors of a school district subject to
70 5 voluntary diversity or court=ordered desegregation shall
70 6 develop a policy for implementation of open enrollment in the
70 7 district. The policy shall contain objective criteria for
70 8 determining when a request would adversely impact the
70 9 desegregation order or voluntary diversity plan and criteria
70 10 for prioritizing requests that do not have an adverse impact
70 11 on the order or plan.
70 12 4. a. After March 1 of the preceding school year and
70 13 until the date specified in section 257.6, subsection 1, the
70 14 parent or guardian shall send notification to the district of
70 15 residence and the receiving district, on forms prescribed by
70 16 the department of education, that good cause, as defined in
70 17 paragraph "b", exists for failure to meet the March 1
70 18 deadline. The board of directors of a receiving school
70 19 district may adopt a policy granting the superintendent of the
70 20 school district authority to approve open enrollment
70 21 applications submitted after the March 1 deadline. The board
70 22 of the receiving district shall take action to approve the
70 23 request if good cause exists. If the request is granted, the
70 24 board shall transmit a copy of the form to the parent or
70 25 guardian and the school district of residence within five days
70 26 after board action. A denial of a request by the board of a
70 27 receiving district is not subject to appeal.
70 28 b. For purposes of this section, "good cause" means a
70 29 change in a child's residence due to a change in family
70 30 residence, a change in the state in which the family residence
70 31 is located, a change in a child's parents' marital status, a
70 32 guardianship or custody proceeding, placement in foster care,
70 33 adoption, participation in a foreign exchange program, or
70 34 participation in a substance abuse or mental health treatment
70 35 program, a change in the status of a child's resident district

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such as removal of accreditation by the state board, surrender of accreditation, or permanent closure of a nonpublic school, revocation of a charter school contract as provided in section 256F.8, the failure of negotiations for a whole grade sharing, reorganization, dissolution agreement or the rejection of a current whole grade sharing agreement, or reorganization plan. If the good cause relates to a change in status of a child's school district of residence, however, action by a parent or guardian must be taken to file the notification within forty=five days of the last board action or within thirty days of the certification of the election, whichever is applicable to the circumstances.

c. If a resident district believes that a receiving district is violating this subsection, the resident district may, within fifteen days after board action by the receiving district, submit an appeal to the director of the department of education.

d. The director, or the director's designee, shall attempt to mediate the dispute to reach approval by both boards as provided in subsection ~~16~~ 14. If approval is not reached under mediation, the director or the director's designee shall conduct a hearing and shall hear testimony from both boards. Within ten days following the hearing, the director shall render a decision upholding or reversing the decision by the board of the receiving district. Within five days of the director's decision, the board may appeal the decision of the director to the state board of education under the procedures set forth in chapter 290.

5. Open enrollment applications filed after March 1 of the preceding school year that do not qualify for good cause as provided in subsection 4 shall be subject to the approval of the board of the resident district and the board of the receiving district. The parent or guardian shall send notification to the district of residence and the receiving district that the parent or guardian seeks to enroll the

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72 1 parent's or guardian's child in the receiving district. A
72 2 decision of either board to deny an application filed under
72 3 this subsection involving repeated acts of harassment of the
72 4 student or serious health condition of the student that the
72 5 resident district cannot adequately address is subject to
72 6 appeal under section 290.1. The state board shall exercise
72 7 broad discretion to achieve just and equitable results that
72 8 are in the best interest of the affected child or children.
72 9 6. A request under this section is for a period of not
72 10 less than one year. If the request is for more than one year
72 11 and the parent or guardian desires to have the pupil enroll in
72 12 a different district, the parent or guardian may petition the
72 13 current receiving district by March 1 of the previous school
72 14 year for permission to enroll the pupil in a different
72 15 district for a period of not less than one year. Upon receipt
72 16 of such a request, the current receiving district board may
72 17 act on the request to transfer to the other school district at
72 18 the next regularly scheduled board meeting after the receipt
72 19 of the request. The new receiving district shall enroll the
72 20 pupil in a school in the district unless there is insufficient
72 21 classroom space in the district or unless enrollment of the
72 22 pupil would adversely affect the court=ordered or voluntary
72 23 desegregation plan of the district. A denial of a request to
72 24 change district enrollment within the approved period is not
72 25 subject to appeal. However, a pupil who has been in
72 26 attendance in another district under this section may return
72 27 to the district of residence and enroll at any time, once the
72 28 parent or guardian has notified the district of residence and
72 29 the receiving district in writing of the decision to enroll
72 30 the pupil in the district of residence.
72 31 7. A pupil participating in open enrollment shall be
72 32 counted, for state school foundation aid purposes, in the
72 33 pupil's district of residence. A pupil's residence, for
72 34 purposes of this section, means a residence under section
72 35 282.1. The board of directors of the district of residence

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73 1 shall pay to the receiving district the state cost per pupil
73 2 for the previous school year, plus any moneys received for the
73 3 pupil as a result of the non=English speaking weighting under
73 4 section 280.4, subsection 3, for the previous school year
73 5 multiplied by the state cost per pupil for the previous year.
73 6 If the pupil participating in open enrollment is also an
73 7 eligible pupil under section 261E.6, the receiving district
73 8 shall pay the tuition reimbursement amount to an eligible
73 9 postsecondary institution as provided in section 261E.7.
73 10 8. If a request filed under this section is for a child
73 11 requiring special education under chapter 256B, the request to
73 12 transfer to the other district shall only be granted if the
73 13 receiving district maintains a special education instructional
73 14 program which is appropriate to meet the child's educational
73 15 needs and the enrollment of the child in the receiving
73 16 district's program would not cause the size of the class in
73 17 that special education instructional program in the receiving
73 18 district to exceed the maximum class size in rules adopted by
73 19 the state board of education for that program. For children
73 20 requiring special education, the board of directors of the
73 21 district of residence shall pay to the receiving district the
73 22 actual costs incurred in providing the appropriate special
73 23 education.
73 24 9. a. If a parent or guardian of a child, who is
73 25 participating in open enrollment under this section, moves to
73 26 a different school district during the course of either
73 27 district's academic year, the child's first district of
73 28 residence shall be responsible for payment of the cost per
73 29 pupil plus weightings or special education costs to the
73 30 receiving school district for the balance of the school year
73 31 in which the move took place. The new district of residence
73 32 shall be responsible for the payments during succeeding years.
73 33 b. If a request to transfer is due to a change in family
73 34 residence, change in the state in which the family residence
73 35 is located, a change in a child's parents' marital status, a

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74 1 guardianship proceeding, placement in foster care, adoption,
74 2 participation in a foreign exchange program, or participation
74 3 in a substance abuse or mental health treatment program, and
74 4 the child who is the subject of the request is enrolled in any
74 5 grade from kindergarten through grade twelve at the time of
74 6 the request and is not currently using any provision of open
74 7 enrollment, the parent or guardian of the child shall have the
74 8 option to have the child remain in the child's original
74 9 district of residence under open enrollment with no
74 10 interruption in the child's kindergarten through grade twelve
74 11 educational program. If a parent or guardian exercises this
74 12 option, the child's new district of residence is not required
74 13 to pay the amount calculated in subsection 7 until the start
74 14 of the first full year of enrollment of the child.
74 15 c. Quarterly payments shall be made to the receiving
74 16 district.
74 17 d. If the transfer of a pupil from one district to another
74 18 results in a transfer from one area education agency to
74 19 another, the sending district shall forward a copy of the
74 20 request to the sending district's area education agency. The
74 21 receiving district shall forward a copy of the request to the
74 22 receiving district's area education agency. Any moneys
74 23 received by the area education agency of the sending district
74 24 for the pupil who is the subject of the request shall be
74 25 forwarded to the receiving district's area education agency.
74 26 e. A district of residence may apply to the school budget
74 27 review committee if a student was not included in the resident
74 28 district's enrollment count during the fall of the year
74 29 preceding the student's transfer under open enrollment.
74 30 10. Notwithstanding section 285.1 relating to
74 31 transportation of nonresident pupils, the parent or guardian
74 32 is responsible for transporting the pupil without
74 33 reimbursement to and from a point on a regular school bus
74 34 route of the receiving district. However, a receiving
74 35 district may send school vehicles into the district of

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75 1 residence of the pupil using the open enrollment option under
75 2 this section, for the purpose of transporting the pupil to and
75 3 from school in the receiving district, if the boards of both
75 4 the sending and receiving districts agree to this arrangement.
75 5 If the pupil meets the economic eligibility requirements
75 6 established by the department and state board of education,
75 7 the sending district is responsible for providing
75 8 transportation or paying the pro rata cost of the
75 9 transportation to a parent or guardian for transporting the
75 10 pupil to and from a point on a regular school bus route of a
75 11 contiguous receiving district unless the cost of providing
75 12 transportation or the pro rata cost of the transportation to a
75 13 parent or guardian exceeds the average transportation cost per
75 14 pupil transported for the previous school year in the
75 15 district. If the cost exceeds the average transportation cost
75 16 per pupil transported for the previous school year, the
75 17 sending district shall only be responsible for that average
75 18 per pupil amount. A sending district which provides
75 19 transportation for a pupil to a contiguous receiving district
75 20 under this subsection may withhold from the district cost per
75 21 pupil amount, that is to be paid to the receiving district, an
75 22 amount which represents the average or pro rata cost per pupil
75 23 for transportation, whichever is less.
75 24 ~~11. Every school district shall adopt a policy which~~
~~75 25 defines the term "insufficient classroom space" for that~~
~~75 26 district.~~
75 27 ~~12. The board of directors of a school district subject to~~
~~75 28 voluntary or court=ordered desegregation shall develop a~~
~~75 29 policy for implementation of open enrollment in the district.~~
~~75 30 The policy shall contain objective criteria for determining~~
~~75 31 when a request would adversely impact the desegregation order~~
~~75 32 or plan and criteria for prioritizing requests that do not~~
~~75 33 have an adverse impact on the order or plan.~~
75 34 ~~13.~~ 11. A pupil who participates in open enrollment for
75 35 purposes of attending a grade in grades nine through twelve in

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76 1 a school district other than the district of residence is
76 2 ineligible to participate in varsity interscholastic athletic
76 3 contests and athletic competitions during the pupil's first
76 4 ninety school days of enrollment in the district except that
76 5 the pupil may participate immediately in a varsity
76 6 interscholastic sport if the pupil is entering grade nine for
76 7 the first time and did not participate in an interscholastic
76 8 athletic competition for another school or school district
76 9 during the summer immediately following eighth grade, if the
76 10 district of residence and the other school district jointly
76 11 participate in the sport, if the sport in which the pupil
76 12 wishes to participate is not offered in the district of
76 13 residence, if the pupil chooses to use open enrollment to
76 14 attend school in another school district because the district
76 15 in which the student previously attended school was dissolved
76 16 and merged with one or more contiguous school districts under
76 17 section 256.11, subsection 12, if the pupil participates in
76 18 open enrollment because the pupil's district of residence has
76 19 entered into a whole grade sharing agreement with another
76 20 district for the pupil's grade, or if the parent or guardian
76 21 of the pupil participating in open enrollment is an active
76 22 member of the armed forces and resides in permanent housing on
76 23 government property provided by a branch of the armed
76 24 services. A pupil who has paid tuition and attended school,
76 25 or has attended school pursuant to a mutual agreement between
76 26 the two districts, in a district other than the pupil's
76 27 district of residence for at least one school year is also
76 28 eligible to participate immediately in interscholastic
76 29 athletic contests and athletic competitions under this
76 30 section, but only as a member of a team from the district that
76 31 pupil had attended. For purposes of this subsection, "school
76 32 days of enrollment" does not include enrollment in summer
76 33 school. For purposes of this subsection, "varsity" means the
76 34 same as defined in section 256.46.
76 35 ~~14.~~ 12. If a pupil, for whom a request to transfer has

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77 1 been filed with a district, has been suspended or expelled in
77 2 the district, the pupil shall not be permitted to transfer
77 3 until the pupil has been reinstated in the sending district.
77 4 Once the pupil has been reinstated, however, the pupil shall
77 5 be permitted to transfer in the same manner as if the pupil
77 6 had not been suspended or expelled by the sending district.
77 7 If a pupil, for whom a request to transfer has been filed with
77 8 a district, is expelled in the district, the pupil shall be
77 9 permitted to transfer to a receiving district under this
77 10 section if the pupil applies for and is reinstated in the
77 11 sending district. However, if the pupil applies for
77 12 reinstatement but is not reinstated in the sending district,
77 13 the receiving district may deny the request to transfer. The
77 14 decision of the receiving district is not subject to appeal.
77 15 ~~15.~~ 13. If a request under this section is for transfer
77 16 to a laboratory school, as described in chapter 265, the
77 17 student, who is the subject of the request, shall not be
77 18 included in the basic enrollment of the student's district of
77 19 residence, and the laboratory school shall report the
77 20 enrollment of the student directly to the department of
77 21 education, unless the number of students from the district
77 22 attending the laboratory school during the current school
77 23 year, as a result of open enrollment under this section,
77 24 exceeds the number of students enrolled in the laboratory
77 25 school from that district during the 1989=1990 school year.
77 26 If the number of students enrolled in the laboratory school
77 27 from a district during the current year exceeds the number of
77 28 students enrolled from that district during the 1989=1990
77 29 school year, those students who represent the difference
77 30 between the current and the 1988=1989 school year enrollment
77 31 figures shall be included in the basic enrollment of the
77 32 students' districts of residence and the districts shall
77 33 retain any moneys received as a result of the inclusion of the
77 34 student in the district enrollment. The total number of
77 35 students enrolled at a laboratory school during a school year

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78 1 shall not exceed six hundred seventy students. The regents
78 2 institution operating the laboratory school and the board of
78 3 directors of the school district in the community in which the
78 4 regents institution is located shall develop a student
78 5 transfer policy designed to protect and promote the quality
78 6 and integrity of the teacher education program at the
78 7 laboratory school, the viability of the education program of
78 8 the local school district in which the regents institution is
78 9 located, and to indicate the order in which and reasons why
78 10 requests to transfer to a laboratory school shall be
78 11 considered. A laboratory school may deny a request for
78 12 transfer under the policy. A denial of a request to transfer
78 13 under this paragraph is not subject to appeal under section
78 14 290.1.
78 15 ~~16.~~ 14. An application for open enrollment may be granted
78 16 at any time with approval of the resident and receiving
78 17 districts.
78 18 ~~17.~~ 15. The director of the department of education shall
78 19 recommend rules to the state board of education for the
78 20 orderly implementation of this section. The state board shall
78 21 adopt rules as needed for the implementation of this section.
78 22 Sec. 105. Section 282.26, Code 2009, is amended to read as
78 23 follows:
78 24 282.26 HIGH SCHOOL STUDENTS ATTENDING ADVANCED COURSES.
78 25 1. The board of any community college may, by mutual
78 26 agreement with any college or university, permit any specially
78 27 qualified high school student to attend advanced courses of
78 28 academic instruction at the college or university.
78 29 2. The state board of regents and the state board of
78 30 education may by rule permit such students to attend any
78 31 institution of higher learning under their jurisdiction.
78 32 Credit earned in any such course at a college or university
78 33 may be applied toward credit for high school graduation.
78 34 Public school funds shall not be expended for payment of
78 35 tuition or other costs for such attendance at a college or

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79 1 university, unless the payment is expressly permitted or
79 2 required by law.
79 3 3. ~~The foregoing provisions~~ Subsections 1 and 2 shall also
79 4 apply to colleges and universities in adjacent states when the
79 5 institutions are located nearer to the homes or schools of the
79 6 school district than the closest college or university within
79 7 the state.
79 8 Sec. 106. Section 294A.9, subsection 9, Code 2009, is
79 9 amended to read as follows:
79 10 9. Subsections 2, 3, 4, ~~and~~ 7, and this subsection are
79 11 repealed June 30, 2009.
79 12 Sec. 107. Section 294A.25, subsection 2, Code 2009, is
79 13 amended to read as follows:
79 14 2. For the fiscal year beginning July 1, 2009, and for
79 15 each succeeding fiscal year, there is appropriated from the
79 16 general fund of the state to the department of education an
79 17 amount not to exceed fifteen million six hundred thirty=three
79 18 thousand two hundred forty=five dollars. The moneys shall be
79 19 distributed as provided in this section.
79 20 Sec. 108. Section 297.10, Code 2009, is amended to read as
79 21 follows:
79 22 297.10 COMPENSATION.
79 23 Any compensation for ~~such~~ the use of a schoolhouse and
79 24 schoolhouse grounds shall be paid into the general fund and be
79 25 expended in the upkeep and repair of ~~such school property,~~ and
79 26 in purchasing supplies ~~therefor~~ for that school property.
79 27 Sec. 109. Section 298.3, Code 2009, is amended to read as
79 28 follows:
79 29 298.3 REVENUES FROM THE LEVIES.
79 30 1. The revenue from the regular and voter=approved
79 31 physical plant and equipment levies shall be placed in the
79 32 physical plant and equipment levy fund and expended only for
79 33 the following purposes:
79 34 ~~1.~~ a. The purchase and improvement of grounds. For the
79 35 purpose of this ~~subsection~~ paragraph:

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80 1 ~~a.~~ (1) "Purchase of grounds" includes the legal costs
80 2 relating to the property acquisition, costs of surveys of the
80 3 property, costs of relocation assistance under state and
80 4 federal law, and other costs incidental to the property
80 5 acquisition.
80 6 ~~b.~~ (2) "Improvement of grounds" includes grading,
80 7 landscaping, paving, seeding, and planting of shrubs and
80 8 trees; constructing sidewalks, roadways, retaining walls,
80 9 sewers and storm drains, and installing hydrants; surfacing
80 10 and soil treatment of athletic fields and tennis courts;
80 11 exterior lighting, including athletic fields and tennis
80 12 courts; furnishing and installing flagpoles, gateways, fences,
80 13 and underground storage tanks which are not parts of building
80 14 service systems; demolition work; and special assessments
80 15 against the school district for public improvements, as
80 16 defined in section 384.37.
80 17 ~~2.~~ b. The construction of schoolhouses or buildings and
80 18 opening roads to schoolhouses or buildings.
80 19 ~~3.~~ c. The purchase, lease, or lease=purchase of a single
80 20 unit of equipment or technology exceeding five hundred dollars
80 21 in value per unit.
80 22 ~~4.~~ d. The payment of debts contracted for the erection or
80 23 construction of schoolhouses or buildings, not including
80 24 interest on bonds.
80 25 ~~5.~~ e. Procuring or acquisition of library facilities.
80 26 ~~6.~~ f. Repairing, remodeling, reconstructing, improving,
80 27 or expanding the schoolhouses or buildings and additions to
80 28 existing schoolhouses. For the purpose of this paragraph:
80 29 (1) ~~For the purpose of this subsection, "repairing"~~
80 30 "Repairing" means restoring an existing structure or thing to
80 31 its original condition, as near as may be, after decay, waste,
80 32 injury, or partial destruction, but does not include
80 33 maintenance~~; and "reconstructing"~~.
80 34 (2) "Reconstructing" means rebuilding or restoring as an
80 35 entity a thing which was lost or destroyed.

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81 1 ~~7.~~ g. Expenditures for energy conservation, including
81 2 payments made pursuant to a guarantee furnished by a school
81 3 district entering into a financing agreement for energy
81 4 ~~conservation measures~~ management improvements, limited to
81 5 agreements pursuant to section 473.19, 473.20, or 473.20A.
81 6 ~~8.~~ h. The rental of facilities under chapter 28E.
81 7 ~~9.~~ i. Purchase of transportation equipment for
81 8 transporting students.
81 9 ~~10.~~ j. The purchase of buildings or lease=purchase option
81 10 agreements for school buildings.
81 11 ~~11.~~ k. Equipment purchases for recreational purposes.
81 12 ~~12.~~ l. Payments to a municipality or other entity as
81 13 required under section 403.19, subsection 2.
81 14 2. Interest earned on money in the physical plant and
81 15 equipment levy fund may be expended for a purpose listed in
81 16 this section.
81 17 3. Unencumbered funds collected prior to July 1, 1991,
81 18 from the levy previously authorized under section 297.5, Code
81 19 1991, may be expended for the purposes listed in this section.
81 20 4. Revenue from the regular and voter=approved physical
81 21 plant and equipment levies shall not be expended for school
81 22 district employee salaries or travel expenses, supplies,
81 23 printing costs or media services, or for any other purpose not
81 24 expressly authorized in this section.
81 25 Sec. 110. Section 298.18, Code 2009, is amended to read as
81 26 follows:
81 27 298.18 BOND TAX == ELECTION == LEASING BUILDINGS.
81 28 1. a. The board of each school corporation shall, when
81 29 estimating and certifying the amount of money required for
81 30 general purposes, estimate and certify to the board of
81 31 supervisors of the proper county for the debt service fund the
81 32 amount required to pay interest due or that may become due for
81 33 the fiscal year beginning July 1, thereafter upon lawful
81 34 bonded indebtedness, and in addition thereto such amount as
81 35 the board may deem necessary to apply on the principal.

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82 1 b. The amount estimated and certified to apply on
82 2 principal and interest for any one year shall not exceed two
82 3 dollars and seventy cents per thousand dollars of the assessed
82 4 valuation of the taxable property of the school corporation
82 5 except as ~~hereinafter~~ otherwise provided in this section.
82 6 c. For the sole purpose of computing the amount of bonds
82 7 which may be issued as a result of the application of any
82 8 limitation referred to in this section, all interest on the
82 9 bonds in excess of that accruing in the first twelve months
82 10 may be excluded from the first annual levy of taxes, so that
82 11 the need for including more than one year's interest in the
82 12 first annual levy of taxes to pay the bonds and interest shall
82 13 not operate to further restrict the amount of bonds which may
82 14 be issued, and in certifying the annual levies to the county
82 15 auditor or auditors such first annual levy of taxes shall be
82 16 sufficient to pay all principal of and interest on said bonds
82 17 becoming due prior to the next succeeding annual levy and the
82 18 full amount of such first annual levy shall be entered for
82 19 collection by said auditor or auditors, as provided in chapter
82 20 76.
82 21 d. The amount estimated and certified to apply on
82 22 principal and interest for any one year may exceed two dollars
82 23 and seventy cents per thousand dollars of assessed value by
82 24 the amount approved by the voters of the school corporation,
82 25 but not exceeding four dollars and five cents per thousand of
82 26 the assessed value of the taxable property within any school
82 27 corporation, provided that the registered voters of such
82 28 school corporation have first approved such increased amount
82 29 at an election held on a date specified in section 39.2,
82 30 subsection 4, paragraph "c".
82 31 2. The proposition submitted to the voters at such
82 32 election shall be in substantially the following form:
82 33 Shall the board of directors of the ..... (insert name of
82 34 school corporation) in the County of ....., State of Iowa, be
82 35 authorized to levy annually a tax exceeding two dollars and

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83 1 seventy cents per thousand dollars, but not exceeding ..
83 2 dollars and ... cents per thousand dollars of the assessed
83 3 value of the taxable property within said school corporation
83 4 to pay the principal of and interest on bonded indebtedness of
83 5 said school corporation, it being understood that the approval
83 6 of this proposition shall not limit the source of payment of
83 7 the bonds and interest but shall only operate to restrict the
83 8 amount of bonds which may be issued?
83 9 3. Notice of the election shall be given by the county
83 10 commissioner of elections according to section 49.53. The
83 11 county commissioner of elections shall conduct the election
83 12 pursuant to the provisions of chapters 39 through 53 and
83 13 certify the results to the board of directors. The
83 14 proposition shall not be deemed carried or adopted unless the
83 15 vote in favor of such proposition is equal to at least sixty
83 16 percent of the total vote cast for and against the proposition
83 17 at the election. Whenever such a proposition has been
83 18 approved by the voters of a school corporation as hereinbefore
83 19 provided, no further approval of the voters of such school
83 20 corporation shall be required as a result of any subsequent
83 21 change in the boundaries of such school corporation.
83 22 4. The voted tax levy referred to ~~herein~~ in this section
83 23 shall not limit the source of payment of bonds and interest
83 24 but shall only restrict the amount of bonds which may be
83 25 issued.
83 26 5. a. The ability of a school corporation to exceed two
83 27 dollars and seventy cents per thousand dollars of assessed
83 28 value to service principal and interest payments on bonded
83 29 indebtedness is limited and conferred only to those school
83 30 corporations engaged in the administration of elementary and
83 31 secondary education.
83 32 b. ~~Provided further that if~~ If a school corporation leases
83 33 a building or property, which has been used as a junior
83 34 college by such corporation, to a community college, the
83 35 annual amounts certified as herein provided by such leasing

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84 1 school corporation for payment of interest and principal due
84 2 on lawful bonded indebtedness incurred by such leasing school
84 3 corporation for purchasing, building, furnishing,
84 4 reconstructing, repairing, improving or remodeling the
84 5 building leased or acquiring or adding to the site of such
84 6 property leased, to the extent of the respective annual rent
84 7 the school corporation will receive under such lease, shall
84 8 not be considered as a part of the total amount estimated and
84 9 certified for the purposes of determining if such amount
84 10 exceeds any limitation contained in this section.
84 11 Sec. 111. Section 306C.10, Code 2009, is amended by adding
84 12 the following new subsection:
84 13 NEW SUBSECTION. 17A. "Specific information of interest to
84 14 the traveling public" means only information about public
84 15 places for camping, lodging, eating, and motor fuel and
84 16 associated services, including trade names which have
84 17 telephone facilities available when the public place is open
84 18 for business and businesses engaged in selling motor fuel
84 19 which have free air for tire inflation and restroom facilities
84 20 available when the public place is open for business.
84 21 Sec. 112. Section 306C.11, subsection 5, Code 2009, is
84 22 amended to read as follows:
84 23 5. a. Signs, displays, and devices giving specific
84 24 information of interest to the traveling public, shall be
84 25 erected by the department and maintained within the
84 26 right=of=way in the areas, and at appropriate distances from
84 27 interchanges on the interstate system and freeway primary
84 28 highways as shall conform with the rules adopted by the
84 29 department. The rules shall be consistent with national
84 30 standards promulgated from time to time or as permitted by the
84 31 appropriate authority of the federal government pursuant to 23
84 32 U.S.C. } 131(f) except as provided in this section. The rules
84 33 shall include but are not limited to the following:
84 34 ~~a.~~ (1) Criteria for eligibility for signing.
84 35 ~~b.~~ (2) Criteria for limiting or excluding businesses that

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85 1 maintain advertising devices that do not conform to the
85 2 requirements of chapter 306B, this division, or other statutes
85 3 or administrative rules regulating outdoor advertising.
85 4 ~~c.~~ (3) Provisions for a fee schedule to cover the direct
85 5 and indirect costs of sign erection and maintenance and
85 6 related administrative costs.
85 7 ~~d.~~ (4) Provisions for specifying the maximum distance to
85 8 eligible businesses.
85 9 ~~e.~~ (5) Provisions specifying the maximum number of signs
85 10 permitted per panel and per interchange.
85 11 ~~f.~~ (6) Provisions for determining what businesses are
85 12 signed when there are more applicants than the maximum number
85 13 of signs permitted.
85 14 ~~g.~~ (7) Provisions for removing signs when businesses
85 15 cease to meet minimum requirements for participation and
85 16 related costs.
85 17 ~~For purposes of this division, "specific information of~~
~~85 18 interest to the traveling public" means only information about~~
~~85 19 public places for camping, lodging, eating, and motor fuel and~~
~~85 20 associated services, including trade names which have~~
~~85 21 telephone facilities available when the public place is open~~
~~85 22 for business and businesses engaged in selling motor fuel~~
~~85 23 which have free air for tire inflation and restroom facilities~~
~~85 24 available when the public place is open for business.~~
85 25 b. Business signs supplied to the department by commercial
85 26 vendors shall be on panels, with dimensional and material
85 27 specifications established by the department. A business sign
85 28 included under the provisions of this section shall not be
85 29 posted unless it is in compliance with these specifications.
85 30 The commercial vendor shall pay to the department a fee based
85 31 upon the schedule adopted under this subsection for each
85 32 business sign supplied for posting. Upon furnishing the
85 33 business signs to the department and payment of all fees, the
85 34 department shall post the business signs on eligible specific
85 35 information panels. Faded signs shall be replaced and the

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86 1 commercial vendor charged for the cost of replacement based
86 2 upon the fee schedule adopted. There is created in the office
86 3 of the treasurer of state a fund to be known as the "highway
86 4 beautification fund" and all funds received for the posting on
86 5 specific information panels shall be deposited in the "highway
86 6 beautification fund". Information on motor fuel and
86 7 associated services may include vehicle service and repair
86 8 where the same is available.
86 9 Sec. 113. Section 307.21, Code 2009, is amended to read as
86 10 follows:
86 11 307.21 ADMINISTRATIVE SERVICES.
86 12 1. The department's administrator of administrative
86 13 services shall:
86 14 ~~1.~~ a. Provide for the proper maintenance and protection
86 15 of the grounds, buildings, and equipment of the department, in
86 16 cooperation with the department of administrative services.
86 17 ~~2.~~ b. Establish, supervise, and maintain a system of
86 18 centralized electronic data processing for the department, in
86 19 cooperation with the department of administrative services.
86 20 ~~3.~~ c. Assist the director in preparing the departmental
86 21 budget.
86 22 ~~4. a.~~ d. Provide centralized purchasing services for the
86 23 department, in cooperation with the department of
86 24 administrative services. The administrator shall, when the
86 25 price is reasonably competitive and the quality as intended,
86 26 purchase soybean=based inks and plastic products with recycled
86 27 content, including but not limited to plastic garbage can
86 28 liners, and shall purchase these items in accordance with the
86 29 schedule established in section 8A.315. However, the
86 30 administrator need not purchase garbage can liners in
86 31 accordance with the schedule if the liners are utilized by a
86 32 facility approved by the environmental protection commission
86 33 created under section 455A.6, for purposes of recycling. For
86 34 purposes of this ~~subsection~~ section, "recycled content" means
86 35 that the content of the product contains a minimum of thirty

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87 1 percent postconsumer material.
87 2 e. Assist the director in employing the professional,
87 3 technical, clerical, and secretarial staff for the department
87 4 and maintain employee records, in cooperation with the
87 5 department of administrative services and provide personnel
87 6 services, including but not limited to training, safety
87 7 education, and employee counseling.
87 8 f. Assist the director in coordinating the
87 9 responsibilities and duties of the various divisions within
87 10 the department.
87 11 g. Carry out all other general administrative duties for
87 12 the department.
87 13 h. Perform such other duties and responsibilities as may
87 14 be assigned by the director.
87 15 ~~b.~~ 2. ~~The~~ When performing the duty of providing
87 16 centralized purchasing services under subsection 1, the
87 17 administrator shall do all of the following:
87 18 ~~(1)~~ a. Purchase and use recycled printing and writing
87 19 paper in accordance with the schedule established in section
87 20 8A.315.
87 21 ~~(2)~~ b. Establish a wastepaper recycling program in
87 22 accordance with recommendations made by the department of
87 23 natural resources and the requirements of section 8A.329.
87 24 ~~(3)~~ c. Require in accordance with section 8A.311 product
87 25 content statements and compliance with requirements regarding
87 26 procurement specifications.
87 27 ~~(4)~~ d. Comply with the requirements for the purchase of
87 28 lubricating oils, industrial oils, greases, and hydraulic
87 29 fluids as established pursuant to section 8A.316.
87 30 ~~(5)~~ e. Give preference to purchasing designated biobased
87 31 products in the same manner as provided in section 8A.317.
87 32 ~~c.~~ 3. The department shall report to the general assembly
87 33 by February 1 of each year, the following:
87 34 ~~(1)~~ a. A listing of plastic products which are regularly
87 35 purchased by the board for which recycled content product

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88 1 alternatives are available, including the cost of the plastic
88 2 products purchased and the cost of the recycled content
88 3 product alternatives.
88 4 ~~(2)~~ b. Information relating to soybean=based inks and
88 5 plastic garbage can liners with recycled content regularly
88 6 purchased by the department, including the cost of purchasing
88 7 soybean=based inks and plastic garbage can liners with
88 8 recycled content and the percentages of soybean=based inks and
88 9 plastic garbage can liners with recycled content that have
88 10 been purchased.
88 11 ~~d.~~ 4. A gasoline=powered vehicle purchased by the
88 12 administrator shall not operate on gasoline other than ethanol
88 13 blended gasoline as defined in section 214A.1. A
88 14 diesel=powered motor vehicle purchased by the administrator
88 15 shall not operate on diesel fuel other than biodiesel fuel as
88 16 defined in section 214A.1, if commercially available. A
88 17 state=issued credit card shall not be valid to purchase
88 18 gasoline other than ethanol blended gasoline or to purchase
88 19 diesel fuel other than biodiesel fuel, if commercially
88 20 available. The motor vehicle shall also be affixed with a
88 21 brightly visible sticker which notifies the traveling public
88 22 that the motor vehicle is being operated on ethanol blended
88 23 gasoline or biodiesel fuel, as applicable. However, the
88 24 sticker is not required to be affixed to an unmarked vehicle
88 25 used for purposes of providing law enforcement or security.
88 26 5. a. Of all new passenger vehicles and light pickup
88 27 trucks purchased by the administrator, a minimum of ten
88 28 percent of all such vehicles and trucks purchased shall be
88 29 equipped with engines which utilize alternative methods of
88 30 propulsion, including but not limited to any of the following:
88 31 (1) A flexible fuel which is any of the following:
88 32 (a) E=85 gasoline as provided in section 214A.2.
88 33 (b) B=20 biodiesel blended fuel as provided in section
88 34 214A.2.
88 35 (c) A renewable fuel approved by the office of renewable

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89 1 fuels and coproducts pursuant to section 159A.3.
89 2 (2) Compressed or liquefied natural gas.
89 3 (3) Propane gas.
89 4 (4) Solar energy.
89 5 (5) Electricity.
89 6 b. The provisions of this subsection do not apply to
89 7 vehicles and trucks purchased and directly used for law
89 8 enforcement or off=road maintenance work.
89 9 6. The administrator shall, whenever technically feasible,
89 10 purchase and use degradable loose foam packing material
89 11 manufactured from grain starches or other renewable resources,
89 12 unless the cost of the packing material is more than ten
89 13 percent greater than the cost of packing material made from
89 14 nonrenewable resources. For the purposes of this subsection,
89 15 "packing material" means material, other than an exterior
89 16 packing shell, that is used to stabilize, protect, cushion, or
89 17 brace the contents of a package.
89 18 ~~7. Assist the director in employing the professional,~~
~~89 19 technical, clerical and secretarial staff for the department~~
~~89 20 and maintain employee records, in cooperation with the~~
~~89 21 department of administrative services and provide personnel~~
~~89 22 services, including but not limited to training, safety~~
~~89 23 education, and employee counseling.~~
89 24 ~~8. Assist the director in coordinating the~~
~~89 25 responsibilities and duties of the various divisions within~~
~~89 26 the department.~~
89 27 ~~9. Carry out all other general administrative duties for~~
~~89 28 the department.~~
89 29 ~~10. Perform such other duties and responsibilities as may~~
~~89 30 be assigned by the director.~~
89 31 7. The administrator of administrative services may
89 32 purchase items from the department of administrative services
89 33 and may cooperate with the director of the department of
89 34 administrative services by providing purchasing services for
89 35 the department of administrative services.

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Sec. 114. Section 312.2, Code 2009, is amended to read as follows:

312.2 ALLOCATIONS FROM FUND.

1. The treasurer of the state shall, on the first day of each month, credit all road use tax funds which have been received by the treasurer, to the primary road fund, the secondary road fund of the counties, the farm=to=market road fund, and the street construction fund of cities in the following manner and amounts:

~~1.~~ a. To the primary road fund, forty=seven and one=half percent.

~~2.~~ b. To the secondary road fund of the counties, twenty=four and one=half percent.

~~3.~~ c. To the farm=to=market road fund, eight percent.

~~4.~~ d. To the street construction fund of the cities, twenty percent.

