

Senate File 474 - Reprinted

SENATE FILE 474
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1169)

(As Amended and Passed by the Senate March 10, 2011)

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and
2 including effective date and retroactive applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

NONSUBSTANTIVE CHANGES

1
2
3 Section 1. Section 8.57, subsection 6, paragraph e,
4 subparagraph (1), subparagraph division (d), subparagraph
5 subdivision (i), Code 2011, is amended to read as follows:

6 (i) The total moneys in excess of the moneys deposited
7 in the revenue bonds debt service fund, the revenue bonds
8 federal ~~holdback~~ subsidy holdback fund, the vision Iowa fund,
9 the school infrastructure fund, and the general fund of the
10 state in a fiscal year shall be deposited in the rebuild Iowa
11 infrastructure fund and shall be used as provided in this
12 section, notwithstanding section 8.60.

13 Sec. 2. Section 8A.311, subsection 14, paragraph b, Code
14 2011, is amended to read as follows:

15 b. The procurement by state agencies of ~~bio-based~~ biobased
16 hydraulic fluids, greases, and other industrial lubricants
17 manufactured from soybeans in accordance with the requirements
18 of section 8A.316.

19 Sec. 3. Section 8A.316, subsection 4, paragraph a, Code
20 2011, is amended to read as follows:

21 a. Provide that when purchasing hydraulic fluids, greases,
22 and other industrial lubricants, the department or a state
23 agency authorized by the department to directly purchase
24 hydraulic fluids, greases, and other industrial lubricants
25 shall give preference to purchasing ~~bio-based~~ biobased
26 hydraulic fluids, greases, and other industrial lubricants
27 manufactured from soybeans.

28 Sec. 4. Section 8A.316, subsection 4, paragraph c,
29 subparagraph (1), Code 2011, is amended to read as follows:

30 (1) ~~"Bio-based~~ "Biobased hydraulic fluids, greases, and
31 other industrial lubricants" means the same as defined by the
32 United States department of agriculture, if the department has
33 adopted such a definition. If the United States department of
34 agriculture has not adopted a definition, ~~"bio-based~~ "biobased
35 hydraulic fluids, greases, and other industrial lubricants" means

1 hydraulic fluids, greases, and other lubricants containing a
2 minimum of fifty-one percent soybean oil.

3 Sec. 5. Section 8D.3, subsection 2, Code 2011, is amended
4 to read as follows:

5 2. *Members.*

6 a. The commission is composed of five members appointed
7 by the governor and subject to confirmation by the senate.
8 Members of the commission shall not serve in any manner or be
9 employed by an authorized user of the network or by an entity
10 seeking to do or doing business with the network.

11 ~~a.~~ (1) The governor shall appoint a member as the
12 chairperson of the commission from the five members appointed
13 by the governor, subject to confirmation by the senate.

14 ~~b.~~ (2) Members of the commission shall serve six-year
15 staggered terms as designated by the governor and appointments
16 to the commission are subject to the requirements of sections
17 69.16, 69.16A, and 69.19. Vacancies shall be filled by the
18 governor for the duration of the unexpired term.

19 ~~c.~~ (3) The salary of the members of the commission shall
20 be twelve thousand dollars per year, except that the salary of
21 the chairperson shall be seventeen thousand dollars per year.
22 Members of the commission shall also be reimbursed for all
23 actual and necessary expenses incurred in the performance of
24 duties as members. The benefits and salary paid to the members
25 of the commission shall be adjusted annually equal to the
26 average of the annual pay adjustments, expense reimbursements,
27 and related benefits provided under collective bargaining
28 agreements negotiated pursuant to chapter 20.

29 ~~d. Meetings of the commission shall be held at the call of~~
30 ~~the chairperson of the commission.~~

31 b. In addition to the members appointed by the governor,
32 the auditor of state or the auditor's designee shall serve as a
33 nonvoting, ex officio member of the commission.

34 c. Meetings of the commission shall be held at the call of
35 the chairperson of the commission.

1 Sec. 6. Section 12.87, subsection 1, Code 2011, is amended
2 to read as follows:

3 1. a. The treasurer of state is authorized to issue and
4 sell bonds on behalf of the state to provide funds for certain
5 infrastructure projects and for purposes of the Iowa jobs
6 program established in section 16.194. The treasurer of state
7 shall have all of the powers which are necessary or convenient
8 to issue, sell, and secure bonds and carry out the treasurer of
9 state's duties, and exercise the treasurer of state's authority
10 under this section and sections 12.88 through 12.90. The
11 treasurer of state may issue and sell bonds in such amounts as
12 the treasurer of state determines to be necessary to provide
13 sufficient funds for certain infrastructure projects and the
14 revenue bonds capitals fund, the revenue bonds capitals II
15 fund, the payment of interest on the bonds, the establishment
16 of reserves to secure the bonds, the payment of costs of
17 issuance of the bonds, the payment of other expenditures of
18 the treasurer of state incident to and necessary or convenient
19 to carry out the issuance and sale of the bonds, and the
20 payment of all other expenditures of the treasurer of state
21 necessary or convenient to administer the funds and to carry
22 out the purposes for which the bonds are issued and sold.
23 The treasurer of state may issue and sell bonds in one or
24 more series on the terms and conditions the treasurer of
25 state determines to be in the best interest of the state, in
26 accordance with this section in such amounts as the treasurer
27 of state determines to be necessary to fund the purposes for
28 which such bonds are issued and sold as follows:

29 ~~a.~~ b. The treasurer of state may issue and sell bonds in
30 amounts which provide aggregate net proceeds of not more than
31 six hundred ninety-five million dollars, excluding any bonds
32 issued and sold to refund outstanding bonds issued under this
33 section, as follows:

34 (1) On or after July 1, 2009, the treasurer of state may
35 issue and sell bonds in amounts which provide aggregate net

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

6 (2) On or after July 1, 2009, the treasurer of state
7 may issue and sell bonds in amounts which provide aggregate
8 net proceeds of not more than three hundred sixty million
9 dollars for purposes of the Iowa jobs program established
10 in section 16.194 and for watershed flood rebuilding and
11 prevention projects, soil conservation projects, sewer
12 infrastructure projects, for certain housing and public service
13 shelter projects and public broadband and alternative energy
14 projects, and for projects relating to bridge safety and the
15 rehabilitation of deficient bridges.

16 (3) On or after April 1, 2010, the treasurer of state may
17 issue and sell bonds in amounts which provide aggregate net
18 proceeds of not more than one hundred fifty million dollars
19 for purposes of the Iowa jobs II program established in
20 section 16.194A and for qualified projects in the departments
21 of agriculture and land stewardship, economic development,
22 education, natural resources, and transportation, and the Iowa
23 finance authority, state board of regents, and treasurer of
24 state.

25 Sec. 7. Section 12.89A, subsection 5, Code 2011, is amended
26 to read as follows:

27 5. At any time during each fiscal year that there are moneys
28 on deposit in the revenue bonds federal subsidy holdback fund
29 that are not needed to pay principal and interest on federal
30 subsidy bonds during such fiscal year as determined by the
31 treasurer of state or the treasurer's designee, such moneys on
32 deposit in the revenue bonds federal subsidy holdback ~~account~~
33 fund shall be credited to the rebuild Iowa infrastructure fund
34 of the state.

35 Sec. 8. Section 29C.20B, subsection 2, paragraph f, Code

1 2011, is amended to read as follows:

2 *f.* ~~Develop~~ Development of formal working relationships with
3 agencies and ~~create~~ creation of interagency agreements for
4 those considered to provide disaster case management services.

5 Sec. 9. Section 34A.15, subsection 1, paragraph f, Code
6 2011, is amended to read as follows:

7 *f.* One person appointed by the Iowa ~~firemen's~~ firefighters
8 association.

9 Sec. 10. Section 88.19, Code 2011, is amended to read as
10 follows:

11 **88.19 Annual report.**

12 Within one hundred twenty days following the convening
13 of each session of each general assembly, the commissioner
14 shall prepare and submit to the governor for transmittal to
15 the general assembly a report upon the subject matter of
16 this chapter, the progress toward achievement of the purpose
17 of this chapter, the needs and requirements in the field
18 of occupational safety and health, and any other relevant
19 information. Such reports may include information regarding
20 occupational safety and health standards, and criteria for such
21 standards, developed during the preceding year; evaluation of
22 standards and criteria previously developed under this chapter,
23 defining areas of emphasis for new criteria and standards;
24 ~~and~~ evaluation of the degree of observance of applicable
25 occupational safety and health standards, and a summary of
26 inspection and enforcement activity undertaken; analysis and
27 evaluation of research activities for which results have been
28 obtained under governmental and nongovernmental sponsorship;
29 an analysis of major occupational diseases; evaluation of
30 available control and measurement technology for hazards for
31 which standards or criteria have been developed during the
32 preceding year; a description of cooperative efforts undertaken
33 between government agencies and other interested parties in
34 the implementation of this chapter during the preceding year;
35 a progress report on the development of an adequate supply

1 of trained personnel in the field of occupational safety and
2 health, including estimates of future needs and the efforts
3 being made by government and others to meet those needs; a
4 listing of all toxic substances in industrial usage for which
5 labeling requirements, criteria, or standards have not yet
6 been established; and such recommendations for additional
7 legislation as are deemed necessary to protect the safety and
8 health of the worker and improve the administration of this
9 chapter.

10 Sec. 11. Section 89.6, subsection 2, Code 2011, is amended
11 to read as follows:

12 2. Before any power boiler is converted to a low pressure
13 boiler, the owner or user shall give to the commissioner ten
14 days' written notice of intent to convert the boiler ~~to the~~
15 ~~commissioner~~. The notice shall designate the boiler location,
16 the uses of the building, and other information specified by
17 rule by the board.

18 Sec. 12. Section 97C.2, subsections 3 and 6, Code 2011, are
19 amended to read as follows:

20 3. The term "*employment*" means any service performed by
21 an employee in the employ of the state, or any political
22 subdivision thereof, for such employer, except ~~(1)~~ service
23 which in the absence of an agreement entered into under this
24 chapter would constitute "*employment*" as defined in the Social
25 Security Act; or ~~(2)~~ service which under the Social Security
26 Act may not be included in an agreement between the state and
27 the federal security administrator entered into under this
28 chapter.

29 6. The term "*political subdivision*" includes an
30 instrumentality ~~(a)~~ of the state of Iowa, ~~(b)~~ of one or more of
31 its political subdivisions, or ~~(c)~~ of the state and one or more
32 of its political subdivisions, but only if such instrumentality
33 is a juristic entity which is legally separate and distinct
34 from the state or subdivision and only if its employees are not
35 by virtue of their relation to such juristic entity employees

1 of the state or subdivisions.

2 Sec. 13. Section 97C.4, Code 2011, is amended to read as
3 follows:

4 **97C.4 Other states — joint agreements.**

5 Any instrumentality jointly created by this state and
6 any other state or states is hereby authorized, upon the
7 granting of like authority by such other state or states,
8 ~~(1)~~ to enter into an agreement with the federal security
9 administrator whereby the benefits of the federal old-age and
10 survivors' insurance system shall be extended to employees
11 of such instrumentality, ~~(2)~~ to require its employees to pay
12 ~~(and, and for that purpose to deduct from their wages)~~ wages,
13 contributions equal to the amounts which they would be required
14 to pay under section 97C.5 if they were covered by an agreement
15 made pursuant to section 97C.3, and ~~(3)~~ to make payments to the
16 secretary of the treasury in accordance with such agreement,
17 including payments from its own funds, and otherwise to comply
18 with such agreements. Such agreement shall, to the extent
19 practicable, be consistent with the terms and provisions of
20 section 97C.3 and other provisions of this chapter.

21 Sec. 14. Section 100B.1, subsection 1, paragraph a,
22 subparagraph (1), subparagraph division (a), Code 2011, is
23 amended to read as follows:

24 (a) Two members from a list submitted by the Iowa ~~firemen's~~
25 firefighters association.

26 Sec. 15. Section 101C.3, subsection 3, paragraph b, Code
27 2011, is amended to read as follows:

28 *b.* A volunteer fire fighter designated by the Iowa ~~firemen's~~
29 firefighters association.

30 Sec. 16. Section 135.159, subsection 3, paragraph i, Code
31 2011, is amended to read as follows:

32 *i.* For children, coordinate with and integrate guidelines,
33 data, and information from existing newborn and child health
34 programs and entities, including but not limited to the healthy
35 opportunities for parents to experience success — healthy

1 families Iowa program, the early childhood Iowa initiative,
2 the center for congenital and inherited disorders screening
3 and health care programs, standards of care for pediatric
4 health guidelines, the office of minority and multicultural
5 health established in section 135.12, the oral health bureau
6 established in section 135.15, and other similar programs and
7 services.

8 Sec. 17. Section 136.1, Code 2011, is amended to read as
9 follows:

10 **136.1 Composition of board.**

11 1. The state board of health shall consist of the following
12 members:

13 a. Two members learned in health-related disciplines, ~~three.~~

14 b. Three members who have direct experience with public
15 health, ~~two.~~

16 c. Two members who have direct experience with substance
17 abuse treatment or prevention, ~~and four.~~

18 d. Four members representing the general public.

19 2. At least one of such members shall be licensed in the
20 practice of medicine and surgery or osteopathic medicine and
21 surgery under chapter 148.

22 Sec. 18. Section 147A.2, subsection 1, Code 2011, is amended
23 to read as follows:

24 1. An EMS advisory council shall be appointed by the
25 director. Membership of the council shall be comprised of
26 individuals nominated from, but not limited to, the following
27 state or national organizations: Iowa osteopathic medical
28 association, Iowa medical society, American college of
29 emergency physicians, Iowa physician assistant society, Iowa
30 academy of family physicians, university of Iowa hospitals
31 and clinics, American academy of emergency medicine, American
32 academy of pediatrics, Iowa EMS association, Iowa ~~firemen's~~
33 firefighters association, Iowa professional firefighters,
34 EMS education programs committee, Iowa nurses association,
35 Iowa hospital association, and the Iowa state association of

1 counties. The council shall also include at least two at-large
2 members who are volunteer emergency medical care providers and
3 a representative of a private service program.

4 Sec. 19. Section 159A.3, subsection 2, paragraph h, Code
5 2011, is amended to read as follows:

6 *h.* ~~Approve~~ Approving a renewable fuel which may be used as a
7 flexible fuel powering a motor vehicle required to be purchased
8 by state agencies.

9 Sec. 20. Section 252B.20, subsection 13, Code 2011, is
10 amended to read as follows:

11 13. For the purposes of chapter 252H, subchapter II,
12 regarding the criteria for a review ~~under subchapter II of~~
13 ~~that chapter~~ or for a cost-of-living alteration under chapter
14 252H, subchapter IV ~~of that chapter~~, if a support obligation is
15 terminated or reinstated under this section, such termination
16 or reinstatement shall not be considered a modification of the
17 support order.

18 Sec. 21. Section 260C.19B, Code 2011, is amended to read as
19 follows:

20 **260C.19B Purchase of ~~bio-based~~ biobased hydraulic fluids,**
21 **greases, and other industrial lubricants.**

22 Hydraulic fluids, greases, and other industrial lubricants
23 purchased by or used under the direction of the board of
24 directors to provide services to a merged area shall be
25 purchased in compliance with the preference requirements for
26 purchasing ~~bio-based~~ biobased hydraulic fluids, greases, and
27 other industrial lubricants as provided pursuant to section
28 8A.316.

29 Sec. 22. Section 262.25B, Code 2011, is amended to read as
30 follows:

31 **262.25B Purchase of ~~bio-based~~ biobased hydraulic fluids,**
32 **greases, and other industrial lubricants.**

33 The state board of regents and institutions under the
34 control of the board purchasing hydraulic fluids, greases, and
35 other industrial lubricants shall give preference to purchasing

1 ~~bio-based~~ biobased hydraulic fluids, greases, and other
2 industrial lubricants as provided in section 8A.316.

3 Sec. 23. Section 282.6, subsection 2, Code 2011, is amended
4 to read as follows:

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

18 Sec. 24. Section 285.5, subsection 1, paragraph a, Code
19 2011, is amended to read as follows:

20 a. Contracts for school bus service with private parties
21 shall be in writing and be for the transportation of children
22 who attend public school and children who attend nonpublic
23 school. Such contracts shall define the route, the length of
24 time, service contracted for, the compensation, and the vehicle
25 to be used. The contract shall prescribe the duties of the
26 contractor and driver of the vehicles and shall provide that
27 every person in charge of a vehicle conveying children to and
28 from school shall be at all times subject to any rules said
29 board shall adopt for the protection of the children, or to
30 govern the conduct of the persons in charge of said conveyance.
31 Contracts may be made for a period not to exceed three years.

32 Sec. 25. Section 306B.1, subsections 3 and 4, Code 2011, are
33 amended to read as follows:

34 3. "*Interstate system*" means the system of highways as
35 ~~defined~~ described in ~~Tit. 23 U.S.C. 103, subsection "e"~~ § 103(c)

1 or amendments thereto.

2 4. "*National policy*" means the provisions relating to
3 control of advertising devices adjacent to the interstate
4 system contained in ~~Tit.~~ 23 U.S.C. § 131 or amendments thereto
5 and the national standards promulgated pursuant to such
6 provisions.

7 Sec. 26. Section 306C.10, subsection 9, Code 2011, is
8 amended to read as follows:

9 9. "*Information center*" means a site, either with or without
10 structures or buildings, established and maintained at a rest
11 area for the purpose of providing "~~information~~ specific
12 information of ~~specific~~ interest to the traveling public", as
13 defined in subsection 18.

14 Sec. 27. Section 313.4, subsection 2, Code 2011, is amended
15 to read as follows:

16 2. Such fund is also appropriated and shall be used for the
17 construction, reconstruction, improvement and maintenance of
18 state institutional roads and state park roads and bridges on
19 such roads and roads and bridges on community college property
20 as provided in ~~subsection 11~~ of section 307A.2, subsection 11,
21 for restoration of secondary roads used as primary road detours
22 and for compensation of counties for such use, for restoration
23 of municipal streets so used and for compensation of cities for
24 such use, and for the payments required in section 307.45.

25 Sec. 28. Section 321.178, subsection 2, paragraph a,
26 subparagraph (1), Code 2011, is amended to read as follows:

27 (1) A person between sixteen and eighteen years of age who
28 has completed an approved ~~driver's~~ driver education course and
29 is not in attendance at school and has not met the requirements
30 described in section 299.2, subsection 1, may be issued a
31 restricted license only for travel to and from work or to
32 transport dependents to and from temporary care facilities,
33 if necessary for the person to maintain the person's present
34 employment. The restricted license shall be issued by the
35 department only upon confirmation of the person's employment

1 and need for a restricted license to travel to and from work or
2 to transport dependents to and from temporary care facilities
3 if necessary to maintain the person's employment. The employer
4 shall notify the department if the employment of the person is
5 terminated before the person attains the age of eighteen.

6 Sec. 29. Section 321.178, subsection 3, paragraph b,
7 subparagraph (4), Code 2011, is amended to read as follows:

8 (4) The minor must pass the written and driving skills tests
9 as required by the department, but is not required to have
10 taken a ~~driver's~~ driver education class.

11 Sec. 30. Section 321.188, subsection 1, paragraphs a and c,
12 Code 2011, are amended to read as follows:

13 a. Certify whether the applicant is subject to and meets
14 applicable driver qualifications of 49 C.F.R. ~~part~~ pt. 391 as
15 adopted by rule by the department.

16 c. Successfully pass knowledge tests and driving skills
17 tests which the department shall require by rule. The rules
18 adopted shall substantially comply with the federal minimum
19 testing and licensing requirements in 49 C.F.R. ~~part~~ pt.
20 383, ~~subparts~~ subpt. E, G, and H as adopted by rule by the
21 department. Except as required under 49 C.F.R. ~~part~~ pt. 383,
22 ~~subpart~~ subpt. E, G, or H, a commercial driver's license is
23 renewable without a driving skills test within one year after
24 its expiration date.

25 Sec. 31. Section 321J.2, subsection 5, paragraph d, Code
26 2011, is amended to read as follows:

27 d. Assignment to substance abuse evaluation and treatment, a
28 course for drinking drivers, and, if available and appropriate,
29 a reality education substance abuse prevention program pursuant
30 to section 321J.24.

31 Sec. 32. Section 323A.2, subsection 1, paragraph b, Code
32 2011, is amended to read as follows:

33 b. The franchisee has requested and has been denied delivery
34 of motor fuel sold or distributed under the trademark named in
35 the franchise from a person other than the franchisor.

1 Sec. 33. Section 336.16, subsection 3, Code 2011, is amended
2 to read as follows:

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

16 Sec. 34. Section 360.1, Code 2011, is amended to read as
17 follows:

18 **360.1 Election.**

19 1. The trustees, on a petition of a majority of the
20 resident freeholders of any civil township, shall request the
21 county commissioner of elections to submit the question of
22 building or acquiring by purchase, or acquiring by a lease with
23 purchase option, a public hall to the electors thereof. The
24 county commissioner shall conduct the election pursuant to the
25 applicable provisions of chapters 39 to 53 and certify the
26 result to the trustees.

27 2. The form of the proposition shall be: "Shall the
28 proposition to levy a tax of ... cents per thousand dollars of
29 assessed value for the erection of a public hall be adopted?"

30 3. Notice of the election shall be given as provided by
31 chapter 49.

32 Sec. 35. Section 364.4, subsection 4, paragraph e,
33 subparagraph (2), subparagraph division (b), Code 2011, is
34 amended to read as follows:

35 (b) (i) If at any time before the end of the thirty-day

1 period after which a meeting may be held to take action to
2 enter into the lease or lease-purchase contract, a petition
3 is filed with the clerk of the city in the manner provided
4 by section 362.4, asking that the question of entering into
5 the lease or lease-purchase contract be submitted to the
6 registered voters of the city, the governing body shall either
7 by resolution declare the proposal to enter into the lease or
8 lease-purchase contract to have been abandoned or shall direct
9 the county commissioner of elections to call a special election
10 upon the question of entering into the lease or lease-purchase
11 contract. However, for purposes of this subparagraph, the
12 petition shall not require signatures in excess of one thousand
13 persons.

14 (ii) The question to be placed on the ballot shall be stated
15 affirmatively in substantially the following manner: Shall the
16 city of enter into a lease or lease-purchase contract
17 in amount of \$.... for the purpose of?

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

20 Sec. 36. Section 400.2, subsection 2, paragraph a, Code
21 2011, is amended to read as follows:

22 a. Sell ~~to~~, or in any manner become parties, directly or
23 indirectly, to any contract to furnish supplies, material, or
24 labor to the city unless the sale is made or the contract is
25 awarded by competitive bid in writing, publicly invited and
26 opened.