~~5.~~ 2. The treasurer of state shall before making the ~~above~~ allotments in subsection 1 credit annually to the highway grade crossing safety fund the sum of seven hundred thousand dollars, credit annually from the road use tax fund the sum of nine hundred thousand dollars to the highway railroad grade crossing surface repair fund, credit monthly to the primary road fund the dollars yielded from an allotment of sixty=five hundredths of one percent of all road use tax funds for the express purpose of carrying out subsection 11 of section 307A.2, section 313.4, subsection 2, and section 307.45, and credit annually to the primary road fund the sum of five hundred thousand dollars to be used for paying expenses incurred by the state department of transportation other than expenses incurred for extensions of primary roads in cities. All unobligated funds provided by this subsection, except those funds credited to the highway grade crossing safety fund, shall at the end of each year revert to the road use tax fund. Funds in the highway grade crossing safety fund shall not revert to the road use tax fund except to the extent

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91 1 they exceed five hundred thousand dollars at the end of any
91 2 biennium. The cost of each highway railroad grade crossing
91 3 repair project shall be allocated in the following manner:
91 4 a. Twenty percent of the project cost shall be paid by the
91 5 railroad company.
91 6 b. Twenty percent of the project cost shall be paid by the
91 7 highway authority having jurisdiction of the road crossing the
91 8 railroad.
91 9 c. Sixty percent of the project cost shall be paid from
91 10 the highway railroad grade crossing surface repair fund.
91 11 ~~6.~~ 3. The treasurer of state shall before making the
91 12 allotments provided for in this section credit monthly to the
91 13 state department of transportation funds sufficient in amount
91 14 to pay the costs of purchasing certificate of title and
91 15 registration forms, and supplies and materials and for the
91 16 cost of prison labor used in manufacturing motor vehicle
91 17 registration plates, decalcomania emblems, and validation
91 18 stickers at the prison industries.
91 19 ~~7.~~ 4. The treasurer of state, before making the
91 20 allotments provided in this section, shall credit annually to
91 21 the primary road fund from the road use tax fund the sum of
91 22 seven million one hundred thousand dollars.
91 23 ~~8.~~ 5. a. The treasurer of state, before making any
91 24 allotments to counties under this section, shall reduce the
91 25 allotment to a county for the secondary road fund by the
91 26 amount by which the total funds that the county transferred or
91 27 provided during the prior fiscal year under section 331.429,
91 28 subsection 1, paragraphs "a", "b", "d", and "e", are less than
91 29 seventy=five percent of the sum of the following:
91 30 ~~a.~~ (1) From the general fund of the county, the dollar
91 31 equivalent of a tax of sixteen and seven=eighths cents per
91 32 thousand dollars of assessed value on all taxable property in
91 33 the county.
91 34 ~~b.~~ (2) From the rural services fund of the county, the
91 35 dollar equivalent of a tax of three dollars and three=eighths

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92 1 of a cent per thousand dollars of assessed value on all
92 2 taxable property not located within the corporate limits of a
92 3 city in the county.
92 4 b. Funds remaining in the secondary road fund of the
92 5 counties due to a reduction of allocations to counties for
92 6 failure to maintain a minimum local tax effort shall be
92 7 reallocated to counties that are not reduced under this
92 8 subsection pursuant to the allocation provisions of section
92 9 312.3, subsection 1, based upon the needs and area of the
92 10 county. Information necessary to make allocations under this
92 11 subsection shall be provided by the state department of
92 12 transportation or the director of the department of management
92 13 upon request by the treasurer of state.
92 14 ~~9.~~ 6. The treasurer of state, before making the
92 15 allotments provided for in this section, shall credit annually
92 16 to the living roadway trust fund created under section 314.21
92 17 one hundred fifty thousand dollars from the road use tax fund.
92 18 ~~10.~~ 7. The treasurer of state, before making the other
92 19 allotments provided for in this section, shall credit annually
92 20 to the primary road fund from the road use tax fund the sum of
92 21 four million four hundred thousand dollars and to the
92 22 farm=to=market road fund from the road use tax fund the sum of
92 23 one million five hundred thousand dollars for partial
92 24 compensation of allowing trucks to operate on the roads of
92 25 this state as provided in section 321.463.
92 26 ~~11.~~ 8. The treasurer of state, before making the
92 27 allotments provided for in this section, shall credit annually
92 28 to the living roadway trust fund created under section 314.21
92 29 one hundred thousand dollars from the road use tax fund.
92 30 ~~12.~~ 9. The treasurer of state, before making the
92 31 allotments provided for in this section, shall credit monthly
92 32 from the road use tax fund to the revitalize Iowa's sound
92 33 economy fund, created under section 315.2, the revenue
92 34 accruing to the road use tax fund in the amount equal to the
92 35 revenues collected under each of the following:

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93 1 a. From the excise tax on motor fuel and special fuel
93 2 imposed under the tax rate of section 452A.3 except aviation
93 3 gasoline, the amount of excise tax collected from one and
93 4 three=fourths cents per gallon.
93 5 b. From the excise tax on special fuel for diesel engines,
93 6 the amount of excise tax collected from one and three=fourths
93 7 cents per gallon.
93 8 ~~13.~~ 10. The treasurer of state, before making the
93 9 allotments provided for in this section, shall credit monthly
93 10 from the road use tax fund to the secondary road fund the
93 11 revenue accruing to the road use tax fund in the amount equal
93 12 to the revenues collected under each of the following:
93 13 a. From the excise tax on motor fuel and special fuel
93 14 imposed under the tax rate of section 452A.3, except aviation
93 15 gasoline, the amount of excise tax collected from one=fourth
93 16 cent per gallon.
93 17 b. From the excise tax on special fuel for diesel engines,
93 18 the amount of excise tax collected from one=fourth cent per
93 19 gallon.
93 20 ~~14.~~ 11. The treasurer of state, before making the
93 21 allotments provided for in this section, shall credit monthly
93 22 from the road use tax fund to the state department of
93 23 transportation for county, city, and state traffic safety
93 24 improvement projects an amount equal to one=half of one
93 25 percent of moneys credited to the road use tax fund.
93 26 ~~15.~~ 12. a. The treasurer of state, before making the
93 27 allotments provided for in this section, for the fiscal year
93 28 beginning July 1, 1990, and each succeeding fiscal year, shall
93 29 credit from the road use tax fund two million dollars to the
93 30 county bridge construction fund, which is hereby created.
93 31 Moneys credited to the county bridge construction fund shall
93 32 be allocated to counties by the department for bridge
93 33 construction, reconstruction, replacement, or realignment
93 34 based on needs in accordance with rules adopted by the
93 35 department.

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94 1 b. The treasurer of state, before making the allotments
94 2 provided for in this section, for the fiscal year beginning
94 3 July 1, 1990, and each succeeding fiscal year, shall credit
94 4 from the road use tax fund five hundred thousand dollars to
94 5 the city bridge construction fund, which is hereby created.
94 6 Moneys credited to the city bridge construction fund shall be
94 7 allocated to cities by the department for bridge construction
94 8 and reconstruction based on needs in accordance with rules
94 9 adopted by the department.
94 10 ~~16.~~ 13. The treasurer of state, before making the
94 11 allotments provided for in this section, shall credit annually
94 12 from the road use tax fund to the state department of
94 13 transportation the sum of six hundred fifty thousand dollars
94 14 for the purpose of providing county treasurers with automation
94 15 and telecommunications equipment and support for vehicle
94 16 registration and titling and driver licensing.
94 17 Notwithstanding section 8.33, unobligated funds credited under
94 18 this subsection remaining on June 30 of the fiscal year shall
94 19 not revert but shall remain available for expenditure for
94 20 purposes of this subsection in subsequent fiscal years.
94 21 ~~17.~~ 14. The treasurer of state, before making the
94 22 allotments provided for in this section, shall credit monthly
94 23 from the road use tax fund to the primary road fund an amount
94 24 equal to ten percent of the revenues collected from the
94 25 operation of section 321.105A, subsection 2, to be used for
94 26 the commercial and industrial highway network.
94 27 ~~18.~~ 15. a. The treasurer of state, before making the
94 28 allotments provided for in this section, shall credit monthly
94 29 to the TIME=21 fund created in section 312A.2, an amount equal
94 30 to ten dollars from each fee for issuance of a certificate of
94 31 title collected pursuant to sections 321.20; 321.20A; 321.23;
94 32 321.42; 321.46, other than a title issued for a returned
94 33 vehicle under section 322G.12; section 321.47; and section
94 34 321.109 and an amount equal to eight dollars from each fee
94 35 collected for issuance of a certificate of title pursuant to

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95 1 section 321.46 for a returned vehicle under section 322G.12
95 2 and from each fee collected for issuance of a salvage
95 3 certificate of title pursuant to section 321.52.
95 4 b. This subsection is repealed June 30, 2028.
95 5 ~~19.~~ 16. a. The treasurer of state, before making the
95 6 allotments provided for in this section, shall credit monthly
95 7 to the TIME=21 fund created in section 312A.2 an amount equal
95 8 to ten dollars from each trailer registration fee collected
95 9 pursuant to section 321.123, subsection 1, paragraph "a",
95 10 subparagraph (1), twenty dollars from each trailer
95 11 registration fee collected pursuant to section 321.123,
95 12 subsection 1, paragraph "a", subparagraph (2), and one=third
95 13 of the amount collected from trailer registration fees
95 14 pursuant to section 321.123, subsection 2.
95 15 b. This subsection is repealed June 30, 2028.
95 16 ~~20.~~ 17. a. The treasurer of state, before making the
95 17 allotments provided for in this section, shall credit annually
95 18 to the TIME=21 fund created in section 312A.2, the revenue
95 19 accruing to the road use tax fund from annual motor vehicle
95 20 registration fees for passenger cars, multipurpose vehicles,
95 21 and motor trucks in excess of three hundred ninety=two million
95 22 dollars annually.
95 23 b. This subsection is repealed June 30, 2028.
95 24 Sec. 115. Section 314.2, Code 2009, is amended to read as
95 25 follows:
95 26 314.2 INTEREST IN CONTRACT PROHIBITED.
95 27 No state or county official or employee, elective or
95 28 appointive shall be directly or indirectly interested in any
95 29 contract for the construction, reconstruction, improvement or
95 30 maintenance of any highway, bridge or culvert, or the
95 31 furnishing of materials therefor. The letting of a contract
95 32 in violation of ~~the foregoing provisions~~ this section shall
95 33 invalidate the contract and such violation shall be a complete
95 34 defense to any action to recover any consideration due or
95 35 earned under the contract at the time of its termination.

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96 1 Sec. 116. Section 321.52A, Code 2009, is amended to read
96 2 as follows:
96 3 321.52A CERTIFICATE OF TITLE SURCHARGE == ALLOCATION OF
96 4 MONEYS.
96 5 In addition to the fee required for the issuance of a
96 6 certificate of title under section 321.20, 321.20A, 321.23,
96 7 321.42, 321.46, 321.47, 321.48, ~~321.50,~~ or 321.52, a surcharge
96 8 of five dollars shall be required. Of each surcharge
96 9 collected under those sections, the county treasurer shall
96 10 remit five dollars to the office of treasurer of state for
96 11 deposit as set forth in section 321.145, subsection 2.
96 12 Sec. 117. Section 321.92, subsection 1, Code 2009, is
96 13 amended to read as follows:
96 14 1. FRAUDULENT INTENT.
96 15 a. No person shall with fraudulent intent, deface,
96 16 destroy, or alter the vehicle identification number or
96 17 component part number or other distinguishing number or
96 18 identification mark of a vehicle or component part, including
96 19 a rebuilt identification, nor shall a person place or stamp a
96 20 serial, engine, or other number or mark upon a vehicle or
96 21 component part, except one assigned thereto by the department.
96 22 b. The year of manufacture of a fence=line feeder, grain
96 23 cart, or tank wagon manufactured on or after July 1, 2001,
96 24 shall be permanently made a part of the identification plate
96 25 on the vehicle. A person shall not fraudulently alter,
96 26 deface, or attempt to fraudulently alter or deface the year of
96 27 manufacture or other product identification number on a
96 28 fence=line feeder, grain cart, or tank wagon.
96 29 c. A violation of this ~~provision~~ subsection is a felony
96 30 punishable as provided in section 321.483.
96 31 d. This subsection does not prohibit the restoration of an
96 32 original vehicle identification number, component part number,
96 33 or other number or mark when the restoration is made by the
96 34 department, nor prevent a manufacturer from placing, in the
96 35 ordinary course of business, numbers or marks upon vehicles or

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97 1 component parts.
97 2 Sec. 118. Section 321.231, subsection 5, Code 2009, is
97 3 amended to read as follows:
97 4 5. The ~~foregoing~~ provisions of this section shall not
97 5 relieve the driver of an authorized emergency vehicle or the
97 6 rider of a police bicycle from the duty to drive or ride with
97 7 due regard for the safety of all persons, nor shall such
97 8 provisions protect the driver or rider from the consequences
97 9 of the driver's or rider's reckless disregard for the safety
97 10 of others.
97 11 Sec. 119. Section 321.285, Code 2009, is amended to read
97 12 as follows:
97 13 321.285 SPEED RESTRICTIONS.
97 14 1. Any person driving a motor vehicle on a highway shall
97 15 drive the same at a careful and prudent speed not greater than
97 16 nor less than is reasonable and proper, having due regard to
97 17 the traffic, surface, and width of the highway and of any
97 18 other conditions then existing, and no person shall drive any
97 19 vehicle upon a highway at a speed greater than will permit the
97 20 person to bring it to a stop within the assured clear distance
97 21 ahead, such driver having the right to assume, however, that
97 22 all persons using said highway will observe the law.
97 23 2. a. ~~The following shall be the lawful speed except as~~
97 24 Unless otherwise provided by this section, or except as posted
97 25 pursuant to sections 262.68, 321.236, subsection 5, section
97 26 321.288, subsection 6, sections 321.289, 321.290, 321.293,
97 27 321.295, and 461A.36, the following shall be the lawful speed
97 28 and any speed in excess thereof shall be unlawful:
97 29 ~~1.~~ (1) Twenty miles per hour in any business district.
97 30 ~~2.~~ (2) Twenty=five miles per hour in any residence or
97 31 school district.
97 32 ~~3.~~ (3) Forty=five miles per hour in any suburban
97 33 district.
97 34 b. Each school district as defined in subsection 70 of
97 35 section 321.1 shall be marked by distinctive signs as provided

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98 1 by the current manual of uniform traffic control devices
98 2 adopted by the department and placed on the highway at the
98 3 limits of such school district.
98 4 ~~4.~~ 3. ~~Notwithstanding any~~ Unless otherwise provided in
98 5 this section or by other speed restrictions, the speed limit
98 6 for all vehicular traffic shall be fifty=five miles per hour.
98 7 ~~5.~~ 4. ~~Reasonable~~ A reasonable and proper speed is
98 8 required, but not greater than fifty=five miles per hour at
98 9 any time between sunrise and sunset, and not greater than
98 10 fifty miles per hour at any time between sunset and sunrise,
98 11 on secondary roads unless such roads are surfaced with
98 12 concrete or asphalt or a combination of both, in which case
98 13 the speed limits shall be the same as provided in subsection ~~4~~
~~98 14 of this section~~ 3. When the board of supervisors of any
98 15 county shall determine upon the basis of an engineering and
98 16 traffic investigation that the speed limit on any secondary
98 17 road is greater than is reasonable and proper under the
98 18 conditions found to exist at any intersection or other place
98 19 or upon any part of a secondary road, the board shall
98 20 determine and declare a reasonable and proper speed limit at
98 21 the intersection or other part of the secondary road. The
98 22 speed limits as determined by the board of supervisors shall
98 23 be effective when appropriate signs giving notice of the speed
98 24 limits are erected by the board of supervisors at the
98 25 intersection or other place or part of the highway.
98 26 ~~6.~~ 5. a. Notwithstanding any other speed restrictions,
98 27 the speed limit for all vehicular traffic on fully
98 28 controlled=access, divided, multilaned highways is sixty=five
98 29 miles per hour. However, the speed limit for all vehicular
98 30 traffic on highways that are part of the interstate road
98 31 system, as defined in section 306.3, is seventy miles per
98 32 hour. The department may establish a speed limit of
98 33 sixty=five miles per hour on certain divided, multilaned
98 34 highways not otherwise described in this paragraph.
98 35 b. The department, on its own motion or in response to a

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99 1 recommendation of a metropolitan or regional planning
99 2 commission or council of governments, may establish a lower
99 3 speed limit on a highway described in this subsection.
99 4 c. For the purposes of this subsection, "fully
99 5 controlled=access highway" means a highway that gives
99 6 preference to through traffic by providing access connections
99 7 with selected public roads only and by prohibiting crossings
99 8 at grade or direct private driveway connections.
99 9 d. A minimum speed may be established by the department on
99 10 the highways referred to in this subsection if warranted by
99 11 engineering and traffic investigations.
99 12 e. Any kind of vehicle, implement, or conveyance incapable
99 13 of attaining and maintaining a speed of forty miles per hour
99 14 shall be prohibited from using the interstate road system.
99 15 ~~7.~~ 6. Notwithstanding any other speed restrictions, a
99 16 self=propelled implement of husbandry equipped with flotation
99 17 tires that is designed to be loaded and operated in the field
99 18 and used exclusively for the application of organic or
99 19 inorganic plant food materials, agricultural limestone, or
99 20 agricultural chemicals shall not be operated on a highway at a
99 21 speed in excess of thirty=five miles per hour.
99 22 Sec. 120. Section 321.376, subsection 1, Code 2009, is
99 23 amended to read as follows:
99 24 1. The driver of a school bus shall hold a driver's
99 25 license issued by the department of transportation valid for
99 26 the operation of the school bus and a certificate of
99 27 qualification for operation of a commercial motor vehicle
99 28 issued by a physician or osteopathic physician licensed
99 29 pursuant to chapter 148 ~~or 150A~~, physician's assistant,
99 30 advanced registered nurse practitioner, or chiropractor or any
99 31 other person identified by federal and state law as authorized
99 32 to perform physical examinations, and shall successfully
99 33 complete an approved course of instruction in accordance with
99 34 subsection 2. A person holding a temporary restricted license
99 35 issued under chapter 321J shall be prohibited from operating a

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100 1 school bus. The department of education shall refuse to issue
100 2 an authorization to operate a school bus to any person who,
100 3 after notice and opportunity for hearing, is determined to
100 4 have committed any of the acts proscribed under section
100 5 321.375, subsection 2. The department of education shall take
100 6 adverse action against any person who, after notice and
100 7 opportunity for hearing, is determined to have committed any
100 8 of the acts proscribed under section 321.375, subsection 2.
100 9 Such action may include a reprimand or warning of the person
100 10 or the suspension or revocation of the person's authorization
100 11 to operate a school bus. The department of education shall
100 12 recommend, and the state board of education shall adopt under
100 13 chapter 17A, rules and procedures for issuing and suspending
100 14 or revoking authorization to operate a school bus in this
100 15 state. Rules and procedures adopted shall include, but are
100 16 not limited to, provisions for the revocation or suspension
100 17 of, or refusal to issue, authorization to persons who are
100 18 determined to have committed any of the acts proscribed under
100 19 section 321.375, subsection 2.
100 20 Sec. 121. Section 321.463, subsection 4, paragraph b, Code
100 21 2009, is amended to read as follows:
100 22 b. (1) Notwithstanding any provision of this section to
100 23 the contrary, the weight on any one axle of a fence=line
100 24 feeder, grain cart, or tank wagon operated on the highways of
100 25 this state shall not exceed twenty=four thousand pounds from
100 26 February 1 through May 31 or twenty=eight thousand pounds from
100 27 June 1 through January 31, provided, however, that the maximum
100 28 gross vehicle weight of the fence=line feeder, grain cart, or
100 29 tank wagon shall not exceed ninety=six thousand pounds.
100 30 (2) Notwithstanding any provision of this section to the
100 31 contrary, a tracked implement of husbandry operated on the
100 32 highways of this state shall not have a maximum gross weight
100 33 in excess of ninety=six thousand pounds.
100 34 (3) A fence=line feeder, grain cart, tank wagon, or
100 35 tracked implement of husbandry shall comply with the other

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provisions of this section and chapter when operated over a bridge in this state. A local authority may issue a special permit, based on a statewide standard developed by the department, allowing the operation over a bridge within its jurisdiction of a fence=line feeder, grain cart, tank wagon, or tracked implement of husbandry with a weight in excess of the weights allowed under this chapter.

~~(2)~~ (4) For purposes of this paragraph "b"~~, "highway"~~:

(a) "Highway" does not include a bridge.

(b) ~~For purposes of this paragraph "b", "fence=line~~ "Fence=line feeder, grain cart, or tank wagon" means all of the following:

~~(a)~~ (i) A fence=line feeder, grain cart, or tank wagon manufactured on or after July 1, 2001.

~~(b)~~ (ii) After July 1, 2005, any fence=line feeder, grain cart, or tank wagon.

~~The year of manufacture of a fence=line feeder, grain cart, or tank wagon manufactured on or after July 1, 2001, shall be permanently made a part of the identification plate on the vehicle. Fraudulently altering or defacing or attempting to fraudulently alter or deface the year of manufacture or other product identification number on a fence=line feeder, grain cart, or tank wagon is a violation of section 321.92.~~

Sec. 122. Section 321.488, Code 2009, is amended to read as follows:

321.488 PROCEDURE NOT EXCLUSIVE.

The ~~foregoing~~ provisions of this chapter shall govern all peace officers in making arrests without a warrant for violations of this chapter for offenses committed in their presence, but the procedure prescribed herein shall not be exclusive of any other method prescribed by law for the arrest and prosecution of a person.

Sec. 123. Section 321.506, Code 2009, is amended to read as follows:

321.506 ACTUAL SERVICE WITHIN THIS STATE.

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The ~~foregoing~~ provisions of this chapter relative to service of original notice of suit on nonresidents shall not be deemed to prevent actual personal service in this state upon the nonresident in the time, manner, form, and under the conditions provided for service on residents.

Sec. 124. Section 321A.7, Code 2009, is amended to read as follows:

321A.7 DURATION OF SUSPENSION.

~~The~~ If a person's license and registration ~~and~~ or nonresident's operating privilege has been suspended as provided in section 321A.5, that license and registration or privilege shall remain ~~so~~ suspended and shall not be renewed ~~nor shall any such~~ and a new license or registration shall not be issued to ~~such~~ that person until one of the following has occurred:

1. ~~Such~~ The person ~~shall deposit~~ deposits or there ~~shall be~~ is deposited on the person's behalf the security required under section 321A.5~~; or~~.

2. Twelve months have elapsed after such accident~~, provided~~ and the department has not been notified by any party to the action or an attorney for any party that an action for damages arising out of such accident has been instituted within one year from the date of the accident~~; or~~.

3. Evidence satisfactory to the department has been filed with the department of a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged written agreement, in accordance with section 321A.6, subsection 4~~; provided,~~. If, however, ~~in the event~~ there ~~shall be~~ is any default in the payment of any installment under any confession of judgment, then, upon notice of such default, the department shall ~~forthwith~~ immediately suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid~~; and~~

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~~103 1 provided, further, that in the event~~. In addition, if there
103 2 ~~shall be~~ is any default in the payment of any installment
103 3 under any duly acknowledged written agreement, then, upon
103 4 notice of such default, the department shall ~~forthwith~~
103 5 immediately suspend the license and registration or
103 6 nonresident's operating privilege of ~~such~~ that person
103 7 defaulting ~~which~~ and the license and registration or
103 8 nonresident's operating privilege shall not be restored unless
103 9 and until one of the following occurs:
103 10 a. Such person deposits and thereafter maintains security
103 11 as required under section 321A.5 in such amount as the
103 12 department may then determine~~, or~~.
103 13 b. Twelve months have elapsed after such security was
103 14 required~~, provided~~ and the department has not been notified by
103 15 any party to the action or an attorney for any party that an
103 16 action upon such an agreement has been instituted in a court
103 17 in this state within one year after such security was
103 18 required.
103 19 Sec. 125. Section 330A.10, Code 2009, is amended to read
103 20 as follows:
103 21 330A.10 FUNDS OF AN AUTHORITY.
103 22 1. Moneys of an authority shall be paid to the treasurer
103 23 of the authority who shall not commingle said moneys with any
103 24 other moneys, but shall deposit them in a separate account or
103 25 accounts. The moneys in said accounts shall be paid out on
103 26 check of the treasurer on requisition of the chairperson of
103 27 the authority, or of such other person, or persons, as the
103 28 authority may authorize to make such requisition.
103 29 2. Notwithstanding ~~the aforementioned provisions~~
103 30 subsection 1, an authority is hereby authorized, and shall
103 31 have the right, to deposit any of its rates, fees, rentals, or
103 32 other charges, receipts or income with any bank or trust
103 33 company within the state and to deposit the proceeds of any
103 34 bonds issued hereunder with any bank or trust company within
103 35 the state, all as may be provided in any agreement with the

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104 1 holders of bonds issued hereunder.
104 2 Sec. 126. Section 331.653, subsection 27, Code 2009, is
104 3 amended to read as follows:
104 4 27. Give notice of the time and place of making an
104 5 appraisement of unneeded school land as provided in ~~section~~
104 6 sections 297.17 and 297.28.
104 7 Sec. 127. Section 335.22, Code 2009, is amended to read as
104 8 follows:
104 9 335.22 PRECEDENCE.
104 10 All issues in any proceedings under ~~the foregoing~~ sections
104 11 335.18 through 335.21 shall have preference over all other
104 12 civil actions and proceedings.
104 13 Sec. 128. Section 358.8, Code 2009, is amended to read as
104 14 follows:
104 15 358.8 EXPENSES AND COSTS OF ELECTION.
104 16 The election held pursuant to this chapter shall be
104 17 conducted by the county commissioner of elections. All
104 18 expenses incurred in carrying out ~~the foregoing~~ sections 358.4
104 19 and 358.5 of this chapter, together with the costs of the
104 20 election, as determined by the county commissioner of
104 21 elections, shall be paid by those who will be benefited by the
104 22 proposed sanitary district. If the district is not
104 23 established, the expenses and costs shall be collected upon
104 24 the bond or bonds of the petitioners.
104 25 Sec. 129. Section 358C.9, Code 2009, is amended to read as
104 26 follows:
104 27 358C.9 EXPENSES AND COSTS OF ELECTION.
104 28 The election held pursuant to this chapter shall be
104 29 conducted by the county commissioner of elections. All
104 30 expenses incurred in carrying out ~~the preceding~~ sections ~~of~~
~~104 31 this chapter~~ 358C.5 and 358C.6, and the costs of the election,
104 32 as determined by the county commissioner of elections, shall
104 33 be paid by those who will be benefited by the proposed
104 34 district. If the district is not established, the expenses
104 35 and costs shall be collected upon the bonds of the

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105 1 petitioners.
105 2 Sec. 130. Section 364.17, subsection 3, Code 2009, is
105 3 amended to read as follows:
105 4 3. a. A city which adopts or is subject to a housing code
105 5 under this section shall adopt enforcement procedures, which
105 6 shall include a program for regular rental inspections, rental
105 7 inspections upon receipt of complaints, and certification of
105 8 inspected rental housing, and may include but are not limited
105 9 to the following:
105 10 ~~a.~~ (1) A schedule of civil penalties or criminal fines
105 11 for violations. A city may charge the owner of housing a late
105 12 payment fee of twenty=five dollars and may add interest of up
105 13 to one and one=half percent per month if a penalty or fine
105 14 imposed under this ~~paragraph~~ subparagraph is not paid within
105 15 thirty days of the date that the penalty or fine is due. The
105 16 city shall send a notice of the late payment fee to such owner
105 17 by first class mail to the owner's personal or business
105 18 mailing address. The late payment fee and the interest shall
105 19 not accrue if such owner files an appeal with either the city,
105 20 if the city has established an appeals procedure, or the
105 21 district court. Any unpaid penalty, fine, fee, or interest
105 22 shall constitute a lien on the real property and may be
105 23 collected in the same manner as a property tax. However,
105 24 before a lien is filed, the city shall send a notice of intent
105 25 to file a lien to the owner of the housing by first class mail
105 26 to such owner's personal or business mailing address.
105 27 ~~b.~~ (2) Authority for the issuance of orders requiring
105 28 violations to be corrected within a reasonable time.
105 29 ~~c.~~ (3) Authority for the issuance of citations pursuant
105 30 to sections 805.1 to 805.5 upon a failure to satisfactorily
105 31 remedy a violation.
105 32 ~~d.~~ (4) Authority, if other methods have failed, for an
105 33 officer to contract to have work done as necessary to remedy a
105 34 violation, the cost of which shall be assessed to the violator
105 35 and constitute a lien on the property until paid.

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106 1 ~~e.~~ (5) An escrow system for the deposit of rent which
106 2 will be applied to the costs of correcting violations.
106 3 ~~f.~~ (6) Mediation of disputes based upon alleged
106 4 violations.
106 5 ~~g.~~ (7) Injunctive procedures.
106 6 ~~The enforcement procedures shall be designed to improve~~
~~106 7 housing conditions rather than to displace persons from their~~
~~106 8 homes.~~
106 9 ~~h.~~ (8) Authority by ordinance to provide that no rent
106 10 shall be recoverable by the owner or lessee of any dwelling
106 11 which does not comply with the housing code adopted by the
106 12 city until such time as the dwelling does comply with the
106 13 housing code adopted by the city.
106 14 b. The enforcement procedures shall be designed to improve
106 15 housing conditions rather than to displace persons from their
106 16 homes.
106 17 Sec. 131. Section 384.84, subsection 2, paragraph c, Code
106 18 2009, is amended to read as follows:
106 19 c. A city utility or enterprise service to a property or
106 20 premises shall not be discontinued unless prior written notice
106 21 is sent, by ordinary mail, to the account holder in whose name
106 22 the delinquent rates or charges were incurred, informing the
106 23 account holder of the nature of the delinquency and affording
106 24 the account holder the opportunity for a hearing prior to
106 25 discontinuance of service. If the account holder is a tenant,
106 26 and if the owner or landlord of the property or premises has
106 27 made a written request for notice, the notice shall also be
106 28 given to the owner or landlord.
106 29 Sec. 132. Section 384.84, subsection 3, paragraph c, Code
106 30 2009, is amended to read as follows:
106 31 c. A lien for a city utility or enterprise service under
106 32 paragraph "a" shall not be certified to the county treasurer
106 33 for collection unless prior written notice of intent to
106 34 certify a lien is given to the account holder in whose name
106 35 the delinquent rates or charges were incurred at least thirty

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107 1 days prior to certification. If the account holder is a
107 2 tenant, and if the owner or landlord of the property or
107 3 premises has made a written request for notice, the notice
107 4 shall also be given to the owner or landlord. The notice
107 5 shall be sent to the appropriate persons by ordinary mail not
107 6 less than thirty days prior to certification of the lien to
107 7 the county treasurer.
107 8 Sec. 133. Section 414.19, Code 2009, is amended to read as
107 9 follows:
107 10 414.19 PREFERENCE IN TRIAL.
107 11 All issues in any proceedings under ~~the foregoing~~ sections
107 12 414.15 through 414.18 shall have preference over all other
107 13 civil actions and proceedings.
107 14 Sec. 134. Section 421B.3, subsection 3, paragraph b, Code
107 15 2009, is amended to read as follows:
107 16 b. Each day ~~the~~ a violation occurs counts as a new
107 17 violation for purposes of this subsection.
107 18 Sec. 135. Section 422.5, Code 2009, is amended to read as
107 19 follows:
107 20 422.5 TAX IMPOSED == EXCLUSIONS == ALTERNATIVE MINIMUM
107 21 TAX.
107 22 1. A tax is imposed upon every resident and nonresident of
107 23 the state which tax shall be levied, collected, and paid
107 24 annually upon and with respect to the entire taxable income as
107 25 defined in this division at rates as follows:
107 26 a. On all taxable income from zero through one thousand
107 27 dollars, thirty=six hundredths of one percent.
107 28 b. On all taxable income exceeding one thousand dollars
107 29 but not exceeding two thousand dollars, seventy=two hundredths
107 30 of one percent.
107 31 c. On all taxable income exceeding two thousand dollars
107 32 but not exceeding four thousand dollars, two and forty=three
107 33 hundredths percent.
107 34 d. On all taxable income exceeding four thousand dollars
107 35 but not exceeding nine thousand dollars, four and one=half

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108 1 percent.
108 2 e. On all taxable income exceeding nine thousand dollars
108 3 but not exceeding fifteen thousand dollars, six and twelve
108 4 hundredths percent.
108 5 f. On all taxable income exceeding fifteen thousand
108 6 dollars but not exceeding twenty thousand dollars, six and
108 7 forty=eight hundredths percent.
108 8 g. On all taxable income exceeding twenty thousand dollars
108 9 but not exceeding thirty thousand dollars, six and
108 10 eight=tenths percent.
108 11 h. On all taxable income exceeding thirty thousand dollars
108 12 but not exceeding forty=five thousand dollars, seven and
108 13 ninety=two hundredths percent.
108 14 i. On all taxable income exceeding forty=five thousand
108 15 dollars, eight and ninety=eight hundredths percent.
108 16 j. (1) The tax imposed upon the taxable income of a
108 17 nonresident shall be computed by reducing the amount
108 18 determined pursuant to paragraphs "a" through "i" by the
108 19 amounts of nonrefundable credits under this division and by
108 20 multiplying this resulting amount by a fraction of which the
108 21 nonresident's net income allocated to Iowa, as determined in
108 22 section 422.8, subsection 2, paragraph "a", is the numerator
108 23 and the nonresident's total net income computed under section
108 24 422.7 is the denominator. This provision also applies to
108 25 individuals who are residents of Iowa for less than the entire
108 26 tax year.
108 27 (2) (a) The tax imposed upon the taxable income of a
108 28 resident shareholder in an S corporation which has in effect
108 29 for the tax year an election under subchapter S of the
108 30 Internal Revenue Code and carries on business within and
108 31 without the state may be computed by reducing the amount
108 32 determined pursuant to paragraphs "a" through "i" by the
108 33 amounts of nonrefundable credits under this division and by
108 34 multiplying this resulting amount by a fraction of which the
108 35 resident's net income allocated to Iowa, as determined in

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109 1 section 422.8, subsection 2, paragraph "b", is the numerator
109 2 and the resident's total net income computed under section
109 3 422.7 is the denominator. If a resident shareholder has
109 4 elected to take advantage of this subparagraph (2), and for
109 5 the next tax year elects not to take advantage of this
109 6 subparagraph, the resident shareholder shall not reelect to
109 7 take advantage of this subparagraph for the three tax years
109 8 immediately following the first tax year for which the
109 9 shareholder elected not to take advantage of this
109 10 subparagraph, unless the director consents to the reelection.
109 11 This subparagraph also applies to individuals who are
109 12 residents of Iowa for less than the entire tax year.
109 13 (b) This subparagraph (2) shall not affect the amount of
109 14 the taxpayer's checkoffs under this division, the credits from
109 15 tax provided under this division, and the allocation of these
109 16 credits between spouses if the taxpayers filed separate
109 17 returns or separately on combined returns.
109 18 ~~k.~~ 2. a. There is imposed upon every resident and
109 19 nonresident of this state, including estates and trusts, the
109 20 greater of the tax determined in subsection 1, paragraphs "a"
109 21 through "j", or the state alternative minimum tax equal to
109 22 seventy=five percent of the maximum state individual income
109 23 tax rate for the tax year, rounded to the nearest one=tenth of
109 24 one percent, of the state alternative minimum taxable income
109 25 of the taxpayer as computed under this ~~paragraph~~ subsection.
109 26 b. The state alternative minimum taxable income of a
109 27 taxpayer is equal to the taxpayer's state taxable income, as
109 28 computed with the deductions in section 422.9, with the
109 29 following adjustments:
109 30 (1) Add items of tax preference included in federal
109 31 alternative minimum taxable income under section 57, except
109 32 subsections (a)(1), (a)(2), and (a)(5), of the Internal
109 33 Revenue Code, make the adjustments included in federal
109 34 alternative minimum taxable income under section 56, except
109 35 subsections (a)(4), (b)(1)(C)(iii), and (d), of the Internal

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110 1 Revenue Code, and add losses as required by section 58 of the
110 2 Internal Revenue Code. To the extent that any preference or
110 3 adjustment is determined by an individual's federal adjusted
110 4 gross income, the individual's federal adjusted gross income
110 5 is computed in accordance with section 422.7, subsection 39.
110 6 In the case of an estate or trust, the items of tax
110 7 preference, adjustments, and losses shall be apportioned
110 8 between the estate or trust and the beneficiaries in
110 9 accordance with rules prescribed by the director.
110 10 (2) Subtract the applicable exemption amount as follows:
110 11 (a) Seventeen thousand five hundred dollars for a married
110 12 person who files separately or for an estate or trust.
110 13 (b) Twenty=six thousand dollars for a single person or a
110 14 head of household.
110 15 (c) Thirty=five thousand dollars for a married couple
110 16 which files a joint return.
110 17 (d) The exemption amount shall be reduced, but not below
110 18 zero, by an amount equal to twenty=five percent of the amount
110 19 by which the alternative minimum taxable income of the
110 20 taxpayer, computed without regard to the exemption amount in
110 21 this subparagraph (2), exceeds the following:
110 22 (i) Seventy=five thousand dollars in the case of a
110 23 taxpayer described in subparagraph ~~subdivision~~ division (a).
110 24 (ii) One hundred twelve thousand five hundred dollars in
110 25 the case of a taxpayer described in subparagraph ~~subdivision~~
110 26 division (b).
110 27 (iii) One hundred fifty thousand dollars in the case of a
110 28 taxpayer described in subparagraph ~~subdivision~~ division (c).
110 29 (3) In the case of a net operating loss computed for a tax
110 30 year beginning after December 31, 1982, which is carried back
110 31 or carried forward to the current taxable year, the net
110 32 operating loss shall be reduced by the amount of the items of
110 33 tax preference arising in such year which was taken into
110 34 account in computing the net operating loss in section 422.9,
110 35 subsection 3. The deduction for a net operating loss for a

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111 1 tax year beginning after December 31, 1986, which is carried
111 2 back or carried forward to the current taxable year shall not
111 3 exceed ninety percent of the alternative minimum taxable
111 4 income determined without regard for the net operating loss
111 5 deduction.
111 6 c. The state alternative minimum tax of a taxpayer whose
111 7 net capital gain deduction includes the gain or loss from the
111 8 forfeiture of an installment real estate contract, the
111 9 transfer of real or personal property securing a debt to a
111 10 creditor in cancellation of that debt, or from the sale or
111 11 exchange of property as a result of actual notice of
111 12 foreclosure, where the fair market value of the taxpayer's
111 13 assets exceeds the taxpayer's liabilities immediately before
111 14 such forfeiture, transfer, or sale or exchange, shall not be
111 15 greater than such excess, including any asset transferred
111 16 within one hundred twenty days prior to such forfeiture,
111 17 transfer, or sale or exchange.
111 18 d. In the case of a resident, including a resident estate
111 19 or trust, the state's apportioned share of the state
111 20 alternative minimum tax is one hundred percent of the state
111 21 alternative minimum tax computed in this subsection 2. In the
111 22 case of a resident or part=year resident shareholder in an S
111 23 corporation which has in effect for the tax year an election
111 24 under subchapter S of the Internal Revenue Code and carries on
111 25 business within and without the state, a nonresident,
111 26 including a nonresident estate or trust, or an individual,
111 27 estate, or trust that is domiciled in the state for less than
111 28 the entire tax year, the state's apportioned share of the
111 29 state alternative minimum tax is the amount of tax computed
111 30 under this subsection 2, reduced by the applicable credits in
111 31 sections 422.10 through 422.12 and this result multiplied by a
111 32 fraction with a numerator of the sum of state net income
111 33 allocated to Iowa as determined in section 422.8, subsection
111 34 2, paragraph "a" or "b" as applicable, plus tax preference
111 35 items, adjustments, and losses under subparagraph (1)

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112 1 attributable to Iowa and with a denominator of the sum of
112 2 total net income computed under section 422.7 plus all tax
112 3 preference items, adjustments, and losses under subparagraph
112 4 (1). In computing this fraction, those items excludable under
112 5 subparagraph (1) shall not be used in computing the tax
112 6 preference items. Married taxpayers electing to file separate
112 7 returns or separately on a combined return must allocate the
112 8 minimum tax computed in this subsection in the proportion that
112 9 each spouse's respective preference items, adjustments, and
112 10 losses under subparagraph (1) bear to the combined preference
112 11 items, adjustments, and losses under subparagraph (1) of both
112 12 spouses.
112 13 ~~2.~~ 3. a. ~~However, the~~ The tax shall not be imposed on a
112 14 resident or nonresident whose net income, as defined in
112 15 section 422.7, is thirteen thousand five hundred dollars or
112 16 less in the case of married persons filing jointly or filing
112 17 separately on a combined return, heads of household, and
112 18 surviving spouses or nine thousand dollars or less in the case
112 19 of all other persons; but in the event that the payment of tax
112 20 under this division would reduce the net income to less than
112 21 thirteen thousand five hundred dollars or nine thousand
112 22 dollars as applicable, then the tax shall be reduced to that
112 23 amount which would result in allowing the taxpayer to retain a
112 24 net income of thirteen thousand five hundred dollars or nine
112 25 thousand dollars as applicable. The preceding sentence does
112 26 not apply to estates or trusts. For the purpose of this
112 27 subsection, the entire net income, including any part of the
112 28 net income not allocated to Iowa, shall be taken into account.
112 29 For purposes of this subsection, net income includes all
112 30 amounts of pensions or other retirement income received from
112 31 any source which is not taxable under this division as a
112 32 result of the government pension exclusions in section 422.7,
112 33 or any other state law. If the combined net income of a
112 34 husband and wife exceeds thirteen thousand five hundred
112 35 dollars, neither of them shall receive the benefit of this

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113 1 subsection, and it is immaterial whether they file a joint
113 2 return or separate returns. However, if a husband and wife
113 3 file separate returns and have a combined net income of
113 4 thirteen thousand five hundred dollars or less, neither spouse
113 5 shall receive the benefit of this paragraph, if one spouse has
113 6 a net operating loss and elects to carry back or carry forward
113 7 the loss as provided in section 422.9, subsection 3. A person
113 8 who is claimed as a dependent by another person as defined in
113 9 section 422.12 shall not receive the benefit of this
113 10 subsection if the person claiming the dependent has net income
113 11 exceeding thirteen thousand five hundred dollars or nine
113 12 thousand dollars as applicable or the person claiming the
113 13 dependent and the person's spouse have combined net income
113 14 exceeding thirteen thousand five hundred dollars or nine
113 15 thousand dollars as applicable.
113 16 b. In ~~addition~~ lieu of the computation in subsection 1, 2,
113 17 or 3, if the married persons', filing jointly or filing
113 18 separately on a combined return, head of household's, or
113 19 surviving spouse's net income exceeds thirteen thousand five
113 20 hundred dollars, the regular tax imposed under this division
113 21 shall be the lesser of the maximum state individual income tax
113 22 rate times the portion of the net income in excess of thirteen
113 23 thousand five hundred dollars or the regular tax liability
113 24 computed without regard to this sentence. Taxpayers electing
113 25 to file separately shall compute the alternate tax described
113 26 in this paragraph using the total net income of the husband
113 27 and wife. The alternate tax described in this paragraph does
113 28 not apply if one spouse elects to carry back or carry forward
113 29 the loss as provided in section 422.9, subsection 3.
113 30 ~~2A.~~ 3A. Reserved.
113 31 ~~2B.~~ 3B. a. ~~However, the~~ The tax shall not be imposed on
113 32 a resident or nonresident who is at least sixty=five years old
113 33 on December 31 of the tax year and whose net income, as
113 34 defined in section 422.7, is thirty=two thousand dollars or
113 35 less in the case of married persons filing jointly or filing

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114 1 separately on a combined return, heads of household, and
114 2 surviving spouses or twenty=four thousand dollars or less in
114 3 the case of all other persons; but in the event that the
114 4 payment of tax under this division would reduce the net income
114 5 to less than thirty=two thousand dollars or twenty=four
114 6 thousand dollars as applicable, then the tax shall be reduced
114 7 to that amount which would result in allowing the taxpayer to
114 8 retain a net income of thirty=two thousand dollars or
114 9 twenty=four thousand dollars as applicable. The preceding
114 10 sentence does not apply to estates or trusts. For the purpose
114 11 of this subsection, the entire net income, including any part
114 12 of the net income not allocated to Iowa, shall be taken into
114 13 account. For purposes of this subsection, net income includes
114 14 all amounts of pensions or other retirement income received
114 15 from any source which is not taxable under this division as a
114 16 result of the government pension exclusions in section 422.7,
114 17 or any other state law. If the combined net income of a
114 18 husband and wife exceeds thirty=two thousand dollars, neither
114 19 of them shall receive the benefit of this subsection, and it
114 20 is immaterial whether they file a joint return or separate
114 21 returns. However, if a husband and wife file separate returns
114 22 and have a combined net income of thirty=two thousand dollars
114 23 or less, neither spouse shall receive the benefit of this
114 24 paragraph, if one spouse has a net operating loss and elects
114 25 to carry back or carry forward the loss as provided in section
114 26 422.9, subsection 3. A person who is claimed as a dependent
114 27 by another person as defined in section 422.12 shall not
114 28 receive the benefit of this subsection if the person claiming
114 29 the dependent has net income exceeding thirty=two thousand
114 30 dollars or twenty=four thousand dollars as applicable or the
114 31 person claiming the dependent and the person's spouse have
114 32 combined net income exceeding thirty=two thousand dollars or
114 33 twenty=four thousand dollars as applicable.
114 34 b. In ~~addition~~ lieu of the computation in subsection 1, 2,
114 35 or 3, if the married persons', filing jointly or filing

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115 1 separately on a combined return, head of household's, or
115 2 surviving spouse's net income exceeds thirty=two thousand
115 3 dollars, the regular tax imposed under this division shall be
115 4 the lesser of the maximum state individual income tax rate
115 5 times the portion of the net income in excess of thirty=two
115 6 thousand dollars or the regular tax liability computed without
115 7 regard to this sentence. Taxpayers electing to file
115 8 separately shall compute the alternate tax described in this
115 9 paragraph using the total net income of the husband and wife.
115 10 The alternate tax described in this paragraph does not apply
115 11 if one spouse elects to carry back or carry forward the loss
115 12 as provided in section 422.9, subsection 3.
115 13 c. This subsection applies even though one spouse has not
115 14 attained the age of sixty=five, if the other spouse is at
115 15 least sixty=five at the end of the tax year.
115 16 ~~3.~~ 4. The tax herein levied shall be computed and
115 17 collected as hereinafter provided.
115 18 ~~4.~~ 5. The provisions of this division shall apply to all
115 19 salaries received by federal officials or employees of the
115 20 United States government as provided for herein.
115 21 ~~5.~~ 6. Upon determination of the latest cumulative
115 22 inflation factor, the director shall multiply each dollar
115 23 amount set forth in subsection 1, paragraphs "a" through "i"
115 24 ~~of this section~~ by this cumulative inflation factor, shall
115 25 round off the resulting product to the nearest one dollar, and
115 26 shall incorporate the result into the income tax forms and
115 27 instructions for each tax year.
115 28 ~~6.~~ 7. The state income tax of a taxpayer whose net income
115 29 includes the gain or loss from the forfeiture of an
115 30 installment real estate contract, the transfer of real or
115 31 personal property securing a debt to a creditor in
115 32 cancellation of that debt, or from the sale or exchange of
115 33 property as a result of actual notice of foreclosure where the
115 34 fair market value of the taxpayer's assets exceeds the
115 35 taxpayer's liabilities immediately before such forfeiture,

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116 1 transfer, or sale or exchange shall not be greater than such
116 2 excess, including any asset transferred within one hundred
116 3 twenty days prior to such forfeiture, transfer, or sale or
116 4 exchange. For purposes of this subsection, in the case of
116 5 married taxpayers, except in the case of a husband and wife
116 6 who live apart at all times during the tax year, the assets
116 7 and liabilities of both spouses shall be considered in
116 8 determining if the fair market value of the taxpayer's assets
116 9 exceed the taxpayer's liabilities.
116 10 ~~7.~~ 8. In addition to the other taxes imposed by this
116 11 section, a tax is imposed on the amount of a lump sum
116 12 distribution for which the taxpayer has elected under section
116 13 402(e) of the Internal Revenue Code to be separately taxed for
116 14 federal income tax purposes for the tax year. The rate of tax
116 15 is equal to twenty=five percent of the separate federal tax
116 16 imposed on the amount of the lump sum distribution. A
116 17 nonresident is liable for this tax only on that portion of the
116 18 lump sum distribution allocable to Iowa. The total amount of
116 19 the lump sum distribution subject to separate federal tax
116 20 shall be included in net income for purposes of determining
116 21 eligibility under subsections ~~2~~ 3 and ~~2A or 2B~~ 3B, as
116 22 applicable.
116 23 ~~8.~~ 9. In the case of income derived from the sale or
116 24 exchange of livestock which qualifies under section 451(e) of
116 25 the Internal Revenue Code because of drought, the taxpayer may
116 26 elect to include the income in the taxpayer's net income in
116 27 the tax year following the year of the sale or exchange in
116 28 accordance with rules prescribed by the director.
116 29 ~~9.~~ 10. If an individual's federal income tax was forgiven
116 30 for a tax year under section 692 of the Internal Revenue Code,
116 31 because the individual was killed while serving in an area
116 32 designated by the president of the United States or the United
116 33 States Congress as a combat zone, the individual was missing
116 34 in action and presumed dead, or the individual was killed
116 35 outside the United States in a terroristic or military action

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117 1 while the individual was a military or civilian employee of
117 2 the United States, the individual's Iowa income tax is also
117 3 forgiven for the same tax year.
117 4 ~~10.~~ 11. If a taxpayer repays in the current tax year
117 5 certain amounts of income that were subject to tax under this
117 6 division in a prior year and a tax benefit would be allowed
117 7 under similar circumstances under section 1341 of the Internal
117 8 Revenue Code, a tax benefit shall be allowed on the Iowa
117 9 return. The tax benefit shall be the reduced tax for the
117 10 current tax year due to the deduction for the repaid income or
117 11 the reduction in tax for the prior year or years due to
117 12 exclusion of the repaid income. The reduction in tax shall
117 13 qualify as a refundable tax credit on the return for the
117 14 current year pursuant to rules prescribed by the director.
117 15 Sec. 136. Section 422.7, subsection 12, Code 2009, is
117 16 amended to read as follows:
117 17 12. a. If the adjusted gross income includes income or
117 18 loss from a small business operated by the taxpayer, an
117 19 additional deduction shall be allowed in computing the income
117 20 or loss from the small business if the small business hired
117 21 for employment in the state during its annual accounting
117 22 period ending with or during the taxpayer's tax year any of
117 23 the following:
117 24 ~~a.~~ (1) An individual with a disability domiciled in this
117 25 state at the time of the hiring who meets any of the following
117 26 conditions:
117 27 ~~(1)~~ (a) Has a physical or mental impairment which
117 28 substantially limits one or more major life activities.
117 29 ~~(2)~~ (b) Has a record of that impairment.
117 30 ~~(3)~~ (c) Is regarded as having that impairment.
117 31 ~~b.~~ (2) An individual domiciled in this state at the time
117 32 of the hiring who meets any of the following conditions:
117 33 ~~(1)~~ (a) Has been convicted of a felony in this or any
117 34 other state or the District of Columbia.
117 35 ~~(2)~~ (b) Is on parole pursuant to chapter 906.

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118 1 ~~(3)~~ (c) Is on probation pursuant to chapter 907, for an
118 2 offense other than a simple misdemeanor.
118 3 ~~(4)~~ (d) Is in a work release program pursuant to chapter
118 4 904, division IX.
118 5 ~~c.~~ (3) An individual, whether or not domiciled in this
118 6 state at the time of the hiring, who is on parole or probation
118 7 and to whom the interstate probation and parole compact under
118 8 section 907A.1, Code 2001, applies, or to whom the interstate
118 9 compact for adult offender supervision under chapter 907B
118 10 applies.
118 11 b. (1) The amount of the additional deduction is equal to
118 12 sixty=five percent of the wages paid to individuals, but shall
118 13 not exceed twenty thousand dollars per individual, named in
118 14 ~~paragraphs~~ paragraph "a", ~~"b", and "c"~~ subparagraphs (1), (2),
118 15 and (3) who were hired for the first time by that business
118 16 during the annual accounting period for work done in the
118 17 state. This additional deduction is allowed for the wages
118 18 paid to those individuals successfully completing a
118 19 probationary period during the twelve months following the
118 20 date of first employment by the business and shall be deducted
118 21 at the close of the annual accounting period.
118 22 (2) The additional deduction shall not be allowed for
118 23 wages paid to an individual who was hired to replace an
118 24 individual whose employment was terminated within the
118 25 twelve=month period preceding the date of first employment.
118 26 However, if the individual being replaced left employment
118 27 voluntarily without good cause attributable to the employer or
118 28 if the individual was discharged for misconduct in connection
118 29 with the individual's employment as determined by the
118 30 department of workforce development, the additional deduction
118 31 shall be allowed.
118 32 (3) A taxpayer who is a partner of a partnership or a
118 33 shareholder of a subchapter S corporation, may deduct that
118 34 portion of wages qualified under this subsection paid by the
118 35 partnership or subchapter S corporation based on the

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119 1 taxpayer's pro rata share of the profits or losses from the
119 2 partnership or subchapter S corporation.
119 3 c. For purposes of this subsection~~, "physical~~:
119 4 (1) "Physical or mental impairment" means any
119 5 physiological disorder or condition, cosmetic disfigurement,
119 6 or anatomical loss affecting one or more of the body systems
119 7 or any mental or psychological disorder, including mental
119 8 retardation, organic brain syndrome, emotional or mental
119 9 illness and specific learning disabilities.
119 10 (2) (a) ~~For purposes of this subsection, "small~~ "Small
119 11 business" means a profit or nonprofit business, including but
119 12 not limited to an individual, partnership, corporation, joint
119 13 venture, association, or cooperative, to which the following
119 14 apply:
119 15 ~~(1)~~ (i) It is not an affiliate or subsidiary of a
119 16 business dominant in its field of operation.
119 17 ~~(2)~~ (ii) It has twenty or fewer full=time equivalent
119 18 positions and not more than the equivalent of three million
119 19 dollars in annual gross revenues as computed for the preceding
119 20 fiscal year or as the average of the three preceding fiscal
119 21 years.
119 22 ~~(3)~~ (iii) It does not include the practice of a
119 23 profession.
119 24 (b) "Small business" includes an employee=owned business
119 25 which has been an employee=owned business for less than three
119 26 years or which meets the conditions of ~~subparagraphs (1)~~
119 27 subparagraph division (a), subparagraph subdivisions (i)
119 28 through ~~(3)~~ (iii).
119 29 (c) For purposes of this definition, "dominant in its
119 30 field of operation" means having more than twenty full=time
119 31 equivalent positions and more than three million dollars in
119 32 annual gross revenues, and "affiliate or subsidiary of a
119 33 business dominant in its field of operation" means a business
119 34 which is at least twenty percent owned by a business dominant
119 35 in its field of operation, or by partners, officers,

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120 1 directors, majority stockholders, or their equivalents, of a
120 2 business dominant in that field of operation.
120 3 ~~The department may, by resolution, waive any or all of the~~
~~120 4 requirements of paragraph "b" in connection with a loan to a~~
~~120 5 small business, as defined under applicable federal law and~~
~~120 6 regulations that have been enacted or adopted by April 1,~~
~~120 7 1983, in which federal assistance, insurance, or guaranties~~
~~120 8 are sought.~~
120 9 Sec. 137. Section 422.7, subsection 28, paragraph b, Code
120 10 2009, is amended to read as follows:
120 11 b. The amount of any ~~savings refund or~~ state match
120 12 payments authorized under section 541A.3, subsection 1.
120 13 Sec. 138. Section 422.7, subsection 43, unnumbered
120 14 paragraph 1, Code 2009, is amended to read as follows:
120 15 A taxpayer may elect not to take the increased expensing
120 16 allowance under section 179 of the Internal Revenue Code, as
120 17 amended by Pub. L. No. 108=27, section 202, in computing
120 18 adjusted gross income for state tax purposes. If the taxpayer
120 19 does not take the increased expensing allowance under section
120 20 179 of the Internal Revenue Code for state tax purposes, the
120 21 following adjustments shall be made:
120 22 Sec. 139. Section 422.7, subsection 53, Code 2009, is
120 23 amended to read as follows:
120 24 53. A taxpayer is allowed to take the increased expensing
120 25 allowance under section 179 of the Internal Revenue Code, as
120 26 amended by Pub. L. No. 110=185, in computing adjusted gross
120 27 income for state tax purposes.
120 28 Sec. 140. Section 422.12, Code 2009, is amended to read as
120 29 follows:
120 30 422.12 DEDUCTIONS FROM COMPUTED TAX.
120 31 1. As used in this section:
120 32 a. "Dependent" has the same meaning as provided by the
120 33 Internal Revenue Code.
120 34 b. "Textbooks" means books and other instructional
120 35 materials and equipment used in elementary and secondary

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121 1 schools in teaching only those subjects legally and commonly
121 2 taught in public elementary and secondary schools in this
121 3 state and does not include instructional books and materials
121 4 used in the teaching of religious tenets, doctrines, or
121 5 worship, the purpose of which is to inculcate those tenets,
121 6 doctrines, or worship. "Textbooks" includes books or
121 7 materials used for extracurricular activities including
121 8 sporting events, musical or dramatic events, speech
121 9 activities, driver's education, or programs of a similar
121 10 nature.
121 11 c. "Tuition" means any charges for the expenses of
121 12 personnel, buildings, equipment, and materials other than
121 13 textbooks, and other expenses of elementary or secondary
121 14 schools which relate to the teaching only of those subjects
121 15 legally and commonly taught in public elementary and secondary
121 16 schools in this state and which do not relate to the teaching
121 17 of religious tenets, doctrines, or worship, the purpose of
121 18 which is to inculcate those tenets, doctrines, or worship.
121 19 "Tuition" includes those expenses which relate to
121 20 extracurricular activities including sporting events, musical
121 21 or dramatic events, speech activities, driver's education, or
121 22 programs of a similar nature.
121 23 2. There shall be deducted from but not to exceed the tax,
121 24 after the same shall have been computed as provided in this
121 25 division, the following:
121 26 ~~1.~~ a. A personal exemption credit in the following
121 27 amounts:
121 28 ~~a.~~ (1) For an estate or trust, a single individual, or a
121 29 married person filing a separate return, forty dollars.
121 30 ~~b.~~ (2) For a head of household, or a husband and wife
121 31 filing a joint return, eighty dollars.
121 32 ~~c.~~ (3) For each dependent, an additional forty dollars.
121 33 ~~As used in this section, the term "dependent" has the same~~
121 34 ~~meaning as provided by the Internal Revenue Code.~~
121 35 ~~d.~~ (4) For a single individual, husband, wife, or head of

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122 1 household, an additional exemption of twenty dollars for each
122 2 of said individuals who has attained the age of sixty=five
122 3 years before the close of the tax year or on the first day
122 4 following the end of the tax year.
122 5 ~~e.~~ (5) For a single individual, husband, wife, or head of
122 6 household, an additional exemption of twenty dollars for each
122 7 of said individuals who is blind at the close of the tax year.
122 8 For the purposes of this ~~paragraph~~ subparagraph, an individual
122 9 is blind only if the individual's central visual acuity does
122 10 not exceed twenty=two hundredths in the better eye with
122 11 correcting lenses, or if the individual's visual acuity is
122 12 greater than twenty=two hundredths but is accompanied by a
122 13 limitation in the fields of vision such that the widest
122 14 diameter of the visual field subtends an angle no greater than
122 15 twenty degrees.
122 16 ~~2.~~ b. A tuition credit equal to twenty=five percent of
122 17 the first one thousand dollars which the taxpayer has paid to
122 18 others for each dependent in grades kindergarten through
122 19 twelve, for tuition and textbooks of each dependent in
122 20 attending an elementary or secondary school situated in Iowa,
122 21 which school is accredited or approved under section 256.11,
122 22 which is not operated for profit, and which adheres to the
122 23 provisions of the federal Civil Rights Act of 1964 and chapter
122 24 216. ~~As used in this subsection, "textbooks" means books and~~
~~122 25 other instructional materials and equipment used in elementary~~
~~122 26 and secondary schools in teaching only those subjects legally~~
~~122 27 and commonly taught in public elementary and secondary schools~~
~~122 28 in this state and does not include instructional books and~~
~~122 29 materials used in the teaching of religious tenets, doctrines,~~
~~122 30 or worship, the purpose of which is to inculcate those tenets,~~
~~122 31 doctrines, or worship. "Textbooks" includes books or~~
~~122 32 materials used for extracurricular activities including~~
~~122 33 sporting events, musical or dramatic events, speech~~
~~122 34 activities, driver's education, or programs of a similar~~
~~122 35 nature.~~ Notwithstanding any other provision, all other

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123 1 credits allowed under this ~~section~~ subsection shall be
123 2 deducted before the tuition credit under this ~~subsection~~
123 3 paragraph. The department, when conducting an audit of a
123 4 taxpayer's return, shall also audit the tuition tax credit
123 5 portion of the tax return.
123 6 ~~As used in this subsection, "tuition" means any charges for~~
~~123 7 the expenses of personnel, buildings, equipment and materials~~
~~123 8 other than textbooks, and other expenses of elementary or~~
~~123 9 secondary schools which relate to the teaching only of those~~
~~123 10 subjects legally and commonly taught in public elementary and~~
~~123 11 secondary schools in this state and which do not relate to the~~
~~123 12 teaching of religious tenets, doctrines, or worship, the~~
~~123 13 purpose of which is to inculcate those tenets, doctrines, or~~
~~123 14 worship. "Tuition" includes those expenses which relate to~~
~~123 15 extracurricular activities including sporting events, musical~~
~~123 16 or dramatic events, speech activities, driver's education, or~~
~~123 17 programs of a similar nature.~~
123 18 3. For the purpose of this section, the determination of
123 19 whether an individual is married shall be made in accordance
123 20 with section 7703 of the Internal Revenue Code.
123 21 Sec. 141. Section 422.35, subsections 6 and 6A, Code 2009,
123 22 are amended to read as follows:
123 23 6. a. If the taxpayer is a small business corporation,
123 24 subtract an amount equal to sixty=five percent of the wages
123 25 paid to individuals, but not to exceed twenty thousand dollars
123 26 per individual, named in ~~paragraphs~~ ~~"a", "b", and "c"~~
123 27 subparagraphs (1), (2), and (3) who were hired for the first
123 28 time by the taxpayer during the tax year for work done in this
123 29 state:
123 30 ~~a.~~ (1) An individual with a disability domiciled in this
123 31 state at the time of the hiring who meets any of the following
123 32 conditions:
123 33 ~~(1)~~ (a) Has a physical or mental impairment which
123 34 substantially limits one or more major life activities.
123 35 ~~(2)~~ (b) Has a record of that impairment.

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124 1 ~~(3)~~ (c) Is regarded as having that impairment.
124 2 ~~b.~~ (2) An individual domiciled in this state at the time
124 3 of the hiring who meets any of the following conditions:
124 4 ~~(1)~~ (a) Has been convicted of a felony in this or any
124 5 other state or the District of Columbia.
124 6 ~~(2)~~ (b) Is on parole pursuant to chapter 906.
124 7 ~~(3)~~ (c) Is on probation pursuant to chapter 907, for an
124 8 offense other than a simple misdemeanor.
124 9 ~~(4)~~ (d) Is in a work release program pursuant to chapter
124 10 904, division IX.
124 11 ~~c.~~ (3) An individual, whether or not domiciled in this
124 12 state at the time of the hiring, who is on parole or probation
124 13 and to whom the interstate probation and parole compact under
124 14 section 907A.1, Code 2001, applies, or to whom the interstate
124 15 compact for adult offender supervision under chapter 907B
124 16 applies.
124 17 b. This deduction is allowed for the wages paid to the
124 18 individuals successfully completing a probationary period
124 19 named in ~~paragraphs~~ paragraph "a", ~~"b", and "c"~~ subparagraphs
124 20 (1), (2), and (3) during the twelve months following the date
124 21 of first employment by the taxpayer and shall be deducted in
124 22 the tax years when paid.
124 23 c. For purposes of this subsection~~, "physical~~:
124 24 (1) "Physical or mental impairment" means any
124 25 physiological disorder or condition, cosmetic disfigurement,
124 26 or anatomical loss affecting one or more of the body systems
124 27 or any mental or psychological disorder, including mental
124 28 retardation, organic brain syndrome, emotional or mental
124 29 illness, and specific learning disabilities.
124 30 (2) (a) ~~For purposes of this subsection, "small~~ "Small
124 31 business" means a profit or nonprofit business, including but
124 32 not limited to an individual, partnership, corporation, joint
124 33 venture, association, or cooperative, to which the following
124 34 apply:
124 35 ~~(1)~~ (i) It is not an affiliate or subsidiary of a

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125 1 business dominant in its field of operation.
125 2 ~~(2)~~ (ii) It has either twenty or fewer full=time
125 3 equivalent positions or not more than the equivalent of three
125 4 million dollars in annual gross revenues as computed for the
125 5 preceding fiscal year or as the average of the three preceding
125 6 fiscal years.
125 7 ~~(3)~~ (iii) It does not include the practice of a
125 8 profession.
125 9 (b) "Small business" includes an employee=owned business
125 10 which has been an employee=owned business for less than three
125 11 years or which meets the conditions of ~~subparagraphs (1)~~
~~125 12 through (3)~~ subparagraph division (a), subparagraph
125 13 subdivisions (i) through (iii).
125 14 (c) For purposes of this definition, "dominant in its
125 15 field of operation" means having more than twenty full=time
125 16 equivalent positions and more than three million dollars in
125 17 annual gross revenues, and "affiliate or subsidiary of a
125 18 business dominant in its field of operation" means a business
125 19 which is at least twenty percent owned by a business dominant
125 20 in its field of operation, or by partners, officers,
125 21 directors, majority stockholders, or their equivalents, of a
125 22 business dominant in that field of operation.
125 23 ~~The department may, by resolution, waive any or all of the~~
~~125 24 requirements of paragraph "b" in connection with a loan to a~~
~~125 25 small business, as defined under applicable federal law and~~
~~125 26 regulations that have been enacted or adopted by April 1,~~
~~125 27 1983, in which federal assistance, insurance, or guaranties~~
~~125 28 are sought.~~
125 29 6A. a. If the taxpayer is a business corporation and does
125 30 not qualify for the adjustment under subsection 6, subtract an
125 31 amount equal to sixty=five percent of the wages paid to
125 32 individuals, but shall not exceed twenty thousand dollars per
125 33 individual, named in ~~paragraphs "a" and "b"~~ subparagraphs (1)
125 34 and (2) who were hired for the first time by the taxpayer
125 35 during the tax year for work done in this state:

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126 1 ~~a.~~ (1) An individual domiciled in this state at the time
126 2 of the hiring who meets any of the following conditions:
126 3 ~~(1)~~ (a) Has been convicted of a felony in this or any
126 4 other state or the District of Columbia.
126 5 ~~(2)~~ (b) Is on parole pursuant to chapter 906.
126 6 ~~(3)~~ (c) Is on probation pursuant to chapter 907, for an
126 7 offense other than a simple misdemeanor.
126 8 ~~(4)~~ (d) Is in a work release program pursuant to chapter
126 9 904, division IX.
126 10 ~~b.~~ (2) An individual, whether or not domiciled in this
126 11 state at the time of the hiring, who is on parole or probation
126 12 and to whom the interstate probation and parole compact under
126 13 section 907A.1, Code 2001, applies, or to whom the interstate
126 14 compact for adult offender supervision under chapter 907B
126 15 applies.
126 16 b. This deduction is allowed for the wages paid to the
126 17 individuals successfully completing a probationary period
126 18 named in ~~paragraphs "a" and "b"~~ paragraph "a", subparagraphs
126 19 (1) and (2) during the twelve months following the date of
126 20 first employment by the taxpayer and shall be deducted in the
126 21 tax years when paid.
126 22 c. The department shall develop and distribute information
126 23 concerning the deduction available for businesses employing
126 24 persons named in ~~paragraphs "a" and "b"~~ paragraph "a",
126 25 subparagraphs (1) and (2).
126 26 Sec. 142. Section 422.35, subsection 20, unnumbered
126 27 paragraph 1, Code 2009, is amended to read as follows:
126 28 A taxpayer may elect not to take the increased expensing
126 29 allowance under section 179 of the Internal Revenue Code, as
126 30 amended by Pub. L. No. 108=27, section 202, in computing
126 31 taxable income for state tax purposes. If the taxpayer does
126 32 not take the increased expensing allowance under section 179
126 33 of the Internal Revenue Code for state tax purposes, the
126 34 following adjustments shall be made:
126 35 Sec. 143. Section 422.35, subsection 24, Code 2009, is

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127 1 amended to read as follows:
127 2 24. A taxpayer is allowed to take the increased expensing
127 3 allowance under section 179 of the Internal Revenue Code, as
127 4 amended by Pub. L. No. 110=185, in computing taxable income
127 5 for state tax purposes.
127 6 Sec. 144. Section 423.3, subsection 57, unnumbered
127 7 paragraphs 1 and 2, Code 2009, are amended to read as follows:
127 8 The sales price from all sales of food and food
127 9 ingredients. However, as used in this subsection, ~~"food" does~~
127 10 a sale of "food and food ingredients" does not include a sale
127 11 of alcoholic beverages, candy, or dietary supplements~~,~~; food
127 12 sold through vending machines~~,~~; or sales of prepared food,
127 13 soft drinks, ~~and~~ or tobacco. For the purposes of this
127 14 subsection:
127 15 ~~For the purposes of this subsection:~~
127 16 Sec. 145. Section 435.1, subsections 3 through 7, Code
127 17 2009, are amended to read as follows:
127 18 3. "Manufactured home" means a factory=built structure
127 19 built under authority of 42 U.S.C. } 5403, that is required by
127 20 federal law to display a seal from the United States
127 21 department of housing and urban development, and was
127 22 constructed on or after June 15, 1976. ~~If a manufactured home~~
~~127 23 is placed in a manufactured home community or a mobile home~~
~~127 24 park, the home must be titled and is subject to the~~
~~127 25 manufactured or mobile home square foot tax. If a~~
~~127 26 manufactured home is placed outside a manufactured home~~
~~127 27 community or a mobile home park, the home must be titled and~~
~~127 28 is to be assessed and taxed as real estate.~~
127 29 4. "Manufactured home community" means the same as
127 30 land=leased community defined in sections 335.30A and 414.28A.
127 31 The term "manufactured home community" shall not be construed
127 32 to include manufactured or mobile homes, buildings, tents, or
127 33 other structures temporarily maintained by any individual,
127 34 educational institution, or company on their own premises and
127 35 used exclusively to house their own labor or students.