27 Sec. 37. Section 403.19A, subsection 3, paragraph c,
28 subparagraph (1), Code 2011, is amended to read as follows:

29 (1) The pilot project city shall enter into a withholding
30 agreement with each employer concerning the targeted jobs
31 withholding credit. The withholding agreement shall provide
32 for the total amount of withholding ~~tax~~ credits awarded. An
33 agreement shall not provide for an amount of withholding
34 credits that exceeds the amount of the qualifying investment
35 made in the project. An agreement shall not be entered into

1 by a pilot project city with a business currently located in
2 this state unless the business either creates ten new jobs or
3 makes a qualifying investment of at least five hundred thousand
4 dollars within the urban renewal area. The withholding
5 agreement may have a term of up to ten years. An employer
6 shall not be obligated to enter into a withholding agreement.
7 An agreement shall not be entered into with an employer not
8 already located in a pilot project city when another Iowa
9 community is competing for the same project and both the
10 pilot project city and the other Iowa community are seeking
11 assistance from the department.

12 Sec. 38. Section 403.19A, subsection 3, paragraph f, Code
13 2011, is amended to read as follows:

14 *f.* If the employer ceases to meet the requirements of the
15 withholding agreement, the agreement shall be terminated and
16 any withholding ~~tax~~ credits for the benefit of the employer
17 shall cease. However, in regard to the number of new jobs that
18 are to be created, if the employer has met the number of new
19 jobs to be created pursuant to the withholding agreement and
20 subsequently the number of new jobs falls below the required
21 level, the employer shall not be considered as not meeting the
22 new job requirement until eighteen months after the date of the
23 decrease in the number of new jobs created.

24 Sec. 39. Section 403A.21, Code 2011, is amended to read as
25 follows:

26 **403A.21 Cooperation in undertaking housing projects.**

27 1. For the purpose of aiding and cooperating in the
28 planning, undertaking, construction or operation of housing
29 projects located within the area in which it is authorized to
30 act, any state public body may upon such terms, with or without
31 consideration, as it may determine:

32 ~~1.~~ a. Dedicate, sell, convey or lease any of its interest
33 in any property or grant easements, licenses or any other
34 rights or privileges therein to any municipality, or to the
35 federal government.

1 2- b. Cause parks, playgrounds, recreational community,
2 educational, water, sewer or drainage facilities or any other
3 works which it is otherwise empowered to undertake, to be
4 furnished adjacent to or in connection with housing projects.

5 3- c. Furnish, dedicate, close, pave, install, grade,
6 regrade, plan or replan streets, roads, roadways, alleys,
7 sidewalks or other places which it is otherwise empowered to
8 undertake.

9 4- d. Cause services to be furnished for housing projects
10 of the character which such state public body is otherwise
11 empowered to furnish.

12 5- e. Enter into agreements with respect to the exercise
13 by such state public body of its powers relating to the
14 repair, elimination or closing of unsafe, insanitary or unfit
15 dwellings.

16 6- f. Do any and all things necessary or convenient to aid
17 and cooperate in the planning, undertaking, construction or
18 operation of such housing projects.

19 7- g. Incur the entire expense of any public improvements
20 made by such state public body in exercising the powers granted
21 in this chapter.

22 8- h. Enter into agreements ~~(which, which~~ may extend
23 over any period, notwithstanding any provision or rule of law
24 to the ~~contrary)~~ contrary, with any municipality respecting
25 action to be taken by such state public body pursuant to any
26 of the powers granted by this chapter. If at any time title
27 to, or possession of, any project is held by any public body
28 or governmental agency authorized by law to engage in the
29 development or administration of municipal housing or slum
30 clearance projects, including any agency or instrumentality of
31 the United States of America, the provisions of such agreements
32 shall inure to the benefit of and may be enforced by such
33 public body or governmental agency.

34 9- 2. Any law or statute to the contrary notwithstanding,
35 any sale, conveyance, lease or agreement provided for in this

1 section may be made by a state public body without appraisal,
2 public notice, advertisement, or public bidding.

3 Sec. 40. Section 422.32, Code 2011, is amended to read as
4 follows:

5 **422.32 Definitions.**

6 1. For the purpose of this division and unless otherwise
7 required by the context:

8 ~~1. a.~~ a. ~~The term "affiliated~~ "Affiliated group" means a group
9 of corporations as defined in section 1504(a) of the Internal
10 Revenue Code.

11 ~~2. b.~~ b. "Business income" means income arising from
12 transactions and activity in the regular course of the
13 taxpayer's trade or business; or income from tangible and
14 intangible property if the acquisition, management, and
15 disposition of the property constitute integral parts of the
16 taxpayer's regular trade or business operations; or gain or
17 loss resulting from the sale, exchange, or other disposition of
18 real property or of tangible or intangible personal property,
19 if the property while owned by the taxpayer was operationally
20 related to the taxpayer's trade or business carried on in
21 Iowa or operationally related to sources within Iowa, or the
22 property was operationally related to sources outside this
23 state and to the taxpayer's trade or business carried on in
24 Iowa; or gain or loss resulting from the sale, exchange, or
25 other disposition of stock in another corporation if the
26 activities of the other corporation were operationally related
27 to the taxpayer's trade or business carried on in Iowa while
28 the stock was owned by the taxpayer. A taxpayer may have more
29 than one regular trade or business in determining whether
30 income is business income.

31 (1) It is the intent of the general assembly to treat as
32 apportionable business income all income that may be treated
33 as apportionable business income under the Constitution of the
34 United States.

35 (2) The filing of an Iowa income tax return on a combined

1 report basis is neither allowed nor required by this ~~subsection~~
2 paragraph "b".

3 ~~3.~~ c. "*Commercial domicile*" means the principal place from
4 which the trade or business of the taxpayer is directed or
5 managed.

6 ~~4.~~ d. "*Corporation*" includes joint stock companies, and
7 associations organized for pecuniary profit, and partnerships
8 and limited liability companies taxed as corporations under the
9 Internal Revenue Code.

10 ~~5.~~ e. ~~The words "*domestic*"~~ "Domestic corporation" ~~mean~~ means
11 any corporation organized under the laws of this state.

12 ~~6.~~ f. ~~The words "*foreign*"~~ "Foreign corporation" ~~mean~~ means
13 any corporation other than a domestic corporation.

14 ~~7.~~ g. "*Internal Revenue Code*" means the Internal Revenue
15 Code of 1954, prior to the date of its redesignation as the
16 Internal Revenue Code of 1986 by the Tax Reform Act of 1986,
17 or means the Internal Revenue Code of 1986 as amended to and
18 including January 1, 2008.

19 ~~8.~~ h. "*Nonbusiness income*" means all income other than
20 business income.

21 ~~9.~~ i. "*State*" means any state of the United States, the
22 District of Columbia, the Commonwealth of Puerto Rico, any
23 territory or possession of the United States, and any foreign
24 country or political subdivision thereof.

25 ~~10.~~ j. "*Taxable in another state*". For purposes of
26 allocation and apportionment of income under this division, a
27 taxpayer is ~~taxable~~ "taxable in another state state" if:

28 ~~a.~~ (1) In that state the taxpayer is subject to a net
29 income tax, a franchise tax measured by net income, a franchise
30 tax for the privilege of doing business, or a corporate stock
31 tax; or

32 ~~b.~~ (2) That state has jurisdiction to subject the taxpayer
33 to a net income tax regardless of whether, in fact, the state
34 does or does not.

35 ~~11.~~ k. ~~The term "*unitary*"~~ "Unitary business" means a

1 business carried on partly within and partly without a state
2 where the portion of the business carried on within the state
3 depends on or contributes to the business outside the state.

4 2. The words, terms, and phrases defined in division II,
5 section 422.4, subsections 4 to 6, 8, 9, 13, and 15 to 17, when
6 used in this division, shall have the meanings ascribed to them
7 in said section except where the context clearly indicates a
8 different meaning.

9 Sec. 41. Section 423.3, subsection 92, paragraph a,
10 subparagraphs (1) and (2), Code 2011, are amended to read as
11 follows:

12 (1) The sales price from the sale or rental of computers
13 and equipment that are necessary for the maintenance and
14 operation of a web search portal and property whether directly
15 or indirectly connected to the computers, including but
16 not limited to cooling systems, cooling towers, and other
17 temperature control infrastructure; power infrastructure for
18 transformation, distribution, or management of electricity used
19 for the maintenance and operation of the web search portal,
20 including but not limited to exterior dedicated business-owned
21 substations, ~~back-up~~ backup power generation systems, battery
22 systems, and related infrastructure; and racking systems,
23 cabling, and trays, which are necessary for the maintenance and
24 operation of the web search portal.

25 (2) The sales price of ~~back-up~~ backup power generation fuel,
26 that is purchased by a web search portal business for use in
27 the items listed in subparagraph (1).

28 Sec. 42. Section 423.3, subsection 93, paragraph a,
29 subparagraphs (1) and (2), Code 2011, are amended to read as
30 follows:

31 (1) The sales price from the sale or rental of computers
32 and equipment that are necessary for the maintenance and
33 operation of a web search portal business and property whether
34 directly or indirectly connected to the computers, including
35 but not limited to cooling systems, cooling towers, and other

1 temperature control infrastructure; power infrastructure for
2 transformation, distribution, or management of electricity used
3 for the maintenance and operation of the web search portal
4 business, including but not limited to exterior dedicated
5 business-owned substations, ~~back-up~~ backup power generation
6 systems, battery systems, and related infrastructure; and
7 racking systems, cabling, and trays, which are necessary
8 for the maintenance and operation of the web search portal
9 business.

10 (2) The sales price of ~~back-up~~ backup power generation fuel,
11 that is purchased by a web search portal business for use in
12 the items listed in subparagraph (1).

13 Sec. 43. Section 423F.5, subsection 1, Code 2011, is amended
14 to read as follows:

15 1. A school district shall include as part of its financial
16 audit for the budget year beginning July 1, 2007, and for each
17 subsequent budget year the amount received during the year
18 pursuant to chapter 423E or ~~423F~~ this chapter, as applicable.
19 In addition, the financial audit shall include the amount of
20 bond levies, physical plant and equipment levy, and public
21 educational and recreational levy reduced as a result of the
22 moneys received under chapter 423E or ~~423F~~ this chapter, as
23 applicable. The amount of the reductions shall be stated
24 in terms of dollars and cents per one thousand dollars of
25 valuation and in total amount of property tax dollars. Also
26 included shall be an accounting of the amount of moneys
27 received which were spent for infrastructure purposes pursuant
28 to chapter 423E or ~~423F~~ this chapter, as applicable.

29 Sec. 44. Section 427.1, subsection 35, paragraph a, Code
30 2011, is amended to read as follows:

31 a. Property, other than land and buildings and other
32 improvements, that is utilized by a web search portal business
33 as defined in and meeting the requirements of section 423.3,
34 subsection 92, including computers and equipment that are
35 necessary for the maintenance and operation of a web search

1 portal and other property whether directly or indirectly
2 connected to the computers, including but not limited to
3 cooling systems, cooling towers, and other temperature control
4 infrastructure; power infrastructure for transformation,
5 distribution, or management of electricity, including but not
6 limited to exterior dedicated business-owned substations, and
7 power distribution systems which are not subject to assessment
8 under chapter 437A; racking systems, cabling, and trays; and
9 ~~back-up~~ backup power generation systems, battery systems, and
10 related infrastructure all of which are necessary for the
11 maintenance and operation of the web search portal site.

12 Sec. 45. Section 427.1, subsection 36, paragraph a, Code
13 2011, is amended to read as follows:

14 a. Property, other than land and buildings and other
15 improvements, that is utilized by a web search portal business
16 as defined in and meeting the requirements of section 423.3,
17 subsection 93, including computers and equipment that
18 are necessary for the maintenance and operation of a web
19 search portal business and other property whether directly
20 or indirectly connected to the computers, including but
21 not limited to cooling systems, cooling towers, and other
22 temperature control infrastructure; power infrastructure for
23 transformation, distribution, or management of electricity,
24 including but not limited to exterior dedicated business-owned
25 substations, and power distribution systems which are not
26 subject to assessment under chapter 437A; racking systems,
27 cabling, and trays; and ~~back-up~~ backup power generation
28 systems, battery systems, and related infrastructure all of
29 which are necessary for the maintenance and operation of the
30 web search portal business.

31 Sec. 46. Section 435.23, Code 2011, is amended to read as
32 follows:

33 **435.23 Exemptions — prorating tax.**

34 1. The manufacturer's and retailer's inventory of mobile
35 homes, manufactured homes, or modular homes not in use as a

1 place of human habitation shall be exempt from the annual tax.
2 All travel trailers shall be exempt from this tax. The homes
3 and travel trailers in the inventory of manufacturers and
4 retailers shall be exempt from personal property tax.

5 2. The homes coming into Iowa from out of state and located
6 in a manufactured home community or mobile home park shall
7 be liable for the tax computed pro rata to the nearest whole
8 month, for the time the home is actually situated in Iowa.

9 Sec. 47. Section 441.49, Code 2011, is amended to read as
10 follows:

11 **441.49 Adjustment by auditor.**

12 1. a. The director shall keep a record of the review and
13 adjustment proceedings and finish the proceedings on or before
14 October 1 unless for good cause the proceedings cannot be
15 completed by that date. The director shall notify each county
16 auditor by mail of the final action taken at the proceedings
17 and specify any adjustments in the valuations of any class of
18 property to be made effective for the jurisdiction.

19 b. However, an assessing jurisdiction may request the
20 director to permit the use of an alternative method of
21 applying the equalization order to the property values in the
22 assessing jurisdiction, provided that the final valuation
23 shall be equivalent to the director's equalization order. The
24 assessing jurisdiction shall notify the county auditor of
25 the request for the use of an alternative method of applying
26 the equalization order and the director's disposition of the
27 request. The request to use an alternative method of applying
28 the equalization order, including procedures for notifying
29 affected property owners and appealing valuation adjustments,
30 shall be made within ten days from the date the county auditor
31 receives the equalization order and the valuation adjustments,
32 and appeal procedures shall be completed by November 30 of the
33 year of the equalization order. Compliance with the provisions
34 of section 441.21 is sufficient grounds for the director
35 to permit the use of an alternative method of applying the

1 equalization order.

2 2. a. On or before October 15 the county auditor shall
3 cause to be published in official newspapers of general
4 circulation the final equalization order. The publication
5 shall include, in type larger than the remainder of the
6 publication, the following statement:

7 ~~"Assessed Assessed~~ values are equalized by the department of
8 revenue every two years. Local taxing authorities determine
9 the final tax levies and may reduce property tax rates to
10 compensate for any increase in valuation due to ~~equalization.~~"
11 equalization.

12 b. Failure to publish the equalization order has no effect
13 upon the validity of the orders.

14 3. The county auditor shall add to or deduct from the
15 valuation of each class of property in the county the required
16 percentage, rejecting all fractions of fifty cents or less
17 in the result, and counting all fractions over fifty cents
18 as one dollar. For any special charter city that levies and
19 collects its own tax based on current year assessed values,
20 the equalization percentage shall be applied to the following
21 year's values, and shall be considered the equalized values for
22 that year for purposes of this chapter.

23 4. The local board of review shall reconvene in special
24 session from October 15 to November 15 for the purpose of
25 hearing the protests of affected property owners or taxpayers
26 within the jurisdiction of the board whose valuation of
27 property if adjusted pursuant to the equalization order issued
28 by the director of revenue will result in a greater value than
29 permitted under section 441.21. The board of review shall
30 accept protests only during the first ten days following the
31 date the local board of review reconvenes. The board of review
32 shall limit its review to only the timely filed protests. The
33 board of review may adjust all or a part of the percentage
34 increase ordered by the director of revenue by adjusting the
35 actual value of the property under protest to one hundred

1 percent of actual value. Any adjustment so determined by
 2 the board of review shall not exceed the percentage increase
 3 provided for in the director's equalization order. The
 4 determination of the board of review on filed protests is
 5 final, subject to appeal to the property assessment appeal
 6 board. A final decision by the local board of review, or the
 7 property assessment appeal board, if the local board's decision
 8 is appealed, is subject to review by the director of revenue
 9 for the purpose of determining whether the board's actions
 10 substantially altered the equalization order. In making the
 11 review, the director has all the powers provided in chapter
 12 421, and in exercising the powers the director is not subject
 13 to chapter 17A. Not later than fifteen days following the
 14 adjournment of the board, the board of review shall submit to
 15 the director of revenue, on forms prescribed by the director, a
 16 report of all actions taken by the board of review during this
 17 session.

18 5. Not later than ten days after the date the final
 19 equalization order is issued, the city or county officials of
 20 the affected county or assessing jurisdiction may appeal the
 21 final equalization order to the state board of tax review. The
 22 appeal shall not delay the implementation of the equalization
 23 orders.

24 6. Tentative and final equalization orders issued by the
 25 director of revenue are not rules as defined in section 17A.2,
 26 subsection 7.

27 Sec. 48. Section 453A.13, subsections 3 and 4, Code 2011,
 28 are amended to read as follows:

29 3. *Fees — expiration.*

30 a. All permits provided for in this division shall expire
 31 on June 30 of each year. A permit shall not be granted or
 32 issued until the applicant has paid for the period ending June
 33 30 next, to the department or the city or county granting the
 34 permit, the fees provided for in this division. The annual
 35 state permit fee for a distributor, cigarette vendor, and

1 wholesaler is one hundred dollars when the permit is granted
2 during the months of July, August, or September. However,
3 whenever a state permit holder operates more than one place of
4 business, a duplicate state permit shall be issued for each
5 additional place of business on payment of five dollars for
6 each duplicate state permit, but refunds as provided in this
7 division do not apply to any duplicate permit issued.

8 b. The fee for retail permits is as follows when the permit
9 is granted during the months of July, August, or September:

10 a. (1) In places outside any city, fifty dollars.

11 b. (2) In cities of less than fifteen thousand population,
12 seventy-five dollars.

13 c. (3) In cities of fifteen thousand or more population,
14 one hundred dollars.

15 c. If any permit is granted during the months of October,
16 November, or December, the fee shall be three-fourths of
17 the above maximum schedule; if granted during the months of
18 January, February, or March, one-half of the maximum schedule,
19 and if granted during the months of April, May, or June,
20 one-fourth of the maximum schedule.

21 4. *Refunds.*

22 a. An unrevoked permit for which the holder has paid the
23 full annual fee may be surrendered during the first nine months
24 of said year to the officer issuing it, and the department, or
25 the city or county granting the permit shall make refunds to
26 the said holder as follows:

27 (1) Three-fourths of the annual fee if the surrender is made
28 during July, August, or September.

29 (2) One-half of the annual fee if the surrender is made
30 during October, November, or December.

31 (3) One-fourth of the annual fee if the surrender is made
32 during January, February, or March.

33 b. An unrevoked permit for which the holder has paid
34 three-fourths of a full annual fee may be so surrendered during
35 the first six months of the period covered by said payment and

1 the said department, city or county shall make refunds to the
2 holder as follows:

3 (1) A sum equal to one-half of an annual fee if the
4 surrender is made during October, November or December.

5 (2) A sum equal to one-fourth of an annual fee if the
6 surrender is made during January, February or March.

7 c. An unrevoked permit for which the holder has paid
8 one-half of a full annual fee may be ~~se~~ surrendered during the
9 first three months of the period covered by ~~said~~ that payment,
10 and the department, city or county, shall refund to the holder
11 a sum equal to one-fourth of an annual fee.

12 Sec. 49. Section 455B.134, subsection 3, paragraph d,
13 subparagraph (2), Code 2011, is amended to read as follows:

14 (2) In applications for conditional permits for electric
15 power generating facilities, the applicant shall quantify the
16 potential to emit greenhouse ~~gas-emissions~~ gases due to the
17 proposed project.

18 Sec. 50. Section 455B.134, subsection 3, paragraph g, Code
19 2011, is amended to read as follows:

20 g. All applications for construction permits or prevention
21 of significant deterioration permits shall quantify the
22 potential to emit greenhouse ~~gas-emissions~~ gases due to the
23 proposed project.

24 Sec. 51. Section 455B.172, subsection 11, paragraph a,
25 unnumbered paragraph 1, Code 2011, is amended to read as
26 follows:

27 A If a building where a person resides, congregates, or is
28 employed ~~that~~ is served by a private sewage disposal system,
29 ~~shall have~~ the sewage disposal system serving the building
30 shall be inspected prior to any transfer of ownership of the
31 building. The requirements of this subsection shall be applied
32 to all types of ownership transfer including at the time a
33 seller-financed real estate contract is signed. The county
34 recorder shall not record a deed or any other property transfer
35 or conveyance document until either a certified inspector's

1 report is provided which documents the condition of the private
 2 sewage disposal system and whether any modifications are
 3 required to conform to standards adopted by the department
 4 or, in the event that weather or other temporary physical
 5 conditions prevent the certified inspection from being
 6 conducted, the buyer has executed and submitted a binding
 7 acknowledgment with the county board of health to conduct a
 8 certified inspection of the private sewage disposal system
 9 at the earliest practicable time and to be responsible for
 10 any required modifications to the private sewage disposal
 11 system as identified by the certified inspection. Any type of
 12 on-site treatment unit or private sewage disposal system must
 13 be inspected according to rules developed by the department.
 14 For the purposes of this subsection, "*transfer*" means the
 15 transfer or conveyance by sale, exchange, real estate contract,
 16 or any other method by which real estate and improvements are
 17 purchased, if the property includes at least one but not more
 18 than four dwelling units. However, "*transfer*" does not include
 19 any of the following:

20 Sec. 52. Section 455B.305, subsection 1, paragraph c, Code
 21 2011, is amended to read as follows:

22 *c.* A permit may be suspended or revoked by the director if a
 23 sanitary disposal project is found not to meet the requirements
 24 of this part 1 or the rules adopted pursuant to this part 1.
 25 The suspension or revocation of a permit may be appealed to the
 26 department.

27 Sec. 53. Section 455E.11, subsection 2, paragraph d,
 28 subparagraph (3), Code 2011, is amended to read as follows:

29 (3) Each fiscal year, the department of natural resources
 30 shall enter into an agreement with the Iowa comprehensive
 31 petroleum underground storage tank fund board for the
 32 completion of administrative tasks during the fiscal year
 33 directly related to the evaluation and modification of risk
 34 based corrective action rules as necessary and processes that
 35 affect the administration in subparagraph (2).

1 Sec. 54. Section 455G.4, subsection 1, paragraph a,
2 subparagraph (4), Code 2011, is amended to read as follows:

3 (4) Two public members appointed by the governor and
4 confirmed by the senate to staggered four-year terms, except
5 that, of the first members appointed, one public member shall
6 be appointed for a term of two years and one for a term of four
7 years. A public member shall have experience, knowledge, and
8 expertise of the subject matter embraced within this chapter.
9 ~~Two~~ The two public members shall ~~be appointed with~~ have
10 experience in either, or both, financial markets or insurance.

11 Sec. 55. Section 456A.17, subsection 4, Code 2011, is
12 amended to read as follows:

13 4. The state conservation fund, except as otherwise
14 provided, consists of all other funds accruing to the
15 department for the purposes embraced by this chapter.

16 Sec. 56. Section 456A.19, unnumbered paragraph 5, Code
17 2011, is amended to read as follows:

18 All other expenditures shall be paid from the state
19 conservation fund.

20 Sec. 57. Section 462A.26, subsection 3, paragraph b, Code
21 2011, is amended to read as follows:

22 *b.* On all inland lakes and federal impoundments under the
23 jurisdiction of the commission, a motorboat shall not be
24 operated within three hundred feet of shore at a speed greater
25 than ten miles per hour.

26 ~~A motorboat shall not be operated within three hundred feet~~
27 ~~of shore at a speed greater than ten miles per hour.~~

28 Sec. 58. Section 463C.17, Code 2011, is amended to read as
29 follows:

30 **463C.17 Exemption from certain laws.**

31 The authority, the department, and their agents and
32 contracts entered into by the authority, the department,
33 and their agents, in carrying out its public and essential
34 governmental functions are exempt from the laws of the state
35 which provide for competitive bids, ~~term-length~~ term length,

1 and hearings in connection with contracts, except as provided
2 in section 12.30. However, the exemption from competitive
3 bid laws in this section shall not be construed to apply to
4 contracts for the development or construction of facilities in
5 the park, including, but not limited to, lodges, campgrounds,
6 cabins, and golf courses.

7 Sec. 59. Section 468.586, Code 2011, is amended to read as
8 follows:

9 **468.586 Assessment of costs of drainage improvements.**

10 A county may assess to property within an urban drainage
11 district the cost of a drainage improvement within the county
12 and drainage facilities extending outside the county. A county
13 is empowered to proceed and construct and to assess the cost of
14 a drainage improvement within a district in the same manner as
15 a city may proceed under ~~division IV of chapter 384, division~~
16 IV, and the provisions of ~~division IV of chapter 384, division~~
17 IV, apply to counties with respect to drainage improvements,
18 the assessment of their costs and the issuance of bonds for the
19 improvements. A county may contract for a drainage improvement
20 within a district under this part pursuant to ~~part 3 of~~
21 division III of chapter 331, division III, part 3.

22 Sec. 60. Section 499B.17, Code 2011, is amended to read as
23 follows:

24 **499B.17 Lien against owner of unit.**

25 All sums assessed by the council of co-owners but unpaid
26 for the share of the common expenses chargeable to any
27 apartment shall constitute a lien on such apartment prior to
28 all other liens except only ~~(1)~~ tax liens on the apartment
29 in favor of any assessing unit and special district, and ~~(2)~~
30 all sums unpaid on a first mortgage of record. Such lien
31 may be foreclosed by suit by the council of co-owners or the
32 representatives thereof, acting on behalf of the apartment
33 owners, in like manner as a mortgage of real property. In the
34 event of any such foreclosure, the apartment owner shall be
35 required to pay a reasonable rental for the apartment if so

1 provided in the bylaws, and the plaintiff in such foreclosure
2 shall be entitled to the appointment of a receiver to collect
3 the same. The council of co-owners or the representatives
4 thereof, acting on behalf of the apartment owners, shall have
5 power, unless prohibited by the declaration, to bid in the
6 apartment at foreclosure sale, and to acquire and hold, lease,
7 mortgage and convey the same. Suit to recover a money judgment
8 for unpaid common expenses shall be maintainable without
9 foreclosing or waiving the lien securing the same.

10 Sec. 61. Section 505.28, Code 2011, is amended to read as
11 follows:

12 **505.28 Consent to jurisdiction.**

13 A person committing any act governed by chapter 502,
14 502A, ~~505~~ this chapter, chapters 505A through 523G, or 523I
15 constitutes consent by that person to the jurisdiction of the
16 commissioner of insurance and the district courts of this
17 state.

18 Sec. 62. Section 505.29, Code 2011, is amended to read as
19 follows:

20 **505.29 Administrative hearings.**

21 The commissioner of insurance shall have the authority
22 to appoint as a hearing officer a designee or an independent
23 administrative law judge. Duties of a hearing officer shall
24 include hearing contested cases arising from conduct governed
25 by chapters 502, 502A, ~~505~~ this chapter, chapters 505A through
26 523G, and 523I. Sections 10A.801 and 17A.11 do not apply to
27 the appointment of a designee or an administrative law judge
28 pursuant to this section.

29 Sec. 63. Section 515E.4, subsection 4, Code 2011, is amended
30 to read as follows:

31 4. *Compliance with unfair ~~claims~~ claim settlement practices*
32 *law.* A risk retention group, its agents, and representatives,
33 shall comply with the unfair ~~claims~~ claim settlement practices
34 law in section 507B.4, subsection 10.

35 Sec. 64. Section 533.301, subsection 1, unnumbered

1 paragraph 1, Code 2011, is amended to read as follows:

2 Receive payments for ownership shares, for other shares, or
3 as deposits from any or all of the following:

4 Sec. 65. Section 535.2, subsection 6, paragraph a, Code
5 2011, is amended to read as follows:

6 a. Notwithstanding the provisions of 1980 Iowa Acts of the
7 ~~Sixty-eighth General Assembly~~, chapter 1156, with respect to
8 any agreement which was executed on or after August 3, 1978,
9 and prior to July 1, 1979, and which contained a provision
10 for the adjustment of the rate of interest specified in the
11 agreement, the maximum lawful rate of interest which may be
12 imposed under that agreement shall be that rate which is two
13 and one-half percentage points above the rate initially to be
14 paid under the agreement, provided that the greatest interest
15 rate adjustment which may be made at any one time shall be
16 one-half of one percent and an interest rate adjustment may
17 not be made until at least one year has passed since the last
18 interest rate adjustment, and any excess charge shall be a
19 violation of section 535.4.

20 Sec. 66. Section 535A.6, subsection 1, Code 2011, is amended
21 to read as follows:

22 1. Any person who has been aggrieved as a result of a
23 violation of sections 535A.1 through 535A.3, this section,
24 or sections ~~535A.6~~ 535A.7 through 535A.9 may bring an action
25 in the district court of the county in which the violation
26 occurred or in the county where the financial institution
27 involved is located.

28 Sec. 67. Section 536.19, Code 2011, is amended to read as
29 follows:

30 **536.19 Violations.**

31 Any person, partnership, association, or corporation and the
32 several members, officers, directors, agents, and employees
33 thereof, who shall violate or participate in the violation
34 of any of the provisions of section 536.1, 536.12, 536.13 or
35 536.14, which are not also violations of chapter 537, article

1 5, part 3, of the Iowa consumer credit code, ~~chapter 537~~, shall
2 be guilty of a serious misdemeanor. Violations of the Iowa
3 consumer credit code, chapter 537, shall be subject to the
4 penalties provided therein.

5 Sec. 68. Section 537.3203, Code 2011, is amended to read as
6 follows:

7 **537.3203 Notice to consumer.**

8 The creditor shall give to the consumer a copy of any
9 writing evidencing a consumer credit transaction, other than
10 one pursuant to open end credit, if the writing requires or
11 provides for signature of the consumer. The writing evidencing
12 the consumer's obligation to pay under a consumer credit
13 transaction, other than one pursuant to open end credit, shall
14 contain a clear and conspicuous notice to the consumer that
15 the consumer should not sign it before reading it, that the
16 consumer is entitled to a copy of it, and, except in the case
17 of a consumer lease, that the consumer is entitled to prepay
18 the unpaid balance at any time with such penalty and minimum
19 charges as the agreement and section 537.2510 may permit,
20 and may be entitled to receive a refund of unearned charges
21 in accordance with law. The following notices if clear and
22 conspicuous comply with this section:

23 1. In all transactions to which this section applies:

24 NOTICE TO CONSUMER:

25 1. Do not sign this paper before you read it.

26 2. You are entitled to a copy of this paper.

27 3. You may prepay the unpaid balance at any time without
28 penalty and may be entitled to receive a refund of unearned
29 charges in accordance with law.

30 2. In addition, in a transaction in which a minimum charge
31 will be collected or retained, the notice to consumer shall
32 state:

33 4. If you prepay the unpaid balance, you may have to pay a
34 minimum charge not greater than seven dollars and fifty cents.

35 Sec. 69. Section 572.13, subsection 2, Code 2011, is amended

1 to read as follows:

2 2. a. An original contractor who enters into a contract
3 for an owner-occupied dwelling and who has contracted or will
4 contract with a subcontractor to provide labor or furnish
5 material for the dwelling shall include the following notice in
6 any written contract with the owner and shall provide the owner
7 with a copy of the written contract:

8 Persons or companies furnishing labor or materials for the
9 improvement of real property may enforce a lien upon the
10 improved property if they are not paid for their contributions,
11 even if the parties have no direct contractual relationship
12 with the owner.

13 b. If no written contract is entered into between the
14 original contractor and the dwelling owner, the original
15 contractor shall, within ten days of commencement of work on
16 the dwelling, provide written notice to the dwelling owner
17 stating the name and address of all subcontractors that the
18 contractor intends to use for the construction and, that
19 the subcontractors or suppliers may have lien rights in the
20 event they are not paid for their labor or material used on
21 this site; and the notice shall be updated as additional
22 subcontractors and suppliers are used from the names disclosed
23 on earlier notices.

24 c. An original contractor who fails to provide notice under
25 this section is not entitled to the lien and remedy provided by
26 this chapter.

27 Sec. 70. Section 617.3, subsection 3, Code 2011, is amended
28 to read as follows:

29 3. Service of such process or original notice shall be made
30 ~~(1)~~ by filing duplicate copies of said process or original
31 notice with said secretary of state, together with a fee of
32 ten dollars, and ~~(2)~~ by mailing to the defendant and to each
33 of them if more than one, by registered or certified mail, a
34 notification of said filing with the secretary of state, the
35 same to be so mailed within ten days after such filing with the

1 secretary of state. Such notification shall be mailed to each
2 foreign corporation at the address of its principal office in
3 the state or country under the laws of which it is incorporated
4 and to each such nonresident person at an address in the state
5 of residence. The defendant shall have sixty days from the
6 date of such filing with the secretary of state within which
7 to appear. Proof of service shall be made by filing in court
8 the duplicate copy of the process or original notice with the
9 secretary of state's certificate of filing, and the affidavit
10 of the plaintiff or the plaintiff's attorney of compliance
11 herewith.

12 Sec. 71. Section 622.62, subsection 3, Code 2011, is amended
13 to read as follows:

14 3. The actions of any court of this state in taking judicial
15 notice of the existence and content of a city ordinance in any
16 proceeding which was commenced between the first day of July,
17 1973, and April 17, 1976, shall be conclusively presumed to
18 be lawful, and to the extent required by this section, this
19 section is retroactive.

20 Sec. 72. Section 631.17, subsection 1, paragraph c, Code
21 2011, is amended to read as follows:

22 c. A pattern of conduct in violation of ~~article 7~~ of chapter
23 537, article 7.

24 Sec. 73. Section 633.279, subsection 2, Code 2011, is
25 amended to read as follows:

26 2. *Self-proved will.*

27 a. An attested will may be made self-proved at the time of
28 its execution, or at any subsequent date, by the acknowledgment
29 thereof by the testator and the affidavits of the witnesses,
30 each made before a person authorized to administer oaths
31 and take acknowledgments under the laws of this state, and
32 evidenced by such person's certificate, under seal, attached
33 or annexed to the will, in form and content substantially as
34 follows:

35 Affidavit

1 State of)

2 County of) ss

3 We, the undersigned,, and, the
4 testator and the witnesses, respectively, whose names are
5 signed to the attached or foregoing instrument, being first
6 duly sworn, declare to the undersigned authority that said
7 instrument is the testator's will and that the testator
8 willingly signed and executed such instrument, or expressly
9 directed another to sign the same in the presence of the
10 witnesses, as a free and voluntary act for the purposes therein
11 expressed; that said witnesses, and each of them, declare to
12 the undersigned authority that such will was executed and
13 acknowledged by the testator as the testator's will in their
14 presence and that they, in the testator's presence, at the
15 testator's request, and in the presence of each other, did
16 subscribe their names thereto as attesting witnesses on the
17 date of the date of such will; and that the testator, at the
18 time of the execution of such instrument, was of full age and
19 of sound mind and that the witnesses were sixteen years of age
20 or older and otherwise competent to be witnesses.

21

22 Testator

23

24 Witness

25

26 Witness

27 Subscribed, sworn and acknowledged before me by,
28 the testator; and subscribed and sworn before me by
29 and, witnesses, this ... day of (month), ...
30 (year)

31

.....

32

Notary Public, or other officer

33 (Seal)

authorized to take and certify

34

acknowledgments and

35

administer oaths

1 b. A self-proved will shall constitute proof of due
2 execution of such instrument as required by section 633.293 and
3 may be admitted to probate without testimony of witnesses.

4 Sec. 74. Section 633.675, Code 2011, is amended to read as
5 follows:

6 **633.675 Cause for termination.**

7 1. A guardianship shall cease, and a conservatorship
8 shall terminate, upon the occurrence of any of the following
9 circumstances:

10 ~~1.~~ a. If the ward is a minor, when the ward reaches full
11 age.

12 ~~2.~~ b. The death of the ward.

13 ~~3.~~ c. A determination by the court that the ward is no
14 longer a person whose decision-making capacity is so impaired
15 as to bring the ward within the categories of section 633.552,
16 subsection 2, paragraph "a", or section 633.566, subsection 2,
17 paragraph "a". In a proceeding to terminate a guardianship or
18 a conservatorship, the ward shall make a prima facie showing
19 that the ward has some decision-making capacity. Once the
20 ward has made that showing, the guardian or conservator has
21 the burden to prove by clear and convincing evidence that the
22 ward's decision-making capacity is so impaired, as provided
23 in section 633.552, subsection 2, paragraph "a", or section
24 633.566, subsection 2, paragraph "a", that the guardianship or
25 conservatorship should not be terminated.

26 ~~4.~~ d. Upon determination by the court that the
27 conservatorship or guardianship is no longer necessary for any
28 other reason.

29 ~~5.~~ 2. Notwithstanding ~~subsections 1~~ subsection 1,
30 paragraphs "a" through 4 "d", if the court appointed a guardian
31 for a minor child for whom the court's jurisdiction over the
32 child's guardianship was established pursuant to transfer of
33 the child's case in accordance with section 232.104, the court
34 shall not enter an order terminating the guardianship before
35 the child becomes age eighteen unless the court finds by clear

1 and convincing evidence that the best interests of the child
2 warrant a return of custody to the child's parent.

3 Sec. 75. Section 633.707, subsection 4, Code 2011, is
4 amended to read as follows:

5 4. The extent to which the respondent has ties to the
6 state such as ~~voting~~ voter registration, state or local tax
7 return filing, vehicle registration, driver's license, social
8 relationship relationships, and receipt of services.

9 Sec. 76. Section 642.5, Code 2011, is amended to read as
10 follows:

11 **642.5 Sheriff may take answers.**

12 1. When the plaintiff, in writing, directs the sheriff to
13 take the answer of the garnishee, the sheriff shall put to the
14 garnishee the following questions:

15 1. Are you in any manner indebted to the defendant in this
16 suit, or do you owe the defendant money or property which is
17 not yet due? If so, state the particulars.

18 2. Have you in your possession or under your control any
19 property, rights, or credits of the said defendants? If so,
20 what is the value of the same? State all particulars.

21 3. Do you know of any debts owing the said defendant,
22 whether due or not due, or any property, rights, or credits
23 belonging to the defendant and now in the possession or under
24 the control of others? If so, state the particulars.

25 4. Do you compensate the defendant in this suit for any
26 personal services whether denominated as wages, salary,
27 commission, bonus or otherwise, including periodic payments
28 pursuant to a pension or retirement program? If so, state the
29 amount of the compensation reasonably anticipated to be paid
30 defendant during the calendar year.

31 2. The sheriff shall append the examination to the sheriff's
32 return.

33 Sec. 77. Section 642.21, subsection 1, unnumbered paragraph
34 1, Code 2011, is amended to read as follows:

35 The disposable earnings of an individual are exempt from

1 garnishment to the extent provided by the federal Consumer
2 Credit Protection Act, ~~Title~~ Tit. III, 15 U.S.C. § 1671 - 1677
3 (1982). The maximum amount of an employee's earnings which
4 may be garnished during any one calendar year is two hundred
5 fifty dollars for each judgment creditor, except as provided
6 in chapter 252D and sections 598.22, 598.23, and 627.12, or
7 when those earnings are reasonably expected to be in excess of
8 twelve thousand dollars for that calendar year as determined
9 from the answers taken by the sheriff or by the court pursuant
10 to section 642.5, ~~subsection 4~~ question number four. When the
11 employee's earnings are reasonably expected to be more than
12 twelve thousand dollars the maximum amount of those earnings
13 which may be garnished during a calendar year for each creditor
14 is as follows:

15 Sec. 78. Section 692A.118, subsection 11, Code 2011, is
16 amended to read as follows:

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

27 Sec. 79. Section 904.312B, Code 2011, is amended to read as
28 follows:

29 **904.312B Purchase of ~~bio-based~~ biobased hydraulic fluids,**
30 **greases, and other industrial lubricants.**

31 The department when purchasing hydraulic fluids, greases,
32 and other industrial lubricants shall give preference to
33 purchasing ~~bio-based~~ biobased hydraulic fluids, greases, and
34 other industrial lubricants as provided in section 8A.316.

35 Sec. 80. CODE EDITOR DIRECTIVE. Section 135.80 shall be

1 transferred to new section 135.180.

2 Sec. 81. 2010 Iowa Acts, chapter 1192, section 78, is
3 amended by striking the section and inserting in lieu thereof
4 the following:

5 SEC. 78. Section 135N.3, subsection 2, unnumbered paragraph
6 1, Code 2009, is amended to read as follows:

7 The committee shall review and make recommendations to the
8 ~~director~~ center for congenital and inherited disorders advisory
9 committee established by rule of the department pursuant to
10 chapter 136A concerning but not limited to the following:

11 DIVISION II

12 VOLUME IV RENUMBERINGS

13 Sec. 82. Section 422.60, subsection 2, Code 2011, is amended
14 to read as follows:

15 2. a. In addition to all taxes imposed under this division,
16 there is imposed upon each financial institution doing business
17 within the state the greater of the tax determined in section
18 422.63 or the state alternative minimum tax equal to sixty
19 percent of the maximum state franchise tax rate, rounded to
20 the nearest one-tenth of one percent, of the state alternative
21 minimum taxable income of the taxpayer computed under this
22 subsection.

23 b. The state alternative minimum taxable income of a
24 taxpayer is equal to the taxpayer's state taxable income as
25 computed with the adjustments in section 422.61, subsection 3,
26 and with the following adjustments:

27 ~~a.~~ (1) Add items of tax preference included in federal
28 alternative minimum taxable income under section 57, except
29 subsections (a)(1) and (a)(5), of the Internal Revenue Code,
30 make the adjustments included in federal alternative minimum
31 taxable income under section 56, except subsections (a)(4),
32 (c)(1), (d), and (g), of the Internal Revenue Code, and add
33 losses as required by section 58 of the Internal Revenue Code.

34 ~~b.~~ (2) Make the adjustments provided in section 56(c)(1)
35 of the Internal Revenue Code, except that in making the

1 calculation under section 56(g)(1) of the Internal Revenue Code
2 the state alternative minimum taxable income, computed without
3 regard to the adjustments made by this ~~paragraph~~ subparagraph,
4 the exemption provided for in ~~paragraph "d"~~ subparagraph (4),
5 and the state alternative tax net operating loss described in
6 ~~paragraph "e"~~ subparagraph (5), shall be substituted for the
7 items described in section 56(g)(1)(B) of the Internal Revenue
8 Code.

9 ~~e.~~ (3) Apply the allocation and apportionment provisions
10 of section 422.63.

11 ~~d.~~ (4) Subtract an exemption amount of forty thousand
12 dollars. This exemption amount shall be reduced, but not
13 below zero, by an amount equal to twenty-five percent of the
14 amount by which the alternative minimum taxable income of the
15 taxpayer, computed without regard to the exemption amount in
16 this ~~paragraph~~ subparagraph, exceeds one hundred fifty thousand
17 dollars.

18 ~~e.~~ (5) In the case of a net operating loss beginning
19 after December 31, 1986, which is carried back or carried
20 forward to the current taxable year, the net operating loss
21 shall be reduced by the amount of items of tax preference
22 and adjustments arising in the tax year which was taken into
23 account in computing the net operating loss in section 422.35,
24 subsection 11. The deduction for a net operating loss for a
25 tax year beginning after December 31, 1986, which is carried
26 back or carried forward to the current taxable year shall not
27 exceed ninety percent of the alternative minimum taxable income
28 determined without regard for the net operating loss deduction.

29 Sec. 83. Section 422D.1, subsections 1 and 2, Code 2011, are
30 amended to read as follows:

31 1. a. A county board of supervisors may offer for voter
32 approval any of the following taxes or a combination of the
33 following taxes:

34 ~~a.~~ (1) Local option income surtax.

35 ~~b.~~ (2) An ad valorem property tax.

1 b. Revenues generated from these taxes shall be used for
2 emergency medical services as provided in section 422D.6.

3 2. a. The taxes for emergency medical services shall only
4 be imposed after an election at which a majority of those
5 voting on the question of imposing the tax or combination of
6 taxes specified in subsection 1, paragraph "a", subparagraph
7 (1) or "~~b~~" (2), vote in favor of the question. However, the
8 tax or combination of taxes specified in subsection 1 shall not
9 be imposed on property within or on residents of a benefited
10 emergency medical services district under chapter 357F. The
11 question of imposing the tax or combination of the taxes may
12 be submitted at the regular city election, a special election,
13 or state general election. Notice of the question shall be
14 provided by publication at least sixty days before the time
15 of the election and shall identify the tax or combination of
16 taxes and the rate or rates, as applicable. If a majority of
17 those voting on the question approve the imposition of the tax
18 or combination of taxes, the tax or combination of taxes shall
19 be imposed as follows:

20 ~~a.~~ (1) A local option income surtax shall be imposed for
21 tax years beginning on or after January 1 of the fiscal year in
22 which the favorable election was held.