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128 1 5. "Mobile home" means any vehicle without motive power
128 2 used or so manufactured or constructed as to permit its being
128 3 used as a conveyance upon the public streets and highways and
128 4 so designed, constructed, or reconstructed as will permit the
128 5 vehicle to be used as a place for human habitation by one or
128 6 more persons; but shall also include any such vehicle with
128 7 motive power not registered as a motor vehicle in Iowa. A
128 8 "mobile home" is not built to a mandatory building code,
128 9 contains no state or federal seals, and was built before June
128 10 15, 1976. ~~If a mobile home is placed outside a mobile home~~
~~128 11 park, the home is to be assessed and taxed as real estate.~~
128 12 6. "Mobile home park" means a site, lot, field, or tract
128 13 of land upon which three or more mobile homes or manufactured
128 14 homes, or a combination of any of these homes, are placed on
128 15 developed spaces and operated as a for=profit enterprise with
128 16 water, sewer or septic, and electrical services available.
128 17 The term "mobile home park"
128 18 ~~The term "manufactured home community" or "mobile home~~
~~128 19 park"~~ shall not be construed to include manufactured or mobile
128 20 homes, buildings, tents, or other structures temporarily
128 21 maintained by any individual, educational institution, or
128 22 company on their own premises and used exclusively to house
128 23 their own labor or students.
128 24 ~~A manufactured home community or a mobile home park must be~~
~~128 25 classified as to whether it is a residential manufactured home~~
~~128 26 community or a mobile home park or a recreational manufactured~~
~~128 27 home community or a mobile home park or both. The~~
~~128 28 manufactured home communities or mobile home parks residential~~
~~128 29 landlord and tenant Act, chapter 562B, only applies to~~
~~128 30 residential manufactured home communities or mobile home~~
~~128 31 parks.~~
128 32 7. "Modular home" means a factory=built structure which is
128 33 manufactured to be used as a place of human habitation, is
128 34 constructed to comply with the Iowa state building code for
128 35 modular factory=built structures, as adopted pursuant to

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129 1 section 103A.7, and must display the seal issued by the state
129 2 building code commissioner. ~~If a modular home is placed in a~~
~~129 3 manufactured home community or mobile home park, the home is~~
~~129 4 subject to the annual tax as required by section 435.22. If a~~
~~129 5 modular home is placed outside a manufactured home community~~
~~129 6 or a mobile home park, the home shall be considered real~~
~~129 7 property and is to be assessed and taxed as real estate.~~
129 8 Sec. 146. NEW SECTION. 435.2 PLACEMENT AND TAXATION.
129 9 1. If a mobile home is placed outside a mobile home park,
129 10 the home is to be assessed and taxed as real estate.
129 11 2. If a manufactured home is placed in a manufactured home
129 12 community or a mobile home park, the home must be titled and
129 13 is subject to the manufactured or mobile home square foot tax.
129 14 If a manufactured home is placed outside a manufactured home
129 15 community or a mobile home park, the home must be titled and
129 16 is to be assessed and taxed as real estate.
129 17 3. If a modular home is placed in a manufactured home
129 18 community or mobile home park, the home is subject to the
129 19 annual tax as required by section 435.22. If a modular home
129 20 is placed outside a manufactured home community or a mobile
129 21 home park, the home shall be considered real property and is
129 22 to be assessed and taxed as real estate. This subsection does
129 23 not apply to manufactured home communities or mobile home
129 24 parks in existence on or before January 1, 1998. If a modular
129 25 home is placed in a manufactured home community or mobile home
129 26 park which was in existence on or before January 1, 1998, that
129 27 modular home shall be subject to property tax pursuant to
129 28 section 435.22.
129 29 Sec. 147. Section 435.26, subsection 1, paragraph a, Code
129 30 2009, is amended to read as follows:
129 31 a. A mobile home or manufactured home which is located
129 32 outside a manufactured home community or mobile home park
129 33 shall be converted to real estate by being placed on a
129 34 permanent foundation and shall be assessed for real estate
129 35 taxes. A home, after conversion to real estate, is eligible

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for the homestead tax credit and the military service tax exemption as provided in sections 425.2 and 426A.11. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, is also exempt from the permanent foundation requirements of this chapter until the home is relocated.

Sec. 148. Section 437A.3, subsection 29, Code 2009, is amended to read as follows:

29. "Taxable value" means as defined in section 437A.19, subsection 2, paragraph ~~"f"~~ "e".

Sec. 149. Section 437A.15, subsection 3, paragraph e, Code 2009, is amended to read as follows:

e. Notwithstanding the provisions of this section, if during the tax year a person who was not a taxpayer during the prior tax year acquires a new major addition, as defined in section 437A.3, subsection 18, paragraph "a", subparagraph (4), the replacement tax associated with that major addition shall be allocated, for that tax year, under this section in accordance with the general allocating formula on the basis of the general property tax equivalents established under paragraph "a" of this subsection, except that the levy rates established and reported to the department of management on or before June 30 following the tax year in which the major addition was acquired shall be applied to the prorated assessed value of the major addition ~~and provided that section 437A.19, subsection 2, paragraph "b", subparagraph (2), is in any event applicable~~. For purposes of this paragraph, "prorated assessed value of the major addition" means the assessed value of the major addition as of January 1 of the year following the tax year in which the major addition was acquired multiplied by the percentage derived by dividing the number of months that the major addition existed during the tax year by twelve, counting any portion of a month as a full month.

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131 1 Sec. 150. Section 437A.19, subsection 2, Code 2009, is
131 2 amended to read as follows:
131 3 2. a. Beginning January 1, 1999, the assessed value of
131 4 taxpayer property shall be adjusted annually as provided in
131 5 this section. The director, with respect to each taxpayer,
131 6 shall do all of the following:
131 7 ~~a.~~ (1) Adjust the assessed value of taxpayer property in
131 8 each local taxing district by the change in book value during
131 9 the preceding calendar year of the local amount of any major
131 10 addition reported within such local taxing district.
131 11 ~~b.~~ (2) Adjust the assessed value of taxpayer property in
131 12 each local taxing district by allocating the change in book
131 13 value during the preceding calendar year of the statewide
131 14 amount and all other taxpayer property described in subsection
131 15 1, paragraph "a", subparagraph (5), to the assessed value of
131 16 all taxpayer property in the state pro rata according to its
131 17 preadjustment value. Any value for a taxpayer owning, or
131 18 owning an interest in, a new electric power generating plant
131 19 in excess of a local amount, where such taxpayer owns no other
131 20 taxpayer property in this state, shall not be allocated to any
131 21 local taxing districts.
131 22 ~~c.~~ (3) In the case of taxpayer property described in
131 23 subsection 1, paragraph "a", subparagraphs (3), (4), and (7),
131 24 decrease the assessed value of taxpayer property in each local
131 25 taxing district by the assessed value reported within such
131 26 local taxing district.
131 27 ~~d.~~ (4) In the event of a merger or consolidation of two
131 28 or more taxpayers, to determine the assessed value of the
131 29 surviving taxpayer, combine the assessed values of such
131 30 taxpayers immediately prior to the merger or consolidation.
131 31 ~~e.~~ (5) In the event any taxpayer property is eligible for
131 32 the urban revitalization tax exemption described in chapter
131 33 404, adjust the assessed value of taxpayer property within
131 34 each affected local taxing district to reflect such exemption.
131 35 ~~f.~~ (6) In the event the base year assessed value of

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132 1 taxpayer property is adjusted as a result of taxpayer appeals,
132 2 reduce the assessed value of taxpayer property in each local
132 3 taxing district to reflect such adjustment. The adjustment
132 4 shall be allocated in proportion to the allocation of the
132 5 taxpayer's assessed value among the local taxing districts
132 6 determined without regard to this adjustment. An adjustment
132 7 to the base year assessed value of taxpayer property shall be
132 8 made as of January 1 of the year following the date on which
132 9 the adjustment is finally determined.
132 10 b. In no event shall the adjustments set forth in this
132 11 subsection reduce the assessed value of taxpayer property in
132 12 any local taxing district below zero.
132 13 c. The director, on or before August 31 of each assessment
132 14 year, shall report to the department of management and to the
132 15 auditor of each county the adjusted assessed value of taxpayer
132 16 property as of January 1 of such assessment year for each
132 17 local taxing district. For purposes of this subsection, the
132 18 assessed value of taxpayer property in each local taxing
132 19 district subject to adjustment under this section by the
132 20 director means the assessed value of such property as of the
132 21 preceding January 1 as determined and allocated among the
132 22 local taxing districts by the director.
132 23 d. Nothing in this chapter shall be interpreted to
132 24 authorize local taxing authorities to exclude from the
132 25 calculation of levy rates the taxable value of taxpayer
132 26 property reported to county auditors pursuant to this
132 27 subsection.
132 28 e. In addition to reporting the assessed values as
132 29 described in this subsection, the director, on or before
132 30 October 31 of each assessment year, shall also report to the
132 31 department of management and to the auditor of each county the
132 32 taxable value of taxpayer property as of January 1 of such
132 33 assessment year for each local taxing district. For purposes
132 34 of this chapter, "taxable value" means the value for all
132 35 property subject to the replacement tax annually determined by

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133 1 the director, by dividing the estimated annual replacement tax
133 2 liability for that property by the prior year's consolidated
133 3 taxing district rate for the taxing district where that
133 4 property is located, then multiplying the quotient by one
133 5 thousand. A taxpayer who paid more than five hundred thousand
133 6 dollars in replacement tax in the previous tax year or who
133 7 believes their replacement tax liability will vary more than
133 8 ten percent from the previous tax year shall report to the
133 9 director by October 1 of the current calendar year, on forms
133 10 prescribed by the director, the estimated replacement tax
133 11 liability that will be attributable to all of the taxpayer's
133 12 property subject to replacement tax for the current tax year.
133 13 The department shall utilize the estimated replacement tax
133 14 liability as reported by the taxpayer or the taxpayer's prior
133 15 year's replacement tax amounts to estimate the current tax
133 16 year's taxable value for that property. Furthermore, a
133 17 taxpayer who has a new major addition of operating property
133 18 which is put into service for the first time in the current
133 19 calendar year shall report to the director by October 1 of the
133 20 current calendar year, or at the time the major addition is
133 21 put into service, whichever time is later, on forms prescribed
133 22 by the director, the cost of the major addition and, if not
133 23 previously reported, shall report the estimated replacement
133 24 taxes which that asset will generate in the current calendar
133 25 year. For the purposes of computing the taxable value of
133 26 property in a taxing district, the taxing district's share of
133 27 the estimated replacement tax liability shall be the taxing
133 28 district's percentage share of the "assessed value allocated
133 29 by property tax equivalent" multiplied by the total estimated
133 30 replacement tax. "Assessed value allocated by property tax
133 31 equivalent" shall be determined by dividing the taxpayer's
133 32 current year assessed valuation in a taxing district by one
133 33 thousand, and then multiplying by the prior year's
133 34 consolidated tax rate.
133 35 Sec. 151. Section 450.7, subsection 1, Code 2009, is

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134 1 amended to read as follows:
134 2 1. ~~Except for the share of the estate passing to the~~
~~134 3 surviving spouse, and parents, grandparents,~~
~~134 4 great=grandparents, and other lineal ascendants, children~~
~~134 5 including legally adopted children and biological children~~
~~134 6 entitled to inherit under the laws of this state,~~
~~134 7 stepchildren, and grandchildren, great=grandchildren, and~~
~~134 8 other lineal descendants, the~~ The tax imposed by this chapter
134 9 is a charge against and a lien upon the estate subject to tax
134 10 under this chapter, and all property of the estate or owned by
134 11 the decedent from the death of the decedent until paid,
134 12 subject to the following ~~limitation~~ limitations:
134 13 a. The share of the estate passing to the surviving
134 14 spouse, and parents, grandparents, great=grandparents, and
134 15 other lineal ascendants, children including legally adopted
134 16 children and biological children entitled to inherit under the
134 17 laws of this state, stepchildren, and grandchildren,
134 18 great=grandchildren, and other lineal descendants is excluded
134 19 from taxation under this chapter.
134 20 b. Inheritance taxes owing with respect to a passing of
134 21 property of a deceased person are no longer a lien against the
134 22 property ten years from the date of death of the decedent
134 23 owner regardless of whether the decedent owner died prior to
134 24 or subsequent to July 1, 1995, except to the extent taxes are
134 25 attributable to remainder or deferred interests and are
134 26 deferred in accordance with the provisions of this chapter.
134 27 Sec. 152. Section 455A.8, subsection 1, Code 2009, is
134 28 amended to read as follows:
134 29 1. a. The Brushy creek recreation trails advisory board
134 30 shall be organized within the department and shall be composed
134 31 of ~~ten~~ nine voting members ~~including the following: the~~ and
134 32 one ex officio nonvoting member as follows:
134 33 (1) The director of the department or the director's
134 34 designee who shall serve as ~~a~~ the nonvoting ex officio member~~,~~
~~134 35 the~~.

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135 1 (2) The park employee who is primarily responsible for
135 2 maintenance of the Brushy creek recreation area~~, a~~.
135 3 (3) A member of the state advisory board for preserves
135 4 established under chapter 465C~~, and seven~~.
135 5 (4) Seven persons appointed by the natural resource
135 6 commission.
135 7 b. The director shall provide the natural resource
135 8 commission with nominations of prospective board members.
135 9 Each person appointed by the natural resource commission must
135 10 actively participate in recreational trail activities such as
135 11 hiking, bicycling, an equestrian sport, or a winter sport at
135 12 the Brushy creek recreation area. The nine voting members
135 13 shall elect a chairperson at the board's first meeting each
135 14 year.
135 15 Sec. 153. Section 455B.191, Code 2009, is amended to read
135 16 as follows:
135 17 455B.191 PENALTIES == BURDEN OF PROOF.
135 18 1. As used in this section, "hazardous substance" means
135 19 hazardous substance as defined in section 455B.381 or section
135 20 455B.411.
135 21 ~~1.~~ 2. Any person who violates any provision of part 1 of
135 22 division III of this chapter or any permit, rule, standard, or
135 23 order issued under part 1 of division III of this chapter
135 24 shall be subject to a civil penalty not to exceed five
135 25 thousand dollars for each day of such violation.
135 26 ~~2.~~ 3. a. Any person who negligently or knowingly
135 27 ~~violates~~ does any of the following shall, upon conviction, be
135 28 punished as provided in paragraph "b" or "c":
135 29 (1) Violates section 455B.183 or section 455B.186 or any
135 30 condition or limitation included in any permit issued under
135 31 section 455B.183~~, or who negligently or knowingly introduces~~.
135 32 (2) Introduces into a sewer system or into a publicly
135 33 owned treatment works any pollutant or hazardous substance
135 34 which the person knew or reasonably should have known could
135 35 cause personal injury or property damage or, other than in

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136 1 compliance with all applicable federal and state requirements
136 2 or permits~~, negligently or knowingly causes~~.
136 3 (3) Causes a treatment works to violate any water quality
136 4 standard, effluent standard, pretreatment standard or
136 5 condition of a permit issued to the treatment works pursuant
136 6 to section 455B.183 ~~is guilty of a serious misdemeanor for a~~
~~136 7 negligent violation and is guilty of an aggravated misdemeanor~~
~~136 8 for a knowing violation~~. ~~A conviction for a negligent~~
~~136 9 violation is~~
136 10 b. (1) A person who commits a negligent violation under
136 11 this subsection is guilty of a serious misdemeanor punishable
136 12 by a fine of not more than twenty=five thousand dollars for
136 13 each day of violation or by imprisonment for not more than one
136 14 year, or both~~; however, if~~.
136 15 (2) If the conviction is for a second or subsequent
136 16 violation committed by a person under this subsection, the
136 17 conviction is punishable by a fine of not more than fifty
136 18 thousand dollars for each day of violation or by imprisonment
136 19 for not more than two years, or both.
136 20 c. (1) A ~~conviction for a~~ person who commits a knowing
136 21 violation ~~is~~ under this subsection is guilty of an aggravated
136 22 misdemeanor punishable by a fine of not more than fifty
136 23 thousand dollars for each day of violation or by imprisonment
136 24 for not more than two years, or both~~; however, if~~.
136 25 (2) If the conviction is for a second or subsequent
136 26 violation committed by a person under this subsection, the
136 27 conviction is punishable by a fine of not more than one
136 28 hundred thousand dollars for each day of violation or by
136 29 imprisonment for not more than five years, or both. ~~As used~~
~~136 30 in this section, "hazardous substance" means hazardous~~
~~136 31 substance as defined in section 455B.381 or section 455B.411.~~
136 32 ~~3.~~ 4. Any person who knowingly makes any false statement,
136 33 representation, or certification in any application, record,
136 34 report, plan or other document filed or required to be
136 35 maintained under part 1 of division III of this chapter, or

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137 1 who falsifies, tampers with or knowingly renders inaccurate
137 2 any monitoring device or method required to be maintained
137 3 under part 1 of division III of this chapter or by any permit,
137 4 rule, regulation, or order issued under part 1 of division III
137 5 of this chapter, shall upon conviction be punished by a fine
137 6 of not more than ten thousand dollars or by imprisonment in
137 7 the county jail for not more than six months or by both such
137 8 fine and imprisonment.
137 9 ~~4.~~ 5. The attorney general shall, at the request of the
137 10 director with approval of the commission, institute any legal
137 11 proceedings, including an action for an injunction or a
137 12 temporary injunction, necessary to enforce the penalty
137 13 provisions of part 1 of division III of this chapter or to
137 14 obtain compliance with the provisions of part 1 of division
137 15 III of this chapter or any rules promulgated or any provision
137 16 of any permit issued under part 1 of division III of this
137 17 chapter. In any such action, any previous findings of fact of
137 18 the director or the commission after notice and hearing shall
137 19 be conclusive if supported by substantial evidence in the
137 20 record when the record is viewed as a whole.
137 21 ~~5.~~ 6. In all proceedings with respect to any alleged
137 22 violation of the provisions of this part 1 of division III or
137 23 any rule established by the commission or the department, the
137 24 burden of proof shall be upon the commission or the department
137 25 except in an action for contempt as provided in section
137 26 455B.182.
137 27 ~~6.~~ 7. If the attorney general has instituted legal
137 28 proceedings in accordance with this section, all related
137 29 issues which could otherwise be raised by the alleged violator
137 30 in a proceeding for judicial review under section 455B.178
137 31 shall be raised in the legal proceedings instituted in
137 32 accordance with this section.
137 33 Sec. 154. Section 455G.4, subsection 6, Code 2009, is
137 34 amended to read as follows:
137 35 6. REPORTING. Beginning July 2003, the board shall submit

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138 1 a written report quarterly to the legislative council, the
138 2 chairperson and ranking member of the committee on ~~natural~~
~~138 3 resources and~~ environment and energy independence in the
138 4 senate, and the chairperson and ranking member of the
138 5 committee on environmental protection in the house of
138 6 representatives regarding changes in the status of the program
138 7 including, but not limited to, the number of open claims by
138 8 claim type; the number of new claims submitted and the
138 9 eligibility status of each claim; a summary of the risk
138 10 classification of open claims; the status of all claims at
138 11 high=risk sites including the number of corrective action
138 12 design reports submitted, approved, and implemented during the
138 13 reporting period; total moneys reserved on open claims and
138 14 total moneys paid on open claims; and a summary of budgets
138 15 approved and invoices paid for high=risk site activities
138 16 including a breakdown by corrective action design report,
138 17 construction and equipment, implementation, operation and
138 18 maintenance, monitoring, over excavation, free product
138 19 recovery, site reclassification, reporting and other expenses,
138 20 or a similar breakdown. In each report submitted by the
138 21 board, the board shall include an estimated timeline to
138 22 complete corrective action at all currently eligible high=risk
138 23 sites where a corrective action design report has been
138 24 submitted by a claimant and approved during the reporting
138 25 period. The timeline shall include the projected year when a
138 26 no further action designation will be obtained based upon the
138 27 corrective action activities approved or anticipated at each
138 28 claimant site. The timeline shall be broken down in annual
138 29 increments with the number or percentage of sites projected to
138 30 be completed for each time period. The report shall identify
138 31 and report steps taken to expedite corrective action and
138 32 eliminate the state's liability for open claims.
138 33 Sec. 155. Section 456A.26, Code 2009, is amended to read
138 34 as follows:
138 35 456A.26 INTERPRETATION AND LIMITATIONS.

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139 1 ~~The foregoing sections~~ Sections 456A.23 through 456A.25
139 2 shall not be construed as authorizing the commission to change
139 3 any penalty for violating any game law or regulation, or
139 4 change the amount of any license established by the
139 5 legislature, or to promulgate any open season on any fish,
139 6 animal or bird contrary to the laws of the state of Iowa, or
139 7 to extend except as provided in this chapter any open season
139 8 or bag limit on any kind of fish, game, fur=bearing animals or
139 9 of any birds prescribed by the laws of the state of Iowa or by
139 10 federal laws or regulations, or to contract any indebtedness
139 11 or obligation beyond the funds to which they are lawfully
139 12 entitled.
139 13 Sec. 156. Section 461B.8, Code 2009, is amended to read as
139 14 follows:
139 15 461B.8 ACTUAL SERVICE WITHIN THIS STATE.
139 16 The ~~foregoing~~ provisions of this chapter relative to
139 17 service of original notice of suit on nonresidents shall not
139 18 be deemed to prevent actual personal service in this state
139 19 upon the nonresident in the time, manner, form and under the
139 20 conditions provided for service on residents.
139 21 Sec. 157. Section 476.6, subsection 20, Code 2009, is
139 22 amended by striking the subsection.
139 23 Sec. 158. Section 483A.27, subsections 1 and 11, Code
139 24 2009, are amended to read as follows:
139 25 1. A person born after January 1, 1972, shall not obtain a
139 26 hunting license unless the person has satisfactorily completed
139 27 a hunter safety and ethics education course approved by the
139 28 commission. A person who is eleven years of age or more may
139 29 enroll in an approved hunter safety and ethics education
139 30 course, but a person who is eleven years of age and who has
139 31 successfully completed the course shall be issued a
139 32 certificate of completion which becomes valid on the person's
139 33 twelfth birthday. A certificate of completion from an
139 34 approved hunter safety and ethics education course issued in
139 35 this state, or a certificate issued by another state, country,

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140 1 or province for completion of a course that meets the
140 2 standards adopted by the international hunter education
140 3 association, is valid for the requirements of this section.
140 4 11. An instructor certified by the department shall be
140 5 allowed to conduct a ~~departmental approved~~ department=approved
140 6 hunter safety and ethics education course or shooting sports
140 7 activities course on public school property with the approval
140 8 of a majority of the board of directors of the school
140 9 district. Conducting an approved hunter safety and ethics
140 10 education course or shooting sports activities course is not a
140 11 violation of any public policy, rule, regulation, resolution,
140 12 or ordinance which prohibits the possession, display, or use
140 13 of a firearm, bow and arrow, or other hunting weapon on public
140 14 school property or other public property in this state.
140 15 Sec. 159. Section 489.108, subsection 3, unnumbered
140 16 paragraph 1, Code 2009, is amended to read as follows:
140 17 A limited liability company may apply to the secretary of
140 18 state for authorization to use a name that does not comply
140 19 with subsection 2. The secretary of state shall authorize use
140 20 of the name applied for if~~, as to each~~ either of the following
140 21 ~~noncomplying names~~ applies:
140 22 Sec. 160. Section 489.702, subsection 5, paragraph b,
140 23 subparagraph (3), Code 2009, is amended to read as follows:
140 24 (3) Within a reasonable time following the dissolution a
140 25 person has not been appointed pursuant to subsection ~~3~~ 4.
140 26 Sec. 161. Section 489.1203, subsection 10, paragraph a,
140 27 Code 2009, is amended to read as follows:
140 28 a. Except as otherwise provided in paragraph "b", if a
140 29 member of a member=managed series or manager of a
140 30 manager=managed series consents to a distribution made in
140 31 violation of this section and in consenting to the
140 32 distribution fails to comply with section 489.409, the member
140 33 or manager is personally liable to the series for the amount
140 34 of the distribution that exceeds the amount that could have
140 35 been distributed without the violation of this section

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~~489.405~~.

Sec. 162. Section 489.1203, subsection 11, Code 2009, is amended to read as follows:

11. A person that receives a distribution knowing that the distribution to that person was made in violation of this section ~~489.405~~ is personally liable to the limited liability company but only to the extent that the distribution received by the person exceeded the amount that could have been properly paid under this section ~~489.405~~.

Sec. 163. Section 490.831, subsection 1, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) The protection afforded by section 490.870 ~~precludes~~ does not preclude liability.

Sec. 164. Section 496C.14, Code 2009, is amended to read as follows:

496C.14 REQUIRED PURCHASE BY PROFESSIONAL CORPORATION OF ITS OWN SHARES.

1. a. Notwithstanding any other statute or rule of law, a professional corporation shall purchase its own shares as provided in this section; and the shareholders of a professional corporation and their executors, administrators, legal representatives, and successors in interest shall sell and transfer the shares held by them as provided in this section.

b. The corporation may validly purchase its own shares even though its net assets are less than its stated capital, or even though by so doing its net assets would be reduced below its stated capital.

c. Upon the death of a shareholder, the professional corporation shall immediately purchase all shares held by the deceased shareholder.

2. In order to remain a shareholder of a professional corporation, a shareholder shall at all times be licensed to practice in this state a profession which the corporation is authorized to practice. Whenever any shareholder does not

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142 1 have or ceases to have this qualification, the corporation
142 2 shall immediately purchase all shares held by that
142 3 shareholder.
142 4 3. Whenever any person other than the shareholder of
142 5 record becomes entitled to have shares of a corporation
142 6 transferred into that person's name or to exercise voting
142 7 rights, except as a proxy, with respect to shares of the
142 8 corporation, the corporation shall immediately purchase such
142 9 shares. Without limiting the generality of the foregoing,
142 10 this section shall be applicable whether the event occurs as a
142 11 result of the appointment of a guardian or conservator for a
142 12 shareholder or the shareholder's property, transfer of shares
142 13 by operation of law, involuntary transfer of shares, judicial
142 14 proceedings, execution, levy, bankruptcy proceedings,
142 15 receivership proceedings, foreclosure or enforcement of a
142 16 pledge or encumbrance, or any other situation or occurrence.
142 17 However, this section does not apply to any voluntary transfer
142 18 of shares as defined in this chapter.
142 19 4. Shares purchased by the corporation under the
142 20 provisions of this section shall be transferred to the
142 21 corporation as of the close of business on the date of the
142 22 death or other event which requires purchase. The shareholder
142 23 and the shareholder's executors, administrators, legal
142 24 representatives, or successors in interest shall promptly do
142 25 all things which may be necessary or convenient to cause
142 26 transfer to be made as of the transfer date. However, the
142 27 shares shall promptly be transferred on the stock transfer
142 28 books of the corporation as of the transfer date,
142 29 notwithstanding any delay in transferring or surrendering the
142 30 shares or certificates representing the shares, and the
142 31 transfer shall be valid and effective for all purposes as of
142 32 the close of business on the transfer date. The purchase
142 33 price for such shares shall be paid as provided in this
142 34 chapter, but the transfer of shares to the corporation as
142 35 provided in this section shall not be delayed or affected by

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143 1 any delay or default in making payment.
143 2 5. Notwithstanding ~~the foregoing provisions of this~~
~~143 3 section~~ subsections 1 through 4, purchase by the corporation
143 4 is not required upon the occurrence of any event other than
143 5 death of a shareholder if the corporation is dissolved or
143 6 voluntarily elects to adopt the provisions of the Iowa
143 7 business corporation Act, as provided in section 490.1701,
143 8 subsection 2, within sixty days after the occurrence of the
143 9 event. The articles of incorporation or bylaws may provide
143 10 that purchase is not required upon the death of a shareholder
143 11 if the corporation is dissolved within sixty days after the
143 12 death. Notwithstanding ~~the foregoing provisions of this~~
~~143 13 section~~ subsections 1 through 4, purchase by the corporation
143 14 is not required upon the death of a shareholder if the
143 15 corporation voluntarily elects to adopt the provisions of the
143 16 Iowa business corporation Act, as provided in section
143 17 490.1701, subsection 2, within sixty days after death.
143 18 6. Unless otherwise provided in the articles of
143 19 incorporation or bylaws or in an agreement among all
143 20 shareholders of the professional corporation:
143 21 ~~1.~~ a. The purchase price for shares shall be their book
143 22 value as of the end of the month immediately preceding the
143 23 death or other event which requires purchase. Book value
143 24 shall be determined from the books and records of the
143 25 professional corporation in accordance with the regular method
143 26 of accounting used by the corporation, uniformly and
143 27 consistently applied. Adjustments to book value shall be
143 28 made, if necessary, to take into account work in process and
143 29 accounts receivable. Any final determination of book value
143 30 made in good faith by any independent certified public
143 31 accountant or firm of certified public accountants employed by
143 32 the corporation for the purpose shall be conclusive on all
143 33 persons.
143 34 ~~2.~~ b. The purchase price shall be paid in cash as
143 35 follows:

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144 1 (1) Upon the death of a shareholder, thirty percent of the
144 2 purchase price shall be paid within ninety days after death,
144 3 and the balance shall be paid in three equal annual
144 4 installments on the first three anniversaries of the death.
144 5 (2) Upon the happening of any other event referred to in
144 6 this section, one=tenth of the purchase price shall be paid
144 7 within ninety days after the date of such event, and the
144 8 balance shall be paid in three equal annual installments on
144 9 the first three anniversaries of the date of the event.
144 10 ~~3.~~ c. Interest from the date of death or other event
144 11 shall be payable annually on principal payment dates, at the
144 12 rate of six percent per annum on the unpaid balance of the
144 13 purchase price.
144 14 ~~4.~~ d. All persons who are shareholders of the
144 15 professional corporation on the date of death or other event,
144 16 and their executors, administrators, and legal
144 17 representatives, shall, to the extent the corporation fails to
144 18 meet its obligations hereunder, be jointly liable for the
144 19 payment of the purchase price and interest in proportion to
144 20 their percentage of ownership of the corporation's shares,
144 21 disregarding shares of the deceased or withdrawing
144 22 shareholder.
144 23 ~~5.~~ e. The part of the purchase price remaining unpaid
144 24 after the initial payment shall be evidenced by a negotiable
144 25 promissory note, which shall be executed by the corporation
144 26 and all shareholders liable for payment. Any person liable on
144 27 the note shall have the right to prepay the note in full or in
144 28 part at any time.
144 29 ~~6.~~ f. If the person making any payment is not reasonably
144 30 able to determine which of two or more persons is entitled to
144 31 receive a payment, or if the payment is payable to a person
144 32 who is unknown, or who is under disability and there is no
144 33 person legally competent to receive the payment, or who cannot
144 34 be found after the exercise of reasonable diligence by the
144 35 person making the payment, it shall be deposited with the

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145 1 treasurer of state and shall be subject to the provisions of
145 2 the Iowa business corporation Act, chapter 490, with respect
145 3 to funds deposited with the treasurer of state upon the
145 4 voluntary or involuntary dissolution of a corporation.
145 5 ~~7.~~ g. Notwithstanding the provisions of this section, no
145 6 part of the purchase price shall be required to be paid until
145 7 the certificates representing such shares have been
145 8 surrendered to the corporation.
145 9 ~~8.~~ h. Notwithstanding the provisions of this section,
145 10 payment of any part of the purchase price for shares of a
145 11 deceased shareholder shall not be required until the executor
145 12 or administrator of the deceased shareholder provides any
145 13 indemnity, release, or other document from any taxing
145 14 authority, which is reasonably necessary to protect the
145 15 corporation against liability for estate, inheritance, and
145 16 death taxes.
145 17 7. The articles of incorporation or bylaws or an agreement
145 18 among all shareholders of a professional corporation may
145 19 provide for a different purchase price, a different method of
145 20 determining the purchase price, a different interest rate or
145 21 no interest, and other terms, conditions, and schedules of
145 22 payment.
145 23 8. The articles of incorporation or bylaws or an agreement
145 24 among all shareholders of a professional corporation may
145 25 provide for the optional or mandatory purchase of its own
145 26 shares by the corporation in other situations, subject to any
145 27 applicable law regarding such purchase.
145 28 Sec. 165. Section 499.36A, subsection 1, Code 2009, is
145 29 amended to read as follows:
145 30 1. A director shall discharge the duties of the position
145 31 of director in good faith, in a manner the director reasonably
145 32 believes to be in the best interests of the association, and
145 33 with the care that a person in a like position would
145 34 reasonably believe appropriate under similar circumstances. A
145 35 person who so performs those duties is not liable by reason of

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146 1 being or having been a director of the ~~cooperative~~
146 2 association.
146 3 Sec. 166. Section 502.602, subsection 3, unnumbered
146 4 paragraph 1, Code 2009, is amended to read as follows:
146 5 If a person does not appear or refuses to testify, file a
146 6 statement, or produce records, or otherwise does not obey a
146 7 subpoena as required by the administrator under this chapter,
146 8 the administrator may apply to the Polk county district court
146 9 or the district court for the county in which the person
146 10 resides or is located or a court of another state to enforce
146 11 compliance. The court may do any of the following:
146 12 Sec. 167. Section 505.8, subsection 7, Code 2009, is
146 13 amended to read as follows:
146 14 7. The commissioner shall have regulatory authority over
146 15 health benefit plans and adopt rules under chapter 17A as
146 16 necessary, to promote the uniformity, cost efficiency,
146 17 transparency, and fairness of such plans for physicians and
146 18 osteopathic physicians licensed under ~~chapters~~ chapter 148~~,~~
~~146 19 150, and 150A,~~ and hospitals licensed under chapter 135B, for
146 20 the purpose of maximizing administrative efficiencies and
146 21 minimizing administrative costs of health care providers and
146 22 health insurers.
146 23 Sec. 168. Section 520.14, Code 2009, is amended to read as
146 24 follows:
146 25 520.14 VIOLATIONS == EXCEPTIONS.
146 26 It shall be unlawful for an attorney to exchange contracts
146 27 of insurance of the kind and character specified in this
146 28 chapter, or for an attorney or representative of the attorney
146 29 to solicit or negotiate any applications for the same without
146 30 the attorney having first complied with the ~~foregoing~~
146 31 provisions of sections 520.2 through 520.13. For the purpose
146 32 of organization and upon issuance of permit by the
146 33 commissioner of insurance, powers of attorney and applications
146 34 for such contracts may be solicited without compliance with
146 35 the provisions of this chapter, but an attorney, agent, or

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147 1 other person shall not make any such contracts of indemnity
147 2 until all of the provisions of this chapter shall have been
147 3 complied with.
147 4 Sec. 169. Section 541A.3, Code 2009, is amended to read as
147 5 follows:
147 6 541A.3 INDIVIDUAL DEVELOPMENT ACCOUNTS == STATE SAVINGS
147 7 MATCH AND TAX PROVISIONS.
147 8 All of the following state savings match and tax provisions
147 9 shall apply to an individual development account:
147 10 1. a. Payment by the state of a state savings match on
147 11 amounts of up to two thousand dollars that an account holder
147 12 deposits in the account holder's account. To be eligible to
147 13 receive a state savings match an account holder must have a
147 14 household income that is equal to or less than two hundred
147 15 percent of the federal poverty level.
147 16 b. Moneys transferred to an individual development account
147 17 from another individual development account and a state
147 18 savings match received by the account holder in accordance
147 19 with this section shall not be considered an account holder
147 20 deposit for purposes of determining a state savings match.
147 21 c. Payment of a state savings match either shall be made
147 22 directly to the account holder or to an operating
147 23 organization's central reserve account for later distribution
147 24 to the account holder in the most appropriate manner as
147 25 determined by the administrator.
147 26 d. Subject to the limitation in paragraph "a", the state
147 27 savings match shall be equal to one hundred percent of the
147 28 amount deposited by the account holder. However, the
147 29 administrator may limit, reduce, delay, or otherwise revise
147 30 state savings match payment provisions as necessary to
147 31 restrict the payments to the funding available.
147 32 2. Income earned by an individual development account is
147 33 not subject to state tax, in accordance with the provisions of
147 34 section 422.7, subsection 28.
147 35 3. Amounts transferred between individual development

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148 1 accounts are not subject to state tax.
148 2 4. The administrator shall coordinate the filing of claims
148 3 for a state savings match authorized under subsection 1,
148 4 between account holders and operating organizations. Claims
148 5 approved by the administrator may be paid to each account
148 6 holder, for an aggregate amount for distribution to the
148 7 holders of the accounts in a particular financial institution,
148 8 or to an operating organization's central reserve account for
148 9 later distribution to the account holders depending on the
148 10 efficiency for issuing the state savings match payments.
148 11 Claims shall be initially filed with the administrator on or
148 12 before a date established by the administrator. Claims
148 13 approved by the administrator shall be paid from the
148 14 individual development account state savings match fund.
148 15 Sec. 170. Section 554.10103, Code 2009, is amended to read
148 16 as follows:
148 17 554.10103 GENERAL REPEALER.
148 18 Except as provided in ~~the following~~ section 554.7103, all
148 19 acts and parts of acts inconsistent with this chapter are
148 20 hereby repealed.
148 21 Sec. 171. Section 556F.17, Code 2009, is amended to read
148 22 as follows:
148 23 556F.17 PENALTY FOR SELLING.
148 24 If any person shall trade, sell, loan, or take out of the
148 25 limits of this state any such property taken up or found as
148 26 ~~aforesaid~~ provided in this chapter, before the person shall be
148 27 vested with the right to the ~~same according to the foregoing~~
~~148 28 provisions~~ property, the person shall forfeit and pay double
148 29 the value thereof, to be recovered by any person in an action,
148 30 one half of which shall go to the plaintiff and the other half
148 31 to the county.
148 32 Sec. 172. Section 602.10111, Code 2009, is amended to read
148 33 as follows:
148 34 602.10111 NONRESIDENT ATTORNEY == APPOINTMENT OF LOCAL
148 35 ATTORNEY.