23 ~~b.~~ (2) An ad valorem property tax shall be imposed for the
24 fiscal year in which the election was held.

25 b. Before a county imposes an income surtax as specified
26 in subsection 1, paragraph "a", subparagraph (1), a benefited
27 emergency medical services district in the county shall be
28 dissolved, and the county shall be liable for the outstanding
29 obligations of the benefited district. If the benefited
30 district extends into more than one county, the county imposing
31 the income surtax shall be liable for only that portion of the
32 obligations relating to the portion of the benefited district
33 in the county.

34 Sec. 84. Section 423.1, subsections 35 and 36, Code 2011,
35 are amended to read as follows:

1 35. "*Place of business*" means any warehouse, store,
 2 place, office, building, or structure where goods, wares, or
 3 merchandise are offered for sale at retail or where any taxable
 4 amusement is conducted, or each office where gas, water,
 5 heat, communication, or electric services are offered for
 6 sale at retail. When a retailer or amusement operator sells
 7 merchandise by means of vending machines or operates music or
 8 amusement devices by coin-operated machines at more than one
 9 location within the state, the office, building, or place where
 10 the books, papers, and records of the taxpayer are kept shall
 11 be deemed to be the taxpayer's place of business.

12 ~~When a retailer or amusement operator sells merchandise~~
 13 ~~by means of vending machines or operates music or amusement~~
 14 ~~devices by coin-operated machines at more than one location~~
 15 ~~within the state, the office, building, or place where the~~
 16 ~~books, papers, and records of the taxpayer are kept shall be~~
 17 ~~deemed to be the taxpayer's place of business.~~

18 36. "*Prewritten computer software*" includes software
 19 designed and developed by the author or other creator to the
 20 specifications of a specific purchaser when it is sold to a
 21 person other than the purchaser. The combining of two or more
 22 prewritten computer software programs or prewritten portions
 23 of prewritten programs does not cause the combination to be
 24 other than prewritten computer software. "*Prewritten computer*
 25 *software*" also means computer software, including prewritten
 26 upgrades, which is not designed and developed by the author or
 27 other creator to the specifications of a specific purchaser.
 28 When a person modifies or enhances computer software of which
 29 the person is not the author or creator, the person shall
 30 be deemed to be the author or creator only of such person's
 31 modifications or enhancements. Prewritten computer software
 32 or a prewritten portion of the prewritten software that is
 33 modified or enhanced to any degree, when such modification or
 34 enhancement is designed and developed to the specifications of
 35 a specific purchaser, remains prewritten computer software.

1 However, when there is a reasonable, separately stated
2 charge or an invoice or other statement of the price given
3 to the purchaser for such modification or enhancement, such
4 modification or enhancement shall not constitute prewritten
5 computer software.

6 ~~When a person modifies or enhances computer software of~~
7 ~~which the person is not the author or creator, the person shall~~
8 ~~be deemed to be the author or creator only of such person's~~
9 ~~modifications or enhancements. Prewritten computer software~~
10 ~~or a prewritten portion of the prewritten software that is~~
11 ~~modified or enhanced to any degree, when such modification or~~
12 ~~enhancement is designed and developed to the specifications of~~
13 ~~a specific purchaser, remains prewritten computer software.~~
14 ~~However, when there is a reasonable, separately stated~~
15 ~~charge or an invoice or other statement of the price given~~
16 ~~to the purchaser for such modification or enhancement, such~~
17 ~~modification or enhancement shall not constitute prewritten~~
18 ~~computer software.~~

19 Sec. 85. Section 423.3, subsection 60, unnumbered
20 paragraphs 1 and 2, Code 2011, are amended to read as follows:

21 The sales price from the sale or rental of prescription
22 drugs, durable medical equipment, mobility enhancing equipment,
23 prosthetic devices, and other medical devices intended for
24 human use or consumption. For the purposes of this subsection:

25 ~~For the purposes of this subsection:~~

26 Sec. 86. Section 423.3, subsection 68, paragraph c,
27 subparagraph (1), Code 2011, is amended to read as follows:

28 (1) "*Clothing*" means all human wearing apparel suitable for
29 general use.

30 (a) "*Clothing*" includes but is not limited to the
31 following: aprons, household and shop; athletic supporters;
32 baby receiving blankets; bathing suits and caps; beach capes
33 and coats; belts and suspenders; boots; coats and jackets;
34 costumes; diapers (children and adults, including disposable
35 diapers); earmuffs; footlets; formal wear; garters and garter

1 belts; girdles; gloves and mittens for general use; hats
2 and caps; hosiery; insoles for shoes; lab coats; neckties;
3 overshoes; pantyhose; rainwear; rubber pants; sandals;
4 scarves; shoes and shoelaces; slippers; sneakers; socks and
5 stockings; steel-toed shoes; underwear; uniforms, athletic and
6 nonathletic; and wedding apparel.

7 (b) "*Clothing*" does not include the following: belt
8 buckles sold separately; costume masks sold separately; patches
9 and emblems sold separately; sewing equipment and supplies
10 (including but not limited to knitting needles, patterns, pins,
11 scissors, sewing machines, sewing needles, tape measures, and
12 thimbles); and sewing materials that become part of clothing
13 (including but not limited to buttons, fabric, lace, thread,
14 yarn, and zippers).

15 Sec. 87. Section 423.3, subsection 77, Code 2011, is amended
16 to read as follows:

17 77. a. The sales price from the sale of aircraft to an
18 aircraft dealer who in turn rents or leases the aircraft if all
19 of the following apply:

20 ~~a.~~ (1) The aircraft is kept in the inventory of the dealer
21 for sale at all times.

22 ~~b.~~ (2) The dealer reserves the right to immediately take
23 the aircraft from the renter or lessee when a buyer is found.

24 ~~c.~~ (3) The renter or lessee is aware that the dealer will
25 immediately take the aircraft when a buyer is found.

26 b. If an aircraft exempt under this subsection is used for
27 any purpose other than leasing or renting, or the conditions
28 in ~~paragraphs~~ paragraph "a", "b", and "c" subparagraphs (1),
29 (2), and (3), are not continuously met, the dealer claiming
30 the exemption under this subsection is liable for the tax that
31 would have been due except for this subsection. The tax shall
32 be computed upon the original purchase price.

33 Sec. 88. Section 423.6, subsection 15, Code 2011, is amended
34 to read as follows:

35 15. a. Aircraft sold to an aircraft dealer who in turn

1 rents or leases the aircraft if all of the following apply:

2 ~~a.~~ (1) The aircraft is kept in the inventory of the dealer
3 for sale at all times.

4 ~~b.~~ (2) The dealer reserves the right to immediately take
5 the aircraft from the renter or lessee when a buyer is found.

6 ~~c.~~ (3) The renter or lessee is aware that the dealer will
7 immediately take the aircraft when a buyer is found.

8 b. If an aircraft exempt under this subsection is used for
9 any purpose other than leasing or renting, or the conditions
10 in ~~paragraphs~~ paragraph "a", "b", and "c" subparagraphs (1),
11 (2), and (3), are not continuously met, the dealer claiming
12 the exemption under this subsection is liable for the tax that
13 would have been due except for this subsection. The tax shall
14 be computed upon the original purchase price.

15 Sec. 89. Section 425.17, subsection 2, Code 2011, is amended
16 to read as follows:

17 2. a. "Claimant" means either of the following:

18 ~~a.~~ (1) A person filing a claim for credit or reimbursement
19 under this division who has attained the age of sixty-five
20 years on or before December 31 of the base year or who is
21 totally disabled and was totally disabled on or before December
22 31 of the base year and is domiciled in this state at the time
23 the claim is filed or at the time of the person's death in the
24 case of a claim filed by the executor or administrator of the
25 claimant's estate.

26 ~~b.~~ (2) A person filing a claim for credit or reimbursement
27 under this division who has attained the age of twenty-three
28 years on or before December 31 of the base year or was a head
29 of household on December 31 of the base year, as defined in
30 the Internal Revenue Code, but has not attained the age or
31 disability status described in paragraph "a", subparagraph (1),
32 and is domiciled in this state at the time the claim is filed or
33 at the time of the person's death in the case of a claim filed
34 by the executor or administrator of the claimant's estate, and
35 was not claimed as a dependent on any other person's tax return

1 for the base year.

2 b. "Claimant" under paragraph "a", subparagraph (1) or "~~b~~"
3 (2), includes a vendee in possession under a contract for deed
4 and may include one or more joint tenants or tenants in common.
5 In the case of a claim for rent constituting property taxes
6 paid, the claimant shall have rented the property during any
7 part of the base year. In the case of a claim for property
8 taxes due, the claimant shall have occupied the property during
9 any part of the fiscal year beginning July 1 of the base year.
10 If a homestead is occupied by two or more persons, and more
11 than one person is able to qualify as a claimant, the persons
12 may each file a claim based upon each person's income and rent
13 constituting property taxes paid or property taxes due.

14 Sec. 90. Section 435.22, Code 2011, is amended to read as
15 follows:

16 **435.22 Annual tax — credit.**

17 1. The owner of each mobile home or manufactured home
18 located within a manufactured home community or mobile home
19 park shall pay to the county treasurer an annual tax. However,
20 when the owner is any educational institution and the home
21 is used solely for student housing or when the owner is the
22 state of Iowa or a subdivision of the state, the owner shall
23 be exempt from the tax. The annual tax shall be computed as
24 follows:

25 ~~1-~~ a. Multiply the number of square feet of floor space
26 each home contains when parked and in use by twenty cents. In
27 computing floor space, the exterior measurements of the home
28 shall be used as shown on the certificate of title, but not
29 including any area occupied by a hitching device.

30 ~~2-~~ b. (1) If the owner of the home is an Iowa resident,
31 has attained the age of twenty-three years on or before
32 December 31 of the base year, and has an income when included
33 with that of a spouse which is less than eight thousand five
34 hundred dollars per year, the annual tax shall not be imposed
35 on the home. If the income is eight thousand five hundred

1 dollars or more but less than sixteen thousand five hundred
 2 dollars, the annual tax shall be computed as follows:

3 If the Household	Annual Tax Per
4 Income is:	Square Foot:
5 \$ 8,500 — 9,499.99	3.0 cents
6 9,500 — 10,499.99	6.0
7 10,500 — 12,499.99	10.0
8 12,500 — 14,499.99	13.0
9 14,500 — 16,499.99	15.0

10 (2) For purposes of this ~~subsection~~ paragraph "b", "income"
 11 means income as defined in section 425.17, subsection 7, and
 12 "base year" means the calendar year preceding the year in which
 13 the claim for a reduced rate of tax is filed. The home reduced
 14 rate of tax shall only be allowed on the home in which the
 15 claimant is residing at the time the claim for a reduced rate
 16 of tax is filed or was residing at the time of the claimant's
 17 death in the case of a claim filed on behalf of a deceased
 18 claimant by the claimant's legal guardian, spouse, or attorney,
 19 or by the executor or administrator of the claimant's estate.

20 (3) Beginning with the 1998 base year, the income dollar
 21 amounts set forth in this ~~subsection~~ paragraph "b" shall be
 22 multiplied by the cumulative adjustment factor for that base
 23 year as determined in section 425.23, subsection 4.

24 ~~3.~~ 2. The amount thus computed shall be the annual tax for
 25 all homes, except as follows:

26 a. For the sixth through ninth years after the year of
 27 manufacture the annual tax is ninety percent of the tax
 28 computed according to subsection 1, paragraph "a" or ~~2 of this~~
 29 ~~section~~ "b", whichever is applicable.

30 b. For all homes ten or more years after the year of
 31 manufacture the annual tax is eighty percent of the tax
 32 computed according to subsection 1, paragraph "a" or ~~2 of this~~
 33 ~~section~~ "b", whichever is applicable.

34 ~~4.~~ 3. The tax shall be figured to the nearest even whole
 35 dollar.

1 ~~5.~~ 4. a. A claim for credit for manufactured or mobile
2 home tax due shall not be paid or allowed unless the claim is
3 actually filed with the county treasurer between January 1 and
4 June 1, both dates inclusive, immediately preceding the fiscal
5 year during which the home taxes are due. However, in case of
6 sickness, absence, or other disability of the claimant, or if
7 in the judgment of the county treasurer good cause exists, the
8 county treasurer may extend the time for filing a claim for
9 credit through September 30 of the same calendar year. The
10 county treasurer shall certify to the director of revenue on or
11 before November 15 each year the total dollar amount due for
12 claims allowed.

13 b. The forms for filing the claim shall be provided by the
14 department of revenue. The forms shall require information as
15 determined by the department.

16 c. In case of sickness, absence, or other disability of the
17 claimant or if, in the judgment of the director of revenue,
18 good cause exists and the claimant requests an extension, the
19 director may extend the time for filing a claim for credit
20 or reimbursement. However, any further time granted shall
21 not extend beyond December 31 of the year in which the claim
22 was required to be filed. Claims filed as a result of this
23 paragraph shall be filed with the director who shall provide
24 for the reimbursement of the claim to the claimant.

25 d. The director of revenue shall certify the amount due to
26 each county, which amount shall be the dollar amount which will
27 not be collected due to the granting of the reduced tax rate
28 under subsection 2 1, paragraph "b".

29 e. The amounts due each county shall be paid by the
30 department of revenue on December 15 of each year, drawn upon
31 warrants payable to the respective county treasurers. The
32 county treasurer in each county shall apportion the payment in
33 accordance with section 435.25.

34 f. There is appropriated annually from the general fund of
35 the state to the department of revenue an amount sufficient to

1 carry out this subsection.

2 Sec. 91. Section 437A.3, subsection 1, Code 2011, is amended
3 to read as follows:

4 1. a. *Assessed value* means the base year assessed value,
5 as adjusted by section 437A.19, subsection 2.

6 (1) *Base year assessed value*, for a taxpayer other than an
7 electric company, natural gas company, or electric cooperative,
8 means the value attributable to property identified in
9 section 427A.1, subsection 1, paragraph *h*, certified by the
10 department of revenue to the county auditors for the assessment
11 date of January 1, 1997, and the value attributable to property
12 identified in section 427A.1 and section 427B.17, subsection
13 5, as certified by the local assessors to the county auditors
14 for the assessment date of January 1, 1997, provided, that
15 for a taxpayer subject to section 437A.17A, such value shall
16 be the value certified by the department of revenue and local
17 assessors to the county auditors for the assessment date of
18 January 1, 1998.

19 (2) However, *base year assessed value*, for purposes
20 of property of a taxpayer that is a municipal utility, if
21 the property is not a major addition, and the property was
22 initially assessed to the taxpayer as of January 1, 1998, and
23 is not located in a county where the taxpayer had property
24 that was assessed for purposes of this chapter as of January
25 1, 1997, means the value attributable to such property for the
26 assessment date of January 1, 1998.

27 (3) For taxpayers that are electric companies, natural
28 gas companies, and electric cooperatives, *base year assessed*
29 *value* means the average of the total of these values for each
30 taxpayer for the assessment dates of January 1, 1993, through
31 January 1, 1997, allocated among taxing districts in proportion
32 to the allocation of the taxpayer's January 1, 1998, assessed
33 value among taxing districts.

34 (4) *Base year assessed value* does not include value
35 attributable to steam-operating property.

1 *b.* For new cogeneration facilities, the assessed value shall
2 be determined as provided in section 437A.16A.

3 Sec. 92. Section 437A.4, subsection 8, Code 2011, is amended
4 to read as follows:

5 8. *a.* If for any tax year after calendar year 1998, the
6 total taxable kilowatt-hours of electricity required to be
7 reported by taxpayers pursuant to section 437A.8, subsection 1,
8 paragraphs "*a*" and "*b*", with respect to any electric competitive
9 service area, increases or decreases by more than the threshold
10 percentage from the average of the base year amounts for that
11 electric competitive service area during the immediately
12 preceding five calendar years, the tax rate imposed under
13 subsection 1, paragraph "*a*", and subsection 2, for that tax
14 year shall be recalculated by the director for that electric
15 competitive service area so that the total of the replacement
16 electric delivery taxes required to be reported pursuant to
17 section 437A.8, subsection 1, paragraph "*e*", for that electric
18 competitive service area with respect to the tax imposed under
19 subsection 1, paragraph "*a*", and subsection 2, shall be as
20 follows:

21 ~~*a.*~~ (1) If the number of kilowatt-hours of electricity
22 required to be reported increased by more than the threshold
23 percentage, one hundred two percent of such taxes required to
24 be reported by taxpayers for that electric competitive service
25 area for the immediately preceding tax year.

26 ~~*b.*~~ (2) If the number of kilowatt-hours of electricity
27 required to be reported decreased by more than the threshold
28 percentage, ninety-eight percent of such taxes required to be
29 reported by taxpayers for that electric competitive service
30 area for the immediately preceding tax year.

31 *b.* For purposes of paragraphs "~~*a*~~" and "~~*b*~~" paragraph
32 "*a*", subparagraphs (1) and (2), in computing the tax rate
33 under subsection 1, paragraph "*a*", and subsection 2, for tax
34 year 1999, the director shall use the electric delivery tax
35 component computed for the electric competitive service area

1 pursuant to subsection 3, paragraph "c", in lieu of the taxes
 2 required to be reported for that electric competitive service
 3 area for the immediately preceding tax year.

4 c. The threshold percentage shall be determined annually
 5 and shall be eight percent for any electric competitive
 6 service area in which the average of the base year amounts
 7 for the preceding five calendar years does not exceed three
 8 billion kilowatt-hours, and ten percent for all other electric
 9 competitive service areas.

10 d. Any such recalculation of an electric delivery tax rate,
 11 if required, shall be made and the new rate shall be published
 12 in the Iowa administrative bulletin by the director by no
 13 later than May 31 following the tax year. The director shall
 14 adjust the tentative replacement tax imposed by subsection
 15 1, paragraph "a", and subsection 2 required to be shown on
 16 any affected taxpayer's return pursuant to section 437A.8,
 17 subsection 1, paragraph "e", to reflect the adjusted delivery
 18 tax rate for the tax year, and report such adjustment to the
 19 affected taxpayer on or before June 30 following the tax year.
 20 The new electric delivery tax rate shall apply prospectively,
 21 until such time as further adjustment is required.

22 e. For purposes of this section, "base year amount" means
 23 for calendar years prior to tax year 1999, the sum of the
 24 kilowatt-hours of electricity delivered to consumers within an
 25 electric competitive service area by the taxpayer principally
 26 serving such electric competitive service area which would
 27 have been subject to taxation under this section had this
 28 section been in effect for those years; and for tax years after
 29 calendar year 1998, the taxable kilowatt-hours of electricity
 30 required to be reported by taxpayers pursuant to section
 31 437A.8, subsection 1, paragraphs "a" and "b", with respect to
 32 any electric competitive service area.

33 Sec. 93. Section 437A.5, subsection 8, paragraph c, Code
 34 2011, is amended to read as follows:

35 c. (1) For purposes of paragraphs "a" and "b", in computing

1 the tax rate under subsection 1, paragraph "a", and subsection
2 2 for calendar year 1999, the director shall use the average
3 centrally assessed property tax liability allocated to natural
4 gas service computed for the natural gas competitive service
5 area pursuant to subsection 3, paragraph "a", in lieu of the
6 taxes required to be reported for that natural gas competitive
7 service area for the immediately preceding tax year.

8 (2) The threshold percentage shall be determined annually
9 and shall be eight percent for any natural gas competitive
10 service area in which the average of the base year amounts for
11 the preceding five calendar years does not exceed two hundred
12 fifty million therms, and ten percent for all other natural gas
13 competitive service areas.

14 (3) Recalculation of a natural gas delivery tax rate, if
15 required, shall be made and the new rate published in the Iowa
16 administrative bulletin by the director by no later than May
17 31 following the tax year. The director shall adjust the
18 tentative replacement tax imposed by subsection 1, paragraph
19 "a", and subsection 2 required to be shown on any affected
20 taxpayer's return pursuant to section 437A.8, subsection 1,
21 paragraph "e", to reflect the adjusted delivery tax rate for the
22 tax year, and report such adjustment to the affected taxpayer
23 on or before June 30 following the tax year. The new natural
24 gas delivery tax rate shall apply prospectively, until such
25 time as further adjustment is required.

26 (4) For purposes of this subsection, "base year amount"
27 means for calendar years prior to tax year 1999, the sum of the
28 therms of natural gas delivered to consumers within a natural
29 gas competitive service area by the taxpayer principally
30 serving such natural gas competitive service area which would
31 have been subject to taxation under this section had this
32 section been in effect for those years; and for tax years
33 after calendar year 1998, the taxable therms of natural gas
34 required to be reported by taxpayers pursuant to section
35 437A.8, subsection 1, paragraphs "a" and "b", with respect to

1 any natural gas competitive service area.

2 Sec. 94. Section 437A.14, subsection 3, Code 2011, is
3 amended to read as follows:

4 3. Unless otherwise expressly permitted by a section
5 referencing this chapter, the kilowatt-hours of electricity
6 or therms of natural gas delivered by a taxpayer in a
7 competitive service area shall not be divulged to any person
8 or entity, other than the taxpayer, the department, or the
9 internal revenue service for use in a matter unrelated to tax
10 administration. This prohibition precludes persons or entities
11 other than the taxpayer, the department, or the internal
12 revenue service from obtaining such information from the
13 department. A subpoena, order, or process which requires the
14 department to produce such information to a person or entity,
15 other than the taxpayer, the department, or internal revenue
16 service, for use in a nontax proceeding is void.

17 ~~This prohibition precludes persons or entities other than~~
18 ~~the taxpayer, the department, or the internal revenue service~~
19 ~~from obtaining such information from the department. A~~
20 ~~subpoena, order, or process which requires the department to~~
21 ~~produce such information to a person or entity, other than the~~
22 ~~taxpayer, the department, or internal revenue service, for use~~
23 ~~in a nontax proceeding is void.~~

24 Sec. 95. Section 441.5, Code 2011, is amended to read as
25 follows:

26 **441.5 Examination and certification of applicants —**
27 **incumbents.**

28 1. For the purpose of examining and certifying candidates
29 for the positions of assessor and deputy assessor, the director
30 of revenue shall prepare and administer a written examination.
31 The examinations shall be administered twice each year in the
32 city of Des Moines. Notification of the time, place and date
33 of the examinations shall be mailed to each city and county
34 assessor, county auditor and chairperson of each city and
35 county conference board at least thirty days prior to the date

1 of the examination.

2 2. These examinations shall be conducted by the director
3 of revenue in the same manner as other similar examinations,
4 including secrecy regarding questions prior to the examination
5 and in accordance with other rules as may be prescribed by the
6 director of revenue. The examination shall cover the following
7 and related subjects:

8 ~~1.~~ a. Laws pertaining to the assessment of property for
9 taxation, with emphasis on market value assessment as provided
10 in this chapter.

11 ~~2.~~ b. Laws on tax exemption.

12 ~~3.~~ c. Assessment of real estate and personal property,
13 including market value assessment in accordance with this
14 chapter and including fundamental principles and practices of
15 property appraisal and valuation which are consistent with
16 market value assessment as provided in this chapter.

17 ~~4.~~ d. The rights of taxpayers and property owners related
18 to the assessment of property for taxation.

19 ~~5.~~ e. The duties of the assessor.

20 ~~6.~~ f. Other items related to the position of assessor.

21 3. Only individuals who possess a high school diploma or
22 its equivalent are eligible to take the examination. A person
23 desiring to take the examination shall complete an application
24 prior to the administration of the examination.

25 4. The director of revenue shall grade the examination
26 taken. The director shall notify, in writing, each applicant
27 of the score attained by the applicant on the examination. An
28 individual who attains a score of seventy percent or greater on
29 the examination is eligible to be certified by the director of
30 revenue as a candidate for any assessor position. Any person
31 who passes the examination and who possesses at least two years
32 of appraisal related experience as determined by the director
33 of revenue shall be granted regular certification and become
34 eligible for appointment to a six-year term as assessor. Any
35 person who passes the examination but who lacks such experience

1 shall be granted temporary certification, and shall be eligible
2 for a provisional appointment as assessor.

3 5. Any person possessing temporary certification who
4 receives a provisional appointment as assessor shall, during
5 the person's first eighteen months in office, be required to
6 complete a course of study prescribed and administered by
7 the director of revenue. Upon the successful completion of
8 this course of study, the assessor shall be granted regular
9 certification and shall be eligible to remain in office for the
10 balance of the assessor's six-year term. All expenses incurred
11 in obtaining regular certification shall be defrayed by the
12 assessment expense fund.

13 6. Following the administration of the examination, the
14 director of revenue shall establish a register containing
15 the names, in alphabetical order, of all individuals who are
16 eligible for appointment as assessor. The test scores of
17 individuals on the register shall be given to a city or county
18 conference board upon request. All eligible individuals shall
19 remain on the register for a period of two years following the
20 date of certification granted by the director.

21 7. Incumbent assessors who have served six consecutive
22 years shall be placed on the register of individuals eligible
23 for appointment as assessor. In order to be appointed to
24 the position of assessor, the assessor shall comply with the
25 continuing education requirements. The number of credits
26 required for certification as eligible for appointment as
27 assessor in a jurisdiction other than where the assessor is
28 currently serving shall be prorated according to the percentage
29 of the assessor's term which is covered by the continuing
30 education requirements of section 441.8. The credit necessary
31 for certification for appointment is the product of one hundred
32 fifty multiplied by the quotient of the number of months served
33 of an assessor's term covered by the continuing education
34 requirements of section 441.8 divided by seventy-two. If the
35 number of credits necessary for certification for appointment

1 as determined under this ~~paragraph~~ subsection results in a
2 partial credit hour, the credit hour shall be rounded to the
3 nearest whole number.

4 Sec. 96. Section 441.16, Code 2011, is amended to read as
5 follows:

6 **441.16 Budget.**

7 1. All expenditures under this chapter shall be paid as
8 hereinafter provided.

9 2. Not later than January 1 of each year the assessor, the
10 examining board, and the board of review, shall each prepare a
11 proposed budget of all expenses for the ensuing fiscal year.
12 The assessor shall include in the proposed budget the probable
13 expenses for defending assessment appeals. Said budgets shall
14 be combined by the assessor and copies thereof forthwith filed
15 by the assessor in triplicate with the chairperson of the
16 conference board.

17 3. ~~Such~~ The combined budgets shall contain an itemized list
18 of the proposed salaries of the assessor and each deputy, the
19 amount required for field personnel and other personnel, their
20 number and their compensation; the estimated amount needed for
21 expenses, printing, mileage and other expenses necessary to
22 operate the assessor's office, the estimated expenses of the
23 examining board and the salaries and expenses of the local
24 board of review.

25 4. Each fiscal year the chairperson of the conference board
26 shall, by written notice, call a meeting of the conference
27 board to consider the proposed budget and to comply with
28 section 24.9.

29 5. At such meeting the conference board shall authorize:

30 ~~1-~~ a. The number of deputies, field personnel, and other
31 personnel of the assessor's office.

32 ~~2-~~ b. The salaries and compensation of members of the board
33 of review, the assessor, chief deputy, other deputies, field
34 personnel, and other personnel, and determine the time and
35 manner of payment.

1 ~~3.~~ c. The miscellaneous expenses of the assessor's office,
2 the board of review and the examining board, including office
3 equipment, records, supplies, and other required items.

4 ~~4.~~ d. The estimated expense of assessment appeals. All
5 such expense items shall be included in the budget adopted for
6 the ensuing year.

7 6. All tax levies and expenditures provided for herein shall
8 be subject to the provisions of chapter 24 and the conference
9 board is hereby declared to be the certifying board.

10 7. Any tax for the maintenance of the office of assessor
11 and other assessment procedure shall be levied only upon
12 the property in the area assessed by said assessor and
13 such tax levy shall not exceed forty and one-half cents per
14 thousand dollars of assessed value in assessing areas where
15 the valuation upon which the tax is levied does not exceed
16 ninety-two million, six hundred thousand dollars; thirty-three
17 and three-fourths cents per thousand dollars of assessed value
18 in assessing areas where the valuation upon which the tax
19 is levied exceeds ninety-two million, six hundred thousand
20 dollars and does not exceed one hundred eleven million,
21 one hundred twenty thousand dollars; twenty-seven cents per
22 thousand dollars of assessed value in assessing areas where
23 the valuation upon which the tax is levied exceeds one hundred
24 eleven million, one hundred twenty thousand dollars. The
25 county treasurer shall credit the sums received from such levy
26 to a separate fund to be known as the "assessment expense fund"
27 and from which fund all expenses incurred under this chapter
28 shall be paid. In the case of a county where there is more than
29 one assessor the treasurer shall maintain separate assessment
30 expense funds for each assessor.

31 8. The county auditor shall keep a complete record of said
32 funds and shall issue warrants thereon only on requisition of
33 the assessor.

34 9. The assessor shall not issue requisitions so as to
35 increase the total expenditures budgeted for the operation of

1 the assessor's office. However, for purposes of promoting
2 operational efficiency, the assessor shall have authority to
3 transfer funds budgeted for specific items for the operation of
4 the assessor's office from one unexpended balance to another;
5 such transfer shall not be made so as to increase the total
6 amount budgeted for the operation of the office of assessor,
7 and no funds shall be used to increase the salary of the
8 assessor or the salaries of permanent deputy assessors. The
9 assessor shall issue requisitions for the examining board
10 and for the board of review on order of the chairperson of
11 each board and for costs and expenses incident to assessment
12 appeals, only on order of the city legal department, in the
13 case of cities and of the county attorney in the case of
14 counties.

15 10. Unexpended funds remaining in the assessment expense
16 fund at the end of a year shall be carried forward into the next
17 year.

18 Sec. 97. Section 441.21, subsection 1, paragraph b, Code
19 2011, is amended to read as follows:

20 *b.* (1) The actual value of all property subject to
21 assessment and taxation shall be the fair and reasonable
22 market value of such property except as otherwise provided
23 in this section. "*Market value*" is defined as the fair and
24 reasonable exchange in the year in which the property is listed
25 and valued between a willing buyer and a willing seller,
26 neither being under any compulsion to buy or sell and each
27 being familiar with all the facts relating to the particular
28 property. Sale prices of the property or comparable property
29 in normal transactions reflecting market value, and the
30 probable availability or unavailability of persons interested
31 in purchasing the property, shall be taken into consideration
32 in arriving at its market value. In arriving at market value,
33 sale prices of property in abnormal transactions not reflecting
34 market value shall not be taken into account, or shall be
35 adjusted to eliminate the effect of factors which distort

1 market value, including but not limited to sales to immediate
2 family of the seller, foreclosure or other forced sales,
3 contract sales, discounted purchase transactions or purchase of
4 adjoining land or other land to be operated as a unit.

5 (2) The actual value of special purpose tooling, which
6 is subject to assessment and taxation as real property under
7 section 427A.1, subsection 1, paragraph "e", but which can be
8 used only to manufacture property which is protected by one or
9 more United States or foreign patents, shall not exceed the
10 fair and reasonable exchange value between a willing buyer and
11 a willing seller, assuming that the willing buyer is purchasing
12 only the special purpose tooling and not the patent covering
13 the property which the special purpose tooling is designed
14 to manufacture nor the rights to manufacture the patented
15 property. For purposes of this ~~paragraph~~ subparagraph, special
16 purpose tooling includes dies, jigs, fixtures, molds, patterns,
17 and similar property. The assessor shall not take into
18 consideration the special value or use value to the present
19 owner of the special purpose tooling which is designed and
20 intended solely for the manufacture of property protected by a
21 patent in arriving at the actual value of the special purpose
22 tooling.

23 Sec. 98. Section 445.5, subsection 2, Code 2011, is amended
24 to read as follows:

25 2. a. The county treasurer shall each year, upon request,
26 deliver to the following persons or entities, or their duly
27 authorized agents, a copy of the tax statement or tax statement
28 information:

29 ~~a.~~ (1) Contract purchaser.

30 ~~b.~~ (2) Lessee.

31 ~~c.~~ (3) Mortgagee.

32 ~~d.~~ (4) Financial institution organized or chartered or
33 holding an authorization certificate pursuant to chapter 524,
34 533, or 534.

35 ~~e.~~ (5) Federally chartered financial institution.

1 b. The treasurer may negotiate and charge a reasonable
2 fee not to exceed the cost of producing the information for a
3 requester described in ~~paragraphs "c" through "e"~~ paragraph
4 "a", subparagraphs (3) through (5), for a tax statement or tax
5 statement information provided by the treasurer.

6 Sec. 99. Section 450.94, subsection 5, Code 2011, is amended
7 to read as follows:

8 5. a. The amount of tax imposed under this chapter shall be
9 assessed according to one of the following:

10 ~~a.~~ (1) Within three years after the return is filed with
11 respect to property reported on the final inheritance tax
12 return.

13 ~~b.~~ (2) At any time after the tax became due with respect
14 to property not reported on the final inheritance tax return,
15 but not later than three years after the omitted property is
16 reported to the department on an amended return or on the final
17 inheritance tax return if one was not previously filed.

18 ~~c.~~ (3) The period for examination and determination of the
19 correct amount of tax to be reported and due under this chapter
20 is unlimited in the case of failure to file a return or the
21 filing of a false or fraudulent return or affidavit.

22 b. In addition to the applicable periods of limitations for
23 examination and determination specified in ~~paragraphs "a" and~~
24 "b" paragraph "a", subparagraphs (1) and (2), the department
25 may make an examination and determination at any time within
26 six months from the date of receipt by the department of
27 written notice from the taxpayer of the final disposition
28 of any matter between the taxpayer and the internal revenue
29 service with respect to the federal estate, gift, or generation
30 skipping transfer tax. In order to begin the running of the
31 six months assessment period, the notice shall be in writing
32 in form sufficient to inform the department of the final
33 disposition of any matter with respect to the federal estate,
34 gift, or generation skipping transfer tax, and a copy of the
35 federal document showing the final disposition or final federal

1 adjustments shall be attached to the notice.

2 Sec. 100. Section 453A.14, subsection 1, unnumbered
3 paragraphs 1 and 2, Code 2011, are amended to read as follows:

4 No state or manufacturer's permit shall be issued until the
5 applicant files a bond, with good and sufficient surety, to
6 be approved by the director, which bond shall be in favor of
7 the state and conditioned upon the payment of taxes, damages,
8 fines, penalties, and costs adjudged against the permit holder
9 for violation of any of the provisions of this division. The
10 bonds shall be on forms prescribed by the director and in the
11 following amounts:

12 ~~The bonds shall be on forms prescribed by the director and in~~
13 ~~the following amounts:~~

14 Sec. 101. Section 453C.1, subsections 4 and 9, Code 2011,
15 are amended to read as follows:

16 4. a. "Cigarette" means any product that contains nicotine,
17 is intended to be burned or heated under ordinary conditions of
18 use, and consists of or contains any of the following:

19 ~~a.~~ (1) Any roll of tobacco wrapped in paper or in any
20 substance not containing tobacco.

21 ~~b.~~ (2) Tobacco, in any form, that is functional in the
22 product, which, because of its appearance, the type of tobacco
23 used in the filler, or its packaging and labeling, is likely to
24 be offered to, or purchased by, consumers as a cigarette.

25 ~~c.~~ (3) Any roll of tobacco wrapped in any substance
26 containing tobacco which, because of its appearance, the type
27 of tobacco used in the filler, or its packaging and labeling,
28 is likely to be offered to, or purchased by, consumers as
29 a cigarette described in paragraph "a" of this definition
30 subparagraph (1).

31 b. The term "cigarette" includes "roll-your-own" tobacco,
32 meaning tobacco which, because of its appearance, type,
33 packaging, or labeling, is suitable for use and likely to be
34 offered to, or purchased by, consumers as tobacco for making
35 cigarettes. For purposes of this definition of "cigarette",

1 0.09 ounces of "roll-your-own" tobacco shall constitute one
2 individual "cigarette".

3 9. a. "Tobacco product manufacturer" means an entity that
4 on or after May 20, 1999, directly and not exclusively through
5 any affiliate does any of the following:

6 ~~a.~~ (1) Manufactures cigarettes anywhere that such
7 manufacturer intends to be sold in the United States, including
8 cigarettes intended to be sold in the United States through
9 an importer (except where such importer is an original
10 participating manufacturer, as that term is defined in the
11 master settlement agreement, that will be responsible for the
12 payments under the master settlement agreement with respect to
13 such cigarettes as a result of the provisions of subsection
14 II(mm) of the master settlement agreement and that pays the
15 taxes specified in subsection II(z) of the master settlement
16 agreement and provided that the manufacturer of such cigarettes
17 does not market or advertise such cigarettes in the United
18 States).

19 ~~b.~~ (2) Is the first purchaser anywhere for resale in the
20 United States of cigarettes manufactured anywhere that the
21 manufacturer does not intend to be sold in the United States.

22 ~~c.~~ (3) Becomes a successor of an entity described in
23 paragraph "a" or "b" subparagraph (1) or (2).

24 b. The term "tobacco product manufacturer" shall not include
25 an affiliate of a tobacco product manufacturer unless such
26 affiliate itself falls within any of ~~paragraphs "a" through "c"~~
27 paragraph "a", subparagraphs (1) through (3).

28 Sec. 102. Section 455B.173, subsections 2 and 3, Code 2011,
29 are amended to read as follows:

30 2. Establish, modify, or repeal water quality standards,
31 pretreatment standards, and effluent standards in accordance
32 with the provisions of this chapter.

33 a. The effluent standards may provide for maintaining the
34 existing quality of the water of the state that is a navigable
35 water of the United States under the federal Water Pollution

1 Control Act where the quality thereof exceeds the requirements
2 of the water quality standards.

3 b. If the federal environmental protection agency has
4 promulgated an effluent standard or pretreatment standard
5 pursuant to section 301, 306, or 307 of the federal Water
6 Pollution Control Act, a pretreatment or effluent standard
7 adopted pursuant to this section shall not be more stringent
8 than the federal effluent or pretreatment standard for such
9 source. This section may not preclude the establishment of
10 a more restrictive effluent limitation in the permit for a
11 particular point source if the more restrictive effluent
12 limitation is necessary to meet water quality standards, the
13 establishment of an effluent standard for a source or class of
14 sources for which the federal environmental protection agency
15 has not promulgated standards pursuant to section 301, 306,
16 or 307 of the federal Water Pollution Control Act. Except as
17 required by federal law or regulation, the commission shall
18 not adopt an effluent standard more stringent with respect to
19 any pollutant than is necessary to reduce the concentration
20 of that pollutant in the effluent to the level due to natural
21 causes, including the mineral and chemical characteristics
22 of the land, existing in the water of the state to which the
23 effluent is discharged. Notwithstanding any other provision
24 of this part of this division or chapter 459, subchapter III,
25 any new source, the construction of which was commenced after
26 October 18, 1972, and which was constructed as to meet all
27 applicable standards of performance for the new source or any
28 more stringent effluent limitation required to meet water
29 quality standards, shall not be subject to any more stringent
30 effluent limitations during a ten-year period beginning on the
31 date of completion of construction or during the period of
32 depreciation or amortization of the pollution control equipment
33 for the facility for the purposes of section 167 ~~and~~ or 169 or
34 both sections of the Internal Revenue Code, whichever period
35 ends first.

1 3. Establish, modify, or repeal rules relating to the
2 location, construction, operation, and maintenance of disposal
3 systems and public water supply systems and specifying the
4 conditions, including the viability of a system pursuant
5 to section 455B.174, under which the director shall issue,
6 revoke, suspend, modify, or deny permits for the operation,
7 installation, construction, addition to, or modification of
8 any disposal system or public water supply system, or for the
9 discharge of any pollutant.

10 a. The rules specifying the conditions under which the
11 director shall issue permits for the construction of an
12 electric power generating facility subject to chapter 476A
13 shall provide for issuing a conditional permit upon the
14 submission of engineering descriptions, flow diagrams and
15 schematics that qualitatively and quantitatively identify
16 effluent streams and alternative disposal systems that will
17 provide compliance with effluent standards or limitations.

18 b. No rules shall be adopted which regulate the hiring
19 or firing of operators of disposal systems or public water
20 supply systems except rules which regulate the certification of
21 operators as to their technical competency.

22 c. A publicly owned treatment works whose discharge meets
23 the final effluent limitations which were contained in its
24 discharge permit on the date that construction of the publicly
25 owned treatment works was approved by the department shall
26 not be required to meet more stringent effluent limitations
27 for a period of ten years from the date the construction was
28 completed and accepted but not longer than twelve years from
29 the date that construction was approved by the department.

30 Sec. 103. Section 455B.213, subsection 4, Code 2011, is
31 amended to read as follows:

32 4. *Violation.*

33 a. An employee of the department who willfully communicates
34 or seeks to communicate such information, and a person
35 who willfully requests, obtains, or seeks to obtain such

1 information, is guilty of a simple misdemeanor.

2 b. A member of the commission who willfully communicates
3 or seeks to communicate such information, and any person
4 who willfully requests, obtains, or seeks to obtain such
5 information, is guilty of a public offense which is punishable
6 by a fine not exceeding one hundred dollars or by imprisonment
7 in the county jail for not more than thirty days.

8 Sec. 104. Section 455B.312, subsection 2, unnumbered
9 paragraph 2, Code 2011, is amended to read as follows:

10 3. If an acceptable plan is not prepared, the plan is not
11 implemented, or the problem otherwise continues unabated, the
12 attorney general shall take actions authorized by law to secure
13 compliance.

14 Sec. 105. Section 455B.423, subsection 2, Code 2011, is
15 amended to read as follows:

16 2. a. The director may use the fund for any of the
17 following purposes:

18 ~~a.~~ (1) Administrative services for the identification,
19 assessment and cleanup of hazardous waste or hazardous
20 substance disposal sites.

21 ~~b.~~ (2) Payments to other state agencies for services
22 consistent with the management of hazardous waste or hazardous
23 substance disposal sites.

24 ~~c.~~ (3) Emergency response activities as provided in part 4
25 of this division.

26 ~~d.~~ (4) Financing the nonfederal share of the cost
27 of cleanup and site rehabilitation activities as well as
28 postclosure operation and maintenance costs, pursuant to the
29 federal Comprehensive Environmental Response, Compensation and
30 Liability Act of 1980.

31 ~~e.~~ (5) Financing the cost of cleanup and site
32 rehabilitation activities as well as postclosure operation and
33 maintenance costs of hazardous waste or hazardous substance
34 disposal sites that do not qualify for federal cost sharing
35 pursuant to the federal Comprehensive Environmental Response,

1 Compensation and Liability Act of 1980.

2 ~~f.~~ (6) Through agreements or contracts with other state
3 agencies, work with private industry to develop alternatives
4 to land disposal of hazardous waste or hazardous substances
5 including, but not limited to, resource recovery, recycling,
6 neutralization, and reduction.

7 ~~g.~~ (7) For the administration of the waste tire collection
8 or processing site permit program.

9 b. However, at least seventy-five percent of the fund shall
10 be used for the purposes stated in paragraphs ~~"d"~~ and ~~"e"~~
11 paragraph "a", subparagraphs (4) and (5).

12 Sec. 106. Section 455B.471, subsection 11, Code 2011, is
13 amended to read as follows:

14 11. a. "Underground storage tank" means one or a
15 combination of tanks, including underground pipes connected
16 to the tanks which are used to contain an accumulation of
17 regulated substances and the volume of which, including the
18 volume of the underground pipes, is ten percent or more beneath
19 the surface of the ground. Underground storage tank does not
20 include:

21 ~~a.~~ (1) Farm or residential tanks of one thousand one
22 hundred gallons or less capacity used for storing motor fuel
23 for noncommercial purposes.

24 ~~b.~~ (2) Tanks used for storing heating oil for consumptive
25 use on the premises where stored.

26 ~~c.~~ (3) Residential septic tanks.

27 ~~d.~~ (4) Pipeline facilities regulated under the Natural
28 Gas Pipeline Safety Act of 1968, as amended to January 1, 1985
29 ~~(49, codified at 49 U.S.C. § 1671 et seq.) seq.~~, the Hazardous
30 Liquid Pipeline Safety Act of 1979, as amended to January 1,
31 1985 ~~(49, codified at 49 U.S.C. § 2001 et seq.) seq.~~, or an
32 intrastate pipeline facility regulated under chapter 479.

33 ~~e.~~ (5) A surface impoundment, pit, pond, or lagoon.

34 ~~f.~~ (6) A storm water or wastewater collection system.

35 ~~g.~~ (7) A flow-through process tank.

1 ~~h.~~ (8) A liquid trap or associated gathering lines directly
2 related to oil or gas production and gathering operations.