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149 1 Any member of the bar of another state, actually engaged in
149 2 any cause or matter pending in any court of this state, may be
149 3 permitted by such court to appear in and conduct such cause or
149 4 matter while retaining the attorney's residence in another
149 5 state, without being subject to ~~the foregoing provisions of~~
149 6 this article; provided that at the time the attorney enters an
149 7 appearance the attorney files with the clerk of such court the
149 8 written appointment of some attorney resident and admitted to
149 9 practice in the state of Iowa, upon whom service may be had in
149 10 all matters connected with said action, with the same effect
149 11 as if personally made on such foreign attorney within this
149 12 state. In case of failure to make such appointment, such
149 13 attorney shall not be permitted to practice as ~~aforesaid~~
149 14 provided in this section, and all papers filed by the attorney
149 15 shall be stricken from the files.
149 16 Sec. 173. Section 692.18, Code 2009, is amended to read as
149 17 follows:
149 18 692.18 PUBLIC RECORDS.
149 19 1. Nothing in this chapter shall prohibit the public from
149 20 examining and copying the public records of any public body or
149 21 agency as authorized by chapter 22.
149 22 2. Intelligence data in the possession of a criminal or
149 23 juvenile justice agency, state or federal regulatory agency,
149 24 or peace officer, or disseminated by such agency or peace
149 25 officer, are ~~not public~~ confidential records ~~within the~~
~~149 26 provisions of chapter 22~~ under section 22.7, subsection 55.
149 27 Sec. 174. Section 707.7, Code 2009, is amended to read as
149 28 follows:
149 29 707.7 FETICIDE.
149 30 1. Any person who intentionally terminates a human
149 31 pregnancy, with the knowledge and voluntary consent of the
149 32 pregnant person, after the end of the second trimester of the
149 33 pregnancy where death of the fetus results commits feticide.
149 34 Feticide is a class "C" felony.
149 35 2. Any person who attempts to intentionally terminate a

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150 1 human pregnancy, with the knowledge and voluntary consent of
150 2 the pregnant person, after the end of the second trimester of
150 3 the pregnancy where death of the fetus does not result commits
150 4 attempted feticide. Attempted feticide is a class "D" felony.
150 5 ~~This section shall not apply to the termination of a human~~
~~150 6 pregnancy performed by a physician licensed in this state to~~
~~150 7 practice medicine or surgery when in the best clinical~~
~~150 8 judgment of the physician the termination is performed to~~
~~150 9 preserve the life or health of the pregnant person or of the~~
~~150 10 fetus and every reasonable medical effort not inconsistent~~
~~150 11 with preserving the life of the pregnant person is made to~~
~~150 12 preserve the life of a viable fetus.~~
150 13 3. Any person who terminates a human pregnancy, with the
150 14 knowledge and voluntary consent of the pregnant person, who is
150 15 not a person licensed to practice medicine and surgery or
150 16 osteopathic medicine and surgery under the provisions of
150 17 chapter 148, ~~or an osteopathic physician and surgeon licensed~~
~~150 18 to practice osteopathic medicine and surgery under the~~
~~150 19 provisions of chapter 150A,~~ commits a class "C" felony.
150 20 4. This section shall not apply to the termination of a
150 21 human pregnancy performed by a physician licensed in this
150 22 state to practice medicine or surgery or osteopathic medicine
150 23 or surgery when in the best clinical judgment of the physician
150 24 the termination is performed to preserve the life or health of
150 25 the pregnant person or of the fetus and every reasonable
150 26 medical effort not inconsistent with preserving the life of
150 27 the pregnant person is made to preserve the life of a viable
150 28 fetus.
150 29 Sec. 175. Section 709.22, subsection 1, paragraph c,
150 30 unnumbered paragraph 1, Code 2009, is amended to read as
150 31 follows:
150 32 Providing a victim with immediate and adequate notice of
150 33 the victim's rights. The notice shall consist of handing the
150 34 victim a document that includes the telephone numbers of
150 35 shelters, support groups, and crisis lines operating in the

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151 1 area and contains a copy of the following statement written in
151 2 English and Spanish~~,~~; asking the victim to read the
151 3 statement~~,~~; and asking whether the victim understands the
151 4 rights:
151 5 Sec. 176. Section 709.22, subsection 1, paragraph d, Code
151 6 2009, is amended by striking the paragraph.
151 7 Sec. 177. Section 714.8, subsection 18, Code 2009, is
151 8 amended to read as follows:
151 9 18. a. Manufactures, creates, reproduces, alters,
151 10 possesses, uses, transfers, or otherwise knowingly contributes
151 11 to the production or use of a fraudulent retail sales receipt
151 12 or universal ~~price~~ product code label with intent to defraud
151 13 another person engaged in the business of retailing.
151 14 b. For purposes of this subsection:
151 15 ~~a.~~ (1) "Retail sales receipt" means a document intended
151 16 to evidence payment for goods or services.
151 17 ~~b.~~ (2) "Universal ~~price~~ product code label" means the
151 18 unique ten=digit bar code placed on the packaging of an item
151 19 that may be used for purposes including but not limited to
151 20 tracking inventory, maintaining price information in a
151 21 computerized database, and serving as proof of purchase of a
151 22 particular item.
151 23 Sec. 178. Section 714E.1, subsection 3, paragraph a,
151 24 subparagraph (2), Code 2009, is amended to read as follows:
151 25 (2) Obtain a forbearance, modification, or repayment plan
151 26 ~~from~~ for a beneficiary or mortgagee.
151 27 Sec. 179. Section 714E.4, unnumbered paragraph 1, Code
151 28 2009, is amended to read as follows:
151 29 It is a violation of this chapter for a foreclosure
151 30 consultant to do any of the following:
151 31 Sec. 180. Section 714F.3, subsection 2, Code 2009, is
151 32 amended to read as follows:
151 33 2. The contract required by ~~this~~ section 714F.2 survives
151 34 delivery of any instrument of conveyance of the residence in
151 35 foreclosure, ~~and~~ but has no effect on persons other than the

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152 1 parties to the contract.
152 2 Sec. 181. Section 714F.6, Code 2009, is amended to read as
152 3 follows:
152 4 714F.6 WAIVER.
152 5 A waiver of the provisions of this chapter is void and
152 6 unenforceable as contrary to public policy, except a consumer
152 7 may waive the three=day right to cancel provided in section
152 8 714F.4 if the property is subject to a foreclosure sale, tax
152 9 sale, or contract forfeiture within the three business days
152 10 and the shortened cancellation period was not caused by the
152 11 foreclosure purchaser or an agent of the foreclosure
152 12 purchaser~~, and the~~. A waiver of a foreclosed ~~homeowner agrees~~
~~152 13 to waive the foreclosed~~ homeowner's right to cancel shall be
152 14 in a handwritten statement signed by all parties holding title
152 15 to the foreclosed property.
152 16 Sec. 182. Section 714F.9, subsection 2, Code 2009, is
152 17 amended to read as follows:
152 18 2. EXEMPLARY DAMAGES. In a private right of action for a
152 19 violation of this chapter, the court may award exemplary
152 20 damages ~~of any amount~~. If the court determines that an award
152 21 of exemplary damages is appropriate, the amount of exemplary
152 22 damages awarded shall not be less than one and one=half times
152 23 the foreclosed homeowner's actual damages. Any claim for
152 24 exemplary damages brought pursuant to this section must be
152 25 commenced within four years after the date of the alleged
152 26 violation.
152 27 Sec. 183. Section 728.15, Code 2009, is amended to read as
152 28 follows:
152 29 728.15 TELEPHONE DISSEMINATION OF OBSCENE MATERIAL TO
152 30 MINORS.
152 31 1. a. As used in this section, "person" excludes any
152 32 information=access service provider that merely provides
152 33 transmission capacity without control over the content of the
152 34 transmission.
152 35 b. A person shall not knowingly disseminate obscene

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153 1 material by the use of telephones or telephone facilities to a
153 2 minor. ~~A person who violates this subsection upon conviction~~
~~153 3 is guilty of an aggravated misdemeanor. However, second and~~
~~153 4 subsequent offenses of this subsection by a person who has~~
~~153 5 been previously convicted of violating this subsection are~~
~~153 6 class "D" felonies. As used in this subsection, a "person"~~
~~153 7 excludes any information=access service provider that merely~~
~~153 8 provides transmission capacity without control over the~~
~~153 9 content of the transmission.~~
153 10 2. It shall be a defense in any prosecution for a
153 11 violation of subsection 1 by a person ~~who~~ accused of knowingly
153 12 ~~disseminates~~ disseminating obscene material by the use of
153 13 telephones or telephone facilities to a minor that the
153 14 ~~defendant~~ person accused has taken either of the following
153 15 measures to restrict access to the obscene material:
153 16 a. ~~Required~~ The person accused has done all of the
153 17 following:
153 18 (1) Required the person receiving the obscene material to
153 19 use an authorized access or identification code, as provided
153 20 by the information provider, before transmission of the
153 21 obscene material begins~~, where the defendant has previously~~.
153 22 (2) Previously issued the code by mailing it to the
153 23 applicant after taking reasonable measures to ascertain that
153 24 the applicant was eighteen years of age or older ~~and has~~
~~153 25 established~~.
153 26 (3) Established a procedure to immediately cancel the code
153 27 of any person after receiving notice, in writing or by
153 28 telephone, that the code has been lost, stolen, or used by
153 29 persons under the age of eighteen years or that the code is no
153 30 longer desired.
153 31 b. ~~Required~~ The person accused has required payment by
153 32 credit card before transmission of the obscene material.
153 33 3. Any list of applicants or recipients compiled or
153 34 maintained by an information=access service provider for
153 35 purposes of compliance with subsection 2 is confidential and

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154 1 shall not be sold or otherwise disseminated except upon order
154 2 of the court.
154 3 4. a. A violation of subsection 1 is an aggravated
154 4 misdemeanor.
154 5 b. A violation of subsection 1 by a person who has been
154 6 previously convicted of a violation of subsection 1 is a class
154 7 "D" felony.
154 8 Sec. 184. Section 805.8B, subsection 2, paragraph e, Code
154 9 2009, is amended to read as follows:
154 10 e. For ~~identification~~ decal violations under section
154 11 321G.5, the scheduled fine is twenty dollars.
154 12 Sec. 185. Section 805.8B, subsection 2A, paragraph e, Code
154 13 2009, is amended to read as follows:
154 14 e. For ~~identification~~ decal violations under section
154 15 321I.6, the scheduled fine is twenty dollars.
154 16 Sec. 186. Section 820.11, Code 2009, is amended to read as
154 17 follows:
154 18 820.11 PENALTY FOR WILLFUL DISOBEDIENCE.
154 19 Any officer who shall deliver to the agent for extradition
154 20 of the demanding state a person in the officer's custody under
154 21 the governor's warrant, in willful disobedience to ~~the last~~
154 22 section 820.10, shall be guilty of a simple misdemeanor.
154 23 Sec. 187. Section 35B.6, subsection 1, paragraph a, Code
154 24 2007, as amended by 2008 Iowa Acts, chapter 1130, section 4,
154 25 is amended to read as follows:
154 26 a. The members of the commission shall qualify by taking
154 27 the usual oath of office, and give bond in the sum of five
154 28 hundred dollars each, conditioned for the faithful discharge
154 29 of their duties with sureties to be approved by the county
154 30 auditor. The commission shall organize by the selection of
154 31 one of their members as chairperson, and one as secretary.
154 32 The commission, subject to the approval of the board of
154 33 supervisors, shall employ an executive director or
154 34 administrator and shall have the power to employ other
154 35 necessary employees when needed, including administrative or

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155 1 clerical assistants, but no member of the commission shall be
155 2 so employed. The compensation of such employees shall be
155 3 fixed by the board of supervisors~~, but no member of the~~
~~155 4 commission shall be so employed~~. The executive director must
155 5 possess the same qualifications as provided in section 35B.3
155 6 for commission members. However, this qualification
155 7 requirement shall not apply to a person employed as an
155 8 executive director prior to July 1, 1989.
155 9 Sec. 188. Section 35B.14, Code 2007, as amended by 2008
155 10 Iowa Acts, chapter 1130, section 7, is amended to read as
155 11 follows:
155 12 35B.14 COUNTY APPROPRIATION.
155 13 1. The board of supervisors of each county may appropriate
155 14 moneys for training an executive director or administrator as
155 15 provided ~~for~~ in section 35B.6, ~~the~~ and for the expenses for
155 16 food, clothing, shelter, utilities, medical benefits, and a
155 17 funeral ~~expenses of~~ for indigent veterans, as defined in
155 18 section 35.1, ~~and~~ as well as for their indigent spouses,
155 19 surviving spouses, and minor children not over eighteen years
155 20 of age, ~~having a legal residence~~ who legally reside in the
155 21 county.
155 22 2. The appropriation shall be expended by the joint action
155 23 and control of the board of supervisors and the county
155 24 commission of veteran affairs.
155 25 Sec. 189. 2008 Iowa Acts, chapter 1191, section 109, is
155 26 amended to read as follows:
155 27 SEC. 109. Section ~~257.11~~ 257.31, subsection 5, Code
155 28 Supplement 2007, is amended by adding the following new
155 29 paragraph:
155 30 NEW PARAGRAPH. n. Unusual need for additional funds for
155 31 the costs associated with providing competent private
155 32 instruction pursuant to chapter 299A.
155 33 Sec. 190. Sections 238.2, 435.34, and 435.35, Code 2009,
155 34 are repealed.
155 35 Sec. 191. DIRECTIVES TO CODE EDITOR == TRANSFERS.

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1. The Code editor shall transfer sections 147.57 and 147.114 to new locations deemed appropriate by the Code editor in chapter 153 and correct any internal references in the Code or Acts as necessary to complete the transfers.

2. The Code editor shall number the existing paragraph within section 216.18, transfer section 216.18A to become subsection 2 of that section, and correct any internal references in the Code or Acts as necessary to complete the transfer.

DIVISION II

CODE SECTION RENUMBERINGS

Sec. 192. Section 123.129, Code 2009, is amended to read as follows:

123.129 CLASS "C" APPLICATION.

1. For purposes of this section:

a. "Grocery store" means any retail establishment, the business of which consists of the sale of food, food products, or beverages for consumption off the premises.

b. "Pharmacy" means a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, or veterinarians are compounded and sold by a registered pharmacist.

2. ~~No~~ A class "C" permit shall not be issued to any person except the owner or proprietor of a grocery store or pharmacy.

~~"Grocery store" means any retail establishment, the business of which consists of the sale of food, food products or beverages for consumption off the premises.~~

~~"Pharmacy" means a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists or veterinarians are compounded and sold by a registered pharmacist.~~

3. A class "C" permit shall be issued by the administrator to any person who is the owner or proprietor of a grocery

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store or pharmacy, who:
~~1.~~ a. Submits a written application for such permit, which application shall state under oath all the information required of a class "A" applicant by section 123.127, subsection 1.
~~2.~~ b. Establishes that the person is of good moral character as defined by this chapter.
~~3.~~ c. Consents to inspection as required in section 123.30, subsection 1.
~~4.~~ d. States the number of square feet of interior floor space which comprises the retail sales area of the premises for which the permit is sought.
Sec. 193. Section 124.101, subsection 1, Code 2009, is amended to read as follows:
1. "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:
a. A practitioner, or in the practitioner's presence, by the practitioner's authorized agent; or
b. The patient or research subject at the direction and in the presence of the practitioner.
~~Nothing contained in this chapter shall be construed to prevent a physician, dentist, podiatric physician, or veterinarian from delegating the administration of controlled substances under this chapter to a nurse, intern, or other qualified individual or, as to veterinarians, to an orderly or assistant, under the veterinarian's direction and supervision; all pursuant to rules adopted by the board.~~
Sec. 194. NEW SECTION. 124.101A ADMINISTRATION OF CONTROLLED SUBSTANCES == DELEGATION.
Nothing contained in this chapter shall be construed to prevent a physician, dentist, podiatric physician, or veterinarian from delegating the administration of controlled substances under this chapter to a nurse, intern, or other

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158 1 qualified individual or, as to veterinarians, to an orderly or
158 2 assistant, under the veterinarian's direction and supervision;
158 3 all pursuant to rules adopted by the board.
158 4 Sec. 195. Section 135J.1, subsection 6, Code 2009, is
158 5 amended to read as follows:
158 6 6. "Interdisciplinary team" means the hospice patient and
158 7 the hospice patient's family, the attending physician, and all
158 8 of the following individuals trained to serve with a licensed
158 9 hospice program:
158 10 a. A licensed physician pursuant to chapter 148.
158 11 b. A licensed registered nurse pursuant to chapter 152.
158 12 c. An individual with at least a baccalaureate degree in
158 13 the field of social work providing medical=social services.
158 14 d. Trained hospice volunteers.
158 15 e. ~~Providers~~ As deemed appropriate by the hospice,
158 16 providers of special services, including but not limited to~~,~~ a
158 17 spiritual counselor, a pharmacist, or professionals in the
158 18 fields of mental health may be included on the
158 19 interdisciplinary team ~~as deemed appropriate by the hospice~~.
158 20 Sec. 196. Section 137.6, Code 2009, is amended to read as
158 21 follows:
158 22 137.6 POWERS OF LOCAL BOARDS.
158 23 1. Local boards shall have powers to do the following
158 24 ~~powers~~:
158 25 ~~1.~~ a. Enforce state health laws and the rules and lawful
158 26 orders of the state department.
158 27 ~~2.~~ b. (1) Make and enforce such reasonable rules and
158 28 regulations not inconsistent with law or with the rules of the
158 29 state board as may be necessary for the protection and
158 30 improvement of the public health.
158 31 ~~a.~~ (a) Rules of a county board shall become effective
158 32 upon approval by the county board of supervisors by a motion
158 33 or resolution as defined in section 331.101, subsection 13,
158 34 and publication in a newspaper having general circulation in
158 35 the county.

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159 1 ~~b.~~ (b) Rules of a city board shall become effective upon
159 2 approval by the city council and publication in a newspaper
159 3 having general circulation in the city.
159 4 ~~c.~~ (c) Rules of a district board shall become effective
159 5 upon approval by the district board and publication in a
159 6 newspaper having general circulation in the district.
159 7 ~~d.~~ (2) ~~However, before~~ Before approving any rule or
159 8 regulation the local board of health shall hold a public
159 9 hearing on the proposed rule. Any citizen may appear and be
159 10 heard at the public hearing. A notice of the public hearing,
159 11 stating the time and place and the general nature of the
159 12 proposed rule or regulation, shall be published as provided in
159 13 section 331.305 in the area served by the board. The board
159 14 shall also make a reasonable effort to give notice of the
159 15 hearing to the communications media located within said area.
159 16 ~~The board shall also make a reasonable effort to give~~
~~159 17 notice of the hearing to the communications media located~~
~~159 18 within said area.~~
159 19 ~~3. May by agreement with the council of any city within~~
~~159 20 its jurisdiction enforce appropriate ordinances of said city.~~
159 21 ~~4.~~ c. Employ persons as necessary for the efficient
159 22 discharge of its duties. Employment practices shall meet the
159 23 requirements of chapter 8A, subchapter IV, or any civil
159 24 service provision adopted under chapter 400.
159 25 ~~5.~~ d. Provide reports of its operations and activities to
159 26 the state department as may be required by the director.
159 27 2. A local board may, by agreement with the council of any
159 28 city within its jurisdiction, enforce appropriate ordinances
159 29 of the city.
159 30 Sec. 197. Section 147A.4, subsection 1, Code 2009, is
159 31 amended to read as follows:
159 32 1. a. The department shall adopt rules required or
159 33 authorized by this subchapter pertaining to the operation of
159 34 ambulance, rescue, and first response services which have
159 35 received authorization under section 147A.5 to utilize the

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160 1 services of certified emergency medical care providers. These
160 2 rules shall include, but need not be limited to, requirements
160 3 concerning physician supervision, necessary equipment and
160 4 staffing, and reporting by ambulance, rescue, and first
160 5 response services which have received the authorization
160 6 pursuant to section 147A.5.
160 7 b. The director, pursuant to rule, may grant exceptions
160 8 and variances from the requirements of rules adopted under
160 9 this subchapter for any ambulance, rescue, or first response
160 10 service. Exceptions or variations shall be reasonably related
160 11 to undue hardships which existing services experience in
160 12 complying with this subchapter or the rules adopted pursuant
160 13 to this subchapter. However, no exception or variance may be
160 14 granted unless the service ~~has~~ adopted a plan approved by the
160 15 department prior to July 1, 1996, to achieve compliance during
160 16 a period not to exceed seven years with this subchapter and
160 17 rules adopted pursuant to this subchapter. Services
160 18 requesting exceptions and variances shall be subject to other
160 19 applicable rules adopted pursuant to this subchapter.
160 20 Sec. 198. Section 149.1, subsections 2, 3, and 4, Code
160 21 2009, are amended to read as follows:
160 22 2. As used in this chapter~~, "board"~~:
160 23 a. "Board" means the board of podiatry, created under
160 24 chapter 147.
160 25 ~~3.~~ b. ~~As used in this chapter, "human~~ "Human foot" means
160 26 the ankle and soft tissue which insert into the foot as well
160 27 as the foot.
160 28 ~~4.~~ c. "Podiatric physician" means a physician or surgeon
160 29 licensed under this chapter to engage in the practice of
160 30 podiatric medicine and surgery.
160 31 Sec. 199. Section 149.5, Code 2009, is amended to read as
160 32 follows:
160 33 149.5 AMPUTATIONS == ANESTHESIA == PRESCRIPTION DRUGS.
160 34 1. A license to practice podiatry shall not authorize the
160 35 licensee to amputate the human foot.

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161 1 2. A licensed podiatric physician may ~~administer~~ do all of
161 2 the following:
161 3 a. Administer local anesthesia.
161 4 b. ~~Conscious~~ Administer conscious sedation ~~may be~~
~~161 5 administered by a licensed podiatric physician~~ in a hospital
161 6 or an ambulatory surgical center.
161 7 c. ~~A licensed podiatric physician may prescribe~~ Prescribe
161 8 and administer drugs for the treatment of human foot ailments
161 9 as provided in section 149.1.
161 10 Sec. 200. Section 153.39, subsection 2, Code 2009, is
161 11 amended to read as follows:
161 12 2. Education requirements shall be determined by the board
161 13 by rule, according to standards to be determined by the board.
161 14 A person shall be registered upon the successful completion of
161 15 either of the education and examination requirements ~~pursuant~~
~~161 16 to~~ established in paragraph "a" or "b"~~. Education~~
~~161 17 requirements shall be determined by the board by rule,~~
~~161 18 according to standards to be determined by the board.~~:
161 19 a. Successful completion of a course of study and
161 20 examination approved by the board and sponsored by a
161 21 board=approved postsecondary school.
161 22 b. Successful completion of on=the=job training and
161 23 examination consisting of all of the following:
161 24 (1) Completion of on=the=job training as specified in
161 25 rule.
161 26 (2) Successful completion of an examination process
161 27 approved by the board. A written examination may be waived by
161 28 the board pursuant to section 17A.9A, in practice situations
161 29 where the written examination is deemed to be unnecessary or
161 30 detrimental to the dentist's practice.
161 31 2A. The education requirements in subsection 2, paragraphs
161 32 "a" and "b" may include possession of a valid certificate in a
161 33 nationally recognized course in cardiopulmonary resuscitation.
161 34 Successful passage of an examination administered by the board
161 35 under subsection 2, paragraph "a" or "b", which shall include

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162 1 sections regarding infection control, hazardous materials, and
162 2 jurisprudence, shall also be required.
162 3 2B. The board shall establish continuing education
162 4 requirements as a condition of renewing registration as a
162 5 registered dental assistant, as well as standards for the
162 6 suspension or revocation of registration.
162 7 Sec. 201. Section 163.2, Code 2009, is amended to read as
162 8 follows:
162 9 163.2 INFECTIOUS OR CONTAGIOUS DISEASES.
162 10 As provided in this chapter, unless the context otherwise
162 11 requires:
162 12 1. "Certificate of veterinary inspection" or "certificate"
162 13 means a legible record, made on an official form of the state
162 14 of origin or the animal and plant health inspection service of
162 15 the United States department of agriculture, and issued by an
162 16 accredited veterinarian of the state of origin or a
162 17 veterinarian in the employ of the animal and plant health
162 18 inspection service, which shows that an animal listed on the
162 19 form meets the health requirements of the state of
162 20 destination.
162 21 2. "Control" means the prevention, suppression, or
162 22 eradication of an infectious or contagious disease afflicting
162 23 an animal within the state.
162 24 3. "Department" means the department of agriculture and
162 25 land stewardship.
162 26 4. "Foot and mouth disease" means a virus of the family
162 27 picornaviridae, genus aphthovirus, including any
162 28 immunologically distinct serotypes.
162 29 ~~4.~~ 5. "Infectious or contagious disease" means glanders,
162 30 farcy, maladie du coit (dourine), anthrax, foot and mouth
162 31 disease, scabies, hog cholera, tuberculosis, brucellosis,
162 32 vesicular exanthema, scrapie, rinderpest, avian influenza or
162 33 Newcastle disease as provided in chapter 165B, or any other
162 34 transmissible, transferable, or communicable disease so
162 35 designated by the department.

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~~As used in this chapter, "foot and mouth disease" means a virus of the family picornaviridae, genus aphthovirus, including any immunologically distinct serotypes.~~

~~5.~~ 6. "Move" or "movement", except as provided in subchapter III, means to ship, transport, or deliver an animal.

Sec. 202. Section 163.30, subsection 3, paragraph d, Code 2009, is amended to read as follows:

d. A permittee shall not represent more than one dealer. Failure of a licensee or permittee to comply with this chapter or a rule made pursuant to this chapter is cause for revocation by the secretary of the permit or license after notice to the alleged offender and the holding of a hearing by the secretary. Rules shall be made in accordance with chapter 17A. A rule, the violation of which is made the basis for revocation, except temporary emergency rules, shall first have been approved after public hearing as provided in section 17A.4 after giving twenty days' notice of the hearing ~~as follows:~~

~~By~~ by mailing the notice, by ordinary mail, to every person filing a request for notice accompanied by an addressed envelope with prepaid postage. Any person may file such a request to be listed with any agency for notice for the time and place for all hearings on proposed rules, which request shall be accompanied by a remittance of five dollars. Such fee shall be added to the operating fund of the department. The listing shall expire semiannually on January 1 and July 1.

Sec. 203. Section 163.30, subsections 4 through 7, Code 2009, are amended to read as follows:

4. a. All swine moved shall be individually identified with a distinctive and easily discernible ear tag affixed in either ear of the animal or other identification acceptable to the department, which has been specified by rule promulgated under the department's rulemaking authority. The department shall make ear tags available at convenient locations within

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164 1 each county and shall sell such tags at a price not exceeding
164 2 the cost to producers and others to comply with this section.
164 3 b. Every seller, dealer and market operator shall keep a
164 4 record of the ear tag numbers, or other approved
164 5 identification, and the farm of origin of swine moved by or
164 6 through that person, which records shall be made available by
164 7 that person to any appropriate representative of the
164 8 department or the United States department of agriculture.
164 9 5. a. All swine moved shall be accompanied by a
164 10 certificate of veterinary inspection issued by the state of
164 11 origin and prepared and signed by a veterinarian. The
164 12 certificate shall show the point of origin, the point of
164 13 destination, individual identification, immunization status,
164 14 and, when required, any movement permit number assigned to the
164 15 shipment by the department. All such movement of swine shall
164 16 be completed within seventy=two hours unless an extension of
164 17 time for movement is granted by the department.
164 18 b. However, ~~swine may be~~ the requirements of paragraph "a"
164 19 do not apply as follows:
164 20 (1) Swine which are moved intrastate directly to an
164 21 approved state, federal, or auction market ~~without such~~
~~164 22 identification or certification~~, there to be identified and
164 23 certificated, are excepted from the identification and
164 24 certification requirements.
164 25 c. ~~However, registered~~ Registered swine for exhibition or
164 26 breeding purposes which can be individually identified by an
164 27 ear notch or tattoo or other method approved by the department
164 28 are excepted from ~~this~~ the additional identification
164 29 requirement. ~~In addition, native~~
164 30 d. Native Iowa swine moved from farm to farm shall be
164 31 excepted from the identification requirement if the owner
164 32 transferring possession of the feeder pigs executes a written
164 33 agreement with the person taking possession of the feeder
164 34 pigs. The agreement shall provide that the feeder pigs shall
164 35 not be commingled with other swine for a period of thirty

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165 1 days. The owner transferring possession shall be responsible
165 2 for making certain that the agreement is executed and for
165 3 providing a copy of the agreement to the person taking
165 4 possession.
165 5 6. The department may combine a certificate of veterinary
165 6 inspection with a certificate of inspection required under
165 7 chapter 166D.
165 8 ~~6.~~ 7. The department may require issuance of movement
165 9 permits on certain categories of swine moved, prior to their
165 10 movement, pursuant to departmental rule. The rule shall be
165 11 promulgated when in the judgment of the secretary, such
165 12 movements would otherwise threaten or imperil the eradication
165 13 of hog cholera in Iowa.
165 14 ~~7.~~ 7A. All swine moved shall be quarantined separate and
165 15 apart from other swine located at the Iowa farm of destination
165 16 for thirty days beginning with their arrival at such premises,
165 17 or if such incoming swine are not held separate and apart, all
165 18 swine on such premises shall be thus quarantined, except
165 19 animals moving from such premises directly to slaughter.
165 20 7B. There can only be one transfer by a dealer, involving
165 21 not more than two markets, prior to quarantine.
165 22 Sec. 204. Section 166D.7, subsection 2, Code 2009, is
165 23 amended to read as follows:
165 24 2. A monitored herd shall be initially certified,
165 25 recertified, and maintained as follows:
165 26 a. The herd shall be certified when a statistical sampling
165 27 of the herd is determined to be noninfected.
165 28 b. In order to remain certified the herd must be retested
165 29 and recertified as provided by the department. The herd must
165 30 be recertified annually. The herd shall be recertified when a
165 31 statistical sampling of the herd is determined to be
165 32 noninfected within twelve months from initial certification or
165 33 the most recent recertification.
165 34 c. A monitored herd shall not be certified or recertified,
165 35 if the herd is located within a county which is designated by

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166 1 the department as in stage II of the national pseudorabies
166 2 eradication program, unless the herd is vaccinated with a
166 3 modified=live differentiable vaccine pursuant to section
166 4 166D.11 and as required by the department.
166 5 ~~c.~~ d. A monitored herd may receive new swine into the
166 6 herd from a noninfected herd.
166 7 Sec. 205. Section 167.4, Code 2009, is amended to read as
166 8 follows:
166 9 167.4 LICENSING PROCEDURE == FEES.
166 10 1. The following shall apply to a person required to be
166 11 licensed under this chapter:
166 12 ~~1.~~ a. The person shall submit an application for a
166 13 license to the department in a manner and according to
166 14 procedures required by the department.
166 15 ~~2.~~ b. The person shall include in the application
166 16 information as required by the department, on forms prescribed
166 17 by the department, which shall include at least all of the
166 18 following:
166 19 ~~a.~~ (1) For a disposal plant, the person shall state the
166 20 person's name and address, the person's proposed place of
166 21 business, and the total number of vehicles to be involved in
166 22 the operation.
166 23 ~~b.~~ (2) For a collection point involving the accumulation
166 24 of whole animal carcasses or their parts for ultimate
166 25 transportation to a disposal plant, the person's name and
166 26 address, the person's proposed place of business, and the
166 27 total number of vehicles to be involved in the operation.
166 28 ~~c.~~ (3) For a delivery service which transports whole
166 29 animal carcasses or their parts to a disposal plant or
166 30 collection point, the person's name and address, the total
166 31 number of vehicles to be involved in the operation, and the
166 32 location where the vehicles involved in the operation are to
166 33 be maintained.
166 34 ~~3.~~ c. The person shall submit a separate application for
166 35 each location that the person is to operate as a disposal

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plant, collection point, or a delivery service.
~~4.~~ d. The person shall ~~submit~~ pay a license fee as follows:
~~a.~~ (1) For a disposal plant, one hundred dollars.
~~b.~~ (2) For a collection point, one hundred dollars. However, a person is not required to pay the license fee for a collection point which is operated by a disposal plant.
~~c.~~ (3) For a delivery service which is not part of the operation of a disposal plant or collection point, fifty dollars.
~~5.~~ e. A license issued to a person under this section shall expire on December 31 of each year. The person may renew the license by completing a renewal form as prescribed by the department in a manner and according to procedures required by the department. However, the renewal form must be submitted to the department prior to the license's expiration date. The person shall ~~submit~~ pay a renewal license fee which shall be for the same amount as the original license fee.
~~Fees collected pursuant to this section shall be deposited into the general fund of the state.~~
~~6.~~ f. A person's license is subject to suspension or revocation by the department if the department determines that the person has committed a material violation of this chapter, including rules adopted by this chapter, or a term or condition of the license. The person may contest the department's action as provided in chapter 17A.
2. Fees collected pursuant to this section shall be deposited into the general fund of the state.
Sec. 206. Section 169.6, Code 2009, is amended to read as follows:
169.6 DISCLOSURE OF CONFIDENTIAL INFORMATION.
1. A member of the board shall not disclose information relating to the following:
~~1.~~ a. Criminal history or prior misconduct of the applicant.