3 ~~i.~~ (9) A storage tank situated in an underground area
4 including, but not limited to, a basement, cellar, mineworking,
5 drift, shaft, or tunnel if the storage tank is situated upon or
6 above the surface of the floor.

7 b. Underground storage tank does not include pipes connected
8 to a tank described in paragraphs ~~"a"~~ to ~~"i"~~ paragraph "a",
9 subparagraphs (1) through (9).

10 Sec. 107. Section 455B.474, subsection 1, Code 2011, is
11 amended to read as follows:

12 1. a. Release detection, prevention, and correction as
13 may be necessary to protect human health and the environment,
14 applicable to all owners and operators of underground storage
15 tanks. The rules shall include, but are not limited to,
16 requirements for:

17 ~~a.~~ (1) Maintaining a leak detection system, an inventory
18 control system with a tank testing, or a comparable system or
19 method designed to identify releases in a manner consistent
20 with the protection of human health and the environment.

21 ~~b.~~ (2) Maintaining records of any monitoring or leak
22 detection system, inventory control system, tank testing or
23 comparable system, and periodic underground storage tank
24 facility compliance inspections conducted by inspectors
25 certified by the department.

26 ~~c.~~ (3) Reporting of any releases and corrective action
27 taken in response to a release from an underground storage
28 tank.

29 ~~d.~~ (4) Establishing criteria for classifying sites
30 according to the release of a regulated substance in connection
31 with an underground storage tank.

32 ~~(1)~~ (a) The classification system shall consider the
33 actual or potential threat to public health and safety and
34 to the environment posed by the contaminated site and shall
35 take into account relevant factors, including the presence

1 of contamination in soils, groundwaters, and surface waters,
2 and the effect of conduits, barriers, and distances on the
3 contamination found in those areas according to the following
4 factors:

5 ~~(a)~~ (i) Soils shall be evaluated based upon the depth of
6 the existing contamination and its distance from the ground
7 surface to the contamination zone and the contamination
8 zone to the groundwater; the soil type and permeability,
9 including whether the contamination exists in clay, till or
10 sand and gravel; and the variability of the soils, whether the
11 contamination exists in soils of natural variability or in a
12 disturbed area.

13 ~~(b)~~ (ii) Groundwaters shall be evaluated based upon the
14 depth of the contamination and its distance from the ground
15 surface to the groundwater and from the contamination zone
16 to the groundwater; the flow pattern of the groundwater, the
17 direction of the flow in relation to the contamination zone and
18 the interconnection of the groundwater with the surface or with
19 surface water and with other groundwater sources; the nature
20 of the groundwater, whether it is located in a high yield
21 aquifer, an isolated, low yield aquifer, or in a transient
22 saturation zone; and use of the groundwater, whether it is
23 used as a drinking water source for public or private drinking
24 water supplies, for livestock watering, or for commercial and
25 industrial processing.

26 ~~(c)~~ (iii) Surface water shall be evaluated based upon its
27 location, its distance in relation to the contamination zone,
28 the groundwater system and flow, and its location in relation
29 to surface drainage.

30 ~~(d)~~ (iv) The effect of conduits, barriers, and distances
31 on the contamination found in soils, groundwaters, and surface
32 waters. Consideration should be given to the following: the
33 effect of contamination on conduits such as wells, utility
34 lines, tile lines and drainage systems; the effect of conduits
35 on the transport of the contamination; whether a well is active

1 or abandoned; what function the utility line serves, whether
2 it is a sewer line, a water distribution line, telephone line,
3 or other line; the existence of barriers such as buildings and
4 other structures, pavement, and natural barriers, including
5 rock formations and ravines; and the distance which separates
6 the contamination found in the soils, groundwaters, or surface
7 waters from the conduits and barriers.

8 ~~(2)~~ (b) A site shall be classified as either high risk,
9 low risk, or no action required, as determined by a certified
10 groundwater professional.

11 ~~(a)~~ (i) A site shall be considered high risk when
12 a certified groundwater professional determines that
13 contamination from the site presents an unreasonable risk to
14 public health and safety or the environment under any of the
15 following conditions:

16 ~~(i)~~ (A) Contamination is affecting or likely to affect
17 groundwater which is used as a source water for public or
18 private water supplies, to a level rendering them unsafe for
19 human consumption.

20 ~~(ii)~~ (B) Contamination is actually affecting or is likely
21 to affect surface water bodies to a level where surface water
22 quality standards, under section 455B.173, will be exceeded.

23 ~~(iii)~~ (C) Harmful or explosive concentrations of
24 petroleum substances or vapors affecting structures or utility
25 installations exist or are likely to occur.

26 ~~(b)~~ (ii) A site shall be considered low risk when a
27 certified groundwater professional determines that low risk
28 conditions exist as follows:

29 ~~(i)~~ (A) Contamination is present and is affecting
30 groundwater, but high risk conditions do not exist and are not
31 likely to occur.

32 ~~(ii)~~ (B) Contamination is above action level standards, but
33 high risk conditions do not exist and are not likely to occur.

34 ~~(e)~~ (iii) A site shall be considered no action required
35 and a no further action certificate shall be issued by the

1 department when a certified groundwater professional determines
2 that contamination is below action level standards and high or
3 low risk conditions do not exist and are not likely to occur.

4 ~~(d)~~ (iv) For purposes of classifying a site as either
5 low risk or no action required, the department shall rely
6 upon the example tier one risk-based screening level look-up
7 table of ASTM (American society for testing and materials)
8 international's emergency standard, ES38-94, or other look-up
9 table as determined by the department by rule.

10 ~~(e)~~ (v) A site cleanup report which classifies a site as
11 either high risk, low risk, or no action required shall be
12 submitted by a groundwater professional to the department with
13 a certification that the report complies with the provisions
14 of this chapter and rules adopted by the department. The
15 report shall be determinative of the appropriate classification
16 of the site and the site shall be classified as indicated by
17 the groundwater professional unless, within ninety days of
18 receipt by the department, the department identifies material
19 information in the report that is inaccurate or incomplete,
20 and based upon inaccurate or incomplete information in the
21 report the risk classification of the site cannot be reasonably
22 determined by the department based upon industry standards.
23 If the department determines that the site cleanup report is
24 inaccurate or incomplete, the department shall notify the
25 groundwater professional of the inaccurate or incomplete
26 information within ninety days of receipt of the report
27 and shall work with the groundwater professional to obtain
28 correct information or additional information necessary to
29 appropriately classify the site. However, from July 1,
30 2010, through June 30, 2011, the department shall have one
31 hundred twenty days to notify the certified groundwater
32 professional when a report is not accepted based on material
33 information that is found to be inaccurate or incomplete. A
34 groundwater professional who knowingly or intentionally makes
35 a false statement or misrepresentation which results in a

1 mistaken classification of a site shall be guilty of a serious
2 misdemeanor and shall have the groundwater professional's
3 certification revoked under this section.

4 ~~e~~ (5) The closure of tanks to prevent any future release
5 of a regulated substance into the environment. If consistent
6 with federal environmental protection agency technical standard
7 regulations, state tank closure rules shall include, at the
8 tank owner's election, an option to fill the tank with an inert
9 material. Removal of a tank shall not be required if the tank
10 is filled with an inert material pursuant to department of
11 natural resources rules. A tank closed, or to be closed and
12 which is actually closed, within one year of May 13, 1988,
13 shall be required to complete monitoring or testing as required
14 by the department to ensure that the tank did not leak prior to
15 closure, but shall not be required to have a monitoring system
16 installed.

17 ~~f~~ (6) Establishing corrective action response requirements
18 for the release of a regulated substance in connection with
19 an underground storage tank. The corrective action response
20 requirements shall include, but not be limited to, all of the
21 following:

22 ~~(1)~~ (a) A requirement that the site cleanup report do all
23 of the following:

24 ~~(a)~~ (i) Identify the nature and level of contamination
25 resulting from the release.

26 ~~(b)~~ (ii) Provide supporting data and a recommendation
27 of the degree of risk posed by the site relative to the site
28 classification system adopted pursuant to paragraph ~~"d"~~ "a",
29 subparagraph (4).

30 ~~(c)~~ (iii) Provide supporting data and a recommendation of
31 the need for corrective action.

32 ~~(d)~~ (iv) Identify the corrective action options which
33 shall address the practical feasibility of implementation,
34 costs, expected length of time to implement, and environmental
35 benefits.

- 1 ~~(2)~~ (b) To the fullest extent practicable, allow for
2 the use of generally available hydrological, geological,
3 topographical, and geographical information and minimize site
4 specific testing in preparation of the site cleanup report.
- 5 ~~(3)~~ (c) Require that at a minimum the source of a release
6 be stopped either by repairing, upgrading, or closing the tank
7 and that free product be removed or contained on site.
- 8 ~~(4)~~ (d) High risk sites shall be addressed pursuant
9 to a corrective action design report, as submitted by a
10 groundwater professional and as accepted by the department.
11 The corrective action design report shall determine the most
12 appropriate response to the high risk conditions presented.
13 The appropriate corrective action response shall be based upon
14 industry standards and shall take into account the following:
- 15 ~~(a)~~ (i) The extent of remediation required to reclassify
16 the site as a low risk site.
- 17 ~~(b)~~ (ii) The most appropriate exposure scenarios based upon
18 residential, commercial, or industrial use or other predefined
19 industry accepted scenarios.
- 20 ~~(c)~~ (iii) Exposure pathway characterizations including
21 contaminant sources, transport mechanisms, and exposure
22 pathways.
- 23 ~~(d)~~ (iv) Affected human or environmental receptors
24 and exposure scenarios based on current and projected use
25 scenarios.
- 26 ~~(e)~~ (v) Risk-based corrective action assessment principles
27 which identify the risks presented to the public health and
28 safety or the environment by each release in a manner that
29 will protect the public health and safety or the environment
30 using a tiered procedure consistent with ASTM (American society
31 for testing and materials) international's emergency standard,
32 ES38-94.
- 33 ~~(f)~~ (vi) Other relevant site specific factors such
34 as the feasibility of available technologies, existing
35 background contaminant levels, current and planned future uses,

1 ecological, aesthetic, and other relevant criteria, and the
2 applicability and availability of engineering and institutional
3 controls, including an environmental covenant as established by
4 chapter 455I.

5 ~~(g)~~ (vii) Remediation shall not be required on a site
6 that does not present an increased cancer risk at the point of
7 exposure of one in one million for residential areas or one in
8 ten thousand for nonresidential areas.

9 ~~(5)~~ (e) A corrective action design report submitted by a
10 groundwater professional shall be accepted by the department
11 and shall be primarily relied upon by the department to
12 determine the corrective action response requirements of
13 the site. However, if within ninety days of receipt of a
14 corrective action design report, the department identifies
15 material information in the corrective action design report
16 that is inaccurate or incomplete, and if based upon information
17 in the report the appropriate corrective action response
18 cannot be reasonably determined by the department based upon
19 industry standards, the department shall notify the groundwater
20 professional that the corrective action design report is not
21 accepted, and the department shall work with the groundwater
22 professional to correct the material information or to
23 obtain the additional information necessary to appropriately
24 determine the corrective action response requirements as soon
25 as practicable. However, from July 1, 2010, through June 30,
26 2011, the department shall have one hundred twenty days to
27 notify the certified groundwater professional when a corrective
28 action design report is not accepted based on material
29 information that is found to be inaccurate or incomplete. A
30 groundwater professional who knowingly or intentionally makes
31 a false statement or misrepresentation which results in an
32 improper or incorrect corrective action response shall be
33 guilty of a serious misdemeanor and shall have the groundwater
34 professional's certification revoked under this section.

35 ~~(6)~~ (f) Low risk sites shall be monitored as deemed

1 necessary by the department consistent with industry standards.
 2 Monitoring shall not be required on a site which has received
 3 a no further action certificate. A site that has maintained
 4 less than the applicable target level for four consecutive
 5 sampling events shall be reclassified as a no action required
 6 site regardless of exit monitoring criteria and guidance.

7 ~~(7)~~ (g) An owner or operator may elect to proceed with
 8 additional corrective action on the site. However, any action
 9 taken in addition to that required pursuant to this paragraph
 10 ~~"f"~~ "a", subparagraph (6), shall be solely at the expense of the
 11 owner or operator and shall not be considered corrective action
 12 for purposes of section 455G.9, unless otherwise previously
 13 agreed to by the board and the owner or operator pursuant to
 14 section 455G.9, subsection 7. Corrective action taken by an
 15 owner or operator due to the department's failure to meet the
 16 time requirements provided in subparagraph ~~(5)~~ division (e)
 17 shall be considered corrective action for purposes of section
 18 455G.9.

19 ~~(8)~~ (h) Notwithstanding other provisions to the contrary
 20 and to the extent permitted by federal law, the department
 21 shall allow for bioremediation of soils and groundwater. For
 22 purposes of this subparagraph division, *"bioremediation"* means
 23 the use of biological organisms, including microorganisms
 24 or plants, to degrade organic pollutants to common natural
 25 products.

26 ~~(9)~~ (i) Replacement or upgrade of a tank on a site
 27 classified as a high or low risk site shall be equipped with
 28 a secondary containment system with monitoring of the space
 29 between the primary and secondary containment structures or
 30 other board approved tank system or methodology.

31 ~~(10)~~ (j) The commission and the board shall cooperate to
 32 ensure that remedial measures required by the corrective action
 33 rules adopted pursuant to this ~~paragraph~~ subparagraph (6) are
 34 reasonably cost-effective and shall, to the fullest extent
 35 possible, avoid duplicating and conflicting requirements.

1 ~~(11)~~ (k) The director may order an owner or operator to
2 immediately take all corrective actions deemed reasonable
3 and necessary by the director if the corrective action is
4 consistent with the prioritization rules adopted under this
5 ~~paragraph~~ subparagraph (6). Any order taken by the director
6 pursuant to this subparagraph division shall be reviewed at the
7 next meeting of the environmental protection commission.

8 ~~g.~~ (7) Specifying an adequate monitoring system to
9 detect the presence of a leaking underground storage tank and
10 to provide for protection of the groundwater resources for
11 regulated tanks installed prior to January 14, 1987. The
12 effective date of the rules adopted shall be January 14, 1989.
13 In the event that federal regulations are adopted by the United
14 States environmental protection agency after the commission
15 has adopted state standards pursuant to this subsection, the
16 commission shall immediately proceed to adopt rules consistent
17 with those federal regulations adopted. Unless the federal
18 environmental protection agency adopts final rules to the
19 contrary, rules adopted pursuant to this section shall not
20 apply to hydraulic lift reservoirs, such as for automobile
21 hoists and elevators, containing hydraulic oil.

22 ~~h.~~ (8) Issuing a no further action certificate or
23 a monitoring certificate to the owner or operator of an
24 underground storage tank site.

25 ~~(1)~~ (a) A no further action certificate shall be issued
26 by the department for a site which has been classified as a no
27 further action site or which has been reclassified pursuant to
28 completion of a corrective action plan or monitoring plan to be
29 a no further action site by a groundwater professional, unless
30 within ninety days of receipt of the report submitted by the
31 groundwater professional classifying the site, the department
32 notifies the groundwater professional that the report and site
33 classification are not accepted and the department identifies
34 material information in the report that is inaccurate or
35 incomplete which causes the department to be unable to accept

1 the classification of the site. An owner or operator shall
2 not be responsible for additional assessment, monitoring, or
3 corrective action activities at a site that is issued a no
4 further action certificate unless it is determined that the
5 certificate was issued based upon false material statements
6 that were knowingly or intentionally made by a groundwater
7 professional and the false material statements resulted in the
8 incorrect classification of the site.

9 ~~(2)~~ (b) A monitoring certificate shall be issued by the
10 department for a site which does not require remediation, but
11 does require monitoring of the site.

12 ~~(3)~~ (c) A certificate shall be recorded with the county
13 recorder. The owner or operator of a site who has been issued
14 a certificate under this paragraph ~~"h"~~ "a", subparagraph (8),
15 or a subsequent purchaser of the site shall not be required to
16 perform further corrective action because action standards are
17 changed at a later date. A certificate shall not prevent the
18 department from ordering corrective action of a new release.

19 ~~4.~~ (9) Establishing a certified compliance inspector
20 program administered by the department for underground storage
21 tank facility compliance inspections.

22 ~~(1)~~ (a) The certified compliance inspector program shall
23 provide for, but not be limited to, all of the following:

24 ~~(a)~~ (i) Mandatory periodic underground storage tank
25 facility compliance inspections by owners and operators using
26 inspectors certified by the department.

27 ~~(b)~~ (ii) Compliance inspector qualifications,
28 certification procedures, certification and renewal fees
29 sufficient to cover administrative costs, continuing education
30 requirements, inspector discipline standards including
31 certification suspension and revocation for good cause,
32 compliance inspection standards, professional liability bonding
33 or insurance requirements, and any other requirements as the
34 commission may deem appropriate. Certification and renewal
35 fees received by the department are appropriated to the

1 department for purposes of the administration of the certified
2 compliance inspector program.

3 ~~(2)~~ (b) The department shall continue to conduct
4 independent inspections as provided in section 455B.475
5 as deemed appropriate to assure effective compliance and
6 enforcement and for the purpose of auditing the accuracy and
7 completeness of inspections conducted by certified compliance
8 inspectors.

9 ~~(3)~~ (c) Acts or omissions by a certified compliance
10 inspector, the state, or the department regarding
11 certification, renewal, oversight of the certification process,
12 continuing education, discipline, inspection standards,
13 or any other actions, rules, or regulations arising out of
14 the certification, inspections, or duties imposed by this
15 section shall not be cause for a claim against the state or
16 the department within the meaning of chapter 669 or any other
17 provision of the Iowa Code.

18 b. In adopting the rules under this subsection, the
19 commission may distinguish between types, classes, and ages
20 of underground storage tanks. In making the distinctions,
21 the commission may take into consideration factors including,
22 but not limited to, location of the tanks, compatibility of a
23 tank material with the soil and climate conditions, uses of
24 the tanks, history of maintenance, age of the tanks, current
25 industry recommended practices, national consensus codes,
26 hydrogeology, water table, size of the tanks, quantity of
27 regulated substances periodically deposited in or dispensed
28 from the tank, the degree of risk presented by the regulated
29 substance, the technical and managerial capability of the
30 owners and operators, and the compatibility of the regulated
31 substance and the materials of which the underground storage
32 tank is fabricated.

33 c. The department may issue a variance, which includes an
34 enforceable compliance schedule, from the mandatory monitoring
35 requirement for an owner or operator who demonstrates plans for

1 tank removal, replacement, or filling with an inert material
2 pursuant to a department approved variance. A variance may be
3 renewed for just cause.

4 Sec. 108. Section 455D.3, subsections 1 and 3, Code 2011,
5 are amended to read as follows:

6 1. *Year 1994 and 2000 goals.*

7 a. The goal of the state is to reduce the amount of
8 materials in the waste stream, existing as of July 1, 1988,
9 twenty-five percent by July 1, 1994, and fifty percent by July
10 1, 2000, through the practice of waste volume reduction at
11 the source and through recycling. For the purposes of this
12 section, "waste stream" means the disposal of solid waste as
13 "solid waste" is defined in section 455B.301.

14 b. Notwithstanding section 455D.1, subsection 6, facilities
15 which employ combustion of solid waste with energy recovery
16 and refuse-derived fuel, which are included in an approved
17 comprehensive plan, may include these processes in the
18 definition of recycling for the purpose of meeting the state
19 goal if at least thirty-five percent of the waste reduction
20 goal, required to be met by July 1, 2000, pursuant to this
21 section, is met through volume reduction at the source and
22 recycling and reuse, as established pursuant to section
23 455B.301A, subsection 1, paragraphs "a" and "b".

24 3. *Departmental monitoring.*

25 a. By October 31, 1994, a planning area shall submit to
26 the department a solid waste abatement table which is updated
27 through June 30, 1994. By April 1, 1995, the department shall
28 report to the general assembly on the progress that has been
29 made by each planning area on attainment of the July 1, 1994,
30 twenty-five percent goal.

31 (1) If at any time the department determines that a planning
32 area has met or exceeded the twenty-five percent goal, but has
33 not met or exceeded the fifty percent goal, a planning area
34 shall subtract sixty cents from the total amount of the tonnage
35 fee imposed pursuant to section 455B.310. If at any time the

1 department determines that a planning area has met or exceeded
2 the fifty percent goal, a planning area shall subtract fifty
3 cents from the total amount of the tonnage fee imposed pursuant
4 to section 455B.310. The reduction in tonnage fees pursuant
5 to this ~~paragraph~~ subparagraph shall be taken from that
6 portion of the tonnage fees which would have been allocated for
7 funding alternatives to landfills pursuant to section 455E.11,
8 subsection 2, paragraph "a", subparagraph (1).

9 (2) If the department determines that a planning area has
10 failed to meet the July 1, 1994, twenty-five percent goal, the
11 planning area shall, at a minimum, implement the solid waste
12 management techniques as listed in subsection 4. Evidence of
13 implementation of the solid waste management techniques shall
14 be documented in subsequent comprehensive plans submitted to
15 the department.

16 **b.** (1) By October 31, 2000, a planning area shall submit to
17 the department, a solid waste abatement table which is updated
18 through June 30, 2000. By April 1, 2001, the department shall
19 report to the general assembly on the progress that has been
20 made by each planning area on attainment of the July 1, 2000,
21 fifty percent goal.

22 (2) If at any time the department determines that a planning
23 area has met or exceeded the fifty percent goal, the planning
24 area shall subtract fifty cents from the total amount of the
25 tonnage fee imposed pursuant to section 455B.310. This amount
26 shall be in addition to any amount subtracted pursuant to
27 paragraph "a" ~~of this subsection~~. The reduction in tonnage
28 fees pursuant to this ~~paragraph~~ subparagraph shall be taken
29 from that portion of the tonnage fees which would have been
30 allocated to funding alternatives to landfills pursuant to
31 section 455E.11, subsection 2, paragraph "a", subparagraph
32 (1). Except for fees required under subsection 4, paragraph
33 "a", a planning area failing to meet the fifty percent goal
34 is not required to remit any additional tonnage fees to the
35 department.

1 Sec. 109. Section 455D.10B, subsections 2 and 3, Code 2011,
2 are amended to read as follows:

3 2. a. A rechargeable consumer product manufacturer may
4 apply to the department for exemption from the requirements of
5 subsection 1 if any of the following apply:

6 ~~a.~~ (1) The product cannot be redesigned or manufactured to
7 comply with the requirements prior to January 1, 1994.

8 ~~b.~~ (2) The redesign of the product to comply with the
9 requirements would result in significant danger to public
10 health and safety.