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168 1 ~~2.~~ b. Information relating to the contents of the
168 2 examination.
168 3 ~~3.~~ c. Information relating to the examination results
168 4 other than final score except for information about the
168 5 results of an examination which is given to the person who
168 6 took the examination.
168 7 2. A member of the board who willfully communicates or
168 8 seeks to communicate ~~such~~ information in violation of
168 9 subsection 1, and any person who willfully requests, obtains,
168 10 or seeks to obtain such information, is guilty of a simple
168 11 misdemeanor for each separate offense.
168 12 Sec. 207. Section 191.2, subsections 2 and 7, Code 2009,
168 13 are amended to read as follows:
168 14 2. OLEOMARGARINE.
168 15 a. No person shall sell or offer for sale, colored oleo,
168 16 oleomargarine or margarine unless == such oleo, oleomargarine
168 17 or margarine is packaged; the net weight of the contents of
168 18 any package sold in a retail establishment is one pound or
168 19 less; there appears on the label of the package the word
168 20 "oleo", "oleomargarine" or "margarine" in type or lettering at
168 21 least as large as any other type or lettering on such label,
168 22 and a full and accurate statement of all the ingredients
168 23 contained in such oleo, oleomargarine or margarine; and each
168 24 part of the contents of the package is contained in a wrapper
168 25 which bears the word "oleo", "oleomargarine" or "margarine" in
168 26 type or lettering not smaller than twenty point type.
168 27 ~~For the purposes of this chapter the term "oleo",~~
~~168 28 "oleomargarine" or "margarine" includes all substances,~~
~~168 29 mixtures and compounds known as oleo, oleomargarine or~~
~~168 30 margarine, and all substances, mixtures and compounds which~~
~~168 31 have a consistence similar to that of butter and which contain~~
~~168 32 any edible oils or fats other than milk fat if made in~~
~~168 33 imitation or semblance of butter. For the purposes of this~~
~~168 34 chapter colored oleo, oleomargarine or margarine is oleo,~~
~~168 35 oleomargarine or margarine to which any color has been added.~~

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169 1 b. Whenever coloring of any kind has been added it shall
169 2 be clearly stated on both inside wrapper and the outside
169 3 package. The ingredients of oleo, oleomargarine or margarine
169 4 shall be listed on both the inside wrapper and outside package
169 5 in the order of the amounts of ingredients in the package.
169 6 c. Such oleo, oleomargarine or margarine shall contain
169 7 vitamin "A" in such quantity that the finished oleo,
169 8 oleomargarine or margarine contains not less than fifteen
169 9 thousand United States Pharmacopoeia units of vitamin "A" per
169 10 pound, as determined by the method prescribed in the
169 11 Pharmacopoeia of the United States for the total biological
169 12 vitamin "A" activity.
169 13 7. a. Tanks transporting raw milk and milk products to a
169 14 milk plant from sources of supply not under the supervision of
169 15 the secretary or authorized municipal corporation are required
169 16 to be marked with the name and address of the milk plant or
169 17 hauler and shall be sealed; in addition, for each such
169 18 shipment, a shipping statement shall be prepared containing at
169 19 least the following information:
169 20 ~~a.~~ (1) Shipper's name, address, and permit number.
169 21 ~~b.~~ (2) Permit number of hauler, if not employee of
169 22 shipper.
169 23 ~~c.~~ (3) Point of origin of shipment.
169 24 ~~d.~~ (4) Tanker identity number.
169 25 ~~e.~~ (5) Name of product.
169 26 ~~f.~~ (6) Weight of product.
169 27 ~~g.~~ (7) Grade of product.
169 28 ~~h.~~ (8) Temperature of product.
169 29 ~~i.~~ (9) Date of shipment.
169 30 ~~j.~~ (10) Name of supervising health authority at the point
169 31 of origin.
169 32 ~~k.~~ (11) Whether the contents are raw, pasteurized, or
169 33 otherwise heat treated.
169 34 b. Such statement shall be prepared in triplicate and
169 35 shall be kept on file by the shipper, the consignee, and the

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170 1 carrier for a period of six months for the information of the
170 2 secretary.
170 3 Sec. 208. Section 191.4, Code 2009, is amended to read as
170 4 follows:
170 5 191.4 ~~"PERSON" DEFINED~~ DEFINITIONS.
170 6 1. "Oleo", "oleomargarine", or "margarine", for purposes
170 7 of this chapter, includes all substances, mixtures, and
170 8 compounds known as oleo, oleomargarine, or margarine, and all
170 9 substances, mixtures, and compounds which have a consistence
170 10 similar to that of butter and which contain any edible oils or
170 11 fats other than milk fat if made in imitation or semblance of
170 12 butter. For the purposes of this chapter, colored oleo,
170 13 oleomargarine, or margarine is oleo, oleomargarine, or
170 14 margarine to which any color has been added.
170 15 2. "Person" as used in this chapter and chapters 190 and
170 16 192 means any individual, plant operator, partnership,
170 17 corporation, company, firm, trustee, or association.
170 18 Sec. 209. Section 200.14, Code 2009, is amended to read as
170 19 follows:
170 20 200.14 RULES.
170 21 1. The secretary is authorized, after public hearing,
170 22 following due notice, to adopt rules setting forth minimum
170 23 general safety standards for the design, construction,
170 24 location, installation and operation of equipment for storage,
170 25 handling, transportation by tank truck or tank trailer, and
170 26 utilization of anhydrous ammonia.
170 27 a. The rules shall be such as are reasonably necessary for
170 28 the protection and safety of the public and persons using
170 29 anhydrous ammonia, and shall be in substantial conformity with
170 30 the generally accepted standards of safety.
170 31 b. ~~It is hereby declared that rules~~ Rules that are in
170 32 substantial conformity with the published standards of the
170 33 agricultural ammonia institute for the design, installation
170 34 and construction of containers and pertinent equipment for the
170 35 storage and handling of anhydrous ammonia, shall be deemed to

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171 1 be in substantial conformity with the generally accepted
171 2 standards of safety.
171 3 2. Anhydrous ammonia equipment shall be installed and
171 4 maintained in a safe operating condition and in conformity
171 5 with rules adopted by the secretary.
171 6 3. The secretary ~~is hereby charged with the enforcement of~~
171 7 shall enforce this chapter~~,~~ and, after due publicity and due
171 8 public hearing, ~~is empowered to promulgate and~~ may adopt such
171 9 reasonable rules as may be necessary in order to carry into
171 10 effect the purpose and intent and to secure the efficient
171 11 administration of this chapter ~~or to secure the efficient~~
~~171 12 administration thereof~~.
171 13 4. ~~Nothing in this~~ This chapter ~~shall~~ does not prohibit
171 14 the use of storage tanks smaller than transporting tanks nor
171 15 the transfer of all kinds of fertilizer including anhydrous
171 16 ammonia directly from transporting tanks to implements of
171 17 husbandry, if proper safety precautions are observed.
171 18 Sec. 210. Section 203.12A, subsections 1, 2, and 9, Code
171 19 2009, are amended to read as follows:
171 20 1. a. As used in this section:
171 21 (1) "Grain dealer assets" includes proceeds received or
171 22 due a grain dealer upon the sale, including exchange,
171 23 collection, or other disposition, of grain sold by the grain
171 24 dealer. "Grain dealer assets" also includes any other funds
171 25 or property of the grain dealer which can be directly traced
171 26 as being from the sale of grain by the grain dealer, or which
171 27 were utilized in the business operation of the grain dealer.
171 28 (2) "Proceeds" means noncash and cash proceeds as defined
171 29 in section 554.9102.
171 30 b. A court, upon petition by an affected party, may order
171 31 that claimed grain dealer assets are not grain dealer assets
171 32 as defined in this section. The burden of proof shall be upon
171 33 the petitioner to establish that the assets are not grain
171 34 dealer assets as defined in this section.
171 35 2. A statutory lien is imposed on all grain dealer assets

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172 1 in favor of sellers who have surrendered warehouse receipts or
172 2 other written evidence of ownership as part of a grain sale
172 3 transaction or who possess written evidence of the sale of
172 4 grain to a grain dealer, without receiving full payment for
172 5 the grain.
172 6 ~~2. "Grain dealer assets" includes proceeds received or due~~
~~172 7 a grain dealer upon the sale, including exchange, collection,~~
~~172 8 or other disposition, of grain sold by the grain dealer. As~~
~~172 9 used in this section, "proceeds" means noncash and cash~~
~~172 10 proceeds as defined in section 554.9102. "Grain dealer~~
~~172 11 assets" also includes any other funds or property of the grain~~
~~172 12 dealer which can be directly traced as being from the sale of~~
~~172 13 grain by the grain dealer, or which were utilized in the~~
~~172 14 business operation of the grain dealer. A court, upon~~
~~172 15 petition by an affected party, may order that claimed grain~~
~~172 16 dealer assets are not grain dealer assets as defined in this~~
~~172 17 section. The burden of proof shall be upon the petitioner to~~
~~172 18 establish that the assets are not grain dealer assets as~~
~~172 19 defined in this section.~~
172 20 9. a. The board may enforce the lien in the manner
172 21 provided in chapter 554, article 9, part 6, for the
172 22 enforcement of security interests. If, upon enforcement of
172 23 the lien, the lien amount is satisfied in full without
172 24 exhaustion of the grain dealer assets, the remaining assets
172 25 shall be returned to the grain dealer or, if there are
172 26 competing claims to those remaining assets by other creditors,
172 27 shall place those assets in the custody of the district court
172 28 and implead the known creditors.
172 29 b. For purposes of enforcement of the lien, the board is
172 30 deemed to be the secured party and the grain dealer is deemed
172 31 to be the debtor, and each has the respective rights and
172 32 duties of a secured party and a debtor as provided in chapter
172 33 554, article 9, part 6. If a right or duty under chapter 554,
172 34 article 9, part 6, is contingent upon the existence of express
172 35 language in a security agreement, or may be waived by express

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173 1 language in a security agreement, the requisite language is
173 2 deemed not to exist for purposes of enforcement of the lien
173 3 created by this section.
173 4 Sec. 211. Section 203.15, subsection 4, paragraph c, Code
173 5 2009, is amended to read as follows:
173 6 c. (1) A grain dealer must meet at least either of the
173 7 following conditions:
173 8 ~~(1)~~ (a) The grain dealer's last financial statement
173 9 required to be submitted to the department pursuant to section
173 10 203.3 is accompanied by an unqualified opinion based upon an
173 11 audit performed by a certified public accountant licensed in
173 12 this state.
173 13 ~~(2)~~ (b) The grain dealer files a bond with the department
173 14 in the amount of one hundred thousand dollars payable to the
173 15 department.
173 16 (2) (a) The bond filed with the department under this
173 17 paragraph shall be used to indemnify sellers for losses
173 18 resulting from a breach of a credit=sale contract as provided
173 19 by rules adopted by the department. The rules shall include,
173 20 but are not limited to, procedures and criteria for providing
173 21 notice, filing claims, valuing losses, and paying claims. The
173 22 bond provided in this paragraph shall be in addition to any
173 23 other bond required in this chapter.
173 24 (b) ~~A~~ The bond ~~filed with the department under this~~
~~173 25 paragraph~~ shall not be canceled by the issuer on less than
173 26 ninety days notice by certified mail to the department and the
173 27 principal. However, if an adequate replacement bond is filed
173 28 with the department, the department may authorize the
173 29 cancellation of the original bond before the end of the
173 30 ninety=day period.
173 31 (c) If an adequate replacement bond is not received by the
173 32 department within sixty days of the issuance of the notice of
173 33 cancellation, the department shall automatically suspend the
173 34 grain dealer's license. The department shall cause an
173 35 inspection of the licensed grain dealer immediately at the end

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174 1 of the sixty=day period. If a replacement bond is not filed
174 2 within another thirty days following the suspension, the grain
174 3 dealer license shall be automatically revoked.
174 4 (3) When a license is revoked, the department shall
174 5 provide notice of the revocation by ordinary mail to the last
174 6 known address of each holder of an outstanding credit=sale
174 7 contract and all known sellers.
174 8 Sec. 212. Section 203C.33, Code 2009, is amended to read
174 9 as follows:
174 10 203C.33 FEES.
174 11 1. The department shall charge the following fees for
174 12 deposit in the general fund:
174 13 ~~1.~~ a. For the issuance or renewal of a warehouse license,
174 14 the fee shall be determined on the basis of the storage
174 15 capacity in bushels of grain as follows:
174 16 ~~a.~~ (1) If the total storage capacity is one hundred
174 17 thousand bushels or less, the fee is fifty=eight dollars.
174 18 ~~b.~~ (2) If the total storage capacity is more than one
174 19 hundred thousand bushels, but not more than seven hundred
174 20 fifty thousand bushels, the fee is one hundred twenty=five
174 21 dollars.
174 22 ~~c.~~ (3) If the total storage capacity is more than seven
174 23 hundred fifty thousand bushels, but not more than one million
174 24 five hundred thousand bushels, the fee is one hundred
174 25 ninety=one dollars.
174 26 ~~d.~~ (4) If the total storage capacity is more than one
174 27 million five hundred thousand bushels, but not more than three
174 28 million bushels, the fee is two hundred forty=nine dollars.
174 29 ~~e.~~ (5) If the total storage capacity is more than three
174 30 million bushels, but not more than four million seven hundred
174 31 fifty thousand bushels, the fee is three hundred seven
174 32 dollars.
174 33 ~~f.~~ (6) If the total storage capacity is more than four
174 34 million seven hundred fifty thousand bushels, but not more
174 35 than nine million five hundred thousand bushels, the fee is

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three hundred seventy=four dollars.
~~g.~~ (7) If the total storage capacity is more than nine million five hundred thousand bushels, the fee is four hundred forty dollars.
~~2.~~ b. For the issuance or renewal of a warehouse license for the storage of products other than bulk grain, the fee shall be determined as follows:
~~a.~~ (1) For intended storage of products of a value of one hundred thousand dollars or less, a fee of sixty dollars.
~~b.~~ (2) For intended storage of products of a value greater than one hundred thousand dollars but not greater than three hundred thousand dollars, a fee of one hundred dollars.
~~c.~~ (3) For intended storage of products of a value in excess of three hundred thousand dollars, a fee of two hundred dollars.
c. For each inspection of a warehouse or station for the purpose of licensing, a fee of twenty=five dollars, and for each additional warehouse or station under the same license, a fee of ten dollars.
~~3.~~ d. For each amendment of a license, a fee of ten dollars.
~~4.~~ e. For each amendment of a tariff, a fee of ten dollars.
~~5.~~ f. For a duplicate license, a fee of five dollars.
~~6.~~ g. For the reinstatement of a license, a fee of fifty dollars.
2. ~~New~~ Fees for new licenses issued for less than a year shall be prorated from the date of application.
Sec. 213. Section 216.19, Code 2009, is amended to read as follows:
216.19 LOCAL LAWS IMPLEMENTING THIS CHAPTER.
1. All cities shall, to the extent possible, protect the rights of the citizens of this state secured by the Iowa civil rights Act. Nothing in this chapter shall be construed as indicating ~~an~~ any of the following:

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a. An intent on the part of the general assembly to occupy the field in which this chapter operates to the exclusion of local laws not inconsistent with this chapter that deal with the same subject matter.

b. ~~Nothing in this chapter shall be construed as indicating an~~ An intent to prohibit an agency or commission of local government having as its purpose the investigation and resolution of violations of this chapter from developing procedures and remedies necessary to insure the protection of rights secured by this chapter. ~~All cities shall, to the extent possible, protect the rights of the citizens of this state secured by the Iowa civil rights Act. Nothing in this chapter shall be construed as limiting~~

c. Limiting a city or local government from enacting any ordinance or other law which prohibits broader or different categories of unfair or discriminatory practices.

2. ~~An agency or commission of local government and the Iowa civil rights commission shall cooperate in the sharing of data and research, and coordinating investigations and conciliations in order to expedite claims of unlawful discrimination and eliminate needless duplication.~~ A city with a population of twenty=nine thousand, or greater, shall maintain an independent local civil rights agency or commission consistent with commission rules adopted pursuant to chapter 17A. An agency or commission for which a staff is provided shall have control over such staff. A city required to maintain a local civil rights agency or commission shall structure and adequately fund the agency or commission in order to effect cooperative undertakings with the Iowa civil rights commission and to aid in effectuating the purposes of this chapter.

3. An agency or commission of local government and the Iowa civil rights commission shall cooperate in the sharing of data and research, and coordinating investigations and conciliations in order to expedite claims of unlawful

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177 1 discrimination and eliminate needless duplication. The Iowa
177 2 civil rights commission may enter into cooperative agreements
177 3 with any local agency or commission to effectuate the purposes
177 4 of this chapter. Such agreements may include technical and
177 5 clerical assistance and reimbursement of expenses incurred by
177 6 the local agency or commission in the performance of the
177 7 agency's or commission's duties if funds for this purpose are
177 8 appropriated by the general assembly.
177 9 4. The Iowa civil rights commission may designate an
177 10 unfunded local agency or commission as a referral agency. A
177 11 local agency or commission shall not be designated a referral
177 12 agency unless the ordinance creating it provides the same
177 13 rights and remedies as are provided in this chapter. The Iowa
177 14 civil rights commission shall establish by rules the
177 15 procedures for designating a referral agency and the
177 16 qualifications to be met by a referral agency.
177 17 5. The Iowa civil rights commission may adopt rules
177 18 establishing the procedures for referral of complaints. A
177 19 referral agency may refuse to accept a case referred to it by
177 20 the Iowa civil rights commission if the referral agency is
177 21 unable to effect proper administration of the complaint. It
177 22 shall be the burden of the referral agency to demonstrate that
177 23 it is unable to properly administer that complaint.
177 24 6. A complainant who files a complaint with a referral
177 25 agency having jurisdiction shall be prohibited from filing a
177 26 complaint with the Iowa civil rights commission alleging
177 27 violations based upon the same acts or practices cited in the
177 28 original complaint; and a complainant who files a complaint
177 29 with the commission shall be prohibited from filing a
177 30 complaint with the referral agency alleging violations based
177 31 upon the same acts or practices cited in the original
177 32 complaint. However, the Iowa civil rights commission in its
177 33 discretion may refer a complaint filed with the commission to
177 34 a referral agency having jurisdiction over the parties for
177 35 investigation and resolution; and a referral agency in its

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178 1 discretion may refer a complaint filed with that agency to the
178 2 commission for investigation and resolution. ~~The commission~~
~~178 3 may adopt rules establishing the procedures for referral of~~
~~178 4 complaints. A referral agency may refuse to accept a case~~
~~178 5 referred to it by the Iowa civil rights commission if the~~
~~178 6 referral agency is unable to effect proper administration of~~
~~178 7 the complaint. It shall be the burden of the referral agency~~
~~178 8 to demonstrate that it is unable to properly administer that~~
~~178 9 complaint.~~
178 10 7. A final decision by a referral agency shall be subject
178 11 to judicial review as provided in section 216.17 in the same
178 12 manner and to the same extent as a final decision of the Iowa
178 13 civil rights commission.
178 14 8. The referral of a complaint by the Iowa civil rights
178 15 commission to a referral agency or by a referral agency to the
178 16 Iowa civil rights commission shall not affect the right of a
178 17 complainant to commence an action in the district court under
178 18 section 216.16.
178 19 Sec. 214. Section 222.31, Code 2009, is amended to read as
178 20 follows:
178 21 222.31 COMMITMENT == LIABILITY FOR CHARGES.
178 22 1. If in the opinion of the court, or of a commission as
178 23 authorized in section 222.28, the person is mentally retarded
178 24 within the meaning of this chapter and the court determines
178 25 that it will be conducive to the welfare of that person and of
178 26 the community to commit the person to a proper institution for
178 27 treatment, training, instruction, care, habilitation, and
178 28 support, and that services or support provided to the family
178 29 of such a person who is a child will not enable the family to
178 30 continue to care for the child in the child's home, the court
178 31 shall by proper order:
178 32 ~~1.~~ a. Commit the person to any public or private facility
178 33 within or without the state, approved by the director of the
178 34 department of human services. If the person has not been
178 35 examined by a commission as appointed in section 222.28, the

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179 1 court shall, prior to issuing an order of commitment, appoint
179 2 such a commission to examine the person for the purpose of
179 3 determining the mental condition of the person. No order of
179 4 commitment shall be issued unless the commission shall
179 5 recommend that such order be issued and the private
179 6 institution to which the person is to be committed shall
179 7 advise the court that it is willing to receive the person.
179 8 ~~2.~~ b. (1) Commit the person to the state resource center
179 9 designated by the administrator to serve the county in which
179 10 the hearing is being held, or to a special unit. The court
179 11 shall, prior to issuing an order of commitment, request that a
179 12 diagnostic evaluation of the person be made by the
179 13 superintendent of the resource center or the special unit, or
179 14 the superintendent's qualified designee. The evaluation shall
179 15 be conducted at a place as the superintendent may direct. The
179 16 cost of the evaluation shall be defrayed by the county of
179 17 legal settlement unless otherwise ordered by the court. The
179 18 cost may be equal to but shall not exceed the actual cost of
179 19 the evaluation. Persons referred by a court to a resource
179 20 center or the special unit for diagnostic evaluation shall be
179 21 considered as outpatients of the institution. No order of
179 22 commitment shall be issued unless the superintendent of the
179 23 institution recommends that the order be issued, and advises
179 24 the court that adequate facilities for the care of the person
179 25 are available.
179 26 (2) The court shall examine the report of the county
179 27 attorney filed pursuant to section 222.13, and if the report
179 28 shows that neither the person nor those liable for the
179 29 person's support under section 222.78 are presently able to
179 30 pay the charges rising out of the person's care in ~~the~~ a
179 31 resource center, or special treatment unit, shall enter an
179 32 order stating that finding and directing that the charges be
179 33 paid by the person's county of residence. The court may, upon
179 34 request of the board of supervisors, review its finding at any
179 35 subsequent time while the person remains at the resource

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180 1 center, or is otherwise receiving care or treatment for which
180 2 this chapter obligates the county to pay. If the court finds
180 3 upon review that the person or those legally responsible for
180 4 the person are presently able to pay the expenses, that
180 5 finding shall apply only to the charges incurred during the
180 6 period beginning on the date of the board's request for the
180 7 review and continuing thereafter, unless and until the court
180 8 again changes its finding. If the court finds that the
180 9 person, or those liable for the person's support, are able to
180 10 pay the charges, the court shall enter an order directing that
180 11 the charges be so paid to the extent required by section
180 12 222.78.
180 13 ~~3.~~ 2. In its order, the court shall include a finding as
180 14 to whether the person has sufficient mental capacity to
180 15 comprehend and exercise the right to vote.
180 16 Sec. 215. Section 222.36, Code 2009, is amended to read as
180 17 follows:
180 18 222.36 CUSTODY PENDING ADMISSION.
180 19 If a resource center or a special unit is unable to
180 20 immediately receive a person committed under section 222.31,
180 21 subsection ~~2~~ 1, paragraph "b", the superintendent shall notify
180 22 the court of the time when such person may be received. In
180 23 the meantime, said person shall be cared for under such order
180 24 as the court may enter.
180 25 Sec. 216. Section 222.59, subsection 3, paragraph b, Code
180 26 2009, is amended to read as follows:
180 27 b. That the patient's commitment is still appropriate but
180 28 the patient should be transferred to another public or private
180 29 facility in accordance with the provisions of section 222.31,
180 30 subsection 1, paragraph "a".
180 31 Sec. 217. Section 231.32, subsection 2, Code 2009, is
180 32 amended to read as follows:
180 33 2. The commission shall designate an area agency to serve
180 34 each planning and service area, after consideration of the
180 35 views offered by units of general purpose local government.

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181 1 An area agency may be:
181 2 a. An established office of aging which is operating
181 3 within a planning and service area designated by the
181 4 commission.
181 5 b. Any office or agency of a unit of general purpose local
181 6 government, which is designated for the purpose of serving as
181 7 an area agency by the chief elected official of such unit.
181 8 c. Any office or agency designated by the appropriate
181 9 chief elected officials of any combination of units of general
181 10 purpose local government to act on behalf of the combination
181 11 for such purpose.
181 12 d. Any public or nonprofit private agency in a planning
181 13 and service area or any separate organizational unit within
181 14 such agency which is under the supervision or direction for
181 15 this purpose of the department of elder affairs and which can
181 16 engage in the planning or provision of a broad range of
181 17 supportive services or nutrition services within the planning
181 18 and service area.
181 19 ~~Each area agency shall provide assurance, determined~~
~~181 20 adequate by the commission, that the area agency has the~~
~~181 21 ability to develop an area plan and to carry out, directly or~~
~~181 22 through contractual or other arrangements, a program in~~
~~181 23 accordance with the plan within the planning and service area.~~
~~181 24 In designating an area agency on aging within the planning and~~
~~181 25 service area, the commission shall give preference to an~~
~~181 26 established office of aging, unless the commission finds that~~
~~181 27 no such office within the planning and service area has the~~
~~181 28 capacity to carry out the area plan.~~
181 29 Sec. 218. Section 231.32, Code 2009, is amended by adding
181 30 the following new subsection:
181 31 NEW SUBSECTION. 4. Each area agency shall provide
181 32 assurance, determined adequate by the commission, that the
181 33 area agency has the ability to develop an area plan and to
181 34 carry out, directly or through contractual or other
181 35 arrangements, a program in accordance with the plan within the

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182 1 planning and service area. In designating an area agency on
182 2 aging within the planning and service area, the commission
182 3 shall give preference to an established office of aging,
182 4 unless the commission finds that no such office within the
182 5 planning and service area has the capacity to carry out the
182 6 area plan.
182 7 Sec. 219. Section 232.52, subsection 2, paragraphs a and
182 8 c, Code 2009, are amended to read as follows:
182 9 a. An order prescribing one or more of the following:
182 10 (1) A work assignment of value to the state or to the
182 11 public.
182 12 (2) Restitution consisting of monetary payment or a work
182 13 assignment of value to the victim.
182 14 (3) If the child is fourteen years of age or older,
182 15 restitution consisting of monetary payment or a work
182 16 assignment of value to the county or to the public for fees of
182 17 attorneys appointed to represent the child at public expense
182 18 pursuant to section 232.11.
182 19 (4) The suspension or revocation of the driver's license
182 20 or operating privilege of the child, for a period of one year,
182 21 for the commission of delinquent acts which are a violation of
182 22 any of the following:
182 23 (a) Section 123.46.
182 24 (b) Section 123.47 regarding the purchase or attempt to
182 25 purchase of alcoholic beverages.
182 26 (c) Chapter 124.
182 27 (d) Section 126.3.
182 28 (e) Chapter 453B.
182 29 (f) Two or more violations of section 123.47 regarding the
182 30 possession of alcoholic beverages.
182 31 (g) Section 708.1, if the assault is committed upon an
182 32 employee of the school at which the child is enrolled, and the
182 33 child intended to inflict serious injury upon the school
182 34 employee or caused bodily injury or mental illness.
182 35 (h) Section 724.4, if the child carried the dangerous

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183 1 weapon on school grounds.
183 2 (i) Section 724.4B.
183 3 The child may be issued a temporary restricted license or
183 4 school license if the child is otherwise eligible.
183 5 (5) The suspension of the driver's license or operating
183 6 privilege of the child for a period not to exceed one year.
183 7 The order shall state whether a work permit may or shall not
183 8 be issued to the child.
183 9 ~~An order under paragraph "a" may be the sole disposition or~~
~~183 10 may be included as an element in other dispositional orders.~~
183 11 c. An order providing special care and treatment required
183 12 for the physical, emotional or mental health of the child, and
183 13 (1) Placing the child on probation or other supervision;
183 14 and
183 15 (2) If the court deems appropriate, ordering the parent,
183 16 guardian, or custodian to reimburse the county for any costs
183 17 incurred as provided in section 232.141, subsection 1, or to
183 18 otherwise pay or provide for such care and treatment.
183 19 ~~A parent or guardian may be required by the juvenile court~~
~~183 20 to participate in educational or treatment programs as part of~~
~~183 21 a probation plan if the court determines it to be in the best~~
~~183 22 interest of the child. A parent or guardian who does not~~
~~183 23 participate in the probation plan when required to do so by~~
~~183 24 the court may be held in contempt.~~
183 25 Sec. 220. Section 232.52, subsection 2A, Code 2009, is
183 26 amended to read as follows:
183 27 2A. a. An order under subsection 2, paragraph "a", may be
183 28 the sole disposition or may be included as an element in other
183 29 dispositional orders.
183 30 b. A parent or guardian may be required by the juvenile
183 31 court to participate in educational or treatment programs as
183 32 part of a probation plan. A parent or guardian who does not
183 33 participate in the probation plan when required to do so by
183 34 the court may be held in contempt.
183 35 c. Notwithstanding subsection 2, the court shall not order

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184 1 group foster care placement of the child which is a charge
184 2 upon the state if that placement is not in accordance with the
184 3 service area plan for group foster care established pursuant
184 4 to section 232.143 for the departmental service area in which
184 5 the court is located.
184 6 Sec. 221. Section 236.5, Code 2009, is amended to read as
184 7 follows:
184 8 236.5 DISPOSITION.
184 9 1. Upon a finding that the defendant has engaged in
184 10 domestic abuse:
184 11 ~~1.~~ a. The court may order that the plaintiff, the
184 12 defendant, and the children who are members of the household
184 13 receive professional counseling, either from a private source
184 14 approved by the court or from a source appointed by the court.
184 15 Costs of counseling shall be paid in full or in part by the
184 16 parties and taxed as court costs. If the court determines
184 17 that the parties are unable to pay the costs, they may be paid
184 18 in full or in part from the county treasury.
184 19 ~~2.~~ b. The court may grant a protective order or approve a
184 20 consent agreement which may contain but is not limited to any
184 21 of the following provisions:
184 22 ~~a.~~ (1) That the defendant cease domestic abuse of the
184 23 plaintiff.
184 24 ~~b.~~ (2) That the defendant grant possession of the
184 25 residence to the plaintiff to the exclusion of the defendant
184 26 or that the defendant provide suitable alternate housing for
184 27 the plaintiff.
184 28 ~~c.~~ (3) That the defendant stay away from the plaintiff's
184 29 residence, school, or place of employment.
184 30 ~~d.~~ (4) The awarding of temporary custody of or
184 31 establishing temporary visitation rights with regard to
184 32 children under eighteen.
184 33 (a) In awarding temporary custody or temporary visitation
184 34 rights, the court shall give primary consideration to the
184 35 safety of the victim and the children.

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185 1 (b) If the court finds that the safety of the victim or
185 2 the children will be jeopardized by unsupervised or
185 3 unrestricted visitation, the court shall condition or restrict
185 4 visitation as to time, place, duration, or supervision, or
185 5 deny visitation entirely, as needed to guard the safety of the
185 6 victim and the children.
185 7 (c) The court shall also investigate whether any other
185 8 existing orders awarding custody or visitation rights should
185 9 be modified.
185 10 ~~e.~~ (5) Unless prohibited pursuant to 28 U.S.C. } 1738B,
185 11 that the defendant pay the clerk a sum of money for the
185 12 separate support and maintenance of the plaintiff and children
185 13 under eighteen.
185 14 2. An order for counseling, a protective order, or
185 15 approved consent agreement shall be for a fixed period of time
185 16 not to exceed one year. The court may amend or extend its
185 17 order or a consent agreement at any time upon a petition filed
185 18 by either party and after notice and hearing. The court may
185 19 extend the order if the court, after hearing at which the
185 20 defendant has the opportunity to be heard, finds that the
185 21 defendant continues to pose a threat to the safety of the
185 22 victim, persons residing with the victim, or members of the
185 23 victim's immediate family. At the time of the extension, the
185 24 parties need not meet the requirement in section 236.2,
185 25 subsection 2, paragraph "d", that the parties lived together
185 26 during the last year if the parties met the requirements of
185 27 section 236.2, subsection 2, paragraph "d", at the time of the
185 28 original order. The number of extensions that can be granted
185 29 by the court is not limited.
185 30 3. The order shall state whether a person is to be taken
185 31 into custody by a peace officer for a violation of the terms
185 32 stated in the order.
185 33 ~~3.~~ 4. The court may order that the defendant pay the
185 34 plaintiff's attorneys fees and court costs.
185 35 ~~4.~~ 5. An order or consent agreement under this section

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186 1 shall not affect title to real property.
186 2 ~~5.~~ 6. A copy of any order or approved consent agreement
186 3 shall be issued to the plaintiff, the defendant, the county
186 4 sheriff of the county in which the order or consent decree is
186 5 initially entered, and the twenty=four=hour dispatcher for the
186 6 county sheriff. Any subsequent amendment or revocation of an
186 7 order or consent agreement shall be forwarded by the clerk to
186 8 all individuals and the county sheriff previously notified.
186 9 7. The clerk shall notify the county sheriff and the
186 10 twenty=four=hour dispatcher for the county sheriff in writing
186 11 so that the county sheriff and the county sheriff's dispatcher
186 12 receive written notice within six hours of filing the order,
186 13 approved consent agreement, amendment, or revocation. The
186 14 clerk may fulfill this requirement by sending the notice by
186 15 facsimile or other electronic transmission which reproduces
186 16 the notice in writing within six hours of filing the order.
186 17 8. The county sheriff's dispatcher shall notify all law
186 18 enforcement agencies having jurisdiction over the matter and
186 19 the twenty=four=hour dispatcher for the law enforcement
186 20 agencies upon notification by the clerk.
186 21 Sec. 222. Section 252B.5, subsection 12, paragraphs a and
186 22 b, Code 2009, are amended to read as follows:
186 23 a. ~~Comply~~ In compliance with federal procedures, ~~to~~
186 24 periodically certify to the secretary of the United States
186 25 department of health and human services, a list of the names
186 26 of obligors determined by the unit to owe delinquent support,
186 27 under a support order as defined in section 252J.1, in excess
186 28 of two thousand five hundred dollars. The certification of
186 29 the delinquent amount owed may be based upon one or more
186 30 support orders being enforced by the unit if the delinquent
186 31 support owed exceeds two thousand five hundred dollars. The
186 32 certification shall include any amounts which are delinquent
186 33 pursuant to the periodic payment plan when a modified order
186 34 has been retroactively applied. The certification shall be in
186 35 a format and shall include any supporting documentation

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187 1 required by the secretary.
187 2 b. All of the following shall apply to an action initiated
187 3 by the unit under this subsection:
187 4 (1) The obligor shall be sent a notice by regular mail in
187 5 accordance with federal law and regulations and the notice
187 6 shall remain in effect until support delinquencies have been
187 7 paid in full.
187 8 (2) The notice shall include all of the following:
187 9 (a) A statement regarding the amount of delinquent support
187 10 owed by the obligor.
187 11 (b) A statement providing information that if the
187 12 delinquency is in excess of two thousand five hundred dollars,
187 13 the United States secretary of state may apply a passport
187 14 sanction by revoking, restricting, limiting, or refusing to
187 15 issue a passport as provided in 42 U.S.C. } 652(k).
187 16 (c) Information regarding the procedures for challenging
187 17 the certification by the unit.
187 18 (3) (a) If the obligor chooses to challenge the
187 19 certification, the obligor shall notify the unit within the
187 20 time period specified in the notice to the obligor. The
187 21 obligor shall include any relevant information with the
187 22 challenge.
187 23 ~~(2) (a)~~ (b) A challenge shall be based upon mistake of
187 24 fact. For the purposes of this subsection, "mistake of fact"
187 25 means a mistake in the identity of the obligor or a mistake in
187 26 the amount of the delinquent child support owed if the amount
187 27 did not exceed two thousand five hundred dollars on the date
187 28 of the unit's decision on the challenge.
187 29 ~~If the obligor chooses to challenge the certification, the~~
~~187 30 obligor shall notify the unit within the time period specified~~
~~187 31 in the notice to the obligor. The obligor shall include any~~
~~187 32 relevant information with the challenge.~~
187 33 ~~(b)~~ (4) Upon timely receipt of the challenge, the unit
187 34 shall review the certification for a mistake of fact, or refer
187 35 the challenge for review to the child support agency in the

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188 1 state chosen by the obligor as provided by federal law.
188 2 ~~(c)~~ (5) Following the unit's review of the certification,
188 3 the unit shall send a written decision to the obligor within
188 4 ten days of timely receipt of the challenge.
188 5 ~~(i)~~ (a) If the unit determines that a mistake of fact
188 6 exists, the unit shall send notification in accordance with
188 7 federal procedures withdrawing the certification for passport
188 8 sanction.
188 9 ~~(ii)~~ (b) If the unit determines that a mistake of fact
188 10 does not exist, the obligor may contest the determination
188 11 within ten days following the issuance of the decision by
188 12 submitting a written request for a contested case proceeding
188 13 pursuant to chapter 17A.
188 14 ~~(3)~~ (6) Following issuance of a final decision under
188 15 chapter 17A that no mistake of fact exists, the obligor may
188 16 request a hearing before the district court pursuant to
188 17 chapter 17A. The department shall transmit a copy of its
188 18 record to the district court pursuant to chapter 17A. The
188 19 scope of the review by the district court shall be limited to
188 20 demonstration of a mistake of fact. Issues related to
188 21 visitation, custody, or other provisions not related to the
188 22 support provisions of a support order are not grounds for a
188 23 hearing under this subsection.
188 24 Sec. 223. Section 256B.2, Code 2009, is amended to read as
188 25 follows:
188 26 256B.2 DEFINITIONS == POLICIES == FUNDS.
188 27 1. As used in this chapter:
188 28 a. "Children requiring special education" means persons
188 29 under twenty=one years of age, including children under five
188 30 years of age, who have a disability in obtaining an education
188 31 because of a head injury, autism, behavioral disorder, or
188 32 physical, mental, communication, or learning disability, as
188 33 defined by the rules of the department of education.
188 34 ~~2.~~ b. "Special education" means classroom, home,
188 35 hospital, institutional, or other instruction designed to meet

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189 1 the needs of children requiring special education as defined
189 2 in this subsection ~~1~~; transportation and corrective and
189 3 supporting services required to assist children requiring
189 4 special education, as defined in this subsection ~~1~~, in taking
189 5 advantage of, or responding to, educational programs and
189 6 opportunities, as defined by rules of the state board of
189 7 education.
189 8 ~~3.~~ 2. It is the policy of this state to require school
189 9 districts and state operated educational programs to provide
189 10 or make provision, as an integral part of public education,
189 11 for a free and appropriate public education sufficient to meet
189 12 the needs of all children requiring special education. This
189 13 chapter is not to be construed as encouraging separate
189 14 facilities or segregated programs designed to meet the needs
189 15 of children requiring special education when the children can
189 16 benefit from all or part of the education program as offered
189 17 by the local school district. To the maximum extent possible,
189 18 children requiring special education shall attend regular
189 19 classes and shall be educated with children who do not require
189 20 special education. Whenever possible, hindrances to learning
189 21 and to the normal functioning of children requiring special
189 22 education within the regular school environment shall be
189 23 overcome by the provision of special aids and services rather
189 24 than by separate programs for those in need of special
189 25 education. Special classes, separate schooling, or other
189 26 removal of children requiring special education from the
189 27 regular educational environment, shall occur only when, and to
189 28 the extent that the nature or severity of the educational
189 29 disability is such, that education in regular classes, even
189 30 with the use of supplementary aids and services, cannot be
189 31 accomplished satisfactorily. For those children who cannot
189 32 adapt to the regular educational or home living conditions,
189 33 and who are attending facilities under chapters 263, 269, and
189 34 270, upon the request of the board of directors of an area
189 35 education agency, the department of human services shall

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190 1 provide residential or detention facilities and the area
190 2 education agency shall provide special education programs and
190 3 services. The area education agencies shall cooperate with
190 4 the board of regents to provide the services required by this
190 5 chapter.
190 6 3. Special aids and services shall be provided to children
190 7 requiring special education who are less than five years of
190 8 age if the aids and services will reasonably permit the child
190 9 to enter the educational process or school environment when
190 10 the child attains school age.
190 11 4. Every child requiring special education shall, if
190 12 reasonably possible, receive a level of education commensurate
190 13 with the level provided each child who does not require
190 14 special education. The cost of providing such an education
190 15 shall be paid as provided in section 273.9, this chapter, and
190 16 chapter 257. It shall be the primary responsibility of each
190 17 school district to provide special education to children who
190 18 reside in that district if the children requiring special
190 19 education are properly identified, the educational program or
190 20 service has been approved, the teacher or instructor has been
190 21 licensed, the number of children requiring special education
190 22 needing that educational program or service is sufficient to
190 23 make offering the program or service feasible, and the program
190 24 or service cannot more economically and equably be obtained
190 25 from the area education agency, another school district,
190 26 another group of school districts, a qualified private agency,
190 27 or in cooperation with one or more other districts.
190 28 ~~4.~~ 5. Moneys received by the school district of the
190 29 child's residence for the child's education, derived from
190 30 moneys received through chapter 257, this chapter, and section
190 31 273.9 shall be paid by the school district of the child's
190 32 residence to the appropriate education agency, private agency,
190 33 or other school district providing special education for the
190 34 child pursuant to contractual arrangements as provided in
190 35 section 273.3, subsections 5 and ~~7~~ 6.