11 ~~c.~~ (3) The battery poses no unreasonable hazard to public
12 health, safety, or the environment when placed in and processed
13 or disposed of as part of mixed municipal solid waste, pursuant
14 to section 455D.10A.

15 ~~d.~~ (4) The consumer product manufacturer has in operation
16 a program to recycle used batteries in an environmentally sound
17 manner.

18 b. A manufacturer of a product that is powered by a battery
19 that cannot be easily removed who has been granted an exemption
20 under this subsection shall label the product as required in
21 subsection 1, paragraph "b".

22 3. An exemption granted by the department under subsection
23 2, paragraph "a", subparagraph (1), is limited to a maximum of
24 two years, but may be renewed.

25 Sec. 110. Section 455E.11, subsection 2, paragraph c, Code
26 2011, is amended to read as follows:

27 c. A household hazardous waste account.

28 (1) The moneys collected pursuant to section 455F.7
29 and moneys collected pursuant to section 29C.8A which are
30 designated for deposit, shall be deposited in the household
31 hazardous waste account. Two thousand dollars is appropriated
32 annually to the Iowa department of public health to carry
33 out departmental duties under section 135.11, subsections 18
34 and 19, and section 139A.21. The remainder of the account
35 shall be used to fund toxic cleanup days and the efforts of

1 the department to support a collection system for household
2 hazardous materials, including public education programs,
3 training, and consultation of local governments in the
4 establishment and operation of permanent collection systems,
5 and the management of collection sites, education programs,
6 and other activities pursuant to chapter 455F, including the
7 administration of the household hazardous materials permit
8 program by the department of revenue.

9 (2) The department shall submit to the general assembly,
10 annually on or before January 1, an itemized report which
11 includes but is not limited to the total amount of moneys
12 collected and the sources of the moneys collected, the
13 amount of moneys expended for administration of the programs
14 funded within the account, and an itemization of any other
15 expenditures made within the previous fiscal year.

16 Sec. 111. Section 455G.9, subsection 1, paragraph g, Code
17 2011, is amended to read as follows:

18 g. (1) Corrective action for the costs of a release under
19 all of the following conditions:

20 ~~(1)~~ (a) The property upon which the tank causing the
21 release was situated was transferred by inheritance, devise,
22 or bequest.

23 ~~(2)~~ (b) The property upon which the tank causing the
24 release was situated has not been used to store or dispense
25 petroleum since December 31, 1975.

26 ~~(3)~~ (c) The person who received the property by
27 inheritance, devise, or bequest was not the owner of the
28 property during the period of time when the release which is
29 the subject of the corrective action occurred.

30 ~~(4)~~ (d) The release was reported to the board by October
31 26, 1991.

32 (2) Corrective action costs and copayment amounts under
33 this paragraph "g" shall be paid in accordance with subsection
34 4.

35 (3) A person requesting benefits under this paragraph "g"

1 may establish that the conditions of ~~subparagraphs~~ subparagraph
2 (1), ~~(2)~~, and ~~(3)~~ subparagraph divisions (a), (b), and (c),
3 are met through the use of supporting documents, including a
4 personal affidavit.

5 Sec. 112. Section 455G.9, subsection 5, Code 2011, is
6 amended to read as follows:

7 5. *Recovery of gain on sale of property.*

8 a. If an owner or operator ceases to own or operate a tank
9 site for which remedial account benefits were received within
10 ten years of the receipt of any account benefit and sells or
11 transfers a property interest in the tank site for an amount
12 which exceeds one hundred twenty percent of the precorrective
13 action value, adjusted for equipment and capital improvements,
14 the owner or operator shall refund to the remedial account
15 an amount equal to ninety percent of the amount in excess of
16 one hundred twenty percent of the precorrective action value
17 up to a maximum of the expenses incurred by the remedial
18 account associated with the tank site plus interest, equal
19 to the interest for the most recent twelve-month period for
20 the most recent bond issue for the fund, on the expenses
21 incurred, compounded annually. An owner or operator under this
22 subsection shall notify the board of the sale or transfer of
23 the property interest in the tank site. Expenses incurred
24 by the fund are a lien upon the property recordable and
25 collectible in the same manner as the lien provided for in
26 section 424.11 at the time of sale or transfer, subject to the
27 terms of this section.

28 b. This subsection shall not apply if the sale or transfer
29 is pursuant to a power of eminent domain, or benefits. When
30 federal cleanup funds are recovered, the funds are to be
31 deposited to the remedial account of the fund and used solely
32 for the purpose of future cleanup activities.

33 Sec. 113. Section 455G.12A, subsections 2 and 3, Code 2011,
34 are amended to read as follows:

35 2. *Contract approval.*

1 a. In the course of review and approval of a contract
2 pursuant to this section, the administrator may require an
3 owner or operator to obtain and submit three bids, provided
4 that the administrator coordinates bid submission with the
5 department. The administrator may require specific terms and
6 conditions in a contract subject to approval.

7 b. The board shall have authority to contract for site
8 cleanup reports. The board's responsibility for site cleanup
9 reports is limited to those site cleanup reports subject to
10 approval by the department of natural resources and required in
11 connection with the remediation of a release which is eligible
12 for benefits under section 455G.9. The site cleanup report
13 shall address existing and available remedial technologies and
14 the costs associated with the use of each technology. The
15 board shall not have the authority to affect a contract which
16 has been given written approval under this section.

17 3. *Exclusive contracts.*

18 a. The administrator may enter into a contract or an
19 exclusive contract with the supplier of goods or services
20 required by a class of tank owners or operators in connection
21 with an expense payable or reimbursable from the fund, to
22 supply a specified good or service for a gross maximum price,
23 fixed rate, on an exclusive basis, or subject to another
24 contract term or condition reasonably calculated to obtain
25 goods or services for the fund or for tank owners and operators
26 at a reasonable cost. A contract may provide for direct
27 payment from the fund to a supplier.

28 b. The administrator may retain, subject to board approval,
29 an independent person to assist in the review of work required
30 in connection with a release or tank system for which fund
31 benefits are sought, and to establish prevailing cost of goods
32 and services needed. Nothing in this section is intended to
33 preempt the regulatory authority of the department.

34 Sec. 114. Section 455G.13, subsections 4 and 10, Code 2011,
35 are amended to read as follows:

1 4. *Treble damages for certain violations.*

2 a. Notwithstanding subsections 2 and 3, the owner or
3 operator, or both, of a tank are liable to the fund for
4 punitive damages in an amount equal to three times the amount
5 of any cost incurred or moneys expended by the fund as a
6 result of a release of petroleum from the tank if the owner or
7 operator did any of the following:

8 ~~a.~~ (1) Failed, without sufficient cause, to respond to a
9 release of petroleum from the tank upon, or in accordance with,
10 a notice issued by the director of the department of natural
11 resources.

12 ~~b.~~ (2) After May 5, 1989, failed to perform any of the
13 following:

14 ~~(1)~~ (a) Failed to register the tank, which was known to
15 exist or reasonably should have been known to exist.

16 ~~(2)~~ (b) Intentionally failed to report a known release.

17 b. The punitive damages imposed under this subsection are in
18 addition to any costs or expenditures recovered from the owner
19 or operator pursuant to this chapter and in addition to any
20 other penalty or relief provided by this chapter or any other
21 law.

22 c. However, the state, a city, county, or other political
23 subdivision shall not be liable for punitive damages.

24 10. *Claims against potentially responsible parties.*

25 a. Upon payment by the fund for corrective action or
26 third-party liability pursuant to this chapter, the rights
27 of the claimant to recover payment from any potentially
28 responsible party, are assumed by the board to the extent paid
29 by the fund. A claimant is precluded from receiving double
30 compensation for the same injury.

31 b. In an action brought pursuant to this chapter seeking
32 damages for corrective action or third-party liability, the
33 court shall permit evidence and argument as to the replacement
34 or indemnification of actual economic losses incurred or to be
35 incurred in the future by the claimant by reason of insurance

1 benefits, governmental benefits or programs, or from any other
2 source.

3 c. A claimant may elect to permit the board to pursue the
4 claimant's cause of action for any injury not compensated by
5 the fund against any potentially responsible party, provided
6 the attorney general determines such representation would
7 not be a conflict of interest. If a claimant so elects,
8 the board's litigation expenses shall be shared on a pro
9 rata basis with the claimant, but the claimant's share of
10 litigation expenses is payable exclusively from any share of
11 the settlement or judgment payable to the claimant.

12 Sec. 115. Section 456A.36, subsection 2, Code 2011, is
13 amended to read as follows:

14 2. a. (1) A timber buyer shall file with the commission a
15 surety bond signed by the person as principal and a corporate
16 surety authorized to engage in the business of executing surety
17 bonds within the state. In lieu of a corporate surety a
18 timber buyer may, with the approval of the commission, file a
19 bond signed by the timber buyer as principal and accompanied
20 by a bank certificate of deposit in a form approved by the
21 commission showing to the satisfaction of the commission that
22 funds equal to the amount of the required bond are on deposit
23 in a bank to be held by the bank for the period covered by the
24 certificate. The funds shall be made payable upon demand to
25 the director, subject to the provisions of this section, for
26 the use and benefit of the people of the state and for the
27 use and benefit of a timber grower from whom the timber buyer
28 purchased and who is not paid by the timber buyer or for the
29 use and benefit of a timber grower whose timber has been cut by
30 the timber buyer or the timber buyer's agents, and who has not
31 been paid.

32 (2) The principal amount of the bond shall be ten percent of
33 the total amount paid to timber growers during the preceding
34 year, plus ten percent of the total amount due or delinquent
35 and unpaid to timber growers at the end of the preceding

1 year, and ten percent of the market value of growers' shares
2 of timber harvested during the previous year. However, the
3 total amount of the bond shall be not less than three thousand
4 dollars and not more than fifteen thousand dollars.

5 (3) The bond or surety shall not be canceled or altered
6 except upon at least sixty days' notice in writing to the
7 commission.

8 (4) Bonds shall be in the form approved by the director,
9 be conditioned to secure an honest cutting and accounting for
10 timber purchased by the timber buyer, secure payment to the
11 timber growers, and insure the timber growers against all
12 fraudulent acts of the timber buyer in the purchase and cutting
13 of the timber of this state.

14 b. If a timber buyer fails to pay when due an amount due
15 a timber grower for timber purchased, or fails to pay legally
16 determined damages for timber wrongfully cut by a timber buyer
17 or the buyer's agent, or commits a violation of this section,
18 an action on the bond for forfeiture may be commenced. The
19 action is not exclusive and is in addition to other legal
20 remedies available.

21 c. The timber grower, the owner of timber cut, or the
22 director may bring action on the bond for payment of the amount
23 due from proceeds of the bond in the district court of the
24 county in which the place of business of the timber buyer is
25 situated or in any other lawful venue.

26 d. The attorney general, upon request of the commission,
27 shall institute proceedings to have the bond of the timber
28 buyer forfeited for violation of any of the provisions of this
29 section or for noncompliance with a commission rule. A timber
30 buyer whose bond has been forfeited shall not engage in the
31 business of buying timber for one year after the forfeiture.

32 e. If the commission realizes more than the amount of
33 liability from the security, after deducting expenses incurred
34 in converting the security into money, the commission shall pay
35 the excess to the timber buyer who furnished the security.

1 Sec. 116. Section 459A.103, subsection 1, paragraph c, Code
2 2011, is amended to read as follows:

3 c. (1) For purposes of determining whether two or more open
4 feedlot operations are under common ownership, a person must
5 hold an interest in each of the open feedlot operations as any
6 of the following:

7 ~~(1)~~ (a) A sole proprietor.

8 ~~(2)~~ (b) A joint tenant or tenant in common.

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

13 (2) An interest in the open feedlot operation under
14 subparagraph ~~(2) or (3)~~ (1), subparagraph division (b) or (c),
15 which is held directly or indirectly by the person's spouse or
16 dependent child shall be attributed to the person.

17 Sec. 117. Section 460.304, subsection 3, paragraph b,
18 unnumbered paragraph 2, Code 2011, is amended to read as
19 follows:

20 c. The department of natural resources shall cooperate with
21 the division by providing information necessary to administer
22 this subsection.

23 Sec. 118. Section 461A.3A, subsection 2, unnumbered
24 paragraph 2, Code 2011, is amended to read as follows:

25 3. The department shall provide in its annual budget
26 documentations to the governor and general assembly a report on
27 the use of moneys under the program since the last report and
28 the projected use of future moneys.

29 Sec. 119. Section 462A.5, subsection 4, Code 2011, is
30 amended to read as follows:

31 4. a. If a person, after registering a vessel, moves
32 from the address shown on the registration certificate, the
33 person shall, within ten days, notify the county recorder in
34 writing of the old and new address. If appropriate, the county
35 recorder shall forward all past records of the vessel to the

1 recorder of the county in which the owner resides.

2 b. If the name of a person, who has registered a vessel, is
3 changed, the person shall, within ten days, notify the county
4 recorder of the former and new name.

5 c. No fee shall be paid to the county recorder for making
6 the changes mentioned in this subsection, unless the owner
7 requests a new registration certificate showing the change, in
8 which case a fee of one dollar plus a writing fee shall be paid
9 to the recorder.

10 d. If a registration certificate is lost, mutilated or
11 becomes illegible, the owner shall immediately make application
12 for and obtain a duplicate registration certificate by
13 furnishing information satisfactory to the county recorder. A
14 fee of one dollar plus a writing fee shall be paid to the county
15 recorder for a duplicate registration certificate.

16 ~~A fee of one dollar plus a writing fee shall be paid to the~~
17 ~~county recorder for a duplicate registration certificate.~~

18 e. If a vessel, registered under this chapter, is destroyed
19 or abandoned, the destruction or abandonment shall be reported
20 to the county recorder and the registration certificate shall
21 be forwarded to the office of the county recorder within ten
22 days after the destruction or abandonment.

23 Sec. 120. Section 465A.1, Code 2011, is amended to read as
24 follows:

25 **465A.1 Statement of purpose — intent.**

26 1. The general assembly finds that:

27 ~~1-~~ a. Iowa's most significant open space lands are
28 essential to the well-being and quality of life for Iowans and
29 to the economic viability of the state's recreation and tourism
30 industry.

31 ~~2-~~ b. Many areas of high national significance in the state
32 have not received adequate public protection to keep them free
33 of visual blight, resource degradation, and negative impacts
34 from inappropriate land use and surrounding development. Some
35 of these areas include national park service and United States

1 fish and wildlife service properties, national landmarks and
2 trails, the Des Moines river greenbelt, the great river road,
3 areas where interstate highways enter the state, cross major
4 rivers, and pass by other areas of national significance, major
5 state park and recreation areas, unique and protected water
6 areas, and significant natural, geological, scenic, historic,
7 and cultural properties of the state.

8 ~~3.~~ c. While state and federal funds are generally available
9 for the acquisition and protection of fish and wildlife areas
10 and habitats as well as boating access to public waters,
11 funding programs for public open space acquisition and
12 protection have not been adequate to meet needs.

13 ~~4.~~ d. Relative to other midwestern states, Iowa ranks last
14 in the proportion of land acquired and protected for public
15 open space.

16 ~~5.~~ 2. a. A program shall be established to:

17 ~~a.~~ (1) Educate the citizens of the state about the needs
18 and urgency of protecting the state's open spaces.

19 ~~b.~~ (2) Plan for the protection of the state's significant
20 open space areas.

21 ~~c.~~ (3) Acquire and protect those properties on a priority
22 basis through a variety of appropriate means.

23 b. In addition to other goals for the program, it is
24 intended that a minimum of ten percent of the state's land area
25 be included under some form of public open space protection by
26 the year 2000.

27 Sec. 121. Section 468.65, Code 2011, is amended to read as
28 follows:

29 **468.65 Reclassification.**

30 1. When, after a drainage or levee district has been
31 established, except districts established by mutual agreement
32 in accordance with section 468.142, and the improvements
33 thereof constructed and put in operation, there has been a
34 material change as to lands occupied by highway or railroad
35 right-of-way or in the character of the lands benefited by

1 the improvement, or when a repair, improvement, or extension
2 has become necessary, the board may consider whether the
3 existing assessments are equitable as a basis for payment of
4 the expense of maintaining the district and of making the
5 repair, improvement or extension. If they find the same to
6 be inequitable in any particular, they shall by resolution
7 express such finding, appoint three commissioners possessing
8 the qualifications prescribed in section 468.38 and order a
9 reclassification as follows:

10 ~~1.~~ a. If they find the assessments to be generally
11 inequitable they shall order a reclassification of all property
12 subject to assessment, such as lands, highways, and railroads
13 in said district.

14 ~~2.~~ b. If the inequity ascertained by the board is limited
15 to the proportion paid by highways or railroads, a general
16 reclassification of all lands shall not be necessary but the
17 commissioners may evaluate and determine the fair proportion
18 to be paid by such highways or railroads or both as provided in
19 sections 468.42 and 468.43.

20 ~~3.~~ c. Any benefits of a character for which levee
21 or drainage districts may be established and which are
22 attributable to or enhanced by the improvement or by the
23 repair, improvement, or extension thereof, shall be a proper
24 subject of consideration in a reclassification notwithstanding
25 the district may have been originally established for a limited
26 purpose.

27 ~~4.~~ d. (1) If after a district has been reclassified,
28 the board in its judgment concludes there were errors in the
29 reclassification or there is an inequitable assessment of
30 benefits, the board may on its own motion, after notice to the
31 landowners involved as provided in sections 468.14 through
32 468.18 and by resolution, order the district or any portion of
33 the district to again be reclassified as prescribed in this
34 section and in section 468.67.

35 (2) The board may include in its resolution an order

1 to the commissioners that they prepare special common
2 outlet classifications, if needed, in conjunction with the
3 reclassification of the district.

4 2. Such reclassification when finally adopted shall remain
5 the basis for all future assessments unless revised as provided
6 in this subchapter, parts 1 through 5.

7 Sec. 122. Section 468.184, subsections 1, 2, 5, 6, and 10,
8 Code 2011, are amended to read as follows:

9 1. *a.* (1) When a levee district shall have been located
10 and finally established; or

11 ~~*b.*~~ (2) When the required proceedings have been taken to
12 enlarge, extend, strengthen, raise, relocate, reconstruct, or
13 improve any existing levee; or

14 ~~*c.*~~ (3) When the required proceedings have been held to
15 annex additional lands to said levee district or to exclude or
16 eliminate lands from said levee district; or

17 ~~*d.*~~ (4) When a plan of the United States government for the
18 construction of any levee, or a portion of a levee, in said
19 levee district, or for the enlarging, extending, strengthening,
20 raising, relocating, reconstructing, or improving any existing
21 levee, or a portion thereof, in accordance with any such plan
22 in said levee district, has been heretofore or hereafter
23 adopted by such levee district under the provisions of sections
24 468.201 through 468.216; or

25 ~~*e.*~~ (5) When the board shall, as authorized by section
26 468.65, determine that the assessments of benefits of said
27 levee district against the lands in said levee district are
28 generally inequitable the board may by resolution, or if
29 a petition is filed by more than one-third of the owners,
30 including corporations, of land within said levee district and
31 who in the aggregate own more than one-third of the value of
32 the land and land improvements in said levee district as the
33 value thereof is then shown by the general tax records of the
34 county or counties in which such land and land improvements
35 are located, requesting the board to do so, the board shall

1 order the lands in said levee district and the improvements on
2 the land in said levee district classified or reclassified in
3 accordance with the assessed taxable value of said land and
4 land improvements as the same are then shown and as the same
5 may be thereafter shown by the assessment roll of the county or
6 counties in which said land and land improvements are located.

7 b. The assessed taxable value of any land, including
8 land improvements exempt from general taxation but subject
9 to assessment for levee purposes, shall be determined by the
10 county assessor who shall make such determination in accordance
11 with the rules of assessment applicable to adjacent lands and
12 without any additional compensation therefor.

13 2. a. If the board orders classification or
14 reclassification of lands as authorized in subsection 1
15 ~~of this section~~, the board shall fix a time and place for a
16 hearing to be held upon the action of the board in ordering
17 such classification or reclassification, which hearing shall
18 be held at the county seat of the county having the largest
19 acreage in said levee district. The board shall cause notice
20 of the time and place of such hearing to be served by the county
21 auditor or auditors upon each person whose name appears as
22 owner of lands or land improvements within the levee district
23 in the transfer books of the auditor's office in the county or
24 counties in which said levee district is located, naming that
25 person, and also upon the person or persons in actual occupancy
26 of any tract of land or land improvements located in said levee
27 district, without naming that person or persons. Such notice
28 shall be for the same time and served in the same manner as is
29 provided for the establishment of a levee district, and such
30 notice shall state:

31 ~~a.~~ (1) The aggregate estimated costs and expenses which
32 the board proposes to assess under such classification or
33 reclassification;

34 ~~b.~~ (2) The total aggregate assessed taxable value of all
35 lands and land improvements in said levee district;

1 ~~e.~~ (3) That the said classification or reclassification
2 of benefits will be based on the assessed taxable value of all
3 lands and improvements to lands located in said levee district;

4 ~~d.~~ (4) That each tract of land and each land improvement in
5 said levee district will be assessed for its pro rata share of
6 said costs and expenses based upon the ratio that the assessed
7 value of each tract of land and the assessed value of each land
8 improvement bears to the total assessed taxable value of all
9 lands and all land improvements in said district; and

10 ~~e.~~ (5) That all objections to said method of classification
11 or reclassification shall be in writing and filed with the
12 auditor of the county in which said land or land improvements
13 are located before the time set for said hearing or with the
14 board of trustees of said district at or before the time set
15 for such hearing.

16 b. The notice need not show the amount of such costs
17 and expenses to be apportioned to each such owner or to any
18 particular tract of land or land improvement within such levee
19 district.

20 5. If the board shall determine that the cost and expenses
21 shall be assessed on the basis of assessed taxable value as
22 ~~hereinabove~~ provided in subsections 1 through 4, then such
23 basis shall be used for all future assessments made for the
24 purposes of said levee district except if said assessed taxable
25 value of lands and land improvements in said levee district
26 may be changed or revised by the county assessor in the
27 county or counties in which the same are located for general
28 tax purposes, then any such revision made in the assessed
29 taxable value by any such county assessor shall automatically
30 constitute a revision of the classification of such land or
31 land improvements for future assessments made by the board for
32 the purpose of said levee district.

33 6. In lieu of the hearing provided for in ~~the preceding~~
34 subsections 1 through 5, the board may, and if the petition of
35 owners provided for in ~~the preceding~~ subsections 1 through 5

1 so asks, the board shall call for an election for the purpose
2 of determining the question of classification on the basis of
3 assessed value of lands and land improvements. The question
4 may be submitted at a regular election of the district or at
5 a special election called for that purpose. It shall not be
6 mandatory for the county commissioner of elections to conduct
7 the elections, however provisions of sections 49.43 through
8 49.47 and of subchapter III of this chapter, insofar as the
9 same are applicable, shall govern all such elections, and the
10 question to be submitted shall be set forth in the notice of
11 election. If sixty percent of the votes cast be in favor of the
12 proposed change in assessment, it shall become effective for
13 all future assessments as heretofore provided in this section.
14 If the question should fail, no new election on the subject may
15 be called for a period of one year.

16 10. a. All proceedings taken prior to July 1, 1968,
17 purporting to establish or reestablish a drainage or levee
18 district or districts, or to enlarge or change the boundaries
19 of any drainage or levee district, and any assessments not
20 heretofore declared invalid by any court, are hereby legalized,
21 validated, and confirmed.

22 b. The foregoing shall not be construed to affect any
23 litigation that may be pending at the time this section
24 becomes effective involving the establishment, reestablishment,
25 enlargement, or change in boundaries or any assessments of
26 drainage or levee districts.

27 Sec. 123. Section 468.201, subsection 2, unnumbered
28 paragraph 2, Code 2011, is amended to read as follows:

29 3. If the federal program divides a project into separate
30 phases, each phase shall be considered a separate program as
31 described in section 468.126, subsection 4, and shall in no
32 event be construed as an unauthorized division into separate
33 programs to avoid the twenty-five percent limitation prescribed
34 for making improvements under said section 468.126, subsection
35 4, without notice and hearing.

1 Sec. 124. Section 468.359, subsection 2, unnumbered
2 paragraph 2, Code 2011, is amended to read as follows:

3 3. For the purpose of this section the word "*improvement*"
4 shall include the construction, reconstruction, enlargement and
5 relocation of levees and acquisition of rights-of-way therefor.

6 Sec. 125. Section 476.42, subsections 1 and 4, Code 2011,
7 are amended to read as follows:

8 1. a. "*Alternate energy production facility*" means any or
9 all of the following:

10 ~~a.~~ (1) A solar, wind turbine, waste management, resource
11 recovery, refuse-derived fuel, agricultural crops or residues,
12 or woodburning facility.

13 ~~b.~~ (2) Land, systems, buildings, or improvements that are
14 located at the project site and are necessary or convenient to
15 the construction, completion, or operation of the facility.

16 ~~c.~~ (3) Transmission or distribution facilities necessary to
17 conduct the energy produced by the facility to users located at
18 or near the project site.

19 b. A facility which is a qualifying facility under 18 C.F.R.
20 pt. 292, subpt. B is not precluded from being an alternate
21 energy production facility under this division.

22 4. a. "*Small hydro facility*" means any or all of the
23 following:

24 ~~a.~~ (1) A hydroelectric facility at a dam.

25 ~~b.~~ (2) Land, systems, buildings, or improvements that are
26 located at the project site and are necessary or convenient to
27 the construction, completion, or operation of the facility.

28 ~~c.~~ (3) Transmission or distribution facilities necessary to
29 conduct the energy produced by the facility to users located at
30 or near the project site.

31 b. A facility which is a qualifying facility under 18 C.F.R.
32 pt. 292, subpt. B is not precluded from being a small hydro
33 facility under this division.

34 DIVISION III

35 INTERNAL REFERENCE CHANGES

1 Sec. 126. Section 15.103, subsection 1, paragraph b,
2 subparagraph (7), Code 2011, is amended to read as follows:

3 (7) Economics or alternative and renewable energy including
4 the alternative and renewable energy sectors listed in section
5 476.42, subsection 1, paragraph "a", subparagraph (1).

6 Sec. 127. Section 15E.61, subsection 1, Code 2011, is
7 amended to read as follows:

8 1. The general assembly finds the following: Fundamental
9 changes have occurred in national and international financial
10 markets and in the financial markets of this state. A
11 critical shortage of seed and venture capital resources
12 exists in the state, and such shortage is impairing the
13 growth of commerce in the state. A need exists to increase
14 the availability of venture equity capital for emerging,
15 expanding, and restructuring enterprises in Iowa, including,
16 without limitation, enterprises in the life sciences, advanced
17 manufacturing, information technology, alternative and
18 renewable energy including the alternative and renewable energy
19 sectors listed in section 476.42, subsection 1, paragraph
20 "a", subparagraph (1), and value-added agriculture areas.
21 Such investments will create jobs for Iowans and will help to
22 diversify the state's economic base.

23 Sec. 128. Section 15E.351, subsection 1, Code 2011, is
24 amended to read as follows:

25 1. The department shall establish and administer a business
26 accelerator program to provide financial assistance for
27 the establishment and operation of a business accelerator
28 for technology-based, value-added agricultural, information
29 solutions, alternative and renewable energy including the
30 alternative and renewable energy sectors listed in section
31 476.42, subsection 1, paragraph "a", subparagraph (1), or
32 advanced manufacturing start-up businesses or for a satellite
33 of an existing business accelerator. The program shall be
34 designed to foster the accelerated growth of new and existing
35 businesses through the provision of technical assistance. The

1 department, subject to the approval of the economic development
2 board, may provide financial assistance under this section from
3 moneys allocated for regional financial assistance pursuant to
4 section 15G.111, subsection 9.

5 Sec. 129. Section 135.177, subsection 2, paragraph e, Code
6 2011, is amended to read as follows:

7 e. A student participating in the program shall be eligible
8 for a stipend of not more than fifty thousand dollars for
9 the twelve months of the fellowship plus related fringe
10 benefits. In addition, a student who completes the program
11 and practices in Iowa in a mental health professional shortage
12 area, as defined in section ~~135.80~~ 135.180, shall be eligible
13 for up to twenty thousand dollars in loan forgiveness. The
14 stipend and loan forgiveness provisions shall be determined
15 by the department and the college student aid commission, in
16 consultation with the clinical partners.

17 Sec. 130. Section 260C.18A, subsection 2, unnumbered
18 paragraph 1, Code 2011, is amended to read as follows:

19 Moneys deposited in the funds and disbursed to community
20 colleges for a fiscal year shall be expended for the following
21 purposes, provided seventy percent of the moneys shall be
22 used on projects in the areas of advanced manufacturing,
23 information technology and insurance, alternative and renewable
24 energy including the alternative and renewable energy sectors
25 listed in section 476.42, subsection 1, paragraph "a",
26 subparagraph (1), and life sciences which include the areas
27 of biotechnology, health care technology, and nursing care
28 technology:

29 Sec. 131. Section 425.23, subsection 1, paragraph a, Code
30 2011, is amended to read as follows:

31 a. The tentative credit or reimbursement for a claimant
32 described in section 425.17, subsection 2, paragraph "a" and
33 paragraph "b", subparagraphs (1) and (2), if no appropriation is
34 made to the fund created in section 425.40 shall be determined
35 in accordance with the following schedule:

1				Percent of property taxes
2				due or rent constituting
3				property taxes paid
4	If the household			allowed as a credit or
5	income is:			reimbursement:
6	\$ 0 — 8,499.99	.....	100%	
7	8,500 — 9,499.99	.....	85	
8	9,500 — 10,499.99	.....	70	
9	10,500 — 12,499.99	.....	50	
10	12,500 — 14,499.99	.....	35	
11	14,500 — 16,499.99	.....	25	

12 Sec. 132. Section 425.23, subsection 1, paragraph b,
 13 unnumbered paragraph 1, Code 2011, is amended to read as
 14 follows:

15 If moneys have been appropriated to the fund created in
 16 section 425.40, the tentative credit or reimbursement for a
 17 claimant described in section 425.17, subsection 2, paragraph
 18 ~~"b"~~, "a", subparagraph (2), shall be determined as follows:

19 Sec. 133. Section 425.23, subsection 3, paragraph a, Code
 20 2011, is amended to read as follows:

21 a. A person who is eligible to file a claim for credit
 22 for property taxes due and who has a household income of
 23 eight thousand five hundred dollars or less and who has an
 24 unpaid special assessment levied against the homestead may
 25 file a claim for a special assessment credit with the county
 26 treasurer. The department shall provide to the respective
 27 treasurers the forms necessary for the administration of this
 28 subsection. The claim shall be filed not later than September
 29 30 of each year. Upon the filing of the claim, interest for
 30 late payment shall not accrue against the amount of the unpaid
 31 special assessment due and payable. The claim filed by the
 32 claimant constitutes a claim for credit of an amount equal to
 33 the actual amount due upon the unpaid special assessment, plus
 34 interest, payable during the fiscal year for which the claim is
 35 filed against the homestead of the claimant. However, where

1 the claimant is an individual described in section 425.17,
 2 subsection 2, paragraph ~~"b"~~, "a", subparagraph (2), and the
 3 tentative credit is determined according to the schedule
 4 in subsection 1, paragraph "b", subparagraph (2), of this
 5 section, the claim filed constitutes a claim for credit of an
 6 amount equal to one-half of the actual amount due and payable
 7 during the fiscal year. The treasurer shall certify to the
 8 director of revenue not later than October 15 of each year the
 9 total amount of dollars due for claims allowed. The amount
 10 of reimbursement due each county shall be certified by the
 11 director of revenue and paid by the director of the department
 12 of administrative services by November 15 of each year, drawn
 13 upon warrants payable to the respective treasurer. There is
 14 appropriated annually from the general fund of the state to the
 15 department of revenue an amount sufficient to carry out the
 16 provisions of this subsection. The treasurer shall credit any
 17 moneys received from the department against the amount of the
 18 unpaid special assessment due and payable on the homestead of
 19 the claimant.

20 Sec. 134. Section 425.39, Code 2011, is amended to read as
 21 follows:

22 **425.39 Fund created — appropriation — priority.**

23 The elderly and disabled property tax credit and
 24 reimbursement fund is created. There is appropriated annually
 25 from the general fund of the state to the department of revenue
 26 to be credited to the elderly and disabled property tax credit
 27 and reimbursement fund, from funds not otherwise appropriated,
 28 an amount sufficient to implement this division for claimants
 29 described in section 425.17, subsection 2, paragraph "a",
 30 subparagraph (1).

31 Sec. 135. Section 435.27, subsection 1, Code 2011, is
 32 amended to read as follows:

33 1. A mobile home or manufactured home converted to real
 34 estate under section 435.26 may be reconverted to a home as
 35 provided in this section when it is moved to a manufactured

1 home community or mobile home park or a manufactured or mobile
2 home retailer's inventory. When the home is located within a
3 manufactured home community or mobile home park, the home shall
4 be taxed pursuant to section 435.22, subsection 1, paragraph
5 "a".

6 Sec. 136. Section 455B.473, subsection 4, Code 2011, is
7 amended to read as follows:

8 4. An owner or operator of a storage tank described in
9 section 455B.471, subsection 11, paragraph "a", subparagraph
10 (1), which brings the tank into use after July 1, 1987, shall
11 notify the department of the existence of the tank within
12 thirty days. The registration of the tank shall be accompanied
13 by a fee of ten dollars to be deposited in the storage tank
14 management account. A tank which is existing before July 1,
15 1987, shall be reported to the department by July 1, 1989.
16 Tanks under this section installed on or following July 1,
17 1987, shall comply with underground storage tank regulations
18 adopted by rule by the department.

19 Sec. 137. Section 455B.474, subsection 8, paragraph c, Code
20 2011, is amended to read as follows:

21 c. The commission shall adopt rules applicable to secondary
22 containment requirements consistent with and sufficient to
23 comply with the provisions of Pub. L. No. 109-58, Tit. XV,
24 § 1530(a), as codified at 42 U.S.C. § 6991b(i)(1), and guidance
25 adopted by the administrator of the United States environmental
26 protection agency pursuant to that provision. Each new
27 underground storage tank or piping connected to any such new
28 tank installed after July 1, 2007, or any existing underground
29 storage tank or existing piping connected to such existing
30 underground storage tank that is replaced after August 1, 2007,
31 shall be secondarily contained if the installation is within
32 one thousand feet of any existing community water system or
33 any existing potable drinking water well as provided in Pub.
34 L. No. 109-58, Tit. XV, § 1530(a), as codified at 42 U.S.C.
35 § 6991b(i)(1), and in guidance adopted by the United States

1 environmental protection agency pursuant to that provision.
2 Rules adopted under this paragraph shall not amend or modify
3 the secondary containment requirements in subsection 1,
4 paragraph ~~"f"~~ "a", subparagraph ~~(9)~~ (6), subparagraph division
5 (i).

6 Sec. 138. Section 455B.474, subsection 9, paragraph h, Code
7 2011, is amended to read as follows:

8 *h.* Notwithstanding the certification requirements of this
9 subsection, a site cleanup report or corrective action design
10 report submitted by a certified groundwater professional shall
11 be accepted by the department in accordance with subsection 1,
12 paragraph ~~"d"~~ "a", subparagraph ~~(2)~~ (4), subparagraph division
13 ~~(e)~~ (b), subparagraph subdivision (v), and paragraph ~~"f"~~ "a",
14 subparagraph ~~(5)~~ (6), subparagraph division (e).

15 Sec. 139. Section 455B.474A, Code 2011, is amended to read
16 as follows:

17 **455B.474A Rules consistent with federal regulations.**

18 The rules adopted by the commission under section
19 455B.474 shall be consistent with and shall not exceed the
20 requirements of federal regulations relating to the regulation
21 of underground storage tanks except as provided in section
22 455B.474, subsection 1, paragraph ~~"f"~~ "a", subparagraph (6),
23 and subsection 3, paragraph ~~"d"~~. It is the intent of the
24 general assembly that state rules adopted pursuant to section
25 455B.474, subsection 1, paragraph ~~"f"~~ "a", subparagraph (6),
26 and subsection 3, paragraph ~~"d"~~, be consistent with and not
27 more restrictive than federal regulations adopted by the United
28 States environmental protection agency when those rules are
29 adopted.

30 Sec. 140. Section 455D.10A, subsection 3, paragraph a,
31 subparagraphs (2) and (3), Code 2011, are amended to read as
32 follows:

33 (2) Establishment of a comprehensive recycling program
34 for each type of battery listed in subparagraph (1) that is
35 sold, distributed, or offered for sale in this state. An

1 institutional generator shall provide for the on-site source
 2 separation and collection of used mercuric oxide batteries,
 3 nickel-cadmium rechargeable batteries, and sealed lead acid
 4 rechargeable batteries. All participants in the stream
 5 of commerce relating to the batteries, which are listed
 6 in subparagraph (1) and which are not designated as exempt
 7 pursuant to section 455D.10B, subsection 2, paragraph ~~"e"~~
 8 ~~or "d"~~ "a", subparagraph (3) or (4), shall, individually or
 9 collectively, be responsible for developing and operating a
 10 system for collecting and transporting used batteries to the
 11 appropriate dry cell battery manufacturer or to a site or
 12 facility designated by a manufacturer. Additionally, dry cell
 13 battery manufacturers shall be responsible for the recycling of
 14 used batteries in an environmentally sound manner.

15 (3) Provision for collection, transporting, and proper
 16 disposal of used household batteries of the types listed in
 17 subparagraph (1) which are distributed, sold, or offered for
 18 retail sale in the state. For the purposes of this paragraph,
 19 *"proper disposal"* means disposal which complies with all
 20 applicable state and federal laws. All participants in the
 21 stream of commerce relating to the batteries, which are listed
 22 in subparagraph (1) and which are not designated as exempt
 23 pursuant to section 455D.10B, subsection 2, paragraph ~~"e"~~
 24 ~~or "d"~~ "a", subparagraph (3) or (4), shall, individually or
 25 collectively, be responsible for developing and operating a
 26 system for collecting and transporting used batteries to the
 27 appropriate dry cell battery manufacturer or to a site or
 28 facility designated by a manufacturer. Additionally, dry cell
 29 battery manufacturers shall be responsible for proper disposal
 30 of the used batteries.

31 Sec. 141. Section 455G.9, subsection 1, paragraph a,
 32 subparagraphs (5) and (6), Code 2011, are amended to read as
 33 follows:

34 (5) For the purposes of calculating corrective action costs
 35 under this paragraph, corrective action shall include the

1 cost of a tank system upgrade required by section 455B.474,
2 subsection 1, paragraph ~~f~~ "a", subparagraph ~~(9)~~ (6),
3 subparagraph division (i). Payments under this subparagraph
4 shall be limited to a maximum of ten thousand dollars for any
5 one site.

6 (6) For the purposes of calculating corrective action costs
7 under this paragraph, corrective action shall include the costs
8 associated with monitoring required by the rules adopted under
9 section 455B.474, subsection 1, paragraph ~~f~~ "a", subparagraph
10 (6), but corrective action shall exclude monitoring used
11 for leak detection required by rules adopted under section
12 455B.474, subsection 1, paragraph "a", subparagraph (1).

13 Sec. 142. Section 455G.9, subsection 1, paragraph f, Code
14 2011, is amended to read as follows:

15 f. One hundred percent of the costs up to twenty thousand
16 dollars incurred by the board under section 455G.12A,
17 subsection 2, ~~unnumbered~~ paragraph 2 "b", for site cleanup
18 reports. Costs of a site cleanup report which exceed twenty
19 thousand dollars shall be considered a cost of corrective
20 action and the amount shall be included in the calculations
21 for corrective action cost copayments under subsection 4. The
22 board shall have the discretion to authorize a site cleanup
23 report payment in excess of twenty thousand dollars if the site
24 is participating in community remediation.

25 DIVISION IV

26 DIRECTIVES

27 Sec. 143. CODE EDITOR DIRECTIVES.

28 1. The Code editor is directed to number, renumber,
29 designate, or redesignate to eliminate unnumbered paragraphs
30 within sections 231.4, 261A.42, 423A.2, 423D.1, 425.26, 425.33,
31 427.12, 441.26, 441.35, 441.45, 450B.2, 452A.19, 452A.21,
32 452A.62, 455B.193, 455B.243, 455B.444, 455G.12, 456.1, 456B.7,
33 456B.12, 459.502, 459A.206, 462A.71, 468.12, 468.57, 468.567,
34 and 558A.4, Code 2011, in accordance with established Code
35 section hierarchy and correct internal references in the Code

1 and in any enacted Iowa Acts as necessary.

2 2. The Code editor is directed to number, renumber,
3 designate, or redesignate to eliminate unnumbered paragraphs
4 within section subunits in sections 390.12, subsection 3;
5 421.1, subsections 1 and 5; 421.17B, subsection 3, paragraph
6 "a"; 421.17B, subsection 9; 421.47, subsection 2; 421.60,
7 subsection 2, paragraphs "a" and "c"; 421.60, subsection
8 2, paragraph "m", subparagraph (2); 422.8, subsection 5;
9 422.11N, subsection 4, paragraph "b", subparagraph (3); 422.60,
10 subsection 3; 422.73, subsection 1; 422.89, subsection 3;
11 423.2, subsection 6; 423.3, subsections 8, 31, and 86; 423.4,
12 subsection 6, paragraph "c"; 423A.7, subsection 4, paragraphs
13 "d" and "f"; 423B.9 subsection 4, paragraph "a"; 424.6,
14 subsection 1; 424.10, subsection 2; 425.1, subsection 1; 425.7,
15 subsection 3; 435.26A, subsection 2; 435.27, subsection 2;
16 437A.5, subsection 1, paragraph "c"; 437A.5, subsections 6 and
17 7; 437A.7, subsection 1; 437A.14, subsection 1, paragraph "b";
18 437A.15, subsection 3, paragraph "a"; 437A.15, subsection 4;
19 441.17, subsection 5; 441.21, subsection 1, paragraph "i";
20 441.37, subsections 1 and 2; 446.9, subsection 3; 446.20,
21 subsections 1 and 2; 447.8, subsections 1 and 5; 450.3,
22 subsection 7; 450.22, subsection 3; 452A.15, subsection 1;
23 453A.2, subsection 8; 453A.8, subsection 3; 453A.44, subsection
24 4; 453A.45, subsections 1 and 5; 453A.46, subsections 1 and 2;
25 453B.1, subsection 3; 453D.3, subsection 1, paragraphs "b" and
26 "d"; 455A.18, subsection 3; 455A.19, subsection 1, paragraph
27 "a"; 455A.19, subsection 2; 455B.113, subsection 2; 455B.263,
28 subsection 6; 455B.275, subsection 3; 455B.305A, subsections
29 1, 3, 4, and 6; 455B.416, subsection 1; 455B.443, subsection
30 2; 455B.473, subsection 8; 455B.474, subsection 2, paragraph
31 "a"; 455E.11, subsection 1; 455E.11, subsection 2, paragraph
32 "b", subparagraph (3), subparagraph division (b); 455H.201,
33 subsection 1; 455H.204, subsection 4, paragraph "a"; 455H.301,
34 subsection 2; 456A.33B, subsection 1; 459.310, subsection 4,
35 paragraph "b"; 459.312, subsection 4; 459.604, subsection 1;

1 460.202, subsection 1; 460.302, subsection 3, paragraph "a";
2 460.304, subsection 2, paragraph "a"; 462A.5, subsections 1
3 and 3; 462A.9, subsections 1 and 8; 476.1D, subsection 1,
4 paragraph "c"; 476.1D, subsection 10; 476.3, subsection 2;
5 476.18, subsection 3; 476.20, subsections 3 and 5; 476.27,
6 subsection 6; 476.55, subsection 2; 476.97, subsection 3,
7 paragraph "a", subparagraph (4); 476.97, subsection 11,
8 paragraphs "h" and "j"; 476C.4, subsection 4, paragraphs "b"
9 and "c"; 476C.6, subsection 1; 478.3, subsection 2; 479.46,
10 subsections 2 and 3; 479B.30, subsection 3; 481A.38, subsection
11 1; 481A.56, subsection 1; 481A.62, subsection 3; and 483A.24,
12 subsection 2, paragraph "a", subparagraph (3), Code 2011, in
13 accordance with established Code section hierarchy and correct
14 internal references in the Code and in any enacted Iowa Acts
15 as necessary.

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DIVISION V
EFFECTIVE DATE AND
APPLICABILITY PROVISIONS

19 Sec. 144. EFFECTIVE DATE. The section of this Act amending
20 2010 Iowa Acts, chapter 1192, section 78, being deemed of
21 immediate importance, takes effect upon enactment.

22 Sec. 145. RETROACTIVE APPLICABILITY. The section of this
23 Act amending 2010 Iowa Acts, chapter 1192, section 78, applies
24 retroactively to July 1, 2010.