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191 1 Sec. 224. Section 321A.39, Code 2009, is amended to read
191 2 as follows:
191 3 321A.39 LIABILITY INSURANCE == STATEMENT.
191 4 1. Whenever any dealer licensed under chapter 322 sells a
191 5 motor vehicle at retail and the transaction does not include
191 6 the sale of liability insurance coverage which will protect
191 7 the purchaser under the Iowa motor vehicle financial and
191 8 safety responsibility Act the purchase order or invoice
191 9 evidencing the transaction shall contain a statement in the
191 10 following form:
191 11 I understand that liability insurance coverage which would
191 12 protect me under the Iowa Motor Vehicle Financial and Safety
191 13 Responsibility Act IS NOT INCLUDED in my purchase of the
191 14 herein described motor vehicle. I have received a copy of
191 15 this statement.
191 16 .....
191 17 (Purchaser's signature)
191 18 2. The seller shall print or stamp the statement
191 19 conspicuously on the purchase order or invoice. The statement
191 20 shall be signed by the purchaser in the space provided on or
191 21 before the date of delivery of the motor vehicle described in
191 22 the purchase order or invoice and a copy of the statement
191 23 shall be given to the purchaser by the seller.
191 24 3. No civil liability shall arise on account of the
191 25 failure of any person to comply with the provisions of this
191 26 section.
191 27 4. Any person violating any provisions of this section
191 28 shall be deemed guilty of a misdemeanor and shall be punished
191 29 by a fine not exceeding fifty dollars.
191 30 Sec. 225. Section 805.8A, subsection 12, paragraph e, Code
191 31 2009, is amended to read as follows:
191 32 e. (1) Violations of the schedule of axle and tandem axle
191 33 and gross or group of axle weight violations in section
191 34 321.463 shall be scheduled violations subject to the
191 35 provisions, procedures, and exceptions contained in sections

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192 1 805.6 through 805.11, irrespective of the amount of the fine
192 2 under that schedule.
192 3 (a) Violations of the schedule of weight violations shall
192 4 be chargeable, where the fine charged does not exceed one
192 5 thousand dollars, only by uniform citation and complaint.
192 6 (b) Violations of the schedule of weight violations, where
192 7 the fine charged exceeds one thousand dollars shall, when the
192 8 violation is admitted and section 805.9 applies, be chargeable
192 9 upon uniform citation and complaint, indictment, or county
192 10 attorney's information, but otherwise shall be chargeable only
192 11 upon indictment or county attorney's information.
192 12 (2) In all cases of charges under the schedule of weight
192 13 violations, the charge shall specify the amount of fine
192 14 charged under the schedule. Where a defendant is convicted
192 15 and the fine under the foregoing schedule of weight violations
192 16 exceeds one thousand dollars, the conviction shall be of an
192 17 indictable offense although section 805.9 is employed and
192 18 whether the violation is charged upon uniform citation and
192 19 complaint, indictment, or county attorney's information.
192 20 DIVISION III
192 21 RELATED CHANGES
192 22 Sec. 226. Section 96.3, subsection 4, Code 2009, is
192 23 amended to read as follows:
192 24 4. DETERMINATION OF BENEFITS. With respect to benefit
192 25 years beginning on or after July 1, 1983, an eligible
192 26 individual's weekly benefit amount for a week of total
192 27 unemployment shall be an amount equal to the following
192 28 fractions of the individual's total wages in insured work paid
192 29 during that quarter of the individual's base period in which
192 30 such total wages were highest; the director shall determine
192 31 annually a maximum weekly benefit amount equal to the
192 32 following percentages, to vary with the number of dependents,
192 33 of the statewide average weekly wage paid to employees in
192 34 insured work which shall be effective the first day of the
192 35 first full week in July:

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If the number of dependents is:	The weekly benefit amount shall equal the following fraction of high quarter wages:	Subject to the following maximum percentage of the statewide average weekly wage:
0	1/23	53%
1	1/22	55%
2	1/21	57%
3	1/20	60%
4 or more	1/19	65%

The maximum weekly benefit amount, if not a multiple of one dollar shall be rounded to the lower multiple of one dollar. However, until such time as sixty=five percent of the statewide average weekly wage exceeds one hundred ninety dollars, the maximum weekly benefit amounts shall be determined using the statewide average weekly wage computed on the basis of wages reported for calendar year 1981. As used in this section "dependent" means dependent as defined in section 422.12, subsection 1, paragraph ~~"c"~~ "a", as if the individual claimant was a taxpayer, except that an individual claimant's nonworking spouse shall be deemed to be a dependent under this section. "Nonworking spouse" means a spouse who does not earn more than one hundred twenty dollars in gross wages in one week.

Sec. 227. Section 147.1, subsection 5, paragraph e, Code 2009, is amended to read as follows:

e. The board of trustees of a licensed hospital when performing a function relating to the reporting required by section 147.135, subsection ~~3~~ 4.

Sec. 228. Section 203D.5, subsection 1, Code 2009, is amended to read as follows:

1. The board shall review annually the debits of and credits to the grain depositors and sellers indemnity fund

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194 1 created in section 203D.3 and shall make any adjustments in
194 2 the per=bushel fee required under section 203D.3, subsection
194 3 2, and the dealer=warehouse fee required under section 203D.3,
194 4 subsection 3, that are necessary to maintain the fund within
194 5 the limits established under this section. Not later than the
194 6 first day of May of each year, the board shall determine the
194 7 proposed amount of the per=bushel fee based on the expected
194 8 volume of grain on which the fee is to be collected and that
194 9 is likely to be handled under this chapter, and shall also
194 10 determine any adjustment to the dealer=warehouse fee. The
194 11 board shall make any changes in the previous year's fees in
194 12 accordance with chapter 17A. Changes in the fees shall become
194 13 effective on the following first day of July. The per=bushel
194 14 fee shall not exceed one=quarter cent per bushel on all
194 15 purchased grain as defined in section ~~203D.3~~ 203D.1. Until
194 16 the per=bushel fee is adjusted or waived as provided in this
194 17 section, the per=bushel fee is one=quarter cent on all
194 18 purchased grain.
194 19 Sec. 229. Section 216B.3, subsection 15, Code 2009, is
194 20 amended to read as follows:
194 21 15. Develop a plan to provide telephone yellow pages
194 22 information without charge to persons declared to be blind
194 23 under the standards in section 422.12, subsection ~~1~~ 2,
194 24 paragraph ~~"e"~~ "a", subparagraph (5). The department may apply
194 25 for federal funds to support the service. The program shall
194 26 be limited in scope by the availability of funds.
194 27 Sec. 230. Section 236.6, subsection 1, Code 2009, is
194 28 amended to read as follows:
194 29 1. When the court is unavailable from the close of
194 30 business at the end of the day or week to the resumption of
194 31 business at the beginning of the day or week, a petition may
194 32 be filed before a district judge, or district associate judge
194 33 designated by the chief judge of the judicial district, who
194 34 may grant emergency relief in accordance with section 236.5,
194 35 subsection ~~2~~ 1, paragraph "b", if the district judge or

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195 1 district associate judge deems it necessary to protect the
195 2 plaintiff from domestic abuse, upon good cause shown in an ex
195 3 parte proceeding. Present danger of domestic abuse to the
195 4 plaintiff constitutes good cause for purposes of this
195 5 subsection.
195 6 Sec. 231. Section 237.3, subsection 2, paragraph g,
195 7 subparagraph (5), Code 2009, is amended to read as follows:
195 8 (5) Educational programs, including special education as
195 9 defined in section 256B.2, subsection ~~2~~ 1, paragraph "b",
195 10 where appropriate, which are approved by the state board of
195 11 education. The department shall not promulgate rules which
195 12 regulate individual licensees in the subject areas enumerated
195 13 in this paragraph.
195 14 Sec. 232. Section 238.17, Code 2009, is amended to read as
195 15 follows:
195 16 238.17 FORMS FOR REGISTRATION AND RECORD == PRESERVATION.
195 17 1. The administrator shall prescribe forms for the
195 18 registration and record of persons cared for by any
195 19 child=placing agency licensed under this chapter and for
195 20 reports required by said administrator from the agencies.
195 21 2. If, for any reason, a child=placing agency as defined
195 22 by section ~~238.2~~ 238.1 shall cease to exist, all records of
195 23 registration and placement and all other records of any kind
195 24 and character kept by such child=placing agency shall be
195 25 turned over to the administrator, for preservation, to be kept
195 26 by the said administrator as a permanent record.
195 27 Sec. 233. Section 256F.9, Code 2009, is amended to read as
195 28 follows:
195 29 256F.9 PROCEDURES AFTER REVOCATION == STUDENT ENROLLMENT.
195 30 If a charter school contract is revoked in accordance with
195 31 this chapter, a nonresident student who attended the school,
195 32 and any siblings of the student, shall be determined to have
195 33 shown good cause as provided in section 282.18, subsection ~~16~~
195 34 14, and may submit an application to another school district
195 35 according to section 282.18 at any time. Applications and

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196 1 notices required by section 282.18 shall be processed and
196 2 provided in a prompt manner. The application and notice
196 3 deadlines in section 282.18 do not apply to a nonresident
196 4 student application under these circumstances.
196 5 Sec. 234. Section 306C.10, subsection 9, Code 2009, is
196 6 amended to read as follows:
196 7 9. "Information center" means a site, either with or
196 8 without structures or buildings, established and maintained at
196 9 a rest area for the purpose of providing "information of
196 10 specific interest to the traveling public", as ~~that phrase is~~
196 11 defined in section ~~306C.11, subsection 5~~ 306C.10.
196 12 Sec. 235. Section 313.4, subsection 6, paragraph a, Code
196 13 2009, is amended to read as follows:
196 14 a. A transfer of jurisdiction fund is created in the
196 15 office of the treasurer of state under the control of the
196 16 department. For each fiscal year in the period beginning July
196 17 1, 2003, and ending June 30, 2013, there is transferred from
196 18 the primary road fund to the transfer of jurisdiction fund one
196 19 and seventy=five hundredths percent of the moneys credited to
196 20 the primary road fund pursuant to section 312.2, subsection 1,
196 21 paragraph "a".
196 22 Sec. 236. Section 313.4, subsection 7, unnumbered
196 23 paragraph 1, Code 2009, is amended to read as follows:
196 24 For the fiscal year beginning July 1, 2013, and ending June
196 25 30, 2014, and each subsequent fiscal year, there is
196 26 transferred the following percentages of the moneys credited
196 27 to the primary road fund pursuant to section 312.2, subsection
196 28 1, paragraph "a", to the following funds:
196 29 Sec. 237. Section 314.21, subsection 1, Code 2009, is
196 30 amended to read as follows:
196 31 1. a. The living roadway trust fund is created in the
196 32 office of the treasurer of state. The moneys in this fund
196 33 shall be used exclusively for the development and
196 34 implementation of integrated roadside vegetation plans.
196 35 Except as provided in subsections 2 and 3, the moneys shall

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197 1 only be expended for areas on or adjacent to road, street, and
197 2 highway right=of=ways. The state department of transportation
197 3 in consultation with the department of natural resources shall
197 4 establish standards relating to the type of projects available
197 5 for assistance. For the fiscal period beginning July 1, 1988,
197 6 and ending March 31, 1990, the moneys in the fund shall be
197 7 expended as follows: fifty=six percent on state department of
197 8 transportation projects; thirty percent on county projects;
197 9 and fourteen percent on city projects.
197 10 b. A city or county which has a project which qualifies
197 11 for the use of these funds shall submit a request for the
197 12 funds to the state department of transportation. A city or
197 13 county may, at its option, apply moneys allocated for use on
197 14 city or county projects under this subsection toward
197 15 qualifying projects on the primary system. The state
197 16 department of transportation in consultation with the
197 17 department of natural resources shall determine which projects
197 18 qualify for the funds and which projects shall be funded if
197 19 the requests for the funds exceed the availability of the
197 20 funds. In ranking applications for funds, the department
197 21 shall consider the proportion of political subdivision
197 22 matching funds to be provided, if any, and the proportion of
197 23 private contributions to be provided, if any. In considering
197 24 the proportion of political subdivision matching funds
197 25 provided, the department shall consider only those moneys
197 26 which are in addition to those which the political subdivision
197 27 has historically provided toward such projects. Funds
197 28 allocated to the cities, the counties, and the department
197 29 which are not programmed by the end of each fiscal year shall
197 30 be available for redistribution to any eligible applicant
197 31 regardless of the original allocation of funds. Such funds
197 32 shall be awarded for eligible projects based upon their merit
197 33 in meeting the program objectives established by the
197 34 department under section 314.22. The department shall submit
197 35 a report of all projects funded in the previous fiscal year to

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198 1 the governor and to the general assembly on January 15 of each
198 2 year.
198 3 c. Beginning April 1, 1990, the moneys in the living
198 4 roadway trust fund shall be allocated between the state,
198 5 counties, and cities in the same proportion that the road use
198 6 tax funds are allocated under section 312.2, ~~subsections~~
198 7 subsection 1, ~~2, 3, and 4~~ paragraphs "a", "b", "c", and "d".
198 8 However, after April 1, 1990, a city or county shall not be
198 9 eligible to receive moneys from the living roadway trust fund
198 10 unless the city or county has an integrated roadside
198 11 vegetation management plan in place consistent with the
198 12 objectives in section 314.22.
198 13 Sec. 238. Section 321.233, Code 2009, is amended to read
198 14 as follows:
198 15 321.233 ROAD WORKERS EXEMPTED.
198 16 This chapter, except sections 321.277 and 321.280, does not
198 17 apply to persons and motor vehicles and other equipment while
198 18 actually engaged in work upon the surface of a highway
198 19 officially closed to traffic but does apply to such persons
198 20 and vehicles when traveling to or from such work. The minimum
198 21 speed restriction of section 321.285, subsection ~~6~~ 5, and the
198 22 provisions of sections 321.297, 321.298, and 321.323 do not
198 23 apply to road workers operating maintenance equipment on
198 24 behalf of any state or local authority while engaged in road
198 25 maintenance, road blading, snow and ice control and removal,
198 26 and granular resurfacing work on a highway, whether or not the
198 27 highway is closed to traffic.
198 28 Sec. 239. Section 327G.30, Code 2009, is amended to read
198 29 as follows:
198 30 327G.30 ADJUSTMENT OF EXPENSE.
198 31 1. If a grade crossing surface of a railroad track and a
198 32 highway, street, or alley shall require repairs or
198 33 maintenance, the costs for the maintenance may be paid as
198 34 provided in section 312.2, subsection ~~5~~ 2.
198 35 2. If the railroad corporation and the jurisdiction having

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199 1 authority agree on the method of crossing maintenance and
199 2 establish an agreement to each contribute costs as provided in
199 3 section 312.2, subsection ~~5~~ 2, a copy of the agreement shall
199 4 be filed with the department which shall allocate an amount of
199 5 the cost for the work if funds are available in the highway
199 6 railroad grade crossing surface repair fund. The department
199 7 shall make appropriate notification if the fund is exhausted
199 8 in which case agreements shall not be made under this section
199 9 until additional funds are available. The fund shall be
199 10 administered by the department.
199 11 3. Upon completion of the agreed repair work, a statement
199 12 of costs shall be filed with the department by the railroad
199 13 corporation in a form and manner prescribed by the department.
199 14 The department, upon approval of the statement, shall pay to
199 15 the railroad corporation an amount of the cost of the work
199 16 from the highway railroad grade crossing surface repair fund
199 17 as provided in section 312.2, subsection ~~5~~ 2. The owner of
199 18 the track and the jurisdiction entering into the agreement
199 19 shall each pay the cost as provided in section 312.2,
199 20 subsection ~~5~~ 2.
199 21 Sec. 240. Section 331.362, subsection 9, Code 2009, is
199 22 amended to read as follows:
199 23 9. A county may regulate traffic on and use of the
199 24 secondary roads, in accordance with sections 321.236 to
199 25 321.250, 321.254, 321.255, 321.285, subsection ~~5~~ 4, sections
199 26 321.352, 321.471 to 321.473, and other applicable provisions
199 27 of chapter 321, and sections 321G.9, 321I.10, and 327G.15.
199 28 Sec. 241. Section 422.8, subsection 4, Code 2009, is
199 29 amended to read as follows:
199 30 4. The amount of minimum tax paid to another state or
199 31 foreign country by a resident taxpayer of this state from
199 32 preference items derived from sources outside of Iowa shall be
199 33 allowed as a credit against the tax computed under this
199 34 division except that the credit shall not exceed what the
199 35 amount of state alternative minimum tax would have been on the

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200 1 same preference items which were taxed by the other state or
200 2 foreign country. The limitation on this credit shall be
200 3 computed according to the following formula: The total of
200 4 preference items earned outside of Iowa and taxed by another
200 5 state or foreign country shall be divided by the total of
200 6 preference items of the resident taxpayer of Iowa. In
200 7 computing this quotient, those items excludable under section
200 8 422.5, subsection ~~1~~ 2, paragraph ~~"k"~~ "b", subparagraph (1)
200 9 shall not be used in computing the preference items. This
200 10 quotient multiplied times the net state alternative minimum
200 11 tax as determined in section 422.5, subsection ~~1~~ 2, ~~paragraph~~
~~200 12 "k"~~ on the total of preference items as if entirely earned in
200 13 Iowa shall be the maximum tax credit against the Iowa
200 14 alternative minimum tax. However, the maximum tax credit will
200 15 not be allowed to the extent that the minimum tax imposed by
200 16 the other state or foreign country is less than the maximum
200 17 tax credit computed above.
200 18 Sec. 242. Section 422.11B, Code 2009, is amended to read
200 19 as follows:
200 20 422.11B MINIMUM TAX CREDIT.
200 21 1. a. There is allowed as a credit against the tax
200 22 determined in section 422.5, subsection 1, paragraphs "a"
200 23 through "j" for a tax year an amount equal to the minimum tax
200 24 credit for that tax year.
200 25 b. The minimum tax credit for a tax year is the excess, if
200 26 any, of the net minimum tax imposed for all prior tax years
200 27 beginning on or after January 1, 1987, over the amount
200 28 allowable as a credit under this section for those prior tax
200 29 years.
200 30 2. a. The allowable credit under subsection 1 for a tax
200 31 year shall not exceed the excess, if any, of the tax
200 32 determined in section 422.5, subsection 1, paragraphs "a"
200 33 through "j" over the state alternative minimum tax as
200 34 determined in section 422.5, subsection ~~1, paragraph "k"~~ 2.
200 35 b. The net minimum tax for a tax year is the excess, if

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any, of the tax determined in section 422.5, subsection ~~1~~ 2, ~~paragraph "k"~~ for the tax year over the tax determined in section 422.5, subsection 1, paragraphs "a" through "j" for the tax year.

Sec. 243. Section 422.13, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. However, if that part of the net income of a nonresident which is allocated to Iowa pursuant to section 422.8, subsection 2, is less than one thousand dollars the nonresident is not required to make and sign a return except when the nonresident is subject to the state alternative minimum tax imposed pursuant to section 422.5, subsection ~~1, paragraph "k"~~ 2.

Sec. 244. Section 422.13, subsection 1A, Code 2009, is amended to read as follows:

1A. Notwithstanding any other provision in this section, a resident of this state is not required to make and file a return if the person's net income is equal to or less than the appropriate dollar amount listed in section 422.5, subsection ~~2~~ 3, upon which tax is not imposed. A nonresident of this state is not required to make and file a return if the person's total net income in section 422.5, subsection 1, paragraph "j", is equal to or less than the appropriate dollar amount provided in section 422.5, subsection ~~2~~ 3, upon which tax is not imposed. For purposes of this subsection, the amount of a lump sum distribution subject to separate federal tax shall be included in net income for purposes of determining if a resident is required to file a return and the portion of the lump sum distribution that is allocable to Iowa is included in total net income for purposes of determining if a nonresident is required to make and file a return.

Sec. 245. Section 437A.14, subsection 4, Code 2009, is amended to read as follows:

4. a. Notwithstanding subsections 2 and 3, the chief financial officer of any local taxing authority and any

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202 1 designee of such officer shall have access to any computations
202 2 made by the director pursuant to the provisions of this
202 3 chapter, and any tax return or other information used by the
202 4 director in making such computations, which affect the
202 5 replacement tax owed by any such taxpayer.
202 6 b. Notwithstanding this section, providing information
202 7 relating to the kilowatt=hours of electricity or therms of
202 8 natural gas delivered by a taxpayer in a competitive service
202 9 area to the task force established in section 437A.15,
202 10 subsection 7, ~~or to the study committee established in section~~
~~202 11 476.6, subsection 20,~~ is not a violation of this section.
202 12 Sec. 246. Section 455B.178, Code 2009, is amended to read
202 13 as follows:
202 14 455B.178 JUDICIAL REVIEW.
202 15 Except as provided in section 455B.191, subsection ~~6~~ 5,
202 16 judicial review of any order or other action of the commission
202 17 or of the director may be sought in accordance with the terms
202 18 of the Iowa administrative procedure Act, chapter 17A.
202 19 Notwithstanding the terms of said Act, petitions for judicial
202 20 review may be filed in the district court of the county in
202 21 which the alleged offense was committed or such final order
202 22 was entered.
202 23 Sec. 247. Section 600A.2, subsection 2, Code 2009, is
202 24 amended to read as follows:
202 25 2. "Agency" means a child=placing agency as defined in
202 26 section ~~238.2~~ 238.1 or the department.
202 27 Sec. 248. Section 600A.6B, subsections 1 and 2, Code 2009,
202 28 are amended to read as follows:
202 29 1. A person filing a petition for termination of parental
202 30 rights under this chapter or the person on whose behalf the
202 31 petition is filed shall be responsible for the payment of
202 32 reasonable attorney fees for counsel appointed pursuant to
202 33 section 600A.6A unless the person filing the petition is a
202 34 private child=placing agency as defined in section ~~238.2~~ 238.1
202 35 or unless the court determines that the person filing the

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203 1 petition or the person on whose behalf the petition is filed
203 2 is indigent.
203 3 2. If the person filing the petition is a private
203 4 child=placing agency as defined in section ~~238.2~~ 238.1 or if
203 5 the person filing the petition or the person on whose behalf
203 6 the petition is filed is indigent, the appointed attorney
203 7 shall be paid reasonable attorney fees as determined by the
203 8 state public defender.
203 9 DIVISION IV
203 10 EFFECTIVE DATES
203 11 Sec. 249. EFFECTIVE DATES.
203 12 1. The section of this Act that amends section 294A.9,
203 13 subsection 9, Code 2009, being deemed of immediate importance,
203 14 takes effect upon enactment.
203 15 2. The section of this Act that amends 2008 Iowa Acts,
203 16 chapter 1191, section 109, being deemed of immediate
203 17 importance, takes effect upon enactment and applies
203 18 retroactively to July 1, 2008.
203 19 EXPLANATION
203 20 This bill contains statutory corrections that adjust
203 21 language to reflect current practices, insert earlier
203 22 omissions, delete redundancies and inaccuracies, delete
203 23 temporary language, resolve inconsistencies and conflicts,
203 24 update ongoing provisions, or remove ambiguities. The Code
203 25 sections amended include the following:
203 26 DIVISION I == MISCELLANEOUS PROVISIONS. Code section
203 27 6B.14: Strikes the word "aforesaid" and adds after the word
203 28 "notices" the words "required by" and a citation to Code
203 29 section 6B.8, to clarify just which notices are being referred
203 30 to in this Code section.
203 31 Code sections 9D.1 and 9D.2: Moves a definition that
203 32 applies to the entire Code chapter, from Code section 9D.2,
203 33 and places it in alphabetical order with other definitions at
203 34 the beginning of the Code chapter, precedes the listing of
203 35 definitions with the standard phrasing relating to

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204 1 applicability of the definitions, and renumbers the
204 2 definitions. Code section 9D.2 is also renumbered and
204 3 internal references are updated due to the elimination of the
204 4 definition from that Code section.
204 5 Code section 10.1: Changes the word "that" to "each" to
204 6 conform the language relating to percentage of ownership by
204 7 farmers cooperative associations to the initial language in
204 8 the same sentence that indicates that more than one type of
204 9 membership interest may be established.
204 10 Code section 15.103: Adds clarifying language in two
204 11 places to specify that the requirements relating to expertise
204 12 and active employment apply to the voting membership of the
204 13 economic development board.
204 14 Code section 15.247(2): Adds the name of the targeted
204 15 small business financial assistance program to the enabling
204 16 language for the program, moves some language, and adds
204 17 paragraph designations.
204 18 Code section 16.1(1): Substitutes the word "which" for the
204 19 word "and" and strikes an extraneous modifying phrase to
204 20 clarify the meaning of the word "powers" within the Code
204 21 chapter pertaining to the Iowa finance authority.
204 22 Code section 24.20: Substitutes a singular reference for a
204 23 plural reference to municipalities and adds the words "tax
204 24 rates and levies" after the word "such" to clarify that the
204 25 tax rates and levies certified by a given municipality are the
204 26 rates and levies for that particular municipality, unless the
204 27 particular rates or levies must be authorized by a vote of the
204 28 people.
204 29 Code section 26.14: Conforms phraseology relating to
204 30 determination of which bid is the lowest responsible bid on a
204 31 public improvement to other language that states that the bid
204 32 must be the lowest responsive, responsible bid.
204 33 Code section 42.3: Clarifies, in language in subsection 1,
204 34 paragraph "b", that provides that certain deadlines may be
204 35 extended, which dates and deadlines are actually intended.

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Current language specifies the entire subsection, although the dates that are to be extended under this paragraph are located in paragraph "a". In addition, in subsection 2, language is moved from the end of the sentence to a location which is closer to the verb "transmit" to clarify that the language in subsection 1 references the time frame in which the transmission of information by the chief clerk of the house of representatives or the secretary of the senate should occur and not the reasons why the reapportionment plan was not approved.

Code section 46.2A: Substitutes references to Code chapter 40 for Code chapter 42 in two places, because the congressional districts are described in Code chapter 40, not Code chapter 42.

Code section 49.36: Strikes the words "the foregoing" and adds a cite to Code sections 49.32 and 49.35 to clarify in which Code sections the phrase "group of petitioners" means an organization which is not a political party as defined by law.

Code section 52.25(2): Strikes words relating to special paper and inserts used in voting machines to conform to changes made in 2007 Iowa Acts, chapter 190.

Code sections 62.1A and 62.2: Substitutes references to the term "member" for references to "person" and "judge" or "judges" and "officer" to conform terminology within this provision to language used in Code chapter 61 to describe the contest court that hears disputes concerning the election of state officers and to distinguish references to the members of the contest court from members of the judiciary. A grammatical problem is also corrected in Code section 62.2.

Code section 68B.22(4): Conforms the term used to describe an exception to a provision describing when a gift to a public official or employee may be permitted to the term used in the provision describing the exception for certain legislative functions. This conforms this Code subsection to the changes made by 2005 Iowa Acts, chapter 76, section 5.

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206 1 Code section 73.16(2): Strikes an obsolete reference to an
206 2 initial quarterly report that was required to be made by state
206 3 government agencies or departments to the targeted small
206 4 business marketing and compliance manager on September 30,
206 5 2007.
206 6 Code section 75.1(1): Substitutes the word "Ballots" for
206 7 "All ballots" and the word "but" for the word "and" to clarify
206 8 which ballots are not to be used to compute the total number
206 9 of votes for and against a proposition to authorize the
206 10 issuance of bonds by a city, county township, school
206 11 corporation, or any local board or commission.
206 12 Code section 85.59: Numbers a provision and restructures
206 13 language establishing definitions within a provision
206 14 establishing when workers' compensation benefits may be
206 15 awarded to inmates of a correctional institution to facilitate
206 16 citation.
206 17 Code section 85.66: Conforms capitalization of the name of
206 18 the fund to Code style and numbers this provision establishing
206 19 the second injury fund to facilitate citation; substitutes a
206 20 reference to identical language in another Code section for
206 21 language specifying the amount that is to be reimbursed to the
206 22 attorney general for services related to the second injury
206 23 fund to eliminate the redundancy; and moves language regarding
206 24 investments of surplus moneys by the treasurer of state to a
206 25 location in the Code section which follows multiple provisions
206 26 relating to disbursements by the treasurer from the fund.
206 27 Code section 89.11: Numbers this provision containing two
206 28 separate instances in which the labor commissioner may seek an
206 29 injunction against an owner, user, or person in charge of
206 30 defective equipment and clarifies the second instance by
206 31 adding conforming language relating to conduct from which the
206 32 owner, user, or person is requested to be enjoined and
206 33 conforming language describing the point in time in which the
206 34 injunction may be sought.
206 35 Code section 96.19(17): Adds language conforming a

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207 1 reference to "the foregoing provisions" to other references
207 2 within this Code subsection to "subsection 16 or section 96.8,
207 3 subsection 3".
207 4 Code section 100B.1(1): Adds the word "voting" to this
207 5 provision to clarify that these particular public members of
207 6 the state fire service and emergency response council are
207 7 voting members of the council. This change is consistent with
207 8 initial language in this Code section specifying that the
207 9 council has 11 voting members and one ex officio member.
207 10 Code section 100C.3(2): Strikes the word "not" and
207 11 substitutes the word "confidential" for the word "public" to
207 12 clarify that the criminal history check results are
207 13 confidential public records under the public records law.
207 14 This change is consistent with Code section 692.8A, which
207 15 governs the dissemination of criminal history records under
207 16 the public records chapter, Code chapter 22.
207 17 Code section 103.15(2): Rewrites the language referring to
207 18 continuous employment of an employee to conform with changes
207 19 made to that language by 2008 Iowa Acts, chapter 1092, section
207 20 20.
207 21 Code section 103.30: Adds the words "the employees are" to
207 22 clarify that the time frame during which the electrical work
207 23 of certain employees is not required to be inspected is when
207 24 those employees are acting within the scope of their
207 25 employment.
207 26 Code section 125.86(3): Conforms terminology used in
207 27 language added to both this provision and Code section 229.15,
207 28 subsection 2, by 2008 Iowa Acts, chapter 1082, to the
207 29 terminology used to describe the persons and process used for
207 30 hospitalization of persons for substance abuse treatment.
207 31 Code section 135.1(4): Strikes, within the definition of
207 32 the term "physician" in the Code chapter relating to the
207 33 department of public health, a phrase that refers to
207 34 designations to be used by persons licensed as osteopaths.
207 35 Code chapter 150, which provided for the licensing of

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208 1 osteopaths, was repealed by 2008 Iowa Acts, chapter 1088.
208 2 Code section 135.17(1): Strikes the words "or 150" to
208 3 conform to the changes made in 2008 Iowa Acts, chapter 1088.
208 4 The Code chapters relating to osteopathy and osteopathic
208 5 medicine and surgery were repealed in that Act, but those
208 6 persons licensed to perform osteopathic medicine and surgery
208 7 under former Code chapter 150A were subsumed into Code chapter
208 8 148 (licensing procedures).
208 9 Code section 135.24(6): Adds a reference to the licensing
208 10 of speech pathologists and audiologists to the list of other
208 11 licensed health care providers regulated by boards of those
208 12 particular professions and under the jurisdiction of the
208 13 department of public health.
208 14 Code section 135.37(6): Conforms language relating to
208 15 inspections and enforcement activities of the local boards of
208 16 health with respect to tattooing establishments with earlier
208 17 language describing an intent to avoid duplication of those
208 18 efforts with the same efforts by the department of public
208 19 health.
208 20 Code section 135.159: Strikes language referencing the
208 21 licensing of physicians pursuant to Code chapter 150 to
208 22 conform with changes made by 2008 Iowa Acts, chapter 1088,
208 23 which placed osteopathic physicians together with physicians
208 24 who possess an M.D. under the Code chapter 148 licensing
208 25 procedures and the authority of the board of medicine.
208 26 Code sections 135B.20, 136C.1, 136C.3, 142.1, 142C.2, and
208 27 162.2: Replaces the term "osteopathy" with the term
208 28 "osteopathic medicine" to correct a terminology change
208 29 oversight in 2008 Iowa Acts, chapter 1088.
208 30 Code section 135C.33(5): Corrects a reference by name to
208 31 the homemaker=home health aide services program in language
208 32 relating to child or dependent adult abuse and criminal record
208 33 checks.
208 34 Code section 137F.3A(1): Restructures and renumbers
208 35 language enumerating the conditions which must be met before

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209 1 the department of inspections and appeals may employ
209 2 additional persons to enforce the provisions of the hotel
209 3 sanitation, home food establishment, and food establishment
209 4 and food processing plant Code chapters.
209 5 Code section 137F.6(1): Restructures language relating to
209 6 license fees charged to food establishments to conform to the
209 7 style of other provisions within this subsection.
209 8 Code section 142A.3: Restructures and renumbers language
209 9 establishing the commission on tobacco use prevention and
209 10 control and the advisory council to the commission.
209 11 Code section 144.14: Renumbers and conforms the phrase "of
209 12 finding" to the phrase "the child was found" which is used
209 13 elsewhere in the provision relating to reports and
209 14 certificates of birth for foundlings.
209 15 Code section 144C.2(3) and 144C.3(4): Changes the term
209 16 "assisted living program facility" to the term "assisted
209 17 living program" to conform the terminology used in Code
209 18 chapter 144C, which relates to final disposition of human
209 19 remains, with the terminology used in Code chapter 231C to
209 20 describe certified programs which provide housing with
209 21 services for assisted living.
209 22 Code section 147.14: Replaces a reference to Code chapter
209 23 147 with a reference to Code chapter 155 in language that
209 24 excludes persons licensed as nursing home administrators from
209 25 being public members of the board for nursing home
209 26 administrators to conform to changes made by 2008 Iowa Acts,
209 27 chapter 1088.
209 28 Code section 147.55: Rewrites the first paragraph in this
209 29 provision to clarify that, although a licensee's license may
209 30 be suspended or revoked if a licensee commits one of the
209 31 enumerated acts or offenses, the licensee as an individual
209 32 would be subject to discipline by the board for the licensee's
209 33 profession.
209 34 Code section 147.80: Adds language relating to
209 35 registration and certification of health care professionals to

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210 1 reflect the fact that some of the health care professionals
210 2 regulated under Code chapter 147 and other Code chapters
210 3 register with or are issued a certificate by their respective
210 4 boards, instead of being licensed. This addition clarifies
210 5 that all of the health care profession boards have the same
210 6 authority to verify a practitioner's status before the board.
210 7 Code section 147.85: Updates language relating to
210 8 impersonation of a health care practitioner to conform to
210 9 other provisions throughout the Code, including Code sections
210 10 80.6, 103.38, 103.39, 155A.20, 169.18, 206.11, 341A.17,
210 11 542B.25, 542B.27, and 544A.15, which deal with impersonation
210 12 of various professionals, officials, or public employees.
210 13 Code section 147.135: Strikes references to "chapter 150,
210 14 or chapter 150A" to conform to the changes regarding physician
210 15 licensure in 2008 Iowa Acts, chapter 1088.
210 16 Code section 148.2A(2): Strikes the word "members" in
210 17 language relating to licensure of persons who may constitute a
210 18 member of a hearing panel for the board of medicine because of
210 19 the use of alternate members in the creation of the membership
210 20 of the hearing panels. Alternate members of the board of
210 21 medicine are only members of the hearing panel and not
210 22 otherwise "members of board" within the meaning of Code
210 23 section 148.2A.
210 24 Code section 148.3(2): Strikes the words "and collected by
210 25 the board and transmitted to" because the board of medicine
210 26 members do not themselves act as the collection agents for
210 27 unpaid license and renewal fees although the fees are paid to
210 28 the board.
210 29 Code section 148.6(2): Renumbers language relating to
210 30 investigations by the board of medicine based on allegations
210 31 of inability to practice medicine and surgery or osteopathic
210 32 medicine and surgery due to illness, substance abuse, or other
210 33 mental or physical condition.
210 34 Code section 148.14: Adds a reference to Code chapter 147
210 35 within the provision authorizing the appointment of

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211 1 investigators for the board of medicine to correspond with
211 2 provisions in Code chapter 147 that provide for the common
211 3 power and responsibility for all of the health care profession
211 4 boards to perform various activities and duties.
211 5 Code section 148A.7: Numbers language internally in this
211 6 Code section prohibiting false use of titles by persons and
211 7 entities providing health care services.
211 8 Code sections 153.14 and 154B.5: Replaces the term
211 9 "osteopaths" with the term "osteopathic physicians" to correct
211 10 a terminology change oversight in 2008 Iowa Acts, chapter
211 11 1088.
211 12 Code sections 154A.6 and 155.17: Renumbers and changes a
211 13 reference to "such" information to a reference to information
211 14 "in violation of subsection 1" to eliminate unnumbered
211 15 paragraphs and to clarify what type of communication is
211 16 criminalized.
211 17 Code section 154C.3(1)(c)(5): Letters an unnumbered
211 18 paragraph in a provision relating to supervision of persons
211 19 who are applying for a license as an independent social worker
211 20 and renumbers the balance of the provision.
211 21 Code section 154F.2: Adds a reference to "osteopathic
211 22 physician" after the word "physician" to conform with changes
211 23 made by 2008 Iowa Acts, chapter 1088, in language relating to
211 24 the conducting of hearing tests.
211 25 Code section 155.2(1): Adds the words "this chapter and"
211 26 in language relating to qualifications for public membership
211 27 on the board for nursing home administrators because nursing
211 28 home administrators are licensed pursuant to Code chapters 147
211 29 and 155.
211 30 Code section 155A.15(2): Numbers an unnumbered paragraph,
211 31 containing an exception to prohibitions against delivery of
211 32 prescription drugs or devices with authorization to allow the
211 33 furnishing of prescription drugs to licensed health care
211 34 facilities for storage in secured emergency medical supplies,
211 35 to include the paragraph within a series of exceptions to

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212 1 prohibitions against delivery prescription drugs to a person
212 2 without legal authorization. The initial language which
212 3 clarified that the former unnumbered paragraph was an
212 4 exception was deleted to conform the provision to the style of
212 5 the other exceptions.
212 6 Code sections 158.1 and 158.2: Redrafts language in Code
212 7 section 158.1 by conforming language defining what practices
212 8 constitute "barbering" to the standard style used in
212 9 definitions throughout the Code and by moving a prohibition
212 10 from the end of the definition to Code section 158.2, which
212 11 contains similar prohibitions.
212 12 Code section 159A.4: Reorganizes and renumbers provisions
212 13 establishing the renewable fuels and coproducts advisory
212 14 committee to group like subject matters together and clarify
212 15 which of the members are voting members.
212 16 Code section 161.1: Changes the word "section" to
212 17 "chapter" to clarify that the entire chapter is what is known
212 18 as the "Iowa Agrichemical Remediation Act".
212 19 Code section 161F.6: Reorganizes and numbers this
212 20 provision by separating applicability provisions from
212 21 definitions, grouping applicability provisions together in one
212 22 subsection, and breaking the definitions into a lettered list
212 23 within the other subsection.
212 24 Code section 166D.10: Reorganizes and renumbers this
212 25 provision to separate out the rules and the exceptions
212 26 enumerated for the sale, lease, exhibition, loan, movement, or
212 27 relocation of swine within this state.
212 28 Code section 169.5: Reorganizes, updates, and renumbers
212 29 this provision establishing the board for veterinary medicine.
212 30 Code section 175B.4: Adds the word "other" before the word
212 31 "programs" to clarify that, in addition to the Iowa farmers'
212 32 market nutrition program, the department of agriculture and
212 33 land stewardship may provide other programs to promote the
212 34 purposes of the federal farmers' market nutrition program.
212 35 Code section 190.12: Numbers provisions relating to

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bacterial and coliform limits in frozen desserts and clarifies that the limitations on finding certain levels in samples apply to all of the standards set out in the table contained in this Code section.

Code section 191.6: Updates the name of the federal agency and the Code of federal regulations citation pertaining to the standards for oleo, oleomargarine, or margarine that is manufactured or sold in this state to reflect the name of the current federal agency in charge of setting that type of standard and the currently applicable federal regulations.

Code section 200.14: Updates language and letters unnumbered paragraphs within this provision relating to the adoption of rules regarding safety standards for use of anhydrous ammonia by the secretary of agriculture.

Code section 203C.18: Changes a reference from "the Act" to "this chapter" to reflect the fact that Code chapter 203C is the Iowa warehouse Act.

Code sections 203D.1 and 203D.3: Moves a definition of the term "purchased grain" from Code section 203D.3 to Code section 203D.1 and places it in alphabetical order with other definitions for Code chapter 203D.

Code section 206.6(5): Adds paragraph designations to eliminate unnumbered paragraphs and then adds the words "a nonresident person is" to complete and clarify a sentence in a paragraph that limits when the secretary of agriculture may adopt rules for issuing an aviation license to a nonresident person to those situations when the nonresident is engaged in the aerial application of pesticides.

Code section 207.15(1), (2), and (5): Adds paragraph designations to eliminate unnumbered paragraphs and substitutes the words "account for" for the word "consider" to clarify that the division of soil conservation of the department of agriculture and land stewardship may reassess any penalty if necessary to account for facts that were not available when the original assessment was made.

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214 1 Code section 216.8A(3): Restructures a sentence relating
214 2 to nondiscriminatory conditions that may be imposed by a
214 3 landlord in a renter's agreement to conform the provision with
214 4 the balance of the paragraph that establishes what constitutes
214 5 discrimination in housing.
214 6 Code section 216.16: Renumbers and restructures a portion
214 7 of this section relating to the issuance of a 60=day
214 8 administrative release by the civil rights commission to break
214 9 the reasons that a release will not be issued into a numbered
214 10 list.
214 11 Code section 216E.7: Substitutes a Code chapter reference
214 12 to Code chapter 154F to reflect changes made by 2008 Iowa
214 13 Acts, chapter 1088, to shift authority and responsibilities
214 14 for licensing of audiologists from Code chapter 147 to 154F.
214 15 Code section 229.15: Strikes references to Code chapters
214 16 150 and 150A to conform to changes made regarding physician
214 17 licensure in 2008 Iowa Acts, chapter 1088, in language
214 18 establishing the conditions under which a psychiatric advanced
214 19 registered nurse practitioner may complete a periodic report
214 20 on a patient who has been hospitalized due to chronic mental
214 21 illness.
214 22 Code sections 235.1, 238.1, and 238.2: Consolidates,
214 23 duplicates, and relocates various definitions to clarify that
214 24 definitions contained in Code chapter 235 are also applicable
214 25 in Code chapter 238. In Code section 235.1, a paragraph
214 26 containing definitions that apply in this chapter governing
214 27 child welfare and Code chapter 238 is split and the
214 28 definitions are placed into an alphabetical, numbered list.
214 29 The definitions of the terms "state division",
214 30 "administrator", and "child" from Code section 235.1 are added
214 31 to Code section 238.1, along with a definition of
214 32 "child=placing agency" which is taken from Code section 238.2,
214 33 and all of the definitions are placed in an alphabetical,
214 34 numbered list. Code section 238.2 is then repealed as
214 35 redundant.

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Code sections 235B.3A, 235E.3, 236.12, and 709.22: Conforms, in several notice provisions, a provision that describes additional information that must be given to victims of certain crimes relating to shelters, support groups, and crisis lines operating in the area by striking a paragraph that follows a description of the contents of a statement of rights and subsuming the contents of that paragraph into the paragraph which precedes that statement description.

Code section 235E.2(13)(a): Adds language referencing an employee organization in two places which express conditions and in which the term "union representative" appears, to conform the language to language that appears earlier in this paragraph that provides that an employee organization or union representative may observe the investigative interview of an alleged dependent adult abuser under certain conditions.

Code section 235E.4: Clarifies, by adding the word "where", that Code sections 235B.4 through 235B.20, to the extent that they are not inconsistent with Code chapter 235E, apply to Code chapter 235E.

Code section 249A.6(1)(a): Corrects a drafting error in the language in this subparagraph by changing the reference to "paragraph "a"" to a reference to subparagraph (1), which refers to the rights to payments of medical care referred to in this subparagraph.

Code section 252B.5(8): Letters unnumbered paragraphs and deletes an obsolete phrase relating to adoption of rules by the department of human services regarding review of requests for modification of support obligations.

Code section 256D.2A: Adds the term "budget" to clarify that the year period of time during which a school is to expend funds to reduce class size is the budget year, which for school districts commences on July 1 of each calendar year.

Code section 256D.4A: Strikes the word "section" and replaces it with the word "chapter" because the payments and

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216 1 expenditures referred to in this Code section are authorized
216 2 in other Code sections within this Code chapter.
216 3 Code section 257.11(3): Changes the word "of" to the word
216 4 "times" and the word "and" to the word "or" to clarify the
216 5 relationship between the numeric and percentage components in
216 6 the formula used to calculate the amount of additional
216 7 weighting to be assigned for pupils who attend community
216 8 college=offered classes. The numeric and percentage
216 9 components of the formula in this paragraph are described in
216 10 this paragraph in reverse order from that used in other places
216 11 in this Code section.
216 12 Code section 260C.14: Substitutes the word "program" for
216 13 "Act" in three places to reflect the repeal of the former
216 14 postsecondary enrollment options Act, previously contained in
216 15 Code chapter 261C, and the enactment of the postsecondary
216 16 enrollment options program in new Code chapter 261E in 2008
216 17 Iowa Acts, chapter 1181.
216 18 Code section 262.9(4): Splits apart, in language
216 19 describing duties of the state board of regents, two
216 20 provisions which articulate the two different duties of
216 21 managing both real and personal property of the regents
216 22 institutions and purchasing soybean=based inks. Incorrect
216 23 internal references to the entire Code section are also
216 24 changed to refer only to the requirement to purchase
216 25 soybean=based inks in what becomes new subsection 4A.
216 26 Code section 279.13(1): Changes the word "applicants" to
216 27 the singular form "the applicant" to conform with prior
216 28 language regarding the search for criminal and child abuse
216 29 background information regarding an individual who is seeking
216 30 employment as a teacher in a school district.
216 31 Code section 282.18: Streamlines language relating to open
216 32 enrollment of children in schools by combining the two
216 33 subsections that deal with school desegregation and conforming
216 34 the language currently contained in subsection 12 to reflect
216 35 the changes made to subsection 3 in 2008 Iowa Acts, chapter

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1071; by moving language relating to adoption of school policies regarding "insufficient classroom space" to become part of subsection 2, where the issue first arises; by renumbering the provision to accommodate the changes and eliminate unnumbered paragraphs; and by correcting internal references.

Code section 282.26: Numbers the paragraphs in this provision regarding high school students attending college courses to allow substitution of specific subsection references in lieu of a more general reference to "the foregoing provisions".

Code section 294A.9: Adds the repeal, on the same date, of a subsection which serves only to repeal other subsections on June 30, 2009. This provision takes effect upon enactment.

Code section 294A.25: Adds the word "fiscal" before the word "year" to conform later language regarding later appropriations to the initial reference to the "fiscal year beginning July 1, 2009".

Code section 297.10: Updates language in this provision regarding compensation for use of school property to clarify that the "such use" is the use of a schoolhouse and schoolhouse grounds and that the compensation paid is to be used for supplies for that school property.

Code section 298.3: Renumbers this provision to eliminate unnumbered paragraphs and changes the term "energy conservation measures" to "energy management improvement" to reflect the changes made to Code sections 473.19, 473.20, and 473.20A by 2008 Iowa Acts, chapter 1126.

Code section 298.18: Numbers and letters unnumbered paragraphs in this Code section and replaces references to "hereinafter" provided and referred to "herein" with language indicating that the reader will find the language or exception indicated within this Code section.

Code sections 306C.10 and 306C.11: Moves a definition of the term "specific information of interest to the traveling

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218 1 public" from Code section 306C.11 to Code section 306C.10 to
218 2 place it in alphabetical order within the other definitions
218 3 that apply within that division of Code chapter 306C and
218 4 renumbers Code section 306C.11 to eliminate unnumbered
218 5 paragraphs.
218 6 Code section 307.21: Restructures the provision to
218 7 separate language establishing the general duties of the
218 8 administrator of administrative services of the department of
218 9 transportation from more specific requirements relating to the
218 10 manner in which certain of those duties are to be carried out
218 11 and from permissive language that allows the administrator to
218 12 perform administrative services duties in cooperation with the
218 13 department of administrative services.
218 14 Code section 312.2: Renumbers this provision to separate
218 15 the allotments of road use tax funds made by the treasurer of
218 16 state to the primary road fund, the secondary road fund, the
218 17 farm=to=market road fund, and the street construction fund of
218 18 cities from the credits that are made prior to the allotments
218 19 for various specific uses and to eliminate an unnumbered
218 20 paragraph.
218 21 Code section 314.2: Strikes the words "the foregoing
218 22 provisions" and substitutes "this section" to clarify that the
218 23 prohibition against state or county officials or employees
218 24 having interests in any contract for highway, bridge, or
218 25 culvert construction, reconstructions, improvement, or
218 26 maintenance is the provision that, if violated, will
218 27 invalidate the contract and prevent recovery of consideration
218 28 under the contract.
218 29 Code section 321.52A: Strikes an obsolete reference to a
218 30 provision under which this surcharge is no longer imposed.
218 31 Before a change in the system used by the department of
218 32 transportation to note security interests on certificates of
218 33 title, a surcharge was issued when an owner requested that a
218 34 new certificate be issued that showed the notation. This was
218 35 because the notation had to be manually added to the

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219 1 certificate, rather than being generated automatically upon
219 2 notation of the interest in the department of transportation's
219 3 system. Because of the changeover in the department's
219 4 computer system, the new certificates are generated
219 5 automatically, without the additional manual intervention, and
219 6 the department ceased imposition of the surcharge for issuance
219 7 of a certificate of title for this type of notation.
219 8 Code sections 321.92 and 321.463: Renumbers and eliminates
219 9 a redundant reference to a "paragraph "b"" in a definition
219 10 which is combined with another definition into a numbered list
219 11 in Code section 321.463. Language relating to fraudulent
219 12 altering or defacing of product identification plates is
219 13 stricken from Code section 321.463 and is moved to Code
219 14 section 321.92.
219 15 Code section 321.231(5): Strikes the word "foregoing" and
219 16 inserts "of this section" to clarify that none of the
219 17 provisions of this Code section relieve an authorized
219 18 emergency vehicle operator or police bicycle rider from the
219 19 duty to drive or ride safely.
219 20 Code section 321.285: Renumbers this provision
219 21 establishing speed restrictions on motor vehicles to eliminate
219 22 unnumbered paragraphs; clarifies language that sets out the
219 23 general rules applicable to lawful speeds by moving language
219 24 referring to the lawful speed to a location after the listing
219 25 of a number of exceptions; substitutes "unless otherwise
219 26 provided in this section or by" for "notwithstanding any" to
219 27 clarify that some of the exceptions to the general 55 miles
219 28 per hour speed limit are contained within this Code section;
219 29 and supplies some missing words to complete the sentence
219 30 establishing what the appropriate speed is on various
219 31 secondary roads under certain conditions.
219 32 Code section 321.488: Strikes the word "foregoing" to
219 33 clarify that any provision within the Code chapter that
219 34 applies to the making of arrests without a warrant.
219 35 Code sections 321.506 and 461B.8: Strikes the word

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"foregoing" and adds "of this chapter" to clarify that the other qualifying language in this provision, that narrows the applicability of this provision to language relative to service of original notice of suit on nonresidents, is the controlling factor in determining the validity of service of process under Code chapters 321 and 461B.

Code section 321.376: Adds a reference to "osteopathic physician" after the word "physician" and strikes a reference to Code chapter 150A to conform with changes made by 2008 Iowa Acts, chapter 1088, in language relating to the conducting of hearing tests.

Code section 321A.7: Updates language in this provision regarding suspension of licenses until proof of financial responsibility has been filed by inserting words to clarify the meaning of certain clauses, dividing sentences currently conjoined with semicolons, and adding language that indicates that certain conditions precede the department taking certain actions under this Code section.

Code section 330A.10: Numbers a provision to eliminate unnumbered paragraphs and replaces the words "aforementioned provisions" with "subsection 1" to clarify that subsection 1 is the provision being excepted in language authorizing an authority to deposit funds in any bank or trust company if an agreement is reached with the bond holders.

Code section 331.653(27): Replaces a reference to Code section 297.28 that was inadvertently stricken in 2008 Iowa Acts, chapter 1181, section 37.

Code section 335.22: Strikes the words "the foregoing" and adds specific Code section references to Code sections 335.18 through 335.21 to clarify that the proceedings under those Code sections, in this Code chapter pertaining to county zoning, are to have preference over all other civil actions and proceedings.

Code section 358.8: Strikes the words "the foregoing" and adds specific Code section references to Code sections 358.4

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221 and 358.5 to clarify that the expenses incurred under those sections, together with the costs of the election, are to be paid by those who will be benefited by the proposed sanitary district.

Code section 358C.9: Strikes the words "the preceding" and adds specific Code section references to Code sections 358C.5 and 358C.6 to clarify that the expenses incurred under those sections, together with the costs of the election, are to be paid by those who will be benefited by the proposed real estate improvement district.

Code section 364.17(3): Renumbers and moves language relating to enforcement procedures to the end of this subsection to eliminate unnumbered paragraphs in this provision relating to enforcement of city housing code violations. The movement of the language relating to enforcement procedures may also correct an old drafting error. In both the original and reprinted versions of 1980 House File 2536, which established this Code section, the paragraph containing this language was located at the end of subsection 3. It was not until what is now paragraph "h" was added by amendment that the language appeared before the last paragraph.

Code section 384.84(2) and (3): Conforms the language toward the end of two paragraphs, relating to discontinuance of utility or enterprise services on rental property or premises, to language toward the beginning of the paragraphs which refers to the property or premises.

Code section 414.19: Strikes the words "the foregoing" and adds specific Code section references to Code sections 414.15 through 414.18 to clarify that the proceedings under those Code sections, in this Code chapter pertaining to city zoning, are to have preference over all other civil actions and proceedings.

Code section 421B.3: Changes the word "the" to the word "a" to conform to later language indicating that each

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222 1 violation of the prohibition against cigarette sales at less
222 2 than cost is treated as a new violation.
222 3 Code section 422.5: Renumbers, changes subsection lead=in
222 4 language, and corrects internal references in this provision
222 5 establishing the process for computation of personal income
222 6 tax so that the structure of the provision conforms to the
222 7 steps that must be taken to compute the tax.
222 8 Code section 422.7(12), (28), (43), and (53): Renumbers to
222 9 eliminate unnumbered paragraphs in this provision establishing
222 10 the computation mechanism for calculation of personal "net
222 11 income". Obsolete language providing for a waiver of certain
222 12 requirements under a small business tax loan program that was
222 13 phased out in the mid 1980s is deleted. A reference to a
222 14 savings refund adjustment that was eliminated by 2008 Iowa
222 15 Acts, chapter 1178, in favor of a state match adjustment, is
222 16 also deleted. References to the term "adjusted gross income"
222 17 are added in language relating to when a taxpayer may take the
222 18 increasing expensing allowance to clarify what computation is
222 19 being performed for state tax purposes.
222 20 Code section 422.12: Restructures this provision
222 21 enumerating the deductions that may be taken from personal
222 22 income tax liability by moving definitions to the beginning of
222 23 the provision and renumbering and correcting internal
222 24 references as necessary.
222 25 Code section 422.35(6), (6A), (20), and (24): Renumbers to
222 26 eliminate unnumbered paragraphs in this provision establishing
222 27 the computation mechanism for calculation of corporate "net
222 28 income". Obsolete language providing for a waiver of certain
222 29 requirements under a small business tax loan program that was
222 30 phased out in the mid 1980s is deleted. References to the
222 31 term "taxable income" are added in language relating to when a
222 32 taxpayer may take the increasing expensing allowance to
222 33 clarify what computation is being performed for state tax
222 34 purposes.
222 35 Code section 423.3(57): Combines two unnumbered paragraphs

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223 1 containing the initial portion of a definition of what
223 2 constitutes a sale of food and food ingredients that are
223 3 exempt from sales tax and conforms the terms used to the
223 4 definitions which follow the language of the new combined
223 5 paragraph.
223 6 Code sections 435.1, 435.2, 435.26, 435.34, and 435.35:
223 7 Moves language contained in definition provisions relating to
223 8 the imposition of property taxes on mobile, modular, and
223 9 manufactured homes to duplicate one provision that applies to
223 10 both manufactured home communities and mobile home parks and
223 11 to create a new Code section 435.2 that specifies when each of
223 12 the types of home is to be assessed and taxed as real estate.
223 13 Language relating to taxation of modular homes is moved from
223 14 its current location in Code section 435.34 and consolidated
223 15 with related provisions in new Code section 435.2, and the
223 16 balance of Code section 435.34, which conflicts with language
223 17 found in Code section 435.22, is eliminated by the Code
223 18 section's repeal. Language in Code section 435.35, which
223 19 conflicts with provisions in Code section 435.1, is eliminated
223 20 by that Code section's repeal, and the remainder moved to Code
223 21 section 435.26. Obsolete language relating to classification
223 22 of manufactured home communities or mobile home parks and the
223 23 applicability of the manufactured home communities or mobile
223 24 home parks residential landlord and tenant Act is stricken.
223 25 Code sections 437A.3, 437A.15, and 437A.19: Renumbers Code
223 26 section 437A.19 to eliminate unnumbered paragraphs and
223 27 corrects several internal references to subsections within
223 28 Code section 437A.19 that appear in Code sections 437A.3 and
223 29 437A.15. The reference changes contained in subsection 29 of
223 30 Code section 437A.3 and 437A.15, subsection 3, are based on
223 31 the renumbering changes in Code section 437A.19. The internal
223 32 reference change and strike of additional in Code section
223 33 437A.15, subsection 3, paragraph "a", correct a drafting error
223 34 made in 2007 Iowa Acts, chapter 150, when Code section
223 35 437A.19, subsection 2, paragraph "b", was amended and

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224 1 subparagraph (2) was deleted.
224 2 Code section 450.7(1): Redrafts an initial exception as a
224 3 limitation and renumbers this provision to eliminate
224 4 unnumbered paragraphs.
224 5 Code section 455A.8: Breaks the membership of the Brushy
224 6 creek recreation trails advisory board out into a numbered
224 7 list and clarifies which of the 10 members of the board are
224 8 voting and which are ex officio nonvoting members.
224 9 Code section 455B.191: Reorganizes and clarifies this
224 10 pollution and hazardous substance control provision by moving
224 11 the definition of "hazardous substance" to the beginning of
224 12 the Code section, renumbering the provision, breaking the
224 13 enumeration of prohibited acts into a numbered list, and
224 14 segregating the applicable penalties into separate provisions.
224 15 Code section 455G.4(6): Changes the name of the senate
224 16 committee to which the report relating to claims against the
224 17 Iowa comprehensive underground storage tank fund must be
224 18 submitted, to conform this provision to the changes made
224 19 during the 2009 Session of the 83rd General Assembly to the
224 20 name and duties of the former senate committee on natural
224 21 resources and environment.
224 22 Code section 456A.26: Strikes the words "The foregoing
224 23 sections" and inserts references to Code sections 456A.23
224 24 through 456A.25 to clarify which provisions are not to be
224 25 construed as authorizing the commission to change any penalty
224 26 for violations of game laws, license fees, or change open
224 27 seasons or bag limits for any fish, game, bird, or fur=bearing
224 28 animal.
224 29 Code section 476.6(20): Strikes an obsolete subsection
224 30 that refers to the replacement tax study committee. The
224 31 committee began meeting in 2000, concluded its business in
224 32 2007, and submitted its final report on November 15, 2007.
224 33 Code section 483A.27: Adds words to clarify that a hunter
224 34 safety and ethics education course from another state,
224 35 country, or province that meets the international hunter

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225 1 education standards is valid for purposes of meeting the
225 2 requirements for a hunting license in Iowa and that a
225 3 "department=approved" hunter safety and ethics education
225 4 course or shooting sports activities course is what an
225 5 instructor certified by the department may conduct on public
225 6 school property if the proper school board approval is
225 7 obtained.
225 8 Code section 489.108(3): Strikes language and adds the
225 9 word "either" to conform this provision, that specifies two
225 10 situations in which the secretary of state shall authorize the
225 11 use of a noncompliant name by a limited liability company, to
225 12 standard language used to indicate when only two alternatives
225 13 are available under a statute.
225 14 Code section 489.702(5): Corrects in subsection 5,
225 15 paragraph "b", of this Code section an internal reference to
225 16 the provision in which a person is appointed to wind up the
225 17 activities of a limited liability company. The appointment
225 18 provisions are found in subsection 4, not subsection 3.
225 19 Code section 489.1203(10) and (11): Corrects incorrect
225 20 citations to the language that specifies when distributions by
225 21 a limited liability company series are not permissible. The
225 22 listing of situations that was intended to be cited is
225 23 contained in subsection 5 of this Code section, not in Code
225 24 section 489.405.
225 25 Code section 490.831(1): Changes the word "precludes" to
225 26 "does not preclude" in this provision relating to the
225 27 liability of directors of corporations to the corporation or
225 28 to the corporation's shareholders to conform the codified
225 29 version of this provision to the meaning of this provision in
225 30 the language of the original model Act.
225 31 Code section 496C.14: Renumbers this provision to
225 32 eliminate unnumbered paragraphs, strikes the words "the
225 33 foregoing provisions of this section", and adds the words
225 34 "subsections 1 through 4" to clarify when purchase of shares
225 35 of a corporate shareholder is required.

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Code section 499.36A(1): Substitutes the word "association" for the word "cooperative" to conform this last sentence, relating to when an association director is not liable because of having performed director's duties, to the initial sentence that requires discharge of duties in good faith.

Code section 502.602(3): Adds the word "or" to this provision to clarify where the correct end of the series describing when the commissioner of insurance may apply to the district court under the uniform securities Act to enforce compliance with a subpoena.

Code section 505.8(7): Adds "and osteopathic physicians" after the word "physicians" and strikes the references to Code chapters "150, and 150A" to conform with changes made by 2008 Iowa Acts, chapter 1088, to place osteopathic physicians under the same Code chapter 148 licensing procedures and authority of the board of medicine as physicians who have a diploma from a medical college and have passed the required examinations and to repeal the Code chapters under which osteopathic physicians were previously regulated.

Code section 520.14: Strikes the word "foregoing" and adds references to Code sections 520.2 through 520.13 to clarify which Code sections an attorney must comply with before an attorney can exchange reciprocal or interinsurance contracts or solicit or negotiate applications for reciprocal or interinsurance contracts.

Code section 541A.3: Adds the word "savings" between the words "state" and "match" to conform the terminology used to describe the payments made by the state to holders of individual development accounts to the correct term: "state savings match".

Code section 554.10103: Strikes a reference to "the following" section, which was repealed by 2007 Iowa Acts, chapter 30, and replaces it with a reference to Code section 554.7103, which is the successor statute to former Code

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227 1 section 554.10104.
227 2 Code section 556F.17: Replaces the word "aforesaid" with
227 3 "provided in this chapter" and "same according to the
227 4 foregoing provisions" with "property" to clarify that any
227 5 property that is found or recovered and may be considered
227 6 abandoned under Code chapter 556F cannot be traded, sold,
227 7 loaned, or taken out of the state by the finder until the
227 8 person has the right to do so or the person forfeits the right
227 9 to the property.
227 10 Code section 602.10111: Strikes the words "the foregoing
227 11 provisions of" and leaves the words "this article" to clarify
227 12 what procedures an out=of=state attorney must comply with in
227 13 order to appear as an attorney in state court in Iowa.
227 14 Code section 692.18: Numbers this provision and conforms
227 15 the language in what is numbered as subsection 2 to
227 16 confidentiality provisions found in Code section 22.7 that
227 17 relate to confidentiality of intelligence data under the
227 18 public records law, Code chapter 22.
227 19 Code section 707.7: Numbers this provision, moves
227 20 exclusionary language to the end of this provision prohibiting
227 21 feticide, and conforms the language of these provisions to
227 22 changes made by 2008 Iowa Acts, chapter 1088, which placed
227 23 osteopathic physicians under the same Code chapter 148
227 24 licensing procedures and authority of the board of medicine as
227 25 physicians who have a diploma from a medical college and have
227 26 passed the required examinations and repealed the Code
227 27 chapters under which osteopathic physicians were previously
227 28 regulated.
227 29 Code section 714.8(18): Changes the word "price" to
227 30 "product" in two places in definition of the term "universal
227 31 price code label" to correct the term and to conform to
227 32 terminology used elsewhere in the Code.
227 33 Code section 714E.1(3): Changes the word "from" to "for"
227 34 to clarify that the foreclosure consultant is attempting to
227 35 obtain a forbearance, modification, or repayment plan on

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228 1 behalf of a beneficiary or mortgagee.
228 2 Code section 714E.4(1): Clarifies that the enumerated
228 3 actions, if taken by a foreclosure consultant, are a violation
228 4 of Code chapter 714E.
228 5 Code section 714F.3(2): Clarifies language relating to
228 6 survival of a foreclosure reconveyance contract and conforms a
228 7 Code reference to the language specifying the requirements for
228 8 those contracts to an earlier reference in this Code section
228 9 to those same contract requirements.
228 10 Code section 714F.6: Splits a run=on sentence and rewrites
228 11 the latter half of the sentence to clarify the form a waiver
228 12 of a foreclosed homeowner's right to cancel must take.
228 13 Code section 714F.9(2): Strikes the words "of any amount"
228 14 to conform to later language in this provision that sets
228 15 threshold limits on the amount of exemplary damages that may
228 16 be awarded by the court.
228 17 Code section 728.15: Restructures this provision to move a
228 18 definition of the word "person" to the beginning of the Code
228 19 section, conform internal uses of terminology and grammar,
228 20 breaks the elements of the offense into a numeric list, and
228 21 places the penalty provisions in a list in a subsection at the
228 22 end of this Code section.
228 23 Code section 805.8B: Changes, in two paragraphs in
228 24 subsections 2 and 2A, the word "identification" to "decal" to
228 25 conform to a terminology change that was made in Code sections
228 26 321G.5 and 321I.6 by 2007 Iowa Acts, chapter 141.
228 27 Code section 820.11: Strikes a reference to "the last"
228 28 section and replaces it with a reference to Code section
228 29 820.10 to clarify which Code section, if disobeyed, would be
228 30 deemed a simple misdemeanor.
228 31 2008 Iowa Acts, chapter 1130, section 4 (Code section
228 32 35B.6(1)): Moves a phrase in this Iowa Act which prohibits
228 33 the employment of members of a county commission of veteran
228 34 affairs by the commission to be a part of language relating to
228 35 the power of the commission to employ certain persons. As a

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229 1 result of amendments made in this section of this Act, the
229 2 sentence which related to the powers of the county commissions
229 3 was split in two and this phrase was inadvertently made a part
229 4 of language relating to the compensation of employees of the
229 5 commission.
229 6 2008 Iowa Acts, chapter 1130, section 7 (Code section
229 7 35B.14): Clarifies a series which permits a county board of
229 8 supervisors to appropriate funds for the expenses of food,
229 9 clothing, shelter, utilities, medical benefits, and a funeral
229 10 for veterans, their surviving spouses, and minor children who
229 11 reside in the county. The inclusion of new language in this
229 12 section of this Act relating to appropriation of funds for
229 13 training for an executive director of a county commission of
229 14 veteran affairs inadvertently disrupted the original series
229 15 which clearly allowed the appropriation for the latter
229 16 expenses.
229 17 2008 Iowa Acts, chapter 1191, section 109: Corrects a
229 18 lead=in to this Act so that it correctly reflects the addition
229 19 of a new paragraph "n" to subsection 5 of Code section 257.31,
229 20 not Code section 257.11. Subsection 5 of Code section 257.11
229 21 contains only two lettered paragraphs, and section 108 of this
229 22 same Act refers to the addition of the language relating to
229 23 the submission of requests to the school budget review
229 24 committee by school districts on the basis of language added
229 25 to Code section 257.31, subsection 5, paragraph "n". This
229 26 section of this Act is effective upon enactment and applies
229 27 retroactively to July 1, 2008.
229 28 Code sections 147.57 and 147.114: Requires the Code editor
229 29 to transfer Code section 147.57, which pertains to dental
229 30 hygienists, and Code section 147.114, which pertains to
229 31 inspectors appointed by the dental board, to appropriate
229 32 locations in Code chapter 153, which pertains to the practice
229 33 of dentistry.
229 34 Code sections 216.18 and 216.18A: Requires the Code editor
229 35 to transfer Code section 216.18A to become subsection 2 of

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Code section 216.18 and to number the first paragraph in Code section 216.18 as subsection 1. The Code editor is also directed to correct any internal references necessary to complete the transfer.

DIVISION II. Restructures, numbers, and renumbers provisions in volume II of the Code and in scattered locations in other Code volumes. Occasionally, minor changes are made in text to conform to existing style of a Code section when language is moved within a Code section or from one Code section to another location.

DIVISION III. Makes internal reference changes based on the numbering, renumbering, and restructuring of Code sections elsewhere in this Act.

DIVISION IV. Contains effective date and applicability provisions.

